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Violence Against Women Act Research Paper

Introduction:

Prior to the passing of the Violence Against Women Act in 1994, there was a heightened awareness of domestic violence toward women and increased actions to decrease rates of abuse (Cho, Wilke 2005, 127-137). This lowered rate of domestic violence was partially due to the increased economic status of women during this period (Cho, Wilke 2005, 127), and partially because “the number of emergency shelters for battered women has increased nationwide since the early 1970’s” (Cho, Wilke 2005, 136). Women living in abusive relationships were able to leave at an increasing rate, knowing they would have a place to stay.

According to a study conducted by Hyunkag Cho and Dina J. Wilke (2005) at Florida State University, the Violence Against Women Act had resoundingly positive outcomes including a decline in domestic violence rates and an increase in the number of victims of domestic violence who seek help by going through the criminal justice system (137). However, this study looked only at 2,368 female domestic violence victims, failing to investigate rates of domestic violence against male victims. There has been substantially less research conducted and literature written on male victims of domestic abuse than female victims of domestic abuse (Hall, 2012, 12). According to Ronald E. Hall (2012), searching for literature on female batterers

results in 5% of the literature that is available when researching male batterers (12). Therefore, when saying that the Violence Against Women Act has hugely decreased domestic violence and aided victims, one is making a gendered claim. In reality, research has been almost entirely focused on female victims of male batterers. The Violence Against Women Act was predicated on female victimhood and male dominance. This paper aims to discern the relationship between the Violence Against Women Act and societal beliefs about femininity, masculinity, and gender roles as pertaining to domestic violence.

Changing Gendered Language in the Violence Against Women Act and Society:

As cited in Cho and Wilke's study (2005), "The domestic violence incidence rate is defined by the Bureau of Justice Statistics as the rate of females over the age of 18 who are victims of violent crime, including rape, sexual assault, robbery, aggravated assault, and simple assault, committed by a current or former spouse or boy-friend" (130). Today, the Bureau of Justice Statistics defines domestic violence as "violence between spouses, or spousal abuse but can also include cohabitants and non-married intimate partners" and rape as "Forced sexual intercourse including both psychological coercion as well as physical force. Forced sexual intercourse means vaginal, anal or oral penetration by the offender (s). This category also includes incidents where the penetration is from a foreign object such as a bottle. Includes attempted rapes, male as well as female victims, and both heterosexual and homosexual rape. Attempted rape includes verbal threats of rape." (2014)

These widely differing definitions over the span of only nine years show how hugely our society is changing with respect to awareness of domestic abuse. In 2005, same-sex violence could not be classified as domestic abuse, nor could violence aimed at a male victim by a female

perpetrator. Victims belonging to these classifications now have much greater visibility and access to aid.

The universal definitions and grant conditions section of the Violence Against Women Reauthorization Act of 2013 provides a statement of nondiscrimination that reads:

No person shall, on the basis of actual or perceived race, color, religion, national origin, sex, gender identity (as defined in paragraph 249(c)(4) of title 18, United States Code), sexual orientation, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under the Violence Against Women Act of 1994... the Violence Against Women Reauthorization Act of 2013, and any other program or activity funded in whole or in part with funds appropriated for grants, cooperative agreements, and other assistance administered by the Office on Violence Against Women.

This statement of nondiscrimination means that legally speaking, all cases of domestic violence should be given equal importance. Victims of any classification are subject to equal protection and must have the same access to aid funded by the Office on Violence Against Women.

Furthermore, Title I of the Violence Against Women Reauthorization Act of 2013, Enhancing Judicial and Law Enforcement Tools to Combat Violence Against Women, outlines the goal of “developing, enlarging, or strengthening programs and projects to provide services and responses targeting male and female victims of domestic violence, dating violence, sexual assault, or stalking, whose ability to access traditional services and responses is affected by their sexual orientation or gender identity.”

However, Title IV of the Violence Against Women Reauthorization Act, Violence Reduction Practices, allocates money to programs that aim to prevent domestic violence, dating violence, sexual assault, and stalking by focusing “on youth, children exposed to violence, and men as leaders and influencers of social norms.” This funding aims to help “men to serve as role

models and social influencers of other men and youth at the individual, school, community or statewide levels.”

This gendered goal is questionable. I argue that discriminating based in sex in the allocation of funds inherently goes against the nondiscrimination clause. Such a goal shows that lawmakers, while claiming that funds must protect all victims of domestic violence, continue to see men as abusers and women as victims. Furthermore, calling for “men to serve as role models and social influencers of other men” is revealing of social ideas of manhood. The gendered language suggests that only men can be role models for other men and boys.

One such example of lawmakers continuing to see domestic violence as a gendered issue is the address given by Vice President Joe Biden. Biden introduced the Violence Against Women Act in 1990. In 2014, 20 years after the initial act was passed, Biden made a public address saying, “The American people have sent a message: You’re a coward for raising a hand to a woman or child—and you’re complicit if you fail to condemn it.” His words show that while the Violence Against Women Act has been amended to prohibit discrimination against male victims, still today men are not the focus of the law. Vice President Biden’s language is highly gendered and harmful to both men and women. Though he seems to be speaking to the general public, Biden is actually addressing the male public, assuming that only men are abusers. He also conflates women and children, telling the United States that women are weak, dependent, or like children. If Vice President Biden and society truly viewed domestic violence as gender neutral and the Violence Against Women Act as protecting all people, he would instead have said it is cowardly to raise a hand to a person unable to defend him or herself.

There have been great strides made in the past decade in effort to recognize all forms of domestic violence and create programs to aid all victims. However, changing legal language

alone does not have the practical impact desired if not accompanied by changing societal views. Society in the United States continues to view domestic violence as a gendered issue.

Male Victims of Domestic Violence:

Men experience domestic violence at the hands of women at an equal rate as women experience violence at the hands of men and do not have access to the aid and welfare services available to battered women (Hall, 2012, 7-8). Public policy dealing with domestic violence has almost entirely focused “on male-perpetrated domestic violence and the needs of female victims and their children... out of the nearly 2,000 shelter in the United States, only a handful offer beds to battered men and their children, and outreach programs targeting male victims are essentially nonexistent” (Muller et. al. 2009, 626). According to Ronald E. Hall, scholar at Michigan State University, “the inability to acknowledge male victims of domestic violence” is due to “cultural traditions of the Western patriarch” (2012, 7). Our culture tends to assume that cases of domestic violence involve a female falling victim to male violence.

According to findings by Henry J. Muller, Sarah L. Desmarais, and John M. Hamel in a study of 157 temporary restraining order petitions for domestic violence in California, judges were nearly 13 times more likely to grant the temporary restraining order if the victim was female (against a male abuser) than if the victim was male (against a female abuser) (2009, 625). The authors explain these striking finding by suggesting that “Court judges may share beliefs consistent with the patriarchal paradigm and, thus, are responding to requests in a manner consistent with this one-sided and largely stereotypical viewpoint about the nature of domestic violence” (Muller et. al. 2009, 635).

Even when there are resources available to male victims of domestic violence, there are social and mental barriers to men seeking the help they need. According to Venus Tsui, Monit Cheung, and Patrick Leung (2010), when compared to women, men less often seek professional help when they have experienced domestic abuse (769). This is because in our society, men are expected to be physically stronger than females, and therefore physically capable of defending themselves and putting an end to the relationship violence. Men who are abused are often seen as permitting the violence to go on. Furthermore, men are expected to have the financial and mental ability to resolve any issues in their homes and relationships (Tsui et. al. 2010, 769-770). In our society, being a victim of domestic abuse and seeking help is emasculating and labels a man as weak.

Domestic Violence in Same-Sex Relationships:

When the Violence Against Women Act was in front of congress for reauthorization in 2012, there was significant political debate between the parties regarding the addition of protections for lesbian, gay, bisexual, and transgender (LGBT) victims of domestic abuse (Borowski 2012, 2). Leading up to the reauthorization of the Violence Against Women Act, LGBT victims of domestic violence often had trouble gaining recognition from the state. According to Lynn Rosenthal (2012), the White House Advisor on Violence Against Women, domestic violence is just as prevalent in same-sex relationships as in heterosexual relationship, yet “according to a 2010 survey by the National Coalition of Anti-Violence Programs, 45% of LGBT victims were denied services when they sought help from a domestic violence shelter, and nearly 55% were denied protection orders.”

Jamye Banks (2012) explains that LGBT victims of domestic violence are largely invisible because of “the myth that only men are perpetrators, women are victims, and domestic

violence is more likely to occur in heterosexual relationships” (196). Banks (2012) found that domestic abuse in same-sex relationships looks very similar to, and can be categorized the same as, domestic abuse in heterosexual relationships (198); however, LGBT victims do not report domestic violence as often as non-LGBT victims (196). The underreporting of relationship violence in the LGBT community could result from fear of homophobia and stigmatization (Banks 2012, 196).

When the Violence Against Women Reauthorization Act of 2013 was finally passed, it included protections for LGBT victims of domestic violence (as quoted earlier in this paper). However, similarly to heterosexual male victims of domestic violence, LGBT victims face barriers beyond those written into legislation. The socially imposed barriers against LGBT victims seeking help will continue as long as homophobia and misunderstandings surrounding dynamics of same-sex relationships persist in our country. These barriers can be combatted by specifically training personnel to work with LGBT victims, as funded by the Violence Against Women Reauthorization Act of 2013; however, it will not be an easy process.

Conclusion:

The Violence Against Women Act is connected to societal views on gender roles as pertaining to domestic violence in that its language reflects engrained social understandings about domestic violence. While there is still gendered language in the Violence Against Women Reauthorization Act of 2013, many of the changes made since the passing of the original Violence Against Women Act in 1994 show that society in the United States is changing. Today, the term domestic violence includes violence by female perpetrators aimed at male victims, as well as violence within same-sex relationships. We are beginning not only to add inclusive language to our laws, but also to redefine our ideas of gender roles in relationships. However,

male victims of domestic violence continue to lack access to the aid they require for recovery, and even when there are resources available many men often do not reach out for help because they are worried about stigmatization. What gendered language remains in our laws and public addresses by politicians contributes to this. When language is aimed at female victims, male victims feel unrecognized and pressured into silence. Similarly, LGBT victims of domestic abuse continue to lack visibility in the United States. LGBT victims often decide not to come forward because they feel like the systems in place are unsuited to provide the assistance they need, or because they are scared of continued homophobia in our society. Going forward, it is important to continue on the path of inclusivity and removal of gendered language. Including gendered language in our laws only provides for wider gender gaps, and positively serves neither men nor women.

Reference List:

- Banks, Jamye R.1, jr.banks@uky.edu, and Alicia L.1 Fedewa. 2012. "Counselors' Attitudes Toward Domestic Violence in Same-Sex Versus Opposite-Sex Relationships." *Journal Of Multicultural Counseling & Development* 40, no. 4: 194-205. *Education Full Text (H.W. Wilson)*, EBSCOhost (November 18, 2014).
- Biden, Joe. 2014. "Changing The Culture." *Time* 184, no. 11: 21. *Readers' Guide Full Text Mega (H.W. Wilson)*, EBSCOhost (November 17, 2014).
- Borowski, Susan. 2012. "The Controversial Reauthorization of the Violence Against Women Act." *INSIGHT Into Diversity* 79, no. 4/5: 24-26. *Business Source Complete*, EBSCOhost (November 18, 2014).

Hall, Ronald E. 2012. "The Feminization of Social Welfare: Implications of Cultural Tradition vis-à-vis Male Victims of Domestic Violence." *Journal Of Sociology & Social Welfare* 39, no. 3: 7-27. *Academic Search Complete*, EBSCOhost (November 17, 2014).

Hyunkag, Cho, and Dina J. Wilke. 2005. "How Has the Violence Against Women Act Affected the Response of the Criminal Justice System to Domestic Violence?." *Journal Of Sociology & Social Welfare* 32, no. 4: 125-139. *Academic Search Complete*, EBSCOhost (November 17, 2014).

Muller, Henry, Sarah Desmarais, and John Hamel. 2009. "Do Judicial Responses to Restraining Order Requests Discriminate Against Male Victims of Domestic Violence?." *Journal Of Family Violence* 24, no. 8: 625-637. *Academic Search Complete*, EBSCOhost (November 17, 2014).

Rosenthal, Lynn. 2012. "Ensuring That LGBT Victims of Domestic Violence Can Access Critically Needed Services and Protections." *The White House*.
<<http://www.whitehouse.gov/blog/2012/05/15/ensuring-lgbt-victims-domestic-violence-can-access-critically-needed-services-and-pr>>. (November 18, 2014)

Tsui, Venus, Monit Cheung, and Patrick Leung. 2010. "Help-seeking among male victims of partner abuse: men's hard times." *Journal Of Community Psychology* 38, no. 6: 769-780. *Academic Search Complete*, EBSCOhost (November 17, 2014).

United States. 2013. *Violence Against Women Reauthorization Act of 2013*.

U.S. Department of Justice. Bureau of Justice Statistics. 2014. *Terms & Definitions: Crime Type*.

<http://www.bjs.gov/index.cfm?ty=tdtp&tid=3>. (November 17, 2014)