

Law and Violence Against Women
Cases and Materials on Systems of Oppression

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Beverly Balos
&
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Preface

This book grew out of our experience co-teaching a seminar on gender and the law in Fall 1990. As the seminar evolved in subsequent years and expanded from a weekly two-hour seminar to a three-hour course, we came to realize that concentrating on violence against women brings into sharp focus how violence operates on a continuum to inflict harm and constrain women's lives. Isolating women's experiences into separate categories of battering, sexual harassment, rape, prostitution, and pornography tends to obscure the pervasiveness of violence—or the threat of violence—in women's lives. Centering wholly on violence uncovers the interrelationships between harms that traditionally are viewed as separate and distinct phenomena. We can see how one form of violence supports other forms and how all forms share the same social dynamics. We also see how legal and social responses to one form of violence against women may influence, negatively and positively, behavior and attitudes about other forms. In this book we bring together materials that provide a context for extended thought and discussion about the operation of the continuum, the interconnections among the various forms of violence, and the particular forces functioning within each form.

We base our approach to issues of violence against women on three principles. First, although each act of violence takes place in a particularized context and involves the individual responsibility of the perpetrator, each act also is part of interlocking social and legal systems that support violence against women. Second, violence against women is a product of ableism, classism, heterosexism, racism/ethnocentrism, and sexism and can be addressed only by identifying how all the forms of oppression operate simultaneously. Third, it is worthwhile to work toward reform of the legal system to address issues of violence against women, even though looking to an institution that reflects the dominant segments of our society for solutions is problematic.

These principles are embodied in the organization of the book and in each of the chapters. The first three chapters provide historical background and a critical analytical framework to apply to the substantive areas of battering, sexual harassment, rape, prostitution, and pornography. In Chapter 1, we elaborate on the principles through historical essays and analysis. In Chapter 2 we explore the systems of oppression from a multi-disciplinary perspective. In Chapter 3 we complete the foundational structure upon which the succeeding chapters are built by presenting critiques of dominant legal discourse.

Chapters 4 through 8 are structured around the traditional categories of violence against women: battering, sexual harassment, rape, prostitution, and pornography. We planned each chapter to meet two goals: first, to present materials—including narratives, historical analysis, and social science and legal critiques—that present issues that are particular to that category

of violence while at the same time challenging the categories themselves; second, to show the development of the law and the possible directions for legal reform.

The book concentrates on violence against adults. Child abuse, although clearly related, raises a unique set of concerns requiring different areas of concentration and analysis. Moreover, attention to children can sometimes lead to the minimization of the harm that women suffer. Children are viewed as always deserving of sympathy and protection while adult women often are not. To avoid the risk that women's harm would become invisible, issues about child abuse are discussed in this book only when they are relevant to an understanding of violence against adult women.

Editorial Conventions. Except for cases, we use ellipses to indicate omission of substantive material in the extracted sources. We delete footnotes and references without indicating the omission. For cases, we use ellipses to indicate deletions of footnotes and citations as well as of substantive material. Any footnotes that we include in cases or other materials are renumbered in order of appearance in the chapter. *Eds.* is used at the end of a footnote that we have added. The readings come from a variety of sources, all having a unique set of citation rules. For the most part, we have rearranged the information to conform to *The Bluebook: A Uniform System of Citation* (15th ed. 1991). The typeset recommended by *The Bluebook* is not followed.

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