

## 5.6. DISTINGUISHING BETWEEN ABUSE & VIOLENCE

*Adapted from a speech given by Connie Burk, Northwest Network of Bisexual, Trans, Lesbian and Gay Survivors of Abuse titled Intimate Partner Violence: Are We Measuring What Matters? Dec 2<sup>nd</sup> & 3<sup>rd</sup>, 2008, Washington, D.C.*

Domestic abuse is in many ways not a question of violence at all, but a question of agency.

Domestic violence, at its core, is a process where one person systematically undermines the agency of another person in a relationship. Agents are people who are in charge of themselves. Another word for “agent” is “subject,” a person who can do something, experience reasonable consequences, reflect on those consequences, learn and then act again.

In the simplest terms, domestic violence objectifies survivors.

That is to say, folks who batter attempt to change subjects into objects, people into things. People who batter attempt to change self-determining subjects, people who can act, experience reasonable consequences, reflect and act again, into objects, into things that do not act but are acted upon.

If you think back to 7<sup>th</sup> grade English and diagramming sentences, it looks something like this:

Mike kicks the ball.

Mike kicks Andrea.

This process of objectification has been called “power and control”. An abusive person attempts to systematically assume power and control over their partner. They may control their partner’s access to friends and family, money, clothing choices, food, spiritual and religious practices, shelter and medical services. People who batter often use physical violence to reinforce their tactics of control and to demonstrate that there are irrational and frightening consequences for resisting that control.

People who batter also exploit their partners’ resources, displaying a profound sense of entitlement to their partners’ body, mind and spirit. This exploitation has been such a prominent experience for LGBT people that, at the NW Network, we generally talk about “Power, control & exploitation”. Survivors may find themselves working several jobs to make ends meet, attempting to support their abusive partner to deal with a drug addiction, a history of sexual abuse, discrimination at work, financial troubles or depression. A person experiencing this exploitation can find their personal, physical, spiritual, economic and mental resources drained in an attempt to meet the needs of their abusive partner. This process, again, attempts to turn a subject into an object: to turn a person who is the center of their own life into a person whose primary purpose is to serve another person’s needs and wishes.

Abuse or domestic violence, therefore, refers not just to a specific violent or cruel incident—or even a series of violent or cruel incidents—but to the totality of attitudes, behaviors and contexts that enable one person to objectify another.

My partner directs the Washington State Domestic Violence Fatality Review. Over the past decade, they have reviewed almost 100 of the nearly 500 domestic violence related fatalities in Washington State since 1999. As the data from our domestic violence fatality review, and the data from reviews from around the country can attest, batterers can overwhelm a survivor’s struggle for agency and literally turn a subject into an object; a living, breathing person into a still, lifeless body. When a batterer kills their partner, it is the twisted yet logical endpoint of objectification uninterrupted. Even one domestic violence murder is too many, and we know that hundreds of people are killed by their batterers every year.

But, given the thousands and thousands of abusive relationships in our communities, relatively few batterers actually achieve this logical endpoint of objectification. There have been 500 domestic violence related fatalities in Washington State in the past 10 years, but thousands and thousands of partners have been battered. Why is that?

It is because survivors survive. Not as objects only acted upon but as subjects. As actors acting. Survivors learn and adapt, they provoke and fight back, they reach out and get help, they toil in obscurity, they quietly save money and plan to flee, they scream, they accommodate and placate, they plot and manipulate, they defend their children, they lie and misdirect, they find a way where there is no way and they resist objectification. They try to make sense out of their experience and they survive.

“Surviving” refers to all the things a person does to resist objectification and attempt to take back power in one’s own life. Some of the things that people do while surviving are noble and beautiful and consistent with the story of how a survivor should act. They make great United Way copy. Many of the things that people do to survive are complicated and feel shameful, scary or confusing to survivors and to outside observers. As advocates, we may find ourselves cheering survivors’ actions that resonate with us and avoiding the ones that trouble us, but all of it matters. All of it is part of the messy process of survival and all of it merits our thoughtful and compassionate attention.

But, When it comes to being fully open to the entire span of survivors experiences—of the choices and actions survivors take within the context of surviving abuse—the anti-violence movement—from across the spectrum of response—has fallen short. We center people who batter as the “actors” in abusive relationships and we can describe in detail the actions they take to establish abusive systems of power, control and exploitation, but we really speak very little about what survivors do to survive. We are constrained by the need to convince the larger community to support survivors—to prove that survivors are good and therefore worthy of care and regard.

We are constrained by an ironically sexist applied domestic abuse analysis that centers batterers, people understood to be men, as the only people whose actions “matter”. (We are deeply concerned about what happens to survivors, but we are less interested in understanding what survivors do themselves.)

We are constrained by our over-reliance on the criminal legal system in our response to domestic violence. And we are constrained by our own pain and discomfort when confronted with the complex realities of survivors’ (even our own) experiences.

We may be reluctant to talk about or help make sense of the complex, confusing choices that survivors make in the context of surviving abuse—but I can assure you that people who batter are not. People who batter say: You are just as bad as me. If those people knew what you did, they would never help you. You deserve this. You are the abuser, not me. Our confusion and reluctance colludes with batterers' goals.

Our ambivalence lingers on and, in the meanwhile, our movement to end violence looses credibility with survivors, and community members and institutions—because women act violently AND because survivors use violence to survive.

We know this. We have observed it in the actions of our mothers and ourselves and the women in shelter. And everyone who lives in the world long enough will have the opportunity to observe this for themselves. Women use violence—that is straightforward.

The question is: Who will assign meaning to this information and what meaning will be assigned?

Since 1997, I have been working in my diverse lesbian, bisexual, trans and gay community in a queer specific anti-violence context. Almost all of the trans and female survivors and most of the male survivors we work with want to avoid the criminal legal system. Since we work in a context of same-sex abuse, we cannot rely on gender to determine if a person is establishing a pattern of abusive power and control, resisting objectification or doing something else altogether. We have developed a very useful assessment process to understand if and how power, control & exploitation may be working in a relationship. We have also had to meet squarely the facts that women batter women and men, men batter women and men, & survivors use violence to resist objectification.

I think this helps us hold the various tensions involved in our discussions with a lot of compassion.

I know women use violence. I am not saying that the recent spate of research on gender symmetry in IPV is accurate. Actually, I am highly skeptical of data suggesting that, in intimate relationships, women use physical force as often or more often than men do. The E.R's and the morgues just don't back that up. BUT I am saying that it would not challenge my analysis of domestic violence if those dubious claims were true.

This is because:

1. Men's power over women is privileged in our society.
2. Batterer's control relies on gender disparities and other systems of inequality in our society.

and

3. Assessment of context, intent & effect is needed to understand the meaning of a given action.

It is not a coincidence that in heterosexual relationships, men overwhelmingly batter women.

In fact, if you only could have one piece of information about a person in an abusive heterosexual relationship, what piece of information would be most predictive of whether a person was a survivor or a batterer? Gender.

This is not because women are biologically nicer, or that women are socially constructed to be non-violent, or that women are incapable of exploitation. Thousands of kids can tell us that women can be violent; thousands of undocumented domestic workers can tell us that women are capable of exploitation; and thousands of lovers can tell us that women can be abusive.

My mother was a smart, outgoing, talented, generous woman who would gladly knock us from here to kingdom-come, I learned early that there was nothing inherently non-violent about women.

In heterosexual relationships, women are more likely to be battered because sexism privileges men's power over women in our society.

In Kansas, at the shelter where I worked, women would come to the shelter and we would take them to the bank to get their money, out of a joint bank account under their name, and they would be told something like—"No, problem, Sally, just get your husband, Sam, to co-sign and we will give you this money." The Banker was operating completely independently of Sam. They had not coordinated their control. Sam was not holding a gun to the Banker's head, or promising him a reward if he thwarted Sally's attempts to leave him. The Banker didn't know anything about Sam and Sally as such. Sexism, in this case, the sexist assumption that women aren't to be trusted with the family's money (that is to say, their own money) completely independently backed up her husband's control.

Men's power over women in our society is asserted in ways we register as wonderful, and ways we register as benign and ways we register as sinister. Women are taught to defer to this power and men are taught to assume this authority in a thousand little moments. Girls wait to be asked to the big dance, and wives take their husband's names, and women walk on eggshells, and sometimes they get hit.

Almost all of these moments are legal, and a very very good many of them are celebrated as some of the most precious and valuable experiences a heterosexual person can ever have. These moments establish a baseline of authority in relationships and in the larger world that is different for women than for men.

Of course, the categories of "women" and "men" are not stable. And like every other binary construction used to categorize human experience, there is more diversity within than between these two groups and many people fall outside the categories altogether.

But in the dominant culture, the expectations surrounding the notion of "man" and the notion of "woman" are rigid and remain relatively strictly produced and enforced. In case folks think I'm reaching into the irrelevant past, there is a new One-a-Day vitamin campaign for teens—using cutting edge science they created different vitamins to meet the specific health needs for growing teen boys and teen girls. The commercials promise moms that the girl vitamins will help nourish beautiful skin and the boy vitamins will build strong muscles.

Women's experience is not a monolith. My mother was a mixed race woman raised to be a matriarch of matriarchs who would die by the age of 53. My partner's mother was a young white woman and wife with three children as the second wave of feminism broke. She would come out as a lesbian and eventually live away from her sons on women's land. My partner's step mother was a young white unwed mother trying to establish a career who accepted the task of raising three more children and would eventually rise to incredible success in her profession. Three women with wildly different experiences all living within a few miles of one another in Kansas.

Despite their differences, our mothers' actions, like other women's actions in heterosexual relationships took place with a backdrop of undermined authority, little social support for establishing authority over male partners, a dominant culture default of paternalism both for the survival of the family (undergirded by unequal pay for equal work and the persistent burden of childrearing and homemaking) and protection from men's violence in the larger world (undergirded by women's experience of many types of objectification over the course of their lifetimes). Our mothers' experience of gender disparity was compounded by the consequences of racism and homophobia and poverty and other manifestations of institutional inequality. And so it goes. In religious practice, women are constituted as helpmeet to men and are exhorted to be subject to men in every Western tradition. While egalitarian movements within Judaism, Christianity and Islam re-vision this frame, these are not the fastest growing branches of any of these faiths.

Women, religious and secular, conservative and liberal, are taught to heedfully notice their men's priorities and to take them seriously at a minimum, and internalize them as their own whenever possible. When they don't, they will pay a lonesome price. From the institutional to the personal, women's agency is constituted with vulnerabilities shot through.

Even in the most egalitarian contexts, women are cautioned to be vigilant not to claim their power in a manner that threatens men's.

So, this is the backdrop of women's actions. Men's actions are taking place with this backdrop in relief.

These backdrops, though related to one another, set opposite stages—and the meaning of the action on those stages cannot be the same.

Men walk onto the stage with almost all the set pieces in place to establish and maintain coercive control. Most men do not choose to use violence or batter even then. They may experience certain irritating benefits in their relationship based on their privileged power, they may do less housework even though their partner is employed as well, but they do not overstep into violence or into battery.

However, given the abundance of social and institutional supports for men's accepted power over women, it's difficult for a man NOT to establish a credible framework for abusive control over a female partner when he uses petulant, mean, scary or violent behaviors.

The meaning one man's violence against his female partner is formed in the larger context of male violence and male privilege. Even with the absence of "intention" to batter, even when a man is acting out of remedial skills and a lack of emotional competence—those times when a man is just being a asshole but has no intention to turn a subject into an object—his scary actions will more easily be coercive. Like it or not, those actions carry to weight of the history of men's coercive control of women. At the same time, when a man has even the slightest will to batter—the conditions of sexism in the world around him will power-boost his attempts at abusive control.

With few exceptions, women's petulant, mean, scary and violent behaviors against male partners lack a backstory of "women's violence" in society—as warriors, or serial rapists, or whathave you. Women's actions often lack the credibility to leverage institutional supports to establish authority over men. Women can set the stage for coercive control in heterosexual relationships, but it takes a disproportionate degree of determination to do so.

Still, in many, many conversations, survivors of abuse express feeling trapped in abusive relationships by the guilt and shame and confusion over their own petulant, mean, scary and violent behaviors. Even those behaviors that they used to directly resist abuse.

We can all agree that such behaviors matter when they are used to batter someone. But do women's petulant, mean, scary and violent behaviors matter even if they do not have the consequence of coercive control? Or if they are only used to survive abuse? I say yes.

We must understand that there is a distinction between "violence" and "abuse". Not all violence is abusive. Some violence is resistant—it is used to resist objectification, to resist abuse.

These actions are not abuse AND they matter AND their meaning must be understood in context.

In order to attempt to meet survivors unflinchingly in their full experience, we have to be able to accept survivors as agents--as people who act, not things only acted upon. We must agree that, as people, it matters what survivors do. Even when the choices of survivors are viciously limited, when survivors are between a rock and a hard place, when the toll of threats and crazymaking turn one's understanding of the world upside down, what a person does as a survivor matters. It matters because one's humanity—one's "person-ness"—matters. When advocates are unable to meet survivors in the full, messy, broken, heroic, petty realness of the actual choices that survivors have made—we reinforce the silence and shame that often haunt survivors of violence.

So, I say "Yes!" it matters—because what women do matters and what survivors do matters—to them, to their humanity, to their children, to their partners, to our community, to me! But many in the field say, "No."

I believe this is because the only current location we have for "mattering" is a punitive response from the criminal legal system—a system that is particularly ill-suited to understand or respond helpfully to survivors' actions. Right now, we have not looked carefully at these actions as they are used by survivors to survive. They only exist in our discussions as actions used by batterers to batter. And our only real response to batterers is a criminal legal response, and we know that such a response for survivors

is harmful. We don't know how to sort out the meaning of a given behavior. Is it abusive? Is it resistance? And we get stuck. And we've stayed stuck.

Which brings us to the importance of assessment.

In our trainings, we do an exercise where specific behaviors are passed around to the participants. Things like: Reads partner's mail. Hits wall next to partner's head. Pressures partner to have sex. In dyads, people answer the question: how might a person who batters use this behavior to establish or maintain a pattern of power, control or exploitation?

Next they are asked to describe how a person surviving abusive power & control might use the same behavior.

In the debrief, folks are able to think of reasons a survivor might use each behavior to resist abusive power & control. Sometimes the reasons imagined are self-defensive, or retaliatory, or provoking, or testing. But they are all very credible and, surprisingly to most folks, by their own experience very common. In the first moments after being asked why a survivor might pressure their partner to have sex, there is often a pause. But, even then, people can offer a variety of contexts, intents & hoped consequences that reconcile the behavior with the experience of surviving. Survivors might pressure their partner to have sex to head off the threat of more lethal physical violence, to prove to a partner that s/he is still sexually interested in them, to distract a partner from violence against children/or leaving to drive drunk/or escalating accusations, to "earn" money or privileges that commonly are given only in exchange for sex, to try to reconnect with some tender aspect of the relationship.

In our same-sex abuse assessments: We can't use gender to make an assessment of who is abusing. And we can't use a list of behaviors. We know from talking to people that any behavior—from the power and control wheel or the conflict tactic scale or any list of behaviors—can be used to establish a pattern of power & control or to resist a pattern of power & control. Any specific behavior can be used to abuse OR to survive.

"Assessment", in this context, refers to an intentional process to learn as much about what is happening in a person's life as needed in order to 1) identify if & how coercive power, control & exploitation is working in a relationship and 2) to connect that person with the best possible resource.

So, here's a little quantum physics for you. Our process conceptualizes domestic abuse as a system, not a machine. With a machine, no matter how complicated, one could eventually identify and catalogue all its parts. One could identify which parts were broken and had to be repaired for the machine to work or which parts would have to be removed to prevent it from functioning. If domestic abuse was like machine, assessment would be much simpler and lists of behaviors would suffice. But a system, unlike a machine, is fractal, self-referencing and adaptive. It can incorporate new information and change—you don't care if I trash you anymore, so, what happens if I trash your sister? In our assessment, we aren't looking for a specific behavior or condition or even sets of behaviors or conditions, we are attending to whether or not a system of power, control and exploitation will emerge in our conversations.

To understand context, intent & effect, we may talk about money & resources, anger and coolness, sex, staying and leaving, leveraging institutional privilege, identities, connection & isolation, sharing information and lying, blame, guilt & entitlement, cultural & religious practices and expectations, use of physical & sexual violence & force. We are less interested in the content of people's agreements (such as whether they seem to us to express sexist or egalitarian views) than in how those agreements were arrived at, how they can be renegotiated and if the consequences are reasonable if agreements are breached.

We listen for a range of things that don't appear on the power and control wheel, things like dread and using vulnerabilities:

- Violent incidents can be chaotic and careening and anyone involved may experience fear, dread tends to reflect the 24/7 and the cumulative effect of coercion.
- People who batter often use their own vulnerabilities (drug use, illness, experiences with oppression, past abuse) to insist that their partner prioritize their needs over the partner's own. A survivor might be expected to work two jobs to make ends meet because their partner's past arrest record means getting a job is difficult, or to stay still during the night so as not to trigger a partner's PTSD from war trauma or childhood sexual abuse.

And, as you might imagine, the assessment process was how we first came to hear so much about things survivors had done that they regretted, or still could not comprehend or that they feared would mean that no one would help them or that they wouldn't deserve help.

Once you talk to someone about the violence that they have used to resist abuse and they express their ambivalence and confusion and—at times—how trapped they feel by their actions, you have to start to deal with it. You can't say: "Great News, We've assessed that you're a survivor so never mind about all that violence—you had to do it!" And you wouldn't want to.

So what does that mean for folks who are responding to domestic violence?

Some of the facts that are confounding to advocates and policy makers and law enforcement and researchers and friends & family, include:

- some women use violence
- some women use violence in intimate relationships
- some women abuse men
- some survivors use violence against abusers

I believe that these facts do not challenge a feminist, advocacy-focused analysis of domestic abuse that understands domestic violence has a form of objectification and that recognizes the real experience of surviving. They are entirely reconcilable with this understanding of domestic violence. Not all violence is abusive. Violence must be understood in context.

However, the observations are not reconcilable to a criminal legal framework. Victim and perpetrator – as legal categories – are mutually exclusive.

Advocacy Model Language	Criminal Legal System Language
<p><b>Survivor</b> – A person who experiences a pattern of power and control by another.</p> <p><b>Abuser/Batterer</b> – A person who establishes a pattern of power and control over another.</p>	<p><b>Victim</b> – A person against whom a crime of battery has been committed.</p> <p><b>Perpetrator</b> – A person who has been convicted of committing a crime of battery.</p>
<p><b>The advocacy model understands that people who abuse their partners may:</b></p> <ul style="list-style-type: none"> <li>• Establish a pattern of control that occurs 24-7,</li> <li>• Control/exploit their partner over time,</li> <li>• use a number of tactics—some of which are illegal, <b>most of which are legal,</b></li> <li>• rely on systems of oppression and social inequalities to maintain their control over their partner.</li> </ul>	<p><b>Meanwhile, the criminal legal system:</b></p> <ul style="list-style-type: none"> <li>• is designed to address specific incidents and determine if they are legal or illegal,</li> <li>• Evaluates “moments in time”, not patterns of abusive control,</li> <li>• Ignores bias and treats everyone as ‘agents under the law’—regardless of institutional inequalities.</li> </ul>

The criminal legal system is incapable of acknowledging and integrating sociopolitical differences among people—it understands everyone to be ‘equal agents under the law’—it can’t deal with race or gender or sexuality in meaningful ways and yet we know that institutional inequality is a big deal here.

The criminal legal system is not able to address survivors’ use of violence in the context of surviving abuse. And it’s not able to adequately address the different meanings of the same actions given different social positions, histories or contexts.

So, why do we care so much if the criminal legal system can’t handle it? After all, domestic abuse is not a criminal experience; it’s a human experience that may include criminal acts. And, the anti-violence movement is not a criminal legal movement, but a human rights movement.

We have to care because domestic violence interventions and domestic violence advocacy are immersed in a criminal legal paradigm.

The collapse between a criminal legal paradigm based on the understanding of domestic battery as essentially being a criminal legal category of behaviors and actions involving “perpetrators” and “victims” with an anti-violence paradigm based on the understanding of domestic abuse as essentially being a question of agency has created great confusion.

Survivors' actions don't make sense from a strictly criminal legal lens. They cannot be understood or even clearly named or explained. "Victim" and "Perpetrator" are mutually exclusive terms, but "Survivor" of abuse and "Perpetrator" of an illegal act are not.

Tillie Black Bear and Dr. Beth Richie and countless other advocates and organizers warned us about the narrow slice of women's experience that we were attending to when we focused on the criminal legal system to the virtual exclusion of everything else. They warned us that poor women, women of color, undocumented women, queer women would be the most vulnerable to the worst consequences of this approach. We didn't change course, even after these women and others demonstrated the importance of economic justice, and racial justice and reproductive justice and other critical paths that would fortify survivors' agency and make them less vulnerable to objectification—by their lovers, by the state.

Rather than understanding criminal legal consequences for battering as one project within a global and holistic effort to repair the damage to women and men caused by sexism, to create loving and equitable relationship and to prevent abuse--rather than understanding criminal justice as a small bit of the global arc of justice that could include economic, racial, reproductive etc justice--our anti-violence interventions, policy priorities and research have been thoroughly absorbed into a broad criminal legal project.

I think it is this—not the facts that women can abuse or survivors resist abuse with violence—that is so hard to deal with and keep the issue of survivors' use of violence so confounding.

And it is this that we will have to repair if we are going to truly, fully advocate for all survivors.