

## *Battered Women at Risk*

*A Rejoinder to Jacquelyn Hauser's and Jacquelyn Campbell's  
Commentaries on "R & B"*

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*I am grateful* to Jacquelyn Hauser and Jacquelyn Campbell for responding so thoughtfully to the dialogue I wrote concerning fatality review. In writing "R & B" as a fictionalized conversation, I wanted to explore issues that are perhaps more difficult to get at using traditional scholarly devices. The commentators target different aspects of the dialogue. Hauser (2005) focuses on the tensions between the researcher (R) and the battered woman (B) over battered women's role in fatality review. Campbell (2005) concentrates on the points raised about risk assessment. Both are important issues for fatality review, and I will address them separately, although they are clearly linked.

In the dialogue, B's concern is that battered women are not adequately represented on teams. She is aware that women who have been battered serve on teams, often as advocates for battered women or in some other professional capacity. However, few teams actively seek the feedback of battered women. In the dialogue, R mentions the West Palm Beach, Florida, team that has found it beneficial to obtain feedback from a thrivers' group. This support group of battered women provided the team with insights that team members probably could not have got by any other means. Formerly battered women on the team and other West Palm Beach team members appreciated these insights because in many ways, they were closer to the street and more in touch with contemporary compromises facing victims. The value of the thrivers' insights lay not in the fact that they were more

authentic, credible, or even accurate but in that they provided different ways of looking at issues and compromises.

Clearly, B is being a little facetious when she talks about hierarchies of credibility with ex-battered women on the bottom of the pile. It is not so much that she dismisses the experiences of battered women who are professionals but, rather, argues for the inclusion of the opinions, experiences, and insights of those who are not professionals. In this sense, B argues for expanding the membership and the experiential base of fatality review teams. Formerly battered women serving on fatality review teams in their professional capacities as victim advocates, police officers, judges, prosecutors, medical examiners, defense attorneys, and so on, and those team members touched by domestic violence in other ways bring rich experiences to the table. However, these review team members work within their own institutional frameworks that shape what they learn, observe, experience, and say. These players know the ins and outs of the institutional and professional networks, but they often know these things from their own places within those systems. B's point is that we need more information from the recipients of these services or from those who, for whatever reasons, choose not to use those services. Put differently, we also need to see domestic violence deaths through the eyes of those who regularly experience the compromises of these dangerous relationships and the social settings within which these relationships are embedded. These additional data ought not be seen as a corrective so much as an expansion of the experiential base of teams.

For example, if we are to understand battered women's lives in inner-city housing, a setting where we see disproportionately high rates of domestic violence homicides, then we need to access the voices of those who live there as well as those who work with them. This does not mean that teams will "identify exclusively with battered women" (Hauser, 2005, p. 1204). I agree with Hauser when she says, "It's the unexpected that gets their attention" (p. 1204). Battered women have provided review teams with some unexpected information. They have done the same for researchers.

Another reason for reaching out and including the perspectives of battered women, their families, friends, neighbors, and workplace colleagues is that domestic violence is a complex

community problem, and review team membership ought to reflect this complexity. The passage of the Violence Against Women Act, the criminal justice orientation of the office on Violence Against Women, the rise of mandatory and proarrest policies, and the appearance of protection orders might imply that domestic violence is eminently amenable to criminal justice solutions. However, the plight of battered women cannot be teased apart from growing social inequalities along lines of race, gender, and social class. I respectfully differ with Hauser's probation officer. Fatality review teams can address racism and "even the root causes of violence" (Hauser, 2005, p. 1202). This work is much too important to leave to elected officials.

The judge in Hauser's (2005) commentary raises a legitimate concern—that reviewers might somehow defer to battered women or tiptoe around them "because we'd worry about offending them if we didn't agree with them" (p. 1204). Battered women who agree to work on review teams will likely not be shrinking wallflowers. Their experiences are as socially situated as those of other team members and are likewise open to respectful and constructive challenge.

Finally, I am curious if Hauser's (2005) prosecutor is involved in what the victim advocate proudly reports as one of the team's great achievements: "The significant increase in numbers of domestics charged as gross misdemeanors and felonies" (p. 1202). Shuffling more batterers into the jails and prisons may keep the criminal justice juggernaut in business and offset some of the searing effects of long-term unemployment. In this sense, the criminal justice juggernaut and its specific application to the field of domestic violence functions rather like the conveyor belt that sends the young and the restless poor off to deserts far away. Bringing battered women onto the radar of these fatality review teams might throw up other noncriminal justice interventions that create social arrangements whereby women can live independently of violent and abusive men if they so choose. Clearly, we need thoughtful criminal justice interventions, but we need them in conjunction with other broad ranging social policies that reduce social inequality.

Jacquelyn Campbell (2005) makes a number of very important points about the virtues of risk assessment, many of which I agree with. As we learn more about domestic violence-related deaths

from the laudable and meticulous research of scholars such as Dr. Campbell and her associates (Campbell et al., 2003a, 2003b) and from the deliberations of fatality review teams, it appears only logical that we would want to plough those findings into preventive interventions. To the extent risk assessment tools provide a common or shared language for talking about battered women's victimization, they are both helpful and powerful. As long as they are conducted with and for battered women rather than on them, I see their value. Clearly, a risk assessment score carries a message, and those parties involved in the handling of these cases ignore those scores at their peril. However, I am concerned that we have not explored sufficiently some of the implications of using risk assessments in domestic violence cases.

As Anthony Giddens (1991) reminds us, under late modern social arrangements, expert knowledge enables people to attempt to plan their lives or anticipate their futures far more carefully than was possible under premodern or early modern forms of social organization. As Giddens notes, "Knowledge relations continually allow the future to be drawn into the present" (p. 3). Under late modernity, people worry about nuclear war, the depletion of the ozone layer, global warming, and so on. The notion of risk emerges as central to late modern social life, particularly the past three decades in the West. The word *risk* gets people's attention, in part because it comes wrapped in the legitimate and credible language of science. In premodern times, words such as *sin* and *taboo* functioned to protect the community in ways similar to the term *risk* (see Douglas, 1990).

In cases of domestic violence, it is now possible to provide individual women with a sense of the risk they might face. As Campbell (2005) observes, many battered women want to know about their level of risk. But we ought be careful in assessing the risks accruing to individual women not to lose sight of the fact that it is mostly men who threaten women. Put differently, the risk to women as a collectivity comes mostly from men. As Chan and Rigakos (2002) remind us, "women's risks of being victimized are deeply gendered" (p. 752). To the extent that risk assessments focus on individual women, I hope we do not lose sight of the social patterns of violence and the implications of them for intervention.

Risk assessments are based on the scientific method and scientific research. Numerous writers, some feminist theoreticians included, have noted the correspondence between the scientific method and male domination (see Gelsthorpe & Morris, 1990; Scraton, 1990; Seidler, 1989, 1994). At the dawn of the modern era, the scientist emerged as someone who tamed Mother Nature. One of the founding fathers of modern science, Francis Bacon (1955), saw the then-new scientific approach as a means of men enslaving nature. Assessing the extent of women's risk at the hands of domineering, colonizing, and violent men by using a scientific method that poses as objective but is nevertheless steeped in the domination and control of nature ought give us cause for concern. Is there not a contradiction here of the most fundamental kind? Or do the ends justify the means?

Ecofeminist and political activist Vandana Shiva (1997) provides useful insights here. She argues modern science reduces and fragments knowledge, turning it into discrete and commodifiable categories. This science separates the knower from the knowledge and forms a union with commercial enterprises on a global scale. Her critique is leveled at the turning of genetically modified (GM) seeds into commodities that are owned by giant corporations, such as Monsanto. The GM seed that grows out of the fruit of plants such as cotton is sterile, requiring third-world farmers to buy GM seed every year, whereas once they grew their own vibrant varieties. Is Shiva's interpretation of the role of science in the production of GM seed relevant to the risk assessment industry in the field of domestic violence? I'll raise three questions. Do risk assessment procedures (a) reduce and fragment knowledge about battered women and their relationships? (b) lift battered women's experiences out of context, perhaps stripping them of their socially situated meanings? or (c) have the potential to become big business? If the answer to any of these is yes, then we ought to proceed carefully.

When battered woman A is assessed to have a certain level of risk, we assume her potential plight is measured against comparable relationships in a like-population of seriously injured or murdered, battered women. This like-population exists somewhere in the past because those women experienced the violence and death that woman A faces, living in the present. Indeed, researchers have gathered much knowledge about this like-

population of cases or what I call the *historical archive*. Nevertheless, we cannot impute a transhistorical character to cases of domestic violence. How can we compare the risk faced by woman A to an archival sample that we have learned about through three decades of research? Are we not comparing apples and oranges? How can we compare current cases with older cases in the archive when these older cases happened during a time when social conditions, intervention strategies, social policies, and so on were different? Are we to assume all these conditions, strategies, policies, and other factors can be held constant? If we indeed assume this, then are we not saying that these conditions, strategies, and policies have no effect? Intimate violence is not transhistorical. Rather, it is socially and historically contingent. Again, as I said earlier, to make sense of violence, we must transcend its mere physical or material manifestations and look at meaning and context.

It is also important to note that the risk discourse emerged alongside huge increases in incarceration, the erosion of civil liberties (consider the Fourth Amendment and the Exclusionary Rule), welfare reform, saturation policing in particularly marginalized communities of color in U.S. inner cities, the privatization of so-called justice-related services, and the proliferation of surveillance technologies. David Garland (2001) understands these developments as part of an increasing culture of control. This is to say nothing of the onerous developments since 9/11 and the gathering of information for the protection of national security. The risk discourse also emerged as the rehabilitative ethos gave way to correctional principles that emphasized incapacitation and retribution. How does the risk assessment industry fit in with these long-term changes in social policies? Is the triaging that risk assessment invites part of an economy of power in the delivery of governmental services? If so, how does this affect battered women in the long term?

When we assess women's risk of intimate partner violence or homicide, is it not the case that blame is just around the corner? Once we have identified high risk, do we turn battered women into their own risk managers? Do these women, equipped with a credible, scientific assessment of their risk, now qualify for more than their usual share of the blame if they get beaten, if they return to him, or if their children get killed?

Finally, as we identify those at highest risk, what do we do with the vast majority of others who perhaps might not enter this elite category? Risk assessment can be entirely consistent with an ethic of triaging. Leaving aside the problem of accurately predicting death, triaging is a helpful way of prioritizing the delivery of scarce services. In a time when there is plenty of money for homeland security and proportionately much less for the chronic interpersonal terrorism directed at women, we would do well to think carefully about the politics of triaging. Risk assessment and management provide a viable, credible, scientifically defensible, and, in many ways, politically correct means of triaging the delivery of relatively scarce services to battered women. It was no coincidence that the rise of modern era science corresponded with the colonization of indigenous peoples all over the world and the harnessing of nature to Western European notions of culture. That risk assessment might have the potential to do something similar to battered women in relationships that recall and resemble colonial tyranny is something we ought ponder carefully.

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