

Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color

Kimberle Crenshaw*

INTRODUCTION

Over the last two decades, women have organized against the almost routine violence that shapes their lives.¹ Drawing from the strength of shared experience, women have recognized that the political demands of millions speak more powerfully than the pleas of a few isolated voices. This politicization in turn has transformed the way we understand violence against women. For example, battering and rape, once seen as private (family matters) and aberrational (errant sexual aggression), are now largely recognized as part of a broad-scale system of domination that affects women as a class.² This process of recognizing as social and systemic what was for-

* © 1993 by Kimberle Crenshaw. Professor of Law, University of California, Los Angeles. B.A. Cornell University, 1981; J.D. Harvard Law School, 1984; LL.M. University of Wisconsin, 1985.

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This article is dedicated to the memory of Denise Carty-Bennia and Mary Joe Frug.

1. Feminist academics and activists have played a central role in forwarding an ideological and institutional challenge to the practices that condone and perpetuate violence against women. See generally SUSAN BROWN MILLER, *AGAINST OUR WILL: MEN, WOMEN AND RAPE* (1975); LORENNE M.G. CLARK & DEBRA J. LEWIS, *RAPE: THE PRICE OF COERCIVE SEXUALITY* (1977); R. EMERSON DOBASH & RUSSELL DOBASH, *VIOLENCE AGAINST WIVES: A CASE AGAINST THE PATRIARCHY* (1979); NANCY GAGER & CATHLEEN SCHURR, *SEXUAL ASSAULT: CONFRONTING RAPE IN AMERICA* (1976); DIANA E.H. RUSSELL, *THE POLITICS OF RAPE: THE VICTIM'S PERSPECTIVE* (1974); ELIZABETH ANNE STANKO, *INTIMATE INTRUSIONS: WOMEN'S EXPERIENCE OF MALE VIOLENCE* (1985); LENORE E. WALKER, *TERRIFYING LOVE: WHY BATTERED WOMEN KILL AND HOW SOCIETY RESPONDS* (1989); LENORE E. WALKER, *THE BATTERED WOMAN SYNDROME* (1984); LENORE E. WALKER, *THE BATTERED WOMAN* (1979).

2. See, e.g., SUSAN SCHECHTER, *WOMEN AND MALE VIOLENCE: THE VISIONS AND STRUGGLES OF THE BATTERED WOMEN'S MOVEMENT* (1982) (arguing that battering is a means of maintaining women's subordinate position); S. BROWN MILLER, *supra* note 1 (arguing that rape is a

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merly perceived as isolated and individual has also characterized the identity politics of African Americans, other people of color, and gays and lesbians, among others. For all these groups, identity-based politics has been a source of strength, community, and intellectual development.

The embrace of identity politics, however, has been in tension with dominant conceptions of social justice. Race, gender, and other identity categories are most often treated in mainstream liberal discourse as vestiges of bias or domination—that is, as intrinsically negative frameworks in which social power works to exclude or marginalize those who are different. According to this understanding, our liberatory objective should be to empty such categories of any social significance. Yet implicit in certain strands of feminist and racial liberation movements, for example is the view that the social power in delineating difference need not be the power of domination; it can instead be the source of social empowerment and reconstruction.

The problem with identity politics is not that it fails to transcend difference, as some critics charge, but rather the opposite—that it frequently conflates or ignores intragroup differences. In the context of violence against women, this elision of difference in identity politics is problematic, fundamentally because the violence that many women experience is often shaped by other dimensions of their identities, such as race and class. Moreover, ignoring difference *within* groups contributes to tension *among* groups, another problem of identity politics that bears on efforts to politicize violence against women. Feminist efforts to politicize experiences of women and antiracist efforts to politicize experiences of people of color have frequently proceeded as though the issues and experiences they each detail occur on mutually exclusive terrains. Although racism and sexism readily intersect in the lives of real people, they seldom do in feminist and antiracist practices. And so, when the practices expound identity as woman or person of color as an either/or proposition, they relegate the identity of women of color to a location that resists telling.

My objective in this article is to advance the telling of that location by exploring the race and gender dimensions of violence against women of color.³ Contemporary feminist and antiracist discourses have failed to con-

patriarchal practice that subordinates women to men); Elizabeth Schneider, *The Violence of Privacy*, 23 CONN. L. REV. 973, 974 (1991) (discussing how "concepts of privacy permit, encourage and reinforce violence against women"); Susan Estrich, *Rape*, 95 YALE L.J. 1087 (1986) (analyzing rape law as one illustration of sexism in criminal law); see also CATHARINE A. MACKINNON, *SEXUAL HARASSMENT OF WORKING WOMEN: A CASE OF SEX DISCRIMINATION* 143-213 (1979) (arguing that sexual harassment should be redefined as sexual discrimination actionable under Title VII, rather than viewed as misplaced sexuality in the workplace).

3. This article arises out of and is inspired by two emerging scholarly discourses. The first is critical race theory. For a cross-section of what is now a substantial body of literature, see PATRICIA J. WILLIAMS, *THE ALCHEMY OF RACE AND RIGHTS* (1991); Robin D. Barnes, *Race Consciousness: The Thematic Content of Racial Distinctiveness in Critical Race Scholarship*, 103 HARV. L. REV. 1864 (1990); John O. Calmore, *Critical Race Theory*, Archie Shepp, and *Fire Music: Securing an Authentic Intellectual Life in a Multicultural World*, 65 S. CAL. L. REV. 2129 (1992); Anthony E. Cook, *Beyond Critical Legal Studies: The Reconstructive Theology of Dr. Martin Luther King*, 103 HARV. L. REV. 985 (1990); Kimberle Williams Crenshaw, *Race, Reform and Retrenchment: Transformation and Legitimation in Antidiscrimination Law*, 101 HARV. L. REV. 1331 (1988); Richard

sider intersectional identities such as women of color.⁴ Focusing on two dimensions of male violence against women—battering and rape—I consider how the experiences of women of color are frequently the product of intersecting patterns of racism and sexism,⁵ and how these experiences tend not

Delgado, *When a Story is Just a Story: Does Voice Really Matter?*, 76 VA. L. REV. 95 (1990); Neil Gotanda, *A Critique of "Our Constitution is Colorblind"*, 44 STAN. L. REV. 1 (1991); Mari J. Matsuda, *Public Response to Racist Speech: Considering the Victim's Story*, 87 MICH. L. REV. 2320 (1989); Charles R. Lawrence III, *The Id, the Ego, and Equal Protection: Reckoning with Unconscious Racism*, 39 STAN. L. REV. 317 (1987); Gerald Torres, *Critical Race Theory: The Decline of the Universalist Ideal and the Hope of Plural Justice—Some Observations and Questions of an Emerging Phenomenon*, 75 MINN. L. REV. 993 (1991). For a useful overview of critical race theory, see Calmore, *supra*, at 2160-2168.

A second, less formally linked body of legal scholarship investigates the connections between race and gender. See, e.g., Regina Austin, *Sapphire Bound*, 1989 WIS. L. REV. 539; Crenshaw, *supra*; Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581 (1990); Marlee Kline, *Race, Racism and Feminist Legal Theory*, 12 HARV. WOMEN'S L.J. 115 (1989); Dorothy E. Roberts, *Punishing Drug Addicts Who Have Babies: Women of Color, Equality and the Right of Privacy*, 104 HARV. L. REV. 1419 (1991); Cathy Scarborough, *Conceptualizing Black Women's Employment Experiences*, 98 YALE L.J. 1457 (1989) (student author); Peggie R. Smith, *Separate Identities: Black Women, Work and Title VII*, 14 HARV. WOMEN'S L.J. 21 (1991); Judy Scales-Trent, *Black Women and the Constitution: Finding Our Place, Asserting Our Rights*, 24 HARV. C.R.-C.L. L. REV. 9 (1989); Judith A. Winston, *Mirror, Mirror on the Wall: Title VII, Section 1981, and the Intersection of Race and Gender in the Civil Rights Act of 1990*, 79 CAL. L. REV. 775 (1991). This work in turn has been informed by a broader literature examining the interactions of race and gender in other contexts. See, e.g., PATRICIA HILL COLLINS, *BLACK FEMINIST THOUGHT: KNOWLEDGE, CONSCIOUSNESS, AND THE POLITICS OF EMPOWERMENT* (1990); ANGELA DAVIS, *WOMEN, RACE AND CLASS* (1981); BELL HOOKS, *AIN'T I A WOMAN? BLACK WOMEN AND FEMINISM* (1981); ELIZABETH V. SPELMAN, *INESSENTIAL WOMAN: PROBLEMS OF EXCLUSION IN FEMINIST THOUGHT* (1988); Frances Beale, *Double Jeopardy: To Be Black and Female*, in *THE BLACK WOMAN* 90 (Toni Cade ed. 1970); Kink-Kok Cheung, *The Woman Warrior versus The Chinaman Pacific: Must a Chinese American Critic Choose between Feminism and Heroism?*, in *CONFLICTS IN FEMINISM* 234 (Marianne Hirsch & Evelyn Fox Keller eds. 1990); Deborah H. King, *Multiple Jeopardy, Multiple Consciousness: The Context of a Black Feminist Ideology*, 14 SIGNS 42 (1988); Diane K. Lewis, *A Response to Inequality: Black Women, Racism and Sexism*, 3 SIGNS 339 (1977); Deborah E. McDowell, *New Directions for Black Feminist Criticism*, in *THE NEW FEMINIST CRITICISM: ESSAYS ON WOMEN, LITERATURE AND THEORY* 186 (Elaine Showalter ed. 1985); Valerie Smith, *Black Feminist Theory and the Representation of the "Other"*, in *CHANGING OUR OWN WORDS: ESSAYS ON CRITICISM, THEORY AND WRITING BY BLACK WOMEN* 38 (Cheryl A. Wall ed. 1989).

4. Although the objective of this article is to describe the intersectional location of women of color and their marginalization within dominant resistance discourses, I do not mean to imply that the disempowerment of women of color is singularly or even primarily caused by feminist and antiracist theorists or activists. Indeed, I hope to dispell any such simplistic interpretations by capturing, at least in part, the way that prevailing structures of domination shape various discourses of resistance. As I have noted elsewhere, "People can only demand change in ways that reflect the logic of the institutions they are challenging. Demands for change that do not reflect . . . dominant ideology . . . will probably be ineffective." Crenshaw, *supra* note 3, at 1367. Although there are significant political and conceptual obstacles to moving against structures of domination with an intersectional sensibility, my point is that the effort to do so should be a central theoretical and political objective of both antiracism and feminism.

5. Although this article deals with violent assault perpetrated by men against women, women are also subject to violent assault by women. Violence among lesbians is a hidden but significant problem. One expert reported that in a study of 90 lesbian couples, roughly 46% of lesbians have been physically abused by their partners. Jane Garcia, *The Cost of Escaping Domestic Violence: Fear of Treatment in a Largely Homophobic Society May Keep Lesbian Abuse Victims from Calling for Help*, L.A. Times, May 6, 1991, at 2; see also NAMING THE VIOLENCE: SPEAKING OUT ABOUT LESBIAN BATTERING (Kerry Lobel ed. 1986); Ruthann Robson, *Lavender Bruises: Intralesbian Violence, Law and Lesbian Legal Theory*, 20 GOLDEN GATE U.L. REV. 567 (1990). There are clear parallels between violence against women in the lesbian community and violence against women in

to be represented within the discourses of either feminism or antiracism. Because of their intersectional identity as both women *and* of color within discourses that are shaped to respond to one *or* the other, women of color are marginalized within both.

In an earlier article, I used the concept of intersectionality to denote the various ways in which race and gender interact to shape the multiple dimensions of Black⁶ women's employment experiences.⁷ My objective there was to illustrate that many of the experiences Black women face are not subsumed within the traditional boundaries of race or gender discrimination as these boundaries are currently understood, and that the intersection of racism and sexism factors into Black women's lives in ways that cannot be captured wholly by looking at the race or gender dimensions of those experiences separately. I build on those observations here by exploring the various ways in which race and gender intersect in shaping structural, political, and representational aspects of violence against women of color.⁸

I should say at the outset that intersectionality is not being offered here as some new, totalizing theory of identity. Nor do I mean to suggest that violence against women of color can be explained only through the specific frameworks of race and gender considered here.⁹ Indeed, factors I address

communities of color. Lesbian violence is often shrouded in secrecy for similar reasons that have suppressed the exposure of heterosexual violence in communities of color—fear of embarrassing other members of the community, which is already stereotyped as deviant, and fear of being ostracized from the community. Despite these similarities, there are nonetheless distinctions between male abuse of women and female abuse of women that in the context of patriarchy, racism and homophobia, warrants more focused analysis than is possible here.

6. I use "Black" and "African American" interchangeably throughout this article. I capitalize "Black" because "Blacks, like Asians, Latinos, and other 'minorities,' constitute a specific cultural group and, as such, require denotation as a proper noun." Crenshaw, *supra* note 3, at 1332 n.2 (citing Catharine MacKinnon, *Feminism, Marxism, Method, and the State: An Agenda for Theory*, 7 SIGNS 515, 516 (1982)). By the same token, I do not capitalize "white," which is not a proper noun, since whites do not constitute a specific cultural group. For the same reason I do not capitalize "women of color."

7. Kimberle Crenshaw, *Demarginalizing the Intersection of Race and Sex*, 1989 U. CHI. LEGAL F. 139.

8. I explicitly adopt a Black feminist stance in this survey of violence against women of color. I do this cognizant of several tensions that such a position entails. The most significant one stems from the criticism that while feminism purports to speak *for* women of color through its invocation of the term "woman," the feminist perspective excludes women of color because it is based upon the experiences and interests of a certain subset of women. On the other hand, when white feminists attempt to include other women, they often add our experiences into an otherwise unaltered framework. It is important to name the perspective from which one constructs her analysis; and for me, that is as a Black feminist. Moreover, it is important to acknowledge that the materials that I incorporate in my analysis are drawn heavily from research on Black women. On the other hand, I see my own work as part of a broader collective effort among feminists of color to expand feminism to include analyses of race and other factors such as class, sexuality, and age. I have attempted therefore to offer my sense of the tentative connections between my analysis of the intersectional experiences of Black women and the intersectional experiences of other women of color. I stress that this analysis is not intended to include falsely nor to exclude unnecessarily other women of color.

9. I consider intersectionality a provisional concept linking contemporary politics with postmodern theory. In mapping the intersections of race and gender, the concept does engage dominant assumptions that race and gender are essentially separate categories. By tracing the categories to their intersections, I hope to suggest a methodology that will ultimately disrupt the tendencies to see race and gender as exclusive or separable. While the primary intersections that I explore here are

only in part or not at all, such as class or sexuality, are often as critical in shaping the experiences of women of color. My focus on the intersections of race and gender only highlights the need to account for multiple grounds of identity when considering how the social world is constructed.¹⁰

I have divided the issues presented in this article into three categories. In Part I, I discuss structural intersectionality, the ways in which the location of women of color at the intersection of race and gender makes our actual experience of domestic violence, rape, and remedial reform qualitatively different than that of white women. I shift the focus in Part II to political intersectionality, where I analyze how both feminist and antiracist politics have, paradoxically, often helped to marginalize the issue of violence against women of color. Then in Part III, I discuss representational intersectionality, by which I mean the cultural construction of women of color. I consider how controversies over the representation of women of color in popular culture can also elide the particular location of women of color, and thus become yet another source of intersectional disempowerment. Finally, I address the implications of the intersectional approach within the broader scope of contemporary identity politics.

I. STRUCTURAL INTERSECTIONALITY

A. *Structural Intersectionality and Battering*

I observed the dynamics of structural intersectionality during a brief field study of battered women's shelters located in minority communities in Los Angeles.¹¹ In most cases, the physical assault that leads women to these shelters is merely the most immediate manifestation of the subordination they experience. Many women who seek protection are unemployed or underemployed, and a good number of them are poor. Shelters serving these women cannot afford to address only the violence inflicted by the batterer; they must also confront the other multilayered and routinized forms of domination that often converge in these women's lives, hindering their ability to create alternatives to the abusive relationships that brought them to shelters in the first place. Many women of color, for example, are burdened by poverty, child care responsibilities, and the lack of job skills.¹² These burdens,

between race and gender, the concept can and should be expanded by factoring in issues such as class, sexual orientation, age, and color.

10. Professor Mari Matsuda calls this inquiry "asking the other question." Mari J. Matsuda, *Beside My Sister, Facing the Enemy: Legal Theory Out of Coalition*, 43 STAN. L. REV. 1183 (1991). For example, we should look at an issue or condition traditionally regarded as a gender issue and ask, "Where's the racism in this?"

11. During my research in Los Angeles, California, I visited Jenesse Battered Women's Shelter, the only shelter in the Western states primarily serving Black women, and Everywoman's Shelter, which primarily serves Asian women. I also visited Estelle Chueng at the Asian Pacific Law Foundation, and I spoke with a representative of La Casa, a shelter in the predominantly Latino community of East L.A.

12. One researcher has noted, in reference to a survey taken of battered women's shelters, that "many Caucasian women were probably excluded from the sample, since they are more likely to have available resources that enable them to avoid going to a shelter. Many shelters admit only women with few or no resources or alternatives." MILDRED DALEY PAGELOW, WOMAN-BAT-

largely the consequence of gender and class oppression, are then compounded by the racially discriminatory employment and housing practices women of color often face,¹³ as well as by the disproportionately high unemployment among people of color that makes battered women of color less able to depend on the support of friends and relatives for temporary shelter.¹⁴

Where systems of race, gender, and class domination converge, as they do in the experiences of battered women of color, intervention strategies based solely on the experiences of women who do not share the same class or race backgrounds will be of limited help to women who because of race and class face different obstacles.¹⁵ Such was the case in 1990 when Congress amended the marriage fraud provisions of the Immigration and Nationality Act to protect immigrant women who were battered or exposed to extreme cruelty by the United States citizens or permanent residents these women

TERING: VICTIMS AND THEIR EXPERIENCES 97 (1981). On the other hand, many middle- and upper-class women are financially dependent upon their husbands and thus experience a diminution in their standard of living when they leave their husbands.

13. Together they make securing even the most basic necessities beyond the reach of many. Indeed one shelter provider reported that nearly 85 percent of her clients returned to the battering relationships, largely because of difficulties in finding employment and housing. African Americans are more segregated than any other racial group, and this segregation exists across class lines. Recent studies in Washington, D.C., and its suburbs show that 64% of Blacks trying to rent apartments in white neighborhoods encountered discrimination. Tracy Thompson, *Study Finds 'Persistent' Racial Bias in Area's Rental Housing*, Wash. Post, Jan. 31, 1991, at D1. Had these studies factored gender and family status into the equation, the statistics might have been worse.

14. More specifically, African Americans suffer from high unemployment rates, low incomes, and high poverty rates. According to Dr. David Swinton, Dean of the School of Business at Jackson State University in Mississippi, African Americans "receive three-fifths as much income per person as whites and are three times as likely to have annual incomes below the Federally defined poverty level of \$12,675 for a family of four." *Urban League Urges Action*, N.Y. Times, Jan. 9, 1991, at A14. In fact, recent statistics indicate that racial economic inequality is "higher as we begin the 1990s than at any other time in the last 20 years." David Swinton, *The Economic Status of African Americans: "Permanent" Poverty and Inequality*, in THE STATE OF BLACK AMERICA 1991, at 25 (1991).

The economic situation of minority women is, expectedly, worse than that of their male counterparts. Black women, who earn a median of \$7,875 a year, make considerably less than Black men, who earn a median income of \$12,609 a year, and white women, who earn a median income of \$9,812 a year. *Id.* at 32 (Table 3). Additionally, the percentage of Black female-headed families living in poverty (46.5%) is almost twice that of white female-headed families (25.4%). *Id.* at 43 (Table 8). Latino households also earn considerably less than white households. In 1988, the median income of Latino households was \$20,359 and for white households, \$28,340—a difference of almost \$8,000. HISPANIC AMERICANS: A STATISTICAL SOURCEBOOK 149 (1991). Analyzing by origin, in 1988, Puerto Rican households were the worst off, with 34.1% earning below \$10,000 a year and a median income for all Puerto Rican households of \$15,447 per year. *Id.* at 155. 1989 statistics for Latino men and women show that women earned an average of \$7,000 less than men. *Id.* at 169.

15. See text accompanying notes 61-66 (discussing shelter's refusal to house a Spanish-speaking woman in crisis even though her son could interpret for her because it would contribute to her disempowerment). Racial differences marked an interesting contrast between Jenesse's policies and those of other shelters situated outside the Black community. Unlike some other shelters in Los Angeles, Jenesse welcomed the assistance of men. According to the Director, the shelter's policy was premised on a belief that given African American's need to maintain healthy relations to pursue a common struggle against racism, anti-violence programs within the African American community cannot afford to be antagonistic to men. For a discussion of the different needs of Black women who are battered, see Beth Richie, *Battered Black Women: A Challenge for the Black Community*, BLACK SCHOLAR, Mar./Apr. 1985, at 40.

immigrated to the United States to marry. Under the marriage fraud provisions of the Act, a person who immigrated to the United States to marry a United States citizen or permanent resident had to remain "properly" married for two years before even applying for permanent resident status,¹⁶ at which time applications for the immigrant's permanent status were required of both spouses.¹⁷ Predictably, under these circumstances, many immigrant women were reluctant to leave even the most abusive of partners for fear of being deported.¹⁸ When faced with the choice between protection from their batterers and protection against deportation, many immigrant women chose the latter.¹⁹ Reports of the tragic consequences of this double subordination put pressure on Congress to include in the Immigration Act of 1990 a provision amending the marriage fraud rules to allow for an explicit waiver for hardship caused by domestic violence.²⁰ Yet many immigrant women, par-

16. 8 U.S.C. § 1186a (1988). The Marriage Fraud Amendments provide that an alien spouse "shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence, to have obtained such status on a conditional basis subject to the provisions of this section." § 1186a(a)(1). An alien spouse with permanent resident status under this conditional basis may have her status terminated if the Attorney General finds that the marriage was "improper," § 1186a(b)(1), or if she fails to file a petition or fails to appear at the personal interview. § 1186a(c)(2)(A).

17. The Marriage Fraud Amendments provided that for the conditional resident status to be removed, "the alien spouse and the petitioning spouse (if not deceased) jointly must submit to the Attorney General . . . a petition which requests the removal of such conditional basis and which states, under penalty of perjury, the facts and information." § 1186a(b)(1)(A) (emphasis added). The Amendments provided for a waiver, at the Attorney General's discretion, if the alien spouse was able to demonstrate that deportation would result in extreme hardship, or that the qualifying marriage was terminated for good cause. § 1186a(c)(4). However, the terms of this hardship waiver have not adequately protected battered spouses. For example, the requirement that the marriage be terminated for good cause may be difficult to satisfy in states with no-fault divorces. Eileen P. Lynsky, *Immigration Marriage Fraud Amendments of 1986: Till Congress Do Us Part*, 41 U. MIAMI L. REV. 1087, 1095 n.47 (1987) (student author) (citing Jerome B. Ingber & R. Leo Prischet, *The Marriage Fraud Amendments*, in THE NEW SIMPSON-RODINO IMMIGRATION LAW OF 1986, at 564-65 (Stanley Mailman ed. 1986)).

18. Immigration activists have pointed out that "[t]he 1986 Immigration Reform Act and the Immigration Marriage Fraud Amendment have combined to give the spouse applying for permanent residence a powerful tool to control his partner." Jorge Banales, *Abuse Among Immigrants: As Their Numbers Grow So Does the Need for Services*, Wash. Post, Oct. 16, 1990, at E5. Dean Ito Taylor, executive director of Nihonmachi Legal Outreach in San Francisco, explained that the Marriage Fraud Amendments "bound these immigrant women to their abusers." Deanna Hodgkin, *'Mail-Order' Brides Marry Pain to Get Green Cards*, Wash. Times, Apr. 16, 1991, at E1. In one egregious instance described by Beckie Masaki, executive director of the Asian Women's Shelter in San Francisco, the closer the Chinese bride came to getting her permanent residency in the United States, the more harshly her Asian-American husband beat her. Her husband, kicking her in the neck and face, warned her that she needed him, and if she did not do as he told her, he would call immigration officials. *Id.*

19. As Alice Fernandez, head of the Victim Services Agency at the Bronx Criminal Court, explained, "Women are being held hostage by their landlords, their boyfriends, their bosses, their husbands. . . . The message is: If you tell anybody what I'm doing to you, they are going to ship your ass back home. And for these women, there is nothing more terrible than that. . . . Sometimes their response is: I would rather be dead in this country than go back home." Vivienne Walt, *Immigrant Abuse: Nowhere to Hide; Women Fear Deportation, Experts Say*, Newsday, Dec. 2, 1990, at 8.

20. Immigration Act of 1990, Pub. L. No. 101-649, 104 Stat. 4978. The Act, introduced by Representative Louise Slaughter (D-N.Y.), provides that a battered spouse who has conditional permanent resident status can be granted a waiver for failure to meet the requirements if she can show that "the marriage was entered into in good faith and that after the marriage the alien spouse was

ticularly immigrant women of color, have remained vulnerable to battering because they are unable to meet the conditions established for a waiver. The evidence required to support a waiver "can include, but is not limited to, reports and affidavits from police, medical personnel, psychologists, school officials, and social service agencies."²¹ For many immigrant women, limited access to these resources can make it difficult for them to obtain the evidence needed for a waiver. And cultural barriers often further discourage immigrant women from reporting or escaping battering situations. Tina Shum, a family counselor at a social service agency, points out that "[t]his law sounds so easy to apply, but there are cultural complications in the Asian community that make even these requirements difficult. . . . Just to find the opportunity and courage to call us is an accomplishment for many."²² The typical immigrant spouse, she suggests, may live "[i]n an extended family where several generations live together, there may be no privacy on the telephone, no opportunity to leave the house and no understanding of public phones."²³ As a consequence, many immigrant women are wholly dependent on their husbands as their link to the world outside their homes.²⁴

Immigrant women are also vulnerable to spousal violence because so many of them depend on their husbands for information regarding their legal status.²⁵ Many women who are now permanent residents continue to suffer abuse under threats of deportation by their husbands. Even if the threats are unfounded, women who have no independent access to information will still be intimidated by such threats.²⁶ And even though the domes-

battered by or was subjected to extreme mental cruelty by the U.S. citizen or permanent resident spouse." H.R. REP. NO. 723(I), 101st Cong., 2d Sess. 78 (1990), *reprinted in* 1990 U.S.C.C.A.N. 6710, 6758; *see also* 8 C.F.R. § 216.5(3) (1992) (regulations for application for waiver based on claim of having been battered or subjected to extreme mental cruelty).

21. H.R. REP. NO. 723(I), *supra* note 20, at 79, *reprinted in* 1990 U.S.C.C.A.N. 6710, 6759.

22. Hodgkin, *supra* note 18.

23. *Id.*

24. One survey conducted of battered women "hypothesized that if a person is a member of a discriminated minority group, the fewer the opportunities for socioeconomic status above the poverty level and the weaker the English language skills, the greater the disadvantage." M. PAGELOW, *supra* note 12, at 96. The 70 minority women in the study "had a double disadvantage in this society that serves to tie them more strongly to their spouses." *Id.*

25. A citizen or permanent resident spouse can exercise power over an alien spouse by threatening not to file a petition for permanent residency. If he fails to file a petition for permanent residency, the alien spouse continues to be undocumented and is considered to be in the country illegally. These constraints often restrict an alien spouse from leaving. Dean Ito Taylor tells the story of "one client who has been hospitalized—she's had him arrested for beating her—but she keeps coming back to him because he promises he will file for her. . . . He holds that green card over her head." Hodgkin, *supra* note 18. Other stories of domestic abuse abound. Maria, a 50-year-old Dominican woman, explains that "'One time I had eight stitches in my head and a gash on the other side of my head, and he broke my ribs. . . . He would bash my head against the wall while we had sex. He kept threatening to kill me if I told the doctor what happened.'" Maria had a "powerful reason for staying with Juan through years of abuse: a ticket to permanent residence in the United States." Walt, *supra* note 19.

26. One reporter explained that "Third-world women must deal with additional fears, however. In many cases, they are afraid of authority, government institutions and their abusers' threat of being turned over to immigration officials to be deported." Banales, *supra* note 18.

tic violence waiver focuses on immigrant women whose husbands are United States citizens or permanent residents, there are countless women married to undocumented workers (or who are themselves undocumented) who suffer in silence for fear that the security of their entire families will be jeopardized should they seek help or otherwise call attention to themselves.²⁷

Language barriers present another structural problem that often limits opportunities of non-English-speaking women to take advantage of existing support services.²⁸ Such barriers not only limit access to information about shelters, but also limit access to the security shelters provide. Some shelters turn non-English-speaking women away for lack of bilingual personnel and resources.²⁹

These examples illustrate how patterns of subordination intersect in women's experience of domestic violence. Intersectional subordination need not be intentionally produced; in fact, it is frequently the consequence of the imposition of one burden that interacts with preexisting vulnerabilities to create yet another dimension of disempowerment. In the case of the marriage fraud provisions of the Immigration and Nationality Act, the imposition of a policy specifically designed to burden one class—immigrant spouses seeking permanent resident status—exacerbated the disempowerment of those already subordinated by other structures of domination. By failing to take into account the vulnerability of immigrant spouses to domestic vio-

27. Incidents of sexual abuse of undocumented women abound. Marta Rivera, director of the Hostos College Center for Women's and Immigrant's Rights, tells of how a 19-year-old Dominican woman had "arrived shaken . . . after her boss raped her in the women's restroom at work." The woman told Rivera that "70 to 80 percent of the workers [in a Brooklyn garment factory] were undocumented, and they all accepted sex as part of the job She said a 13-year-old girl had been raped there a short while before her, and the family sent her back to the Dominican Republic." Walt, *supra* note 19. In another example, a "Latin American woman, whose husband's latest attack left her with two broken fingers, a swollen face and bruises on her neck and chest, refused to report the beating to police." She returned to her home after a short stay in a shelter. She did not leave the abusive situation because she was "an undocumented, illiterate laborer whose children, passport and money are tightly controlled by her husband." Although she was informed of her rights, she was not able to hurdle the structural obstacles in her path. Banales, *supra* note 18.

28. For example, in a region with a large number of Third-World immigrants, "the first hurdle these [battered women's shelters] must overcome is the language barrier." Banales, *supra* note 18.

29.

There can be little question that women unable to communicate in English are severely handicapped in seeking independence. Some women thus excluded were even further disadvantaged because they were not U.S. citizens and some were in this country illegally. For a few of these, the only assistance shelter staff could render was to help reunite them with their families of origin.

M. PAGELOW, *supra* note 12, at 96-97. Non-English speaking women are often excluded even from studies of battered women because of their language and other difficulties. A researcher qualified the statistics of one survey by pointing out that "an unknown number of minority group women were excluded from this survey sample because of language difficulties." *Id.* at 96. To combat this lack of appropriate services for women of color at many shelters, special programs have been created specifically for women from particular communities. A few examples of such programs include the Victim Intervention Project in East Harlem for Latina women, Jenesse Shelter for African American women in Los Angeles, Apna Gar in Chicago for South Asian women, and, for Asian women generally, the Asian Women's Shelter in San Francisco, the New York Asian Women's Center, and the Center for the Pacific Asian Family in Los Angeles. Programs with hotlines include Sakhi for South Asian Women in New York, and Manavi in Jersey City, also for South Asian women, as well as programs for Korean women in Philadelphia and Chicago.

lence, Congress positioned these women to absorb the simultaneous impact of its anti-immigration policy and their spouses' abuse.

The enactment of the domestic violence waiver of the marriage fraud provisions similarly illustrates how modest attempts to respond to certain problems can be ineffective when the intersectional location of women of color is not considered in fashioning the remedy. Cultural identity and class affect the likelihood that a battered spouse could take advantage of the waiver. Although the waiver is formally available to all women, the terms of the waiver make it inaccessible to some. Immigrant women who are socially, culturally, or economically privileged are more likely to be able to marshal the resources needed to satisfy the waiver requirements. Those immigrant women least able to take advantage of the waiver—women who are socially or economically the most marginal—are the ones most likely to be women of color.

B. *Structural Intersectionality and Rape*

Women of color are differently situated in the economic, social, and political worlds. When reform efforts undertaken on behalf of women neglect this fact, women of color are less likely to have their needs met than women who are racially privileged. For example, counselors who provide rape crisis services to women of color report that a significant proportion of the resources allocated to them must be spent handling problems other than rape itself. Meeting these needs often places these counselors at odds with their funding agencies, which allocate funds according to standards of need that are largely white and middle-class.³⁰ These uniform standards of need ignore the fact that different needs often demand different priorities in terms of resource allocation, and consequently, these standards hinder the ability of counselors to address the needs of nonwhite and poor women.³¹ A case in point: women of color occupy positions both physically and culturally marginalized within dominant society, and so information must be targeted directly to them in order to reach them.³² Accordingly, rape crisis centers

30. For example, the Rosa Parks Shelter and the Compton Rape Crisis Hotline, two shelters that serve the African-American community, are in constant conflict with funding sources over the ratio of dollars and hours to women served. Interview with Joan Greer, Executive Director of Rosa Parks Shelter, in Los Angeles, California (April 1990).

31. One worker explained:

For example, a woman may come in or call in for various reasons. She has no place to go, she has no job, she has no support, she has no money, she has no food, she's been beaten, and after you finish meeting all those needs, or try to meet all those needs, then she may say, by the way, during all this, I was being raped. So that makes our community different than other communities. A person wants their basic needs first. It's a lot easier to discuss things when you are full.

Nancy Anne Matthews, *Stopping Rape or Managing its Consequences? State Intervention and Feminist Resistance in the Los Angeles Anti-Rape Movement, 1972-1987*, at 287 (1989) (Ph.D. dissertation, University of California, Los Angeles) (chronicling the history of the rape crisis movement, and highlighting the different histories and dilemmas of rape crisis hotlines run by white feminists and those situated in the minority communities).

32.

Typically, more time must be spent with a survivor who has fewer personal resources.

must earmark more resources for basic information dissemination in communities of color than in white ones.

Increased costs are but one consequence of serving people who cannot be reached by mainstream channels of information. As noted earlier, counselors in minority communities report spending hours locating resources and contacts to meet the housing and other immediate needs of women who have been assaulted. Yet this work is only considered "information and referral" by funding agencies and as such, is typically underfunded, notwithstanding the magnitude of need for these services in minority communities.³³ The problem is compounded by expectations that rape crisis centers will use a significant portion of resources allocated to them on counselors to accompany victims to court,³⁴ even though women of color are less likely to have their cases pursued in the criminal justice system.³⁵ The resources expected to be set aside for court services are misdirected in these communities.

The fact that minority women suffer from the effects of multiple subordination, coupled with institutional expectations based on inappropriate nonintersectional contexts, shapes and ultimately limits the opportunities for meaningful intervention on their behalf. Recognizing the failure to consider intersectional dynamics may go far toward explaining the high levels of failure, frustration, and burn-out experienced by counselors who attempt to meet the needs of minority women victims.

II. POLITICAL INTERSECTIONALITY

The concept of political intersectionality highlights the fact that women

These survivors tend to be ethnic minority women. Often, a non-assimilated ethnic minority survivor requires translating and interpreting, transportation, overnight shelter for herself and possibly children, and counseling to significant others in addition to the usual counseling and advocacy services. So, if a rape crisis center serves a predominantly ethnic minority population, the "average" number of hours of service provided to each survivor is much higher than for a center that serves a predominantly white population.

Id. at 275 (quoting position paper of the Southern California Rape Hotline Alliance).

33. *Id.* at 287-88.

34. The Director of Rosa Parks reported that she often runs into trouble with her funding sources over the Center's lower than average number of counselors accompanying victims to court. Interview with Joan Greer, *supra* note 30.

35.

Even though current statistics indicate that Black women are more likely to be victimized than white women, Black women are less likely to report their rapes, less likely to have their cases come to trial, less likely to have their trials result in convictions, and, most disturbing, less likely to seek counseling and other support services.

PATRICIA HILL COLLINS, *BLACK FEMINIST THOUGHT: KNOWLEDGE, CONSCIOUSNESS AND THE POLITICS OF EMPOWERMENT* 178-79 (1990); accord HUBERT S. FEILD & LEIGH B. BIENEN, *JURORS AND RAPE: A STUDY IN PSYCHOLOGY AND LAW* 141 (1980) (data obtained from 1,056 citizens serving as jurors in simulated legal rape cases generally showed that "the assailant of the black woman was given a more lenient sentence than the white woman's assailant"). According to Fern Ferguson, an Illinois sex abuse worker, speaking at a Women of Color Institute conference in Knoxville, Tennessee, 10% of rapes involving white victims end in conviction, compared with 4.2% for rapes involving non-white victims (and 2.3% for the less-inclusive group of Black rape victims). UPI, July 30, 1985. Ferguson argues that myths about women of color being promiscuous and wanting to be raped encourage the criminal justice system and medical professionals as well to treat women of color differently than they treat white women after a rape has occurred. *Id.*

of color are situated within at least two subordinated groups that frequently pursue conflicting political agendas. The need to split one's political energies between two sometimes opposing groups is a dimension of intersectional disempowerment that men of color and white women seldom confront. Indeed, their specific raced *and* gendered experiences, although intersectional, often define as well as confine the interests of the entire group. For example, racism as experienced by people of color who are of a particular gender—male—tends to determine the parameters of antiracist strategies, just as sexism as experienced by women who are of a particular race—white—tends to ground the women's movement. The problem is not simply that both discourses fail women of color by not acknowledging the "additional" issue of race or of patriarchy but that the discourses are often inadequate even to the discrete tasks of articulating the full dimensions of racism and sexism. Because women of color experience racism in ways not always the same as those experienced by men of color and sexism in ways not always parallel to experiences of white women, antiracism and feminism are limited, even on their own terms.

Among the most troubling political consequences of the failure of antiracist and feminist discourses to address the intersections of race and gender is the fact that, to the extent they can forward the interest of "people of color" and "women," respectively, one analysis often implicitly denies the validity of the other. The failure of feminism to interrogate race means that the resistance strategies of feminism will often replicate and reinforce the subordination of people of color, and the failure of antiracism to interrogate patriarchy means that antiracism will frequently reproduce the subordination of women. These mutual elisions present a particularly difficult political dilemma for women of color. Adopting either analysis constitutes a denial of a fundamental dimension of our subordination and precludes the development of a political discourse that more fully empowers women of color.

A. *The Politicization of Domestic Violence*

That the political interests of women of color are obscured and sometimes jeopardized by political strategies that ignore or suppress intersectional issues is illustrated by my experiences in gathering information for this article. I attempted to review Los Angeles Police Department statistics reflecting the rate of domestic violence interventions by precinct because such statistics can provide a rough picture of arrests by racial group, given the degree of racial segregation in Los Angeles.³⁶ L.A.P.D., however, would not release the statistics. A representative explained that one reason the statistics were not released was that domestic violence activists both within and

36. Most crime statistics are classified by sex or race but none are classified by sex *and* race. Because we know that most rape victims are women, the racial breakdown reveals, at best, rape rates for Black women. Yet, even given this head start, rates for other non-white women are difficult to collect. While there are some statistics for Latinas, statistics for Asian and Native American women are virtually non-existent. Cf. G. Chezia Carraway, *Violence Against Women of Color*, 43 STAN. L. REV. 1301 (1993).

outside the Department feared that statistics reflecting the extent of domestic violence in minority communities might be selectively interpreted and publicized so as to undermine long-term efforts to force the Department to address domestic violence as a serious problem. I was told that activists were worried that the statistics might permit opponents to dismiss domestic violence as a minority problem and, therefore, not deserving of aggressive action.

The informant also claimed that representatives from various minority communities opposed the release of these statistics. They were concerned, apparently, that the data would unfairly represent Black and Brown communities as unusually violent, potentially reinforcing stereotypes that might be used in attempts to justify oppressive police tactics and other discriminatory practices. These misgivings are based on the familiar and not unfounded premise that certain minority groups—especially Black men—have already been stereotyped as uncontrollably violent. Some worry that attempts to make domestic violence an object of political action may only serve to confirm such stereotypes and undermine efforts to combat negative beliefs about the Black community.

This account sharply illustrates how women of color can be erased by the strategic silences of antiracism and feminism. The political priorities of both were defined in ways that suppressed information that could have facilitated attempts to confront the problem of domestic violence in communities of color.

1. *Domestic violence and antiracist politics.*

Within communities of color, efforts to stem the politicization of domestic violence are often grounded in attempts to maintain the integrity of the community. The articulation of this perspective takes different forms. Some critics allege that feminism has no place within communities of color, that the issues are internally divisive, and that they represent the migration of white women's concerns into a context in which they are not only irrelevant but also harmful. At its most extreme, this rhetoric denies that gender violence is a problem in the community and characterizes any effort to politicize gender subordination as itself a community problem. This is the position taken by Shahrazad Ali in her controversial book, *The Blackman's Guide to Understanding the Blackwoman*.³⁷ In this stridently antifeminist tract, Ali draws a positive correlation between domestic violence and the

37. SHAHRAZAD ALI, *THE BLACKMAN'S GUIDE TO UNDERSTANDING THE BLACKWOMAN* (1989). Ali's book sold quite well for an independently published title, an accomplishment no doubt due in part to her appearances on the Phil Donahue, Oprah Winfrey, and Sally Jesse Raphael television talk shows. For public and press reaction, see Dorothy Gilliam, *Sick, Distorted Thinking*, Wash. Post, Oct. 11, 1990, at D3; Lena Williams, *Black Woman's Book Starts a Predictable Storm*, N.Y. Times, Oct. 2, 1990, at C11; see also PEARL CLEAGUE, *MAD AT MILES: A BLACK WOMAN'S GUIDE TO TRUTH* (1990). The title clearly styled after Ali's, *Mad at Miles* responds not only to issues raised by Ali's book, but also to Miles Davis's admission in his autobiography, *Miles: The Autobiography* (1989), that he had physically abused, among other women, his former wife, actress Cicely Tyson.

liberation of African Americans. Ali blames the deteriorating conditions within the Black community on the insubordination of Black women and on the failure of Black men to control them.³⁸ Ali goes so far as to advise Black men to physically chastise Black women when they are "disrespectful."³⁹ While she cautions that Black men must use moderation in disciplining "their" women, she argues that Black men must sometimes resort to physical force to reestablish the authority over Black women that racism has disrupted.⁴⁰

Ali's premise is that patriarchy is beneficial for the Black community,⁴¹ and that it must be strengthened through coercive means if necessary.⁴² Yet

38. Shahrazad Ali suggests that the "[Blackwoman] certainly does not believe that her disrespect for the Blackman is destructive, nor that her opposition to him has deteriorated the Black nation." S. ALI, *supra* note 37, at viii. Blaming the problems of the community on the failure of the Black woman to accept her "real definition," Ali explains that "[n]o nation can rise when the natural order of the behavior of the male and the female have been altered against their wishes by force. No species can survive if the female of the genus disturbs the balance of her nature by acting other than herself." *Id.* at 76.

39. Ali advises the Blackman to hit the Blackwoman in the mouth, "[b]ecause it is from that hole, in the lower part of her face, that all her rebellion culminates into words. Her unbridled tongue is a main reason she cannot get along with the Blackman. She often needs a reminder." *Id.* at 169. Ali warns that "if [the Blackwoman] ignores the authority and superiority of the Blackman, there is a penalty. When she crosses this line and becomes viciously insulting it is time for the Blackman to soundly slap her in the mouth." *Id.*

40. Ali explains that, "[r]egretfully some Blackwomen want to be physically controlled by the Blackman." *Id.* at 174. "The Blackwoman, deep inside her heart," Ali reveals, "wants to surrender but she wants to be coerced." *Id.* at 72. "[The Blackwoman] wants [the Blackman] to stand up and defend himself even if it means he has to knock her out of the way to do so. This is necessary whenever the Blackwoman steps out of the protection of womanly behavior and enters the dangerous domain of masculine challenge." *Id.* at 174.

41. Ali points out that "[t]he Blackman being number 1 and the Blackwoman being number 2 is another absolute law of nature. The Blackman was created first, he has seniority. And the Blackwoman was created 2nd. He is first. She is second. The Blackman is the beginning and all others come from him. Everyone on earth knows this except the Blackwoman." *Id.* at 67.

42. In this regard, Ali's arguments bear much in common with those of neoconservatives who attribute many of the social ills plaguing Black America to the breakdown of patriarchal family values. See, e.g., William Raspberry, *If We Are to Rescue American Families, We Have to Save the Boys*, Chicago Trib., July 19, 1989, at C15; George F. Will, *Voting Rights Won't Fix It*, Wash. Post, Jan. 23, 1986, at A23; George F. Will, *"White Racism" Doesn't Make Blacks Mere Victims of Fate*, Milwaukee J., Feb. 21, 1986, at 9. Ali's argument shares remarkable similarities to the controversial "Moynihan Report" on the Black family, so called because its principal author was now-Senator Daniel P. Moynihan (D-N.Y.). In the infamous chapter entitled "The Tangle of Pathology," Moynihan argued that

the Negro community has been forced into a matriarchal structure which, because it is so out of line with the rest of American society, seriously retards the progress of the group as a whole, and imposes a crushing burden on the Negro male and, in consequence, on a great many Negro women as well.

OFFICE OF POLICY PLANNING AND RESEARCH, U.S. DEPARTMENT OF LABOR, *THE NEGRO FAMILY: THE CASE FOR NATIONAL ACTION* 29 (1965), reprinted in LEE RAINWATER & WILLIAM L. YANCEY, *THE MOYNIHAN REPORT AND THE POLITICS OF CONTROVERSY* 75 (1967). A storm of controversy developed over the book, although few commentators challenged the patriarchy embedded in the analysis. Bill Moyers, then a young minister and speechwriter for President Johnson, firmly believed that the criticism directed at Moynihan was unfair. Some 20 years later, Moyers resurrected the Moynihan thesis in a special television program, *The Vanishing Family: Crisis in Black America* (CBS television broadcast, Jan. 25, 1986). The show first aired in January 1986 and featured several African-American men and women who had become parents but were unwilling to marry. Arthur Unger, *Hardhitting Special About Black Families*, Christian Sci. Mon., Jan. 23, 1986,

the violence that accompanies this will to control is devastating, not only for the Black women who are victimized, but also for the entire Black community.⁴³ The recourse to violence to resolve conflicts establishes a dangerous pattern for children raised in such environments and contributes to many other pressing problems.⁴⁴ It has been estimated that nearly forty percent of all homeless women and children have fled violence in the home,⁴⁵ and an estimated sixty-three percent of young men between the ages of eleven and twenty who are imprisoned for homicide have killed their mothers' batterers.⁴⁶ And yet, while gang violence, homicide, and other forms of Black-on-Black crime have increasingly been discussed within African-American politics, patriarchal ideas about gender and power preclude the recognition of domestic violence as yet another compelling incidence of Black-on-Black crime.

Efforts such as Ali's to justify violence against women in the name of Black liberation are indeed extreme.⁴⁷ The more common problem is that

at 23. Many saw the Moyers show as a vindication of Moynihan. President Reagan took the opportunity to introduce an initiative to revamp the welfare system a week after the program aired. Michael Barone, *Poor Children and Politics*, Wash. Post, Feb. 10, 1986, at A1. Said one official, "Bill Moyers has made it safe for people to talk about this issue, the disintegrating black family structure." Robert Pear, *President Reported Ready to Propose Overhaul of Social Welfare System*, N.Y. Times, Feb. 1, 1986, at A12. Critics of the Moynihan/Moyers thesis have argued that it scapegoats the Black family generally and Black women in particular. For a series of responses, see *Scapegoating the Black Family*, NATION, July 24, 1989 (special issue, edited by Jewell Handy Gresham and Margaret B. Wilkerson, with contributions from Margaret Burnham, Constance Clayton, Dorothy Height, Faye Wattleton, and Marian Wright Edelman). For an analysis of the media's endorsement of the Moynihan/Moyers thesis, see CARL GINSBURG, RACE AND MEDIA: THE ENDURING LIFE OF THE MOYNIHAN REPORT (1989).

43. Domestic violence relates directly to issues that even those who subscribe to Ali's position must also be concerned about. The socioeconomic condition of Black males has been one such central concern. Recent statistics estimate that 25% of Black males in their twenties are involved in the criminal justice systems. See David G. Savage, *Young Black Males in Jail or in Court Control Study Says*, L.A. Times, Feb. 27, 1990, at A1; Newsday, Feb. 27, 1990, at 15; *Study Shows Racial Imbalance in Penal System*, N.Y. Times, Feb. 27, 1990, at A18. One would think that the linkages between violence in the home and the violence on the streets would alone persuade those like Ali to conclude that the African-American community cannot afford domestic violence and the patriarchal values that support it.

44. A pressing problem is the way domestic violence reproduces itself in subsequent generations. It is estimated that boys who witness violence against women are ten times more likely to batter female partners as adults. *Women and Violence: Hearings Before the Senate Comm. on the Judiciary on Legislation to Reduce the Growing Problem of Violent Crime Against Women*, 101st Cong., 2d Sess., pt. 2, at 89 (1991) [hereinafter *Hearings on Violent Crime Against Women*] (testimony of Charlotte Fedders). Other associated problems for boys who witness violence against women include higher rates of suicide, violent assault, sexual assault, and alcohol and drug use. *Id.*, pt. 2, at 131 (statement of Sarah M. Buel, Assistant District Attorney, Massachusetts, and Supervisor, Harvard Law School Battered Women's Advocacy Project).

45. *Id.* at 142 (statement of Susan Kelly-Dreiss) (discussing several studies in Pennsylvania linking homelessness to domestic violence).

46. *Id.* at 143 (statement of Susan Kelly-Dreiss).

47. Another historical example includes Eldridge Cleaver, who argued that he raped white women as an assault upon the white community. Cleaver "practiced" on Black women first. ELDRIDGE CLEAVER, *SOUL ON ICE* 14-15 (1968). Despite the appearance of misogyny in both works, each professes to worship Black women as "queens" of the Black community. This "queenly subversion" parallels closely the image of the "woman on a pedestal" against which white feminists have railed. Because Black women have been denied pedestal status within dominant society, the image of the African queen has some appeal to many African-American women. Although it is not a

the political or cultural interests of the community are interpreted in a way that precludes full public recognition of the problem of domestic violence. While it would be misleading to suggest that white Americans have come to terms with the degree of violence in their own homes, it is nonetheless the case that race adds yet another dimension to why the problem of domestic violence is suppressed within nonwhite communities. People of color often must weigh their interests in avoiding issues that might reinforce distorted public perceptions against the need to acknowledge and address intracommunity problems. Yet the cost of suppression is seldom recognized in part because the failure to discuss the issue shapes perceptions of how serious the problem is in the first place.

The controversy over Alice Walker's novel *The Color Purple* can be understood as an intracommunity debate about the political costs of exposing gender violence within the Black community.⁴⁸ Some critics chastised Walker for portraying Black men as violent brutes.⁴⁹ One critic lambasted Walker's portrayal of Celie, the emotionally and physically abused protagonist who finally triumphs in the end. Walker, the critic contended, had created in Celie a Black woman whom she couldn't imagine existing in any Black community she knew or could conceive of.⁵⁰

The claim that Celie was somehow an unauthentic character might be read as a consequence of silencing discussion of intracommunity violence. Celie may be unlike any Black woman we know because the real terror experienced daily by minority women is routinely concealed in a misguided (though perhaps understandable) attempt to forestall racial stereotyping. Of course, it is true that representations of Black violence—whether statistical or fictional—are often written into a larger script that consistently portrays Black and other minority communities as pathologically violent. The problem, however, is not so much the portrayal of violence itself as it is the absence of other narratives and images portraying a fuller range of Black experience. Suppression of some of these issues in the name of antiracism imposes real costs. Where information about violence in minority communi-

feminist position, there are significant ways in which the promulgation of the image directly counters the intersectional effects of racism and sexism that have denied African-American women a perch in the "gilded cage."

48. ALICE WALKER, *THE COLOR PURPLE* (1982). The most severe criticism of Walker developed after the book was filmed as a movie. Donald Bogle, a film historian, argued that part of the criticism of the movie stemmed from the one-dimensional portrayal of Mister, the abusive man. See Jacqueline Trescott, *Passions Over Purple: Anger and Unease Over Film's Depiction of Black Men*, Wash. Post, Feb. 5, 1986, at C1. Bogle argues that in the novel, Walker linked Mister's abusive conduct to his oppression in the white world—since Mister "can't be himself, he has to assert himself with the black woman." The movie failed to make any connection between Mister's abusive treatment of Black women and racism, and thereby presented Mister only as an "insensitive, callous man." *Id.*

49. See, e.g., Gerald Early, *Her Picture in the Papers: Remembering Some Black Women*, AN-TAEUS, Spring 1988, at 9; Daryl Pinckney, *Black Victims, Black Villains*, N.Y. REVIEW OF BOOKS, Jan. 29, 1987, at 17; Trescott, *supra* note 48.

50. Trudier Harris, *On the Color Purple, Stereotypes, and Silence*, 18 BLACK AM. LIT. F. 155, 155 (1984).

ties is not available, domestic violence is unlikely to be addressed as a serious issue.

The political imperatives of a narrowly focused antiracist strategy support other practices that isolate women of color. For example, activists who have attempted to provide support services to Asian- and African-American women report intense resistance from those communities.⁵¹ At other times, cultural and social factors contribute to suppression. Nilda Rimonte, director of Everywoman's Shelter in Los Angeles, points out that in the Asian community, saving the honor of the family from shame is a priority.⁵² Unfortunately, this priority tends to be interpreted as obliging women not to scream rather than obliging men not to hit.

Race and culture contribute to the suppression of domestic violence in other ways as well. Women of color are often reluctant to call the police, a hesitancy likely due to a general unwillingness among people of color to subject their private lives to the scrutiny and control of a police force that is frequently hostile. There is also a more generalized community ethic against public intervention, the product of a desire to create a private world free from the diverse assaults on the public lives of racially subordinated people. The home is not simply a man's castle in the patriarchal sense, but may also function as a safe haven from the indignities of life in a racist society. However, but for this "safe haven" in many cases, women of color victimized by violence might otherwise seek help.

There is also a general tendency within antiracist discourse to regard the problem of violence against women of color as just another manifestation of racism. In this sense, the relevance of gender domination within the community is reconfigured as a consequence of discrimination against men. Of

51. The source of the resistance reveals an interesting difference between the Asian-American and African-American communities. In the African-American community, the resistance is usually grounded in efforts to avoid confirming negative stereotypes of African-Americans as violent; the concern of members in some Asian-American communities is to avoid tarnishing the model minority myth. Interview with Nilda Rimonte, Director of the Everywoman Shelter, in Los Angeles, California (April 19, 1991).

52. Nilda Rimonte, *A Question of Culture: Cultural Approval of Violence Against Women in the Pacific-Asian Community and the Cultural Defense*, 43 STAN. L. REV. 1311 (1991); see also Nilda Rimonte, *Domestic Violence Against Pacific Asians*, in MAKING WAVES: AN ANTHOLOGY OF WRITINGS BY AND ABOUT ASIAN AMERICAN WOMEN 327, 328 (Asian Women United of California ed. 1989) ("Traditionally Pacific Asians conceal and deny problems that threaten group pride and may bring on shame. Because of the strong emphasis on obligations to the family, a Pacific Asian woman will often remain silent rather than admit to a problem that might disgrace her family."). Additionally, the possibility of ending the marriage may inhibit an immigrant woman from seeking help. Tina Shum, a family counselor, explains that a "'divorce is a shame on the whole family. . . . The Asian woman who divorces feels tremendous guilt.'" Of course, one could, in an attempt to be sensitive to cultural difference, stereotype a culture or defer to it in ways that abandon women to abuse. When—or, more importantly, how—to take culture into account when addressing the needs of women of color is a complicated issue. Testimony as to the particularities of Asian "culture" has increasingly been used in trials to determine the culpability of both Asian immigrant women and men who are charged with crimes of interpersonal violence. A position on the use of the "cultural defense" in these instances depends on how "culture" is being defined as well as on whether and to what extent the "cultural defense" has been used differently for Asian men and Asian women. See Leti Volpp, (Mis)Identifying Culture: Asian Women and the "Cultural Defense," (unpublished manuscript) (on file with the *Stanford Law Review*).

course, it is probably true that racism contributes to the cycle of violence, given the stress that men of color experience in dominant society. It is therefore more than reasonable to explore the links between racism and domestic violence. But the chain of violence is more complex and extends beyond this single link. Racism is linked to patriarchy to the extent that racism denies men of color the power and privilege that dominant men enjoy. When violence is understood as an acting-out of being denied male power in other spheres, it seems counterproductive to embrace constructs that implicitly link the solution to domestic violence to the acquisition of greater male power. The more promising political imperative is to challenge the legitimacy of such power expectations by exposing their dysfunctional and debilitating effect on families and communities of color. Moreover, while understanding links between racism and domestic violence is an important component of any effective intervention strategy, it is also clear that women of color need not await the ultimate triumph over racism before they can expect to live violence-free lives.

2. *Race and the domestic violence lobby.*

Not only do race-based priorities function to obscure the problem of violence suffered by women of color; feminist concerns often suppress minority experiences as well. Strategies for increasing awareness of domestic violence within the white community tend to begin by citing the commonly shared assumption that battering is a minority problem. The strategy then focuses on demolishing this strawman, stressing that spousal abuse also occurs in the white community. Countless first-person stories begin with a statement like, "I was not supposed to be a battered wife." That battering occurs in families of all races and all classes seems to be an ever-present theme of anti-abuse campaigns.⁵³ First-person anecdotes and studies, for example, consistently assert that battering cuts across racial, ethnic, economic, educational, and religious lines.⁵⁴ Such disclaimers seem relevant only in the presence of an

53. See, e.g., *Hearings on Violent Crime Against Women*, *supra* note 44, pt. 1, at 101 (testimony of Roni Young, Director of Domestic Violence Unit, Office of the State's Attorney for Baltimore City, Baltimore, Maryland) ("The victims do not fit a mold by any means."); *Id.* pt. 2, at 89 (testimony of Charlotte Fedders) ("Domestic violence occurs in all economic, cultural, racial, and religious groups. There is not a typical woman to be abused."); *Id.* pt. 2 at 139 (statement of Susan Kelly-Dreiss, Executive Director, Pennsylvania Coalition Against Domestic Violence) ("Victims come from a wide spectrum of life experiences and backgrounds. Women can be beaten in any neighborhood and in any town.").

54. See, e.g., LENORE F. WALKER, *TERRIFYING LOVE: WHY BATTERED WOMEN KILL AND HOW SOCIETY RESPONDS* 101-02 (1989) ("Battered women come from all types of economic, cultural, religious, and racial backgrounds. . . . They are women like you. Like me. Like those whom you know and love."); MURRAY A. STRAUS, RICHARD J. GELLES, SUZANNE K. STEINMETZ, *BEHIND CLOSED DOORS: VIOLENCE IN THE AMERICAN FAMILY* 31 (1980) ("Wife-beating is found in every class, at every income level."); Natalie Loder Clark, *Crime Begins At Home: Let's Stop Punishing Victims and Perpetuating Violence*, 28 WM. & MARY L. REV. 263, 282 n.74 (1987) ("The problem of domestic violence cuts across all social lines and affects families regardless of their economic class, race, national origin, or educational background." Commentators have indicated that domestic violence is prevalent among upper middle-class families.") (citations omitted); Kathleen Waits, *The Criminal Justice System's Response to Battering: Understanding the Problem, Forging the Solutions*, 60 WASH. L. REV. 267, 276 (1985) ("It is important to emphasize that wife abuse is prevalent

initial, widely held belief that domestic violence occurs primarily in minority or poor families. Indeed some authorities explicitly renounce the "stereotypical myths" about battered women.⁵⁵ A few commentators have even transformed the message that battering is not *exclusively* a problem of the poor or minority communities into a claim that it *equally* affects all races and classes.⁵⁶ Yet these comments seem less concerned with exploring domestic abuse within "stereotyped" communities than with removing the stereotype as an obstacle to exposing battering within white middle- and upper-class communities.⁵⁷

Efforts to politicize the issue of violence against women challenge beliefs that violence occurs only in homes of "others." While it is unlikely that advocates and others who adopt this rhetorical strategy intend to exclude or ignore the needs of poor and colored women, the underlying premise of this seemingly universalistic appeal is to keep the sensibilities of dominant social

throughout our society. Recently collected data merely confirm what people working with victims have long known: battering occurs in all social and economic groups.") (citations omitted); Liza G. Lerman, *Mediation of Wife Abuse Cases: The adverse Impact of Informal Dispute Resolution on Women*, 7 HARV. WOMEN'S L.J. 57, 63 (1984) ("Battering occurs in all racial, economic, and religious groups, in rural, urban, and suburban settings.") (citation omitted); Steven M. Cook, *Domestic Abuse Legislation in Illinois and Other States: A Survey and Suggestions for Reform*, 1983 U. ILL. L. REV. 261, 262 (1983) (student author) ("Although domestic violence is difficult to measure, several studies suggest that spouse abuse is an extensive problem, one which strikes families regardless of their economic class, race, national origin, or educational background.") (citations omitted).

55. For example, Susan Kelly-Dreiss states:

The public holds many myths about battered women—they are poor, they are women of color, they are uneducated, they are on welfare, they deserve to be beaten and they even like it. However, contrary to common misperceptions, domestic violence is not confined to any one socioeconomic, ethnic, religious, racial or age group.

Hearings on Violent Crime Against Women, *supra* note 44, pt. 2, at 139 (testimony of Susan Kelly-Dreiss, Executive Director, Pa. Coalition Against Domestic Violence). Kathleen Waits offers a possible explanation for this misperception:

It is true that battered women who are also poor are more likely to come to the attention of governmental officials than are their middle- and upper-class counterparts. However, this phenomenon is caused more by the lack of alternative resources and the intrusiveness of the welfare state than by any significantly higher incidence of violence among lower-class families.

Waits, *supra* note 54, at 276-77 (citations omitted).

56. However, no reliable statistics support such a claim. In fact, some statistics suggest that there is a greater frequency of violence among the working classes and the poor. See M. STRAUS, R. GELLES, & S. STEINMETZ, *supra* note 54, at 31. Yet these statistics are also unreliable because, to follow Waits's observation, violence in middle- and upper-class homes remains hidden from the view of statisticians and governmental officials alike. See note 55 *supra*. I would suggest that assertions that the problem is the same across race and class are driven less by actual knowledge about the prevalence of domestic violence in different communities than by advocates' recognition that the image of domestic violence as an issue involving primarily the poor and minorities complicates efforts to mobilize against it.

57. On January 14, 1991, Senator Joseph Biden (D-Del.) introduced Senate Bill 15, the Violence Against Women Act of 1991, comprehensive legislation addressing violent crime confronting women. S. 15, 102d Cong., 1st Sess. (1991). The bill consists of several measures designed to create safe streets, safe homes, and safe campuses for women. More specifically, Title III of the bill creates a civil rights remedy for crimes of violence motivated by the victim's gender. *Id.* § 301. Among the findings supporting the bill were "(1) crimes motivated by the victim's gender constitute bias crimes in violation of the victim's right to be free from discrimination on the basis of gender" and "(2) current law [does not provide a civil rights remedy] for gender crimes committed on the street or in the home." S. REP. NO. 197, 102d Cong., 1st Sess. 27 (1991).

groups focused on the experiences of those groups. Indeed, as subtly suggested by the opening comments of Senator David Boren (D-Okla.) in support of the Violence Against Women Act of 1991, the displacement of the "other" as the presumed victim of domestic violence works primarily as a political appeal to rally white elites. Boren said,

Violent crimes against women are not limited to the streets of the inner cities, but also occur in homes in the urban and rural areas across the country.

Violence against women affects not only those who are actually beaten and brutalized, but indirectly affects all women. Today, our wives, mothers, daughters, sisters, and colleagues are held captive by fear generated from these violent crimes—held captive not for what they do or who they are, but solely because of gender.⁵⁸

Rather than focusing on and illuminating how violence is disregarded when the home is "othered," the strategy implicit in Senator Boren's remarks functions instead to politicize the problem only in the dominant community. This strategy permits white women victims to come into focus, but does little to disrupt the patterns of neglect that permitted the problem to continue as long as it was imagined to be a minority problem. The experience of violence by minority women is ignored, except to the extent it gains white support for domestic violence programs in the white community.

Senator Boren and his colleagues no doubt believe that they have provided legislation and resources that will address the problems of all women victimized by domestic violence. Yet despite their universalizing rhetoric of "all" women, they were able to empathize with female victims of domestic violence only by looking past the plight of "other" women and by recognizing the familiar faces of their own. The strength of the appeal to "protect our women" must be its race and class specificity. After all, it has always been someone's wife, mother, sister, or daughter that has been abused, even when the violence was stereotypically Black or Brown, and poor. The point here is not that the Violence Against Women Act is particularistic on its own terms, but that unless the Senators and other policymakers ask why violence remained insignificant as long as it was understood as a minority problem, it is unlikely that women of color will share equally in the distribution of resources and concern. It is even more unlikely, however, that those in power will be forced to confront this issue. As long as attempts to politicize domestic violence focus on convincing whites that this is not a "minority" problem but *their* problem, any authentic and sensitive attention to the

58. 137 Cong. Rec. S611 (daily ed. Jan. 14, 1991) (statement of Sen. Boren). Senator William Cohen (D-Me.) followed with a similar statement, noting that rapes and domestic assaults are not limited to the streets of our inner cities or to those few highly publicized cases that we read about in the newspapers or see on the evening news. Women throughout the country, in our Nation's urban areas and rural communities, are being beaten and brutalized in the streets and in their homes. It is our mothers, wives, daughters, sisters, friends, neighbors, and coworkers who are being victimized; and in many cases, they are being victimized by family members, friends, and acquaintances.
Id. (statement of Sen. Cohen).

experiences of Black and other minority women probably will continue to be regarded as jeopardizing the movement.

While Senator Boren's statement reflects a self-consciously political presentation of domestic violence, an episode of the CBS news program *48 Hours*⁵⁹ shows how similar patterns of othering nonwhite women are apparent in journalistic accounts of domestic violence as well. The program presented seven women who were victims of abuse. Six were interviewed at some length along with their family members, friends, supporters, and even detractors. The viewer got to know something about each of these women. These victims were humanized. Yet the seventh woman, the only nonwhite one, never came into focus. She was literally unrecognizable throughout the segment, first introduced by photographs showing her face badly beaten and later shown with her face electronically altered in the videotape of a hearing at which she was forced to testify. Other images associated with this woman included shots of a bloodstained room and blood-soaked pillows. Her boyfriend was pictured handcuffed while the camera zoomed in for a close-up of his bloodied sneakers. Of all the presentations in the episode, hers was the most graphic and impersonal. The overall point of the segment "featuring" this woman was that battering might not escalate into homicide if battered women would only cooperate with prosecutors. In focusing on its own agenda and failing to explore why this woman refused to cooperate, the program diminished this woman, communicating, however subtly, that she was responsible for her own victimization.

Unlike the other women, all of whom, again, were white, this Black woman had no name, no family, no context. The viewer sees her only as victimized and uncooperative. She cries when shown pictures. She pleads not to be forced to view the bloodstained room and her disfigured face. The program does not help the viewer to understand her predicament. The possible reasons she did not want to testify—fear, love, or possibly both—are never suggested.⁶⁰ Most unfortunately, she, unlike the other six, is given no epilogue. While the fates of the other women are revealed at the end of the episode, we discover nothing about the Black woman. She, like the "others" she represents, is simply left to herself and soon forgotten.

I offer this description to suggest that "other" women are silenced as much by being relegated to the margin of experience as by total exclusion. Tokenistic, objectifying, voyeuristic inclusion is at least as disempowering as complete exclusion. The effort to politicize violence against women will do little to address Black and other minority women if their images are retained simply to magnify the problem rather than to humanize their experiences. Similarly, the antiracist agenda will not be advanced significantly by forcibly suppressing the reality of battering in minority communities. As the *48 Hours* episode makes clear, the images and stereotypes we fear are readily

59. *48 Hours: Till Death Do Us Part* (CBS television broadcast, Feb. 6, 1991).

60. See Christine A. Littleton, *Women's Experience and the Problem of Transition: Perspectives on Male Battering of Women*, 1989 U. CHI. LEGAL F. 23.

available and are frequently deployed in ways that do not generate sensitive understanding of the nature of domestic violence in minority communities.

3. *Race and domestic violence support services.*

Women working in the field of domestic violence have sometimes reproduced the subordination and marginalization of women of color by adopting policies, priorities, or strategies of empowerment that either elide or wholly disregard the particular intersectional needs of women of color. While gender, race, and class intersect to create the particular context in which women of color experience violence, certain choices made by "allies" can reproduce intersectional subordination within the very resistance strategies designed to respond to the problem.

This problem is starkly illustrated by the inaccessibility of domestic violence support services to many non-English-speaking women. In a letter written to the deputy commissioner of the New York State Department of Social Services, Diana Campos, Director of Human Services for Programas de Ocupaciones y Desarrollo Económico Real, Inc. (PODER), detailed the case of a Latina in crisis who was repeatedly denied accomodation at a shelter because she could not prove that she was English-proficient. The woman had fled her home with her teenaged son, believing her husband's threats to kill them both. She called the domestic violence hotline administered by PODER seeking shelter for herself and her son. Because most shelters would not accommodate the woman with her son, they were forced to live on the streets for two days. The hotline counselor was finally able to find an agency that would take both the mother and the son, but when the counselor told the intake coordinator at the shelter that the woman spoke limited English, the coordinator told her that they could not take anyone who was not English-proficient. When the woman in crisis called back and was told of the shelter's "rule," she replied that she could understand English if spoken to her slowly. As Campos explains, Mildred, the hotline counselor, told Wendy, the intake coordinator

that the woman said that she could communicate a little in English. Wendy told Mildred that they could not provide services to this woman because they have house rules that the woman must agree to follow. Mildred asked her, "What if the woman agrees to follow your rules? Will you still not take her?" Wendy responded that all of the women at the shelter are required to attend [a] support group and they would not be able to have her in the group if she could not communicate. Mildred mentioned the severity of this woman's case. She told Wendy that the woman had been wandering the streets at night while her husband is home, and she had been mugged twice. She also reiterated the fact that this woman was in danger of being killed by either her husband or a mugger. Mildred expressed that the woman's safety was a priority at this point, and that once in a safe place, receiving counseling in a support group could be dealt with.⁶¹

61. Letter of Diana M. Campos, Director of Human Services, PODER, to Joseph Semidei,