**“Mom doesn’t really trust the system”: FEMALE
CHILDREN OF ABUSED BLACK CARIBBEAN WOMEN
AND MANDATORY ARREST**

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Abstract

Woman abuse is a constant concern in the lives of many women, regardless of race, class, ethnicity, or age. Yet, the interventions implemented to address this issue are based primarily on the experiences of abused white women, which are taken to represent the experiences of all abused women. This historical standard of white women as essential women has resulted in the experiences of many abused black Caribbean women (and other women of colour) being ignored. By employing a political notion of 'the essential' woman, policies such as mandatory arrest, further complicate the particular circumstances of abused, racialized women. This study employs *non-essentialist standpoint feminism* and *black feminism*, which seeks to overcome the limitations of previous approaches in order to give voice to marginalized women and build a more sound response to woman abuse.

The notion of the essential woman coupled with systemic racism in the legal system makes mandatory arrest ineffective in addressing woman abuse in black Caribbean families. This thesis examines the perspectives of black Caribbean women who were once 'child witnesses' of both woman abuse and police indifference towards their abused mothers. Once the limitations of mandatory arrest are revealed, this study recommends the use of the *needs assessment approach* as a better intervening mechanism to empower women and address abuse in their lives.

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Introduction

In the last 30 years, woman abuse in intimate relationships has received more and more public and professional attention. It represents the most common cause of injury to women and does not discriminate in its impact (Huang and Gunn, 2001). Woman abuse is a global social phenomenon that is a constant in the lives of many women regardless of race, class, culture or ethnicity (Duffy, 2005). “[T]he twenty-five year old female student in Mississauga, the 90-year-old housewife in Somalia, and the 45-year-old woman religious worker in Guatemala” (Duffy, 2005:128) can all be victims of woman abuse, thus, its social impact cannot be underestimated.

Woman abuse may be defined in numerous ways, emphasizing different aspects of what intimate violence entails. Halsted (1992) describes it as “an experience that includes emotional, sexual, psychological, and physical abuse inflicted by an individual with whom the victim has a relationship of sexual intimacy.” For the purpose of this thesis, however, woman abuse will only refer to physical abuse in heterosexual relationships. Considering the historical tenets of what I refer to as *feminist essentialism*, upon which I will elaborate in subsequent paragraphs, abuse has been conceived of as a heterosexual phenomenon. Clearly, lesbian violence in intimate relationships does exist (Renzetti, 1998) and this purportedly complicates feminist theorizing when woman abuse is linked to “a case against the patriarchy” (Dobash and Dobash, 2002). A study of the policing of same-sex violence in intimate relationships and the effect of police response on child witnesses would be an important

contribution to the literature, but is not the focus of this study. Decades worth of statistics on racial biases in law enforcement policies coupled with both the personal context of my own experiences and the experiences of the women in my exploratory sample, which speak to their childhood in heterosexual relationships, make it a prudent choice to reserve the study of same-sex abuse for another forum.

The statistics are staggering. From a global perspective, 20-67% of women are victims of woman abuse (Krane, 1996). The abuse they face is continuous and persistent, which leaves them in an inescapable cycle of violence. In North America, it is estimated that between 14% and 50% of women are abused by their intimates. In the United States, approximately one fifth of the violent crimes against women are of an intimate nature (Eitle, 2005). In Canada, one in eight married women are victims. This estimate increases if we include those who are not common law or married (Krane, 1996). Similarly, in Africa, depending on the country, 40-60% of women become victims (Krane, 1996).

Theories that strive to explain male pathology, male psychological impediments, inter-generational transference of violence, and patriarchy are among the many explanations for woman abuse (Sheppard, 2000). However, regardless of the reasons given, being a victim of physical abuse can be significantly detrimental to one's physical and psychological development. It radically increases a woman's risk of experiencing "depression, suicide, post-traumatic stress disorder and other forms of emotional trauma" (Eitle,

2005:574). Additionally, most victims share similar attributes such as accepting fault for the abuse, being vulnerable to feelings of guilt and shame, being fearful of leaving, and sustaining traditionalistic views of woman abuse and privacy in the home (Wallace and Seymour, 1991). Despite the fact that there is evidence that points to the dangers associated with this sort of abuse and its prevalence, woman abuse is generally trivialized. As a result, it represents one of the most miscalculated and underreported crimes against women (Huang and Gunn, 2001).

Though it may be trivialized in the general population, research on the phenomenon of woman abuse is flourishing. The research available, however, fails to significantly address the specific circumstances of women of colour (Krane, 1996), especially from a Canadian perspective. This is very unsettling because while scholars try to understand woman abuse and legal policy makers attempt to introduce new techniques to combat the problem, many women's experiences are not been accounted for. As the majority of studies focus only on the experiences of abused white women, by implication woman abuse has only been analyzed through their experiences, comes to represent the experience of all abused women. This is a process known as *essentialism*, which disregards or obfuscates the circumstances of abused women of colour.

This form of essentialism epitomizes the white woman as the essential woman, so that all others become secondary. The essential woman prevailed in the Women's Liberation Movement of the nineteenth century and became a staple in the thoughts of many feminists during Second Wave Feminism in the

mid-twentieth century, which significantly influenced legal practices employed to protect abused women. Both movements were successful in positively affecting women. This success, however, diminished the experience of non-white women as it only portrayed the dilemma through the eyes of white, middle class, suburban women (Amos and Parmar, 1984). This image of woman crossed over to the legal domain, which in turn created an implicit opportunity that enabled law enforcement officers to continue to uphold racist ideologies about women of colour and to formulate a standard for a “real” battered woman. The ideology of the real battered woman who was docile enough, womanly enough and deserving enough of protection became entrenched when the mandatory arrest policy was established to protect all abused women. As a result, the possible potential benefits of mandatory arrest did not apply to abused women of colour, more specifically, the policy failed to protect abused black women.

Acknowledging the detrimental side effects associated with mandatory arrest policy, this research project strives to demonstrate that in feminists’ efforts to fight for equal treatment for all women in abusive relationships, many second wave feminists still depended on an essential woman ideology, which fuelled racism already embedded in the legal system. Police officers understood their role and response in the context of the vague application of the essential woman, determining who they believed was deserving of protection. Of course, mandatory arrest policy was not supposed to be a mechanism for further discrimination. By giving voice to child witnesses of police responses to violence in the black Caribbean homes, this thesis will provide research from a

black feminist perspective, offering a thorough examination of the adverse consequences of mandatory arrest and suggestions for change.

This thesis consists of seven chapters. Chapter one acts as an introduction to the concept of the essential woman and woman abuse. It provides a historical explanation of the development of 'the essential woman' and illustrates its usage in both women's movements to combat woman abuse and to challenge existing laws. While this chapter accepts the positives that are associated with the essential woman, it also reveals that these positives are beneficial only to abused white women, furthering discrimination against or the neglect of abused black women.

Despite this finding, chapter two demonstrates how the concept of the essential woman was used to categorize abused women as one unitary part of the struggle to combat woman abuse. In this way, mandatory arrest was implemented in North America so that all abused women were treated in the same manner, as if all women endured the same circumstances. This universal treatment came at the expense of abused black women and other women of colour. This chapter provides a comprehensive analysis of the mandatory arrest policy, outlines its development and enforcement practices, and reveals that the concept of the essential woman along with police racism "colours" police officers' to effective enforcement of mandatory arrest when confronted with an abused woman in a black household.

In chapters three and four, my research is furthered by my own unique exploratory study of child witnesses of black Caribbean descent, which lays the

foundations for the rest of my analysis. I refer to this as an exploratory study because my research enabled adults, who once had been child witnesses, to voice their opinions on woman abuse and mandatory arrest. In chapter three, I provide a literature review on child witnesses illustrating that there is a dearth of research available on black child witnesses, and even less on how mandatory arrest affects child witnesses.

Given the lack of research in this area, chapter four proceeds by presenting the theory and method used to gather the data for my exploratory study. I name and explore the *non-essentialist standpoint feminist* theory as my chosen theoretical approach to frame the accounts of the participants, and *snowball sampling* as the method used to acquire my participants.

In chapter five, I present the stories of the five Caribbean women – in their own words. These women have a story to share with the world and I believe that by presenting the transcripts of my discussions with them in an uninterrupted and an unaltered manner provided for a greater impact on legal, political and social conventions. In keeping with my standpoint, and in order to augment the significant narratives, in chapter six, I introduce my own story as a child witness and compare my experience with those of the participants. Here, I provide an analysis that outlines four similarities that the participants and I share. This analysis not only reinforces the effects of this problematic issue, but it also provides significant evidence that children are certainly victims of woman abuse and that a police officer's reaction to this situation significantly influences a child's perception and trust of the criminal justice system.

Having provided a comprehensive analysis of the defects of the mandatory arrest policy, in chapter seven I propose a reform. I believe that *black feminism* should be used when analyzing the experiences of abused black Caribbean women (and other women of colour), as it will eliminate essentialist theorizing. Not all women share the same experience and they should therefore, not be categorized in this way. Black women are intersectionally subjected to multiple forms of oppressions so that to be effective in cases of abused black women, criminal justice policies should reflect black feminism's understanding, necessitating that law enforcement responses do not adopt a "one size fits all" orientation. For this to occur, I recommend that the mandatory arrest policy be eliminated and replaced by a new approach to woman abuse that we might call a *needs assessment approach*. This would be a holistic approach meant to address the needs of the victims by fulfilling three criteria. First, a needs assessment approach would emphasize *inclusivity* through the diverse recruitment of law enforcement officers. Second, it requires cultural *sensitivity* training for police officers, which would focus on understanding and analyzing the forms of oppression that abused women of colour face. Finally, it would require police officers to provide a service to victims, which would be compatible with the victim's *needs and rights*. The intent of this thesis is to rethink and enhance the protection of abused black women, and I believe that if my suggestions were implemented, this approach could positively affect the lives of all abused women.

Chapter 1

FEMINISM AND THE *ESSENTIAL WOMAN*

Introduction

This chapter first begins by explaining the concept of *essentialism*. This then leads us into a discussion of the development of race superiority through essentialism, which has allowed for the creation of the term the *essential woman*. An illustration is then given of how the term the essential woman was used in both the women's movements of the nineteenth and the twentieth centuries in order to combat woman abuse in the home. While the movement of the nineteenth century upheld the racist intentions of the essential woman, the twentieth century movement idealized women – regardless of race or class differences, into a singular political unit. Both waves had negative implications for black women in abusive relationships and in law.

Essentialism and the Development of the *Essential Woman*

Essentialism -- the ideology

Essentialism as an idea is first found in the works of Plato in his discussion of ideal forms. He reasoned that a triangle regardless of its shape, size or angle was nonetheless a triangle, thereby differentiating it from a circle or a rectangle. He believed that his insight or discovery represented a natural phenomenon embodying a fixed and unchanged form, *eide*, which now is commonly referred to as *essence*. (DeLamater and Hyde, 1998). As a result of

Plato's unique understanding of eide or essence as a natural phenomenon, essentialism became the fundamental reasoning of philosophical and scientific thought in the Western World. So much so, that it moved beyond simply categorizing different shapes and objects to categorizing human beings.

Accordingly, essentialism refers to the idea that there is some form of underlying nature or *essence* (Medin, 1989) in a particular group or entity, and that this essence simultaneously separates the group from other groups or entities, while uniting that group or entity as a whole. This essence is bound, unalterable and is historically persistent. It is a natural and significant aspect of one's life that renders all other characteristics of the individual or entity in the group unimportant (Haslem et al., 2000). Examples include, but are not limited to, race, gender and ethnicity.

According to some scholars (DeLamater and Hyde, 1998; Haslam et. al, 2000; Demoulin et al., 2006), there are different categories of essentialism, but the two most important for this analysis are, *natural kind-ness*, referring to Plato's discovery, and *subjective essentialism*. With regard to the former, for an object to embody essence, it has to be natural or innate. As for the latter, "people often (mis)attribute essences to social groups, that is, they tend to assume that group members share with one another something deep inside that differentiates their group from other groups in their social environment" (Demoulin et al., 2006:26). By doing so, people ignore the fact that these social groups are mere social inventions (Hirschfeld, 1996) and not natural phenomena. This erroneous social categorization of groups can lead (and has led) to anti-social phenomena

such as prejudice, discrimination, stereotyping and racism (Yzerbyt et. al. 1997). Understanding both natural kind-ness and subjective essentialism is important because of their vivid connection to the development of racism during the colonial era, which in one way or another still survives today. The interpretation and employment of these theories led to the development of the superiority of whiteness, which when applied to women, made white women supposedly superior over all other women -- more specifically black women.

Race superiority and the essential woman

It may be argued that during the colonial era, both natural kind-ness and subjective essentialism assisted in the 'historical construction' of western societies, which thus established whiteness as the epitome of humanity and civilization. This construction of western society facilitated four functions. First and foremost, it allowed for the [racist] categorization of societies into two main taxonomies: on the one hand, "the west", "[a] society that was developed, industrialized, urbanized, capitalist, secular, and modern", and white. On the other hand, its antithesis, "the rest", or a society that is underdeveloped and undesirable (Hall, 1996:186). In addition, essentialism may represent an image of the amalgamation of varying characteristics into one body -- the white body. Coupled with the above, essentialism thus embodies what "the rest" or "others" should strive to be. It becomes a mechanism for comparison, or a standard by which non-western societies are ultimately measured. Lastly, it manifested itself as an ideology; and as such, once the idea of 'the west' emerged, individuals

took on a different awareness which made them begin to articulate greater prejudices on certain subjects and people (Hall, 1996). These four functions allowed for what Blaut (1993:1) called *Eurocentric Diffusionism*:

“Europeans are seen as the ‘makers of history.’ Europe eternally advances, progresses, modernizes. The rest of the world advances more sluggishly, or stagnates: it is ‘traditional society.’ Therefore, the world has a permanent geographical centre and a permanent periphery: an Inside and an Outside. Inside leads, Outside lags. Inside innovates, Outsider imitates”.

The enlightenment period allowed for the formation of “the west” and its Eurocentric diffusionist standpoint. This in turn, allowed for the formation of white superiority. During that time, Europeans believed that they possessed a natural or innate characteristic that made them the epitome of humanity. However, in order to validate their beliefs and this strong sense of self, they needed something or someone to be compared to... Thus, the “other” was formed:

“As Europeans constructed a sense of self for themselves...they had of necessity to create a notion of an ‘other’ beyond the seas. To describe oneself as ‘enlightened’ meant that someone else had to shown as ‘savage’ or ‘vicious’. To describe oneself as modern or progressive, meant that those who were not included in this definition had to be described as ‘primitive’ or ‘backward’. Such alterity... was an integral part of the Enlightenment project” (Metcalf, 1995: 16).

They believed that their European society was the most advanced. Thus, encountering other societies, only solidified their beliefs further. Not only were Europeans now the most advanced, but when they referred to those they encountered as cannibals, savages, or as less than human and realized that the skin colour of the “others” was darker, they firmly believed that they were the most civilized; and therefore, whiteness became essential to representing civilization and humanity (Hall, 1996). “The west”, equipped with subjective essentialism, thus took on a false identity (that meant) being white made them

superior to “others”. This was based on the belief that their colonizing achievements were an innate essence, which opened the door for natural kindness (whiteness) to become a dominant and racist force in society.

Discourses that represented a particular way of describing “the west” or whiteness as superior to all others emerged. As such, essentialist discourses allowed European societies to embody dominant power (Hall, 1996). According to Michel Foucault (1980:201), while discourse implies power, it also functions as one of the ‘systems’ that allow power to circulate, therefore, producing powerful knowledge, used to control those who are ‘known’; and as such, making the ‘truth’ of the discourse a reality. The ‘truth’ was that the white race was superior to all others, which allowed for the dehumanization of those who “the west” categorized as “others” (Williams Jr., 1990). A vivid example of dehumanizing the “other” through discourse was Daniel Defoe’s fictional, but powerful, novel *Life and Adventure of Robinson Crusoe* (1910). In it, Defoe distinctively separates the savage from the civilized, especially, in Crusoe’s description of one of his first encounters with cannibalism on the island.

“the shore spread with skulls, hands, feet, and other bones of human bodies; and particularly I observed a place where there had been a fire made, and a circle dug in the earth...where it is supposed that the savage wretches had sat down to their inhumane feastings upon the bodies of their fellow creatures” (152-3).

Having witnessed this solidified Crusoe’s previous beliefs that he was someone more humane and distinguished from these uncivilized creatures – that he was superior (Pennycook, 1998).

Whiteness represented the essence of humanity and civilization while “others” became targets of racism because they did not fit into such a category

(Williams Jr., 1990; Hall, 1996). Due to the fact that Native Indians did not conform to this category, their lands were appropriated. Likewise, black people could not possess this “so-called” essence of humanity. In fact, this dispossession led to their enslavement and subjected them to laws that continuously reinforced their “lower” place in society. They were above animals, but less than human – they were sub-humans and slave laws were set in place to remind them of this “fact”. In her discussion on slave laws, Patricia Williams (1988:32) argues that in the realm of the bourgeois, “wisdom, control, and aesthetic beauty signified the *whole* white personality”; whereas, “irrationality, lack of control and ugliness signified” black people, which justified slavery and eventually justified the treatment that black people suffer post-slavery.

While white women were not held in the same regard as white men, they were, nevertheless, more human and more civilized than women categorized as “others”. For example, in the realm of sexuality, the inferiority of black women was directly attributed to their animal-like desires, which thus placed them in direct opposition with the thesis of a chaste white woman. They represented the opposition with regard to European standards of sexuality and beauty and so were relegated to the lowest ranks in European societies (Gilman, 2003). This oppositional characterization of black women became instrumental in creating the *essential woman* and thus, shaping the notion of the “real battered women” in law, which is to be discussed in a subsequent chapter. Discourses portrayed white women as the true women of society; therefore, being a white woman was

the essence of being a woman (Amos and Parmar, 1984) -- the essential woman. The essential woman found its way into the feminist battle against woman abuse and thus into legal practices that claim to protect all women from abusive partners.

Much of the early feminist practices and theories, which are illustrated below, employed and upheld pre-existing racist ideologies regarding notions of the essential woman or white women (Amos and Parmar, 1984). However, the concept of the essential woman under one name, “woman”, has been used by second wave feminism to obtain victories in law, which —they assumed were victories for all women. Yet, while embracing this new amendment of the essential woman, the supposed inclusivity of all women, feminists failed to realize that it had the innate possibility of crippling the progress of many “other” women in society.

The Essential Woman, Woman Abuse and Law in the 19TH Century

Prior to the late nineteenth century, woman abuse in the home was not a crime. In fact, British common law, from which Canadian and American law derives, legitimized and legalized woman battering in the domain of marriage. The basis for this was the historical dichotomy of inferior versus superior. In societal hierarchy, subjects were subordinate to their kings, slaves to their masters, women to men, thus wives to their husbands (Clark, 1992:188). To further declare this ‘truth’, the eighteenth century jurist, William Blackstone,

deemed that the 'doctrine of marital unity' meant that a woman relinquished her personhood in marriage and assumed the role of the subservient wife (Bonnycastle and Rigakos, 1998:10). She was his property. "The common law gave a man almost unlimited power to control a woman's property...[h]e also controlled her person and the right to discipline her" (Sergeant and Atkinson, 2005:92).

The "almost unlimited power" of man resided in the restraints that the law placed on him through the 'rule of thumb' and his use of force (Hirschel & Hutchinson, 1992; Angel, 1997). In the former, he was able to use any instrument, no thicker than his thumb, to correct her behaviour. In the latter, even though, he was permitted to hit her, he was prohibited by law to bruise her. Nonetheless, the line between legal and illegal beatings was obscure and therefore, the little protection women might have had in law, was never enforced (Barata and Senn, 2003). Furthermore, crimes were acts that threatened the social fabric of a civilized society and family disputes (wife abuse) did no such thing. It was a private affair in which the law refused to interfere (Dutton, 2006).

The definition of private matters upheld by the law included issues that were most pertinent to women -- home, family and marriage -- which the state believed there was no sufficient need for legal intervention. As such, women in abusive situations were left "to the inequitable physical, economic and political realities of [their] lives" (Angel, 1997:17). Moreover, as the law refused to properly protect abused women, it had few reservations about limiting their options to leave. The law denied women the right to partake in the public realm

– government. As a result, women were refused the right to maintain property, to legal personhood and to occupy jobs. This left women economically dependant on their husbands and thus trapped.

During the latter half of the nineteenth century, the Women's Liberation Movement gained momentum in its struggle to achieve women's equality with men (Pleck, 1989). Women in Britain, Canada and the United States, sought to analyze the disparity within the home and initiated some of the first debates on wife abuse. They began attributing wife abuse to patriarchy and sexism and challenged the laws that legitimized wife abuse (Pleck, 1989). Marriage in their minds represented a sexual contract that they believed jeopardised the lives of women: "In a sexual contract, women consented to obey their husbands in return for protection. Women supposedly did not need individual rights because their husbands protected them...they consented to surrender their rights in an inescapable contract, unlike any other contract between citizens" (Clark, 1992:191). As such, the feminists made it more than apparent that this was a contract that was destined to be changed by legal reformation. For example, in challenging law, British feminist, Francis Cobbe (1878), claimed that, if those in charge of legal protective services were left to their 'paternal devices', they would maintain the oppression of women. As such, the lawmakers would thus be forced to criminalize woman abuse. Therefore, Cobbe advocated for the prosecution and arrest of men who abused their wives (Stark, 1993:654). As a result of her protest and the protest of others like her, laws were introduced that proved somewhat counterproductive to their cause. In Britain, the Matrimonial

Causes Act (1878) was implemented, which freed women from being classified as the property of their husbands, but failed to address the issue of wife battering (Dutton, 2006). Similarly, Canada invoked the Married Women's Property Act. This law was employed to protect wives, once divorced. This would reduce the coercive power of husbands by allotting wives economic stability and rendering them legal persons. Yet, it was unsuccessful because husbands continued to possess powers (i.e. withholding spousal support) that enabled their ability to control and abuse their wives (Chambers, 1997).

The reactions to woman abuse in the U.S. were similarly ineffective. Twelve States in the U.S. introduced Bills, between 1876 and 1906, to punish wife abusers by whippings, but only three States enacted them. As witnessed in Canada and Britain, these laws were not beneficial to abused wives because they were rarely, if ever, inflicted on white men (Pleck, 1989); but they were more commonly enforced to regulate the actions of black men (Buzawa & Buzawa, 1992). Ironically, while these laws inadequately protected battered wives, they were virtually the only laws used to protect them until the mid-twentieth century. Wife abuse was deemed illegal, but Britain, Canada and the United States routinely ignored wife abuse unless the individual was murdered or severely hurt. Since the courts concentrated only on severe cases, this established a permissible standard for woman abuse (Stark, 1993).

Regardless of the laws' inadequacies, they were meant to protect some women over others. It did not apply to unmarried women, lesbian women and, most important for this analysis, black women. In discussing the former, Smart

(1992) reminds us that women outside of marriage were negatively portrayed in the law. Laws, during this period, disguised as a regulatory tool for governing the lives of unmarried mothers, were implemented to control unmarried women of the lower class in society. The unmarried woman, or the unmarried woman with children, was seen as a significant threat to social order, whereas a “wife” was a participant in a system that allotted her husband almost complete authority to correct her if she became a public nuisance.

Laws, whether to “protect” married women or to regulate unmarried women, were based on views guarding the sexual morality of women and “in the nineteenth century the concept of sexual morality was white” (Smart, 1992:25). This is the history that gave birth to the Woman’s Liberation Movement. These beliefs were rooted in colonial and imperialist prejudices where the white race was portrayed as superior (Amos and Parmar, 1984). Given this backdrop, hooks (1981:120) reckons that “American women have been socialized, even brainwashed, to accept a version of American history that was created to uphold and maintain racial imperialism in the form of white supremacy...”

The Women’s Liberation Movement of the nineteenth century was thus not seeking liberation [or protection] of all women, they were seeking liberation [or protection] for white women (hooks, 1981; Amos and Parmar, 1984). The concept of white women as true women continued to exist along with the notion of white racial superiority. Their agenda did not include the abuse of black women or other women of colour. In fact, on this issue of whether to persecute wife abusers, white feminists were more concerned with the class oppression of

white men rather than speaking out on issues pertaining to race. For example, their concerns were that while white middle class men might be able to divert the wrath of the law, working class Irish men, would become targets of the laws against women abuse (Stark, 1993). Another example to illustrate the feminists' lack of acknowledgement of black women, and in turn abused black women, was during their fight for women's suffrage. White feminists in the United States allied with black men, instead of black women, to gain rights for all women. However, once they had realized that black men were going to obtain enfranchisement from the white male establishment, they began to reveal their racist mentality. In the words of Elizabeth Cady Stanton, one of the "leading ladies" of the Women's Liberation Movement:

"If Saxon men have legislated thus for their own mothers, wives and daughters, what can we hope for at the hands of Chinese, Indians and Africans...? I protest against the enfranchisement of another man of any race or clime until the daughters of Jefferson, Hancock and Adams are crowned with their rights" (cf. hooks, 1981:127).

White women were insulted that their white men would choose sexism over racial superiority. Thus, racism prevailed in the minds of many white women during that period of early suffragism even while they were pursuing protection for abused women. The essential woman – the white woman – was the only woman they deemed worthy to vote and, as such, it would seem, also worthy of protection. By the turn of the century, the outcry against wife abuse had diminished. In the twentieth century, however, wife abuse was once again placed at the forefront of a new feminist movement, *second wave feminism*. Second wave feminists recognized the inefficiencies of the law of the nineteenth

century, but their recognition of the abuse faced by non-white women continued to be ignored, until much later in the century (Huang and Gunn, 2001).

The Essential Woman during Second Wave Feminism

Second wave feminists are credited for raising awareness of woman abuse during the latter half of the twentieth century. They claimed it was a feminist issue and associated its existence with the social and legal inequalities that hindered women's ability to gain equality with men (Gunn & Huang, 2001). Accordingly, they saw woman abuse as a manifestation of the patriarchal connection of power and control. In essence, men abused women because they had the power to do so; thus, violence reflected male power and privilege in society (Duffy, 2005). Many believed that their perception of patriarchy and sexism was a common belief among all women and thus began fighting sexism and patriarchy for all women (Sokoloff and Dupont, 2005) in their efforts to combat woman abuse. The primary difference between second wave feminists and their nineteenth century counterparts is that instead of excluding certain women based on racist ideologies, they strived to include all women. In the process of this noble inclusivity, second wave feminists, nonetheless, developed a strategic position that amounted to a 'universalizing' process – a strategy that I refer to as *feminist essentialism*.

The battle against sexism and patriarchy rose out of a need to elucidate the historical and contemporary means by which [white] women were oppressed in society by men (Munro, 2007). It is believed that the means by which value,

integrity and justice were practiced and the institutions that upheld these practices constantly privileged the interests and experiences of men and thus, continued to oppress and exclude women in society (Munro, 2007). This is possible because women's 'femaleness' is literally defined by men. Consequently, the world is seen and ruled through the eyes of man where women are portrayed as objects and controlled through their sexuality (Cornell, 1991).

For some feminists, male power or privilege could be compared to Karl Marx's analysis of 'domination, power and hegemony.' Simply stated, Marx asserted that with the emergence of industrialization and urbanization in the nineteenth century, labour/work succumbed to capital interests, by which a form of control was necessary to ensure the interest of capital (Sewell, 1998). The bourgeoisie of the nineteenth century had control over and dominated their workers by any means possible, whereas in the realm of patriarchy, men dominate women to maintain their position of power through sexuality (Munro, 2007). According to MacKinnon (1982:516), sexuality is

"that social process which creates, organizes, expresses, and directs desire, creating the social beings we know as women and men, as their relations create society...the organized expropriation of the sexuality of some for the use of others defines sex, woman. Heterosexuality is its structure, gender and family its congealed forms, sex roles its qualities generalized to social persona, reproduction a consequence of, and control its issue."

This analysis of sexuality is known as the *dominance theory*. Analogous to Marxism, the dominance theory examines or explains power and its unequal distribution (Harris, 1990). According to the dominance theory, women are not dominated through work, but through our sexuality (Munro, 2007). An extreme

understanding of the power of women's sexuality is illustrated in Firestone's (1970) connection between women's sexuality and the disembodiment from one's self. She suggests that women's identity with their bodies is a significant source of oppression and thus, liberation lies in eliminating this powerful connection. Therefore, she argues that because women's bodies are the source of women's oppression by men, women must disassociate themselves from their bodies in the most radical way: "bear and conceive" children unconventionally. Women should disconnect themselves from the unappreciated and arguably, the most powerful act linked to a woman's body – childbirth.

Arguments such as these helped to solidify the notion that a woman's sexuality is the most important part in overcoming the pervasiveness of male domination. The detrimental effect of sexism is constant in every woman's life and to incorporate the difference in women would make this battle against sexism counterproductive. To feminists, like Mackinnon (1982), women experience domination of men regardless of race, class and gender. As all women share the commonality of being a woman, characteristics such as race, class and sexual orientation can be ignored, or are secondary to their struggle (Harris, 1990). As a result, the essential woman, who is still a white woman, came to represent all women.

Feminist Essentialists and Woman Abuse

Second wave feminists began their fight against woman abuse with an agenda: to not only verbalize and raise awareness about wife abuse, but also to

emphasize that women regardless of marital status are victims of this longstanding patriarchal prerogative in society. With evidence to illustrate that cohabitants are at an increased risk of abuse in their intimate relationships and experience the most severe assaults, this was an important and necessary acknowledgement (Hirschel & Hutchinson, 1992). The views of second wave feminists were instrumental in altering public perceptions of and intensifying legal reactions to domestic abuse by magnifying the prevalence and complexities of abuse in the home. Kempe et. al. (1962) are often attributed for the “rediscovery” of family violence in the late twentieth century. They illustrated the prevalence of family violence within the home by providing one of the first descriptive analyses of physical child abuse. They referred to this phenomenon as the “battered child syndrome”. As a result, mandatory reporting laws were introduced that mandated individuals to contact the police or social service agencies when they believe child abuse has occurred.

The social and legal recognition of “battered child syndrome” allotted second wave feminists a platform on which to not only discuss and advocate for child abuse laws, but by extension to express the abusive situations of women in the home. While advocates for child abuse laws assisted in bringing awareness to woman abuse, they focused on the rehabilitation of the parent, rather than punishment for their actions. However, advocates against woman abuse wanted the abuser punished. English feminist Erin Pizzey, one of the first women to “blow the whistle” on woman abuse in the 1970’s, advocated for punishment. She began the *shelter movement* by establishing the first shelter for abused

women in England. By extension, this movement reached North America where numerous women's shelters were then established. The shelter movement empowered women who began to challenge existing laws, to demand punishment for woman abuse and to fight for the protection of abused women. This plight eventually became known as the Battered Women's Movement (Pleck, 1989).

While feminism had multiple voices that spoke during this movement, feminist essentialists utilized essentialist views to vocalize their understanding of woman abuse. Along with other feminists, they believed that the inferior status of women may be best seen in the realm of marriage. Although in today's society, a great emphasis is placed on the equality between men and women in marriage or cohabitation; it is believed that the structure of man and woman in intimate relationships further disadvantages the woman (Buzawa & Buzawa, 1992). Whereas the woman, [in addition to working outside the home], is responsible for childcare, domestic housework and emotional and psychological support for her partner and children, the man is allocated the primary responsibility of economic provider in the home. As he is, thus, given the most elevated status in the household, he controls how it operates. It is through these systems of marriage and cohabitation that men have the power to abuse their female partners.

Men, throughout society, have been granted the authority that allows and justifies woman abuse and woman control, which in turn solidifies the power of sexism and patriarchy; thus, all men have the potential to become abusers

(Dobash and Dobash, 1979). As such, “wife [or woman] assault is mainly ‘normal’ violence committed, not by madmen who are unlike other men, but by men who believe that patriarchy is their right, that marriage gives them unrestricted control over their wives, and that the violence is an acceptable means to establishing this control” (Buzawa & Buzawa, 1992:97). The attitude of feminist essentialists, with regard to patriarchy, comes as no surprise considering that, historically, the relationship between men’s overarching power over people (i.e. men over women or white men over slaves) and their propensity to be aggressive towards them has been well established in society. As unacceptable as this behaviour was and is, feminist essentialists, and other feminists, have affirmed that the social inequality between women and men, and the reluctance of the criminal justice system to interfere in family disputes has perpetuated woman abuse (Dutton, 2006).

This reaction to domestic abuse by the criminal justice system, they argued, was because of all the historical legal discourses, that had been formulated by men as a mechanism for social control. These were to operate as an example of normative and accepted behaviour, but through man’s eyes. One of these accepted behaviours was male domination and control over women. As such, the law reinforces the condition inherent in gender inequalities by upholding the male perspective, by reinforcing and maintaining the sexual inequalities that are embedded in society’s beliefs of male and female roles. This then allows the law to interact with women in the same manner that men interact with women (MacKinnon, 1989).

Consequently, when the law is invoked against woman abuse, it perpetuates the violence inflicted on women by their male partners by locking women in the abusive relationship and locking women out of the law (Forell and Mathews, 2000). Feminist essentialists, such as MacKinnon (1989), who believed that the law needs to be revolutionized and the power of men overthrown, had these and other reservations about law. Nevertheless, they adamantly advocated for the increase in legal support for abused women. Some feminists, such as Forell and Mathews (2000), went as far as to advocate for a law that pertains to the reasonable woman and not the reasonable person.

To accompany their demands, a plethora of studies surfaced that enumerate the prevalence of woman abuse, thereby, revealing an epidemic, which rightly deserves political, social and legal attention. The 1970's produced some of the earliest data on woman abuse. It was based on cases and agency statistics regarding wives that entered their facilities after being abused. For example, one particular study examined the cases of five hundred women clients at a legal service agency. It illustrated that 57% were victims of spousal abuse, and, on average, they had been abused four years prior to requesting a divorce (see Dutton, 2006). By the latter half of the decade, the social investigation of woman abuse increased and expanded its scope to include the general population. Dobash and Dobash (1979) were among the first to illustrate on a macro level the detrimental impact of woman abuse in the home. Equally, MacLeod (1980), in the Canadian context, conducted a study of 73 transition houses and 43 households, concluding that 1 in 10 wives was abused by their

partners. As a result, she made recommendations for legal reform (Bonnycastle and Rigakos, 1998:16).

Subsequent to MacLeod's findings, an abundance of Canadian studies surfaced which influenced the law's approach to woman abuse as it illustrated its frequency in Canada. The landmark Canadian Violence Against Women Survey (1993) revealed that 25% of young women attending school were victims of sexual or physical abuse by their boyfriends or male dates; and one quarter of the women, who participated in the survey, had been abused by past or current partners. More importantly, MacLeod concluded that approximately 3 in 10 women had been victims of partner abuse at one point in their lives (Johnson, 1996). Recent studies, such as the 2002 Statistic Canada survey and American studies estimating that 1.8 million women are abused each year by their intimates (Osofsky, 1999; Huang and Gunn, 2001), have corroborated Johnson's conclusion.

The statistical treatment of women as a category for intervention and as victims further justified the programs of second wave feminism, including mandatory arrest. However, like the laws of the nineteenth century, the mandatory arrest policy has failed to validate the experiences of all women, especially, those of black women and other women of colour. Racist ideologies such as the essential woman have thus played a significant role in this lack of success.

The Feminist Essentialist Problem

During the nineteenth century, while many women of the Women's Liberation Movement ignored the plight of black women (Harris, 1990), many others during the second wave feminism, strived to include all women in their fight against sexism by placing all women under one category irrespective of their differences. As a result, though, two major problems emerged. First, the new and improved essential woman allowed for the unconscious perpetuation of racism. Secondly, it allowed for ignorance regarding the unique varied experiences of women under this rubric. With regard to the first problem connected with the essential woman, [white] women scholars, consciously or unconsciously, while speaking on their experience end up passing these off as the experiences of all women (hooks, 1981). Consequently, feminism and the word 'woman' once more came to represent a single view of the white woman's experience, who again became the epitome of the essence of womanhood.

According to Adrienne Rich (1979:299), this new way of utilizing the essential woman by feminists is known as "white solipsism". "White solipsism" refers to "the tendency 'to think, imagine and speak as if whiteness described the world.'" It is not a reflection of a race's superiority to others, but it encompasses a "tunnel vision which does not see non-white experiences or existence as precious or significant" (p. 306). This "tunnel vision" allowed white feminists to place their concerns and explanations of woman abuse at the centre with the implicit claim that these were representative of all women. In doing so, they voluntarily or involuntarily, perpetuated racism by failing to incorporate the

oppressions of non-white women. As such, embedded in a struggle to protect all women from sexist oppression is the continued racism towards black women and other minorities (hooks, 1981). Spellman (1988:159) states:

[T]hose who produce the 'story of woman' want to make sure they appear in it. The best way to ensure that is to be the storyteller and hence to be in a position to decide which of all the many facts of women's lives ought to go into the story, which ought to be left out. Essentialism works well in behalf of these aims, aims that subvert the very process by which women might come to see where and how they wish to make common cause. For essentialism invites me to take what I understand to be true of me "as a woman" for some golden nugget of womanness all women have as women; and it makes the participation of other women inessential to the production of the story."

And in a racist society like ours, those who produce and write the story of women are usually white middle class women, and thus, use their experiences to represent the experience of all women (Harris, 1990).

While it is true that black women experience abuse by their male intimates, research on this topic has been limited to white women (Huang and Gunn, 2001) especially in Canada. Straus and Gelles (1975) were among the first scholars who attempted to understand the prevalence of intimate abuse in black families. They claimed that black husbands tend to abuse their wives more severely than do their white counterparts. In a more racist capacity, Staples (1982) maintained that abuse in lower class black families was a normative behaviour. Abuse was expected of them (an issue that will be discussed further in this analysis). A recent study conducted by Huang and Gunn (2001) found that exposure to family violence, (i.e. witnessing parental abuse), was a good indication that a black woman would become a subject of woman abuse and black men utilizing abuse towards their female partners; whereas 'social support, education, personal income and family income' did not play a role in their abusive relationships. This, is in contrast to scholars (Potter, 2006; Avakame and

Fyfe, 2001; Pearlman et. al, 2003), who argue that variables such as education and income are essential to understanding woman abuse in black families, especially, because they are interwoven with racism and sexism.

The generalization of woman abuse also trivializes the way in which women are affected by abuse and how scholars analyze the impact violence has on individual women (Kanuha, 1996). This is illustrated by the studies above. Not only do they uphold the racialized stereotypes of black women and black people, but they also fail to incorporate important connections between racism and sexism (Few, 2007) and other forms of oppression encountered by black women. The concept of connecting both racism and sexism did not occur (or was irrelevant) to many mainstream feminists because, in their minds, all women had one oppression in common, which trumped all others: sexism. I do not dispute that sexism is a common oppression amongst women, but it must be understood that women of colour may be at the higher risk of being involved in dangerous abusive relationships and experiencing social impediments (Sokoloff and Dupont, 2005). Therefore, to ignore these issues, feminist essentialists undermine the potential of the movement against woman abuse to theoretically and practically challenge other forms of social oppressions that are present in the lives of black women as opposed to sexism alone (Richie, 2000). Due to their reluctance to tackle multiple forms of oppression, especially, with regard to racism and classism, which greatly affect black women, the validity of the movement is jeopardized (Richie, 2000).

Furthermore, by illustrating that violence or oppression towards abused women occurs along one trajectory obscures the fact that, for many black women, racism is more frequent and more violent so it has a greater impact – taking a much greater toll on their lives than sexism. For example, Garfield (2001) in his study on black women in abusive relationships found that African American women did not always view abuse by an intimate partner as violent, but they uniformly agreed that any form of racism was. It is important to note that woman abuse is not monolithic. It encompasses multiple forms of oppression depending on the women, which must be analyzed when battling woman abuse (Bogard, 1999). If feminist essentialists believed or truly embraced this fact; they would not disregard race, which is important in the lives of many women. While black women are women, they are also black – two characteristics that (apart from intrusive surgery) are arguably unchangeable.

In addition, although, it was very briefly mentioned, while asking black women to ignore their racial identity, feminist essentialists are asking them to disembodiment themselves from their physical body. This is known as *somatophobia* – a form of hatred for the body (Spellman, 1988). This is associated with “white solipsism” in feminist essentialist thought because, by accepting negative connotations regarding their body, in their prescription for liberation, feminist essentialists overlook certain elements of racism that have negatively impacted black women, historically (Spellman, 1988). By making this demand, feminist essentialists forget that the “superiority of man to woman is not the only hierarchal relationship that has been linked to the superiority of the mind to the

body” (Spellman, 1988:82), race is also connected. More specifically, the bodies of black women have been portrayed as animal-like, dirty and sexually promiscuous – more bodied than the white woman and thus, less human (Spellman, 1988; Harris, 1990; Gilman, 2003). Feminist essentialists believe that this escape from the body will free all women from oppression, but the freedom that they are speaking of is the freedom of white women from sexual oppression. However, if they analyzed more closely the connection between racial differences and the body, they would realize that for the “other” this disconnection is more than a sexual one, but racial as well. As such, participating in this disassociation would diminish the pervasiveness of racism that black people have experienced for more than a hundred years. This is not something the black community is interested in doing. *Racism is real. The problems associated with it are real. Therefore, the experiences of black people are real.* Thus, through somatophia, feminist essentialists, without even realizing it, by extension uphold the negative stereotypes of black women.

In a more literal context, without our bodies, individuals could not have histories or be identified by their prescribed sex. As such, one cannot understand a person’s experience of oppression without thinking about them as an embodied being and thinking about the meanings delegated to one’s body (Spellman, 1988). One of those meanings for many women is a racial one which, therefore, illustrates that sexual oppression is not the only means of oppression that affects abused women, especially, black women and other women of colour.

This lack of understanding of multiple oppressions is also illustrated in feminist essentialists' critique of law. They believe that the law is only oppressive through sexist means. According to Catherine MacKinnon (1987), when a man is assaulted, the behaviour is intolerable in society and in law, but if a woman is abused in the home, the law hardly recognizes it. Therefore, the law continues to protect the interests of men as persons and diminishes the interests of women. Realizing this, Forell and Mathews (2000) prescribe that the law adopt a 'reasonable woman' standard that speaks to the experience of women. In doing so, they believe that the law will acknowledge that women deserve to be respected and protected from their intimates. This, Forell and Mathews (2000) believe will somehow achieve gender equality in law, regardless of the woman's race, class, ethnicity and more, because the law will conform to woman based norms with regard to sex and violence. The problem, however, is that the woman based norms that they speak of are essentialist in nature as they ignore the significant issues such as racism, which are historically embedded in law.

In discussing issues of rape, for example, Forell and Mathews (2000) insist that women are not raped because of certain personal characteristics, but it is the woman herself being raped. Thus, her being black, white or Latino should never affect the type of legal protection she receives. It may be rightly assumed that this is the case for women in abusive relationships; however, in reality, this difference really does matter. For black women, rape is tied to sexism in the same manner as it is to racism. Likewise, family relations in the black community are also based on racism. Thus, by solely relegating women's

oppression to patriarchy, mainstream feminists, such as feminist essentialists, ignore the dynamics of the black family (Amos and Parmar, 1984); and thus discredit the abusive experience of black women.

In one way or another, the law upholds a standard to which many women cannot measure-up. For instance, not only does the law uphold certain racial biases and sexist ideologies, but black women are further subjected to a law that can only be applied to women who fit a particular criteria in abusive situations. This will be revealed in the examination of mandatory arrest policies discussed in the following chapter.

Chapter Summary

Throughout this chapter, I have revealed the concept of the essential woman and have shown how its use has excluded the experiences of black women. I have illustrated that the concept during the Women's Movement of the nineteenth century was utilized in order to uphold the racist ideologies that Western societies were built on and that the laws implemented to protect women were, in fact, racist. While the women of the nineteenth century embraced the racial dimension of the essential woman, second wave feminists, more specifically, feminist essentialists, strived to include the experience of all women in their struggles, regardless of the difference that women embody.

While this approach seemed to be a great strategic asset at the time of its inception, in its execution the essential woman also successfully ignored important issues such as race and class differences, which are significant factors

in the lives of many women. Nevertheless, the essentialist approach found its way into combating woman abuse, which was based on sexism. As such, male dominance became the sole claim of woman abuse and, as a result, the only factor by which women could be liberated from their abusive relationship. Yet, for black women, oppression in general and, in abusive relationships, is not unidimensional. In fact, their oppression is multifaceted thus requires a multidimensional analysis. This ignorance of multiplicity, along with its racial implications is where the reservations regarding the essential woman lie. Regardless of the limitations of essential womanhood, feminists utilized this notion to gain legal support for abused women. One of the legal interventions that abused women finally received came in the form of mandatory arrest and/or the charging of abusers. This has major implications for black women. This specific issue I will now turn to.

Chapter 2

THE MANDATORY ARREST POLICY: IS RACE AN ISSUE?

Introduction

In chapter 1, the concept of essentialism, and the role it played in the production of the essential woman was introduced. As well, evidence was presented illustrating the negative impact the use of, what I refer to as, the essential woman theory has had on abused black women. The current chapter takes an in-depth look at mandatory arrest and its effects on abused black women as it employs historical notions of the essential woman. I begin the chapter by examining police attitudes toward women in abusive relationships, as well as the mechanisms used prior to mandatory arrest in order to combat the issue of woman abuse. My discussion then centres on the implementation of mandatory arrest along with its advantages and disadvantages. It is then demonstrated how the employment of mandatory arrest in the lives of abused black women perpetuates racism by utilizing the notion of the essential woman. Both first and second wave feminist usages have permitted the development of the 'real battered woman', which significantly affects the way police officers provide services to abused black women. Last, by illustrating police reaction to and the treatment of abused black women, the risks associated with employing a system that is historically plagued by racism are outlined.

Early Police Attitudes Toward Woman Abuse

A central aspect of second wave feminism during the Battered Women's Movement of the 1970's and 1980's was its heavy reliance on the legal system to support its cause. Second wave feminists argued that woman abuse should be treated in the same manner as crimes committed against women by strangers. Woman abuse, like stranger crimes, second wave feminists argued, was a significant manifestation of male dominance in society (Morley and Mullender, 1992). This was an important contention because, although by the 1970's, law in Canada, Britain and the United States prohibited woman abuse, stranger violence remained the prevalent focus (e.g. Turjillo and Ross, 2008). Studies have indicated that police were more inclined to arrive at the scene of an incident involving stranger violence and take formal action, than in incidents of domestic disputes between intimates (see Jasinski, 2003). This illustrates a historical consistency in police attitudes toward women in general and woman abuse in the home in particular.

Second wave feminists' insistence on the criminalization of woman abuse was indicative of its time. In both Canada and the United States, government support—in the form of social services to undertake social issues such as poverty and crime—shifted from a social assistance regime to a government reliance on aggression and coercion in combating social problems (McMahon and Pence, 2003). This significant shift, to a law and order state, may have been the answer some feminists were waiting for. As a result of this redefined state, came the institutionalization of woman abuse and legal reforms

created to accommodate this change. For example, in 1983, section 265 of the Canadian Criminal Code was amended to include rape against wives by their husbands. At the same time, non-legislative policy changes took place, most notably, mandatory arrest and the charging of woman abusers.

Prior to the instigating of mandatory arrest, emergency calls pertaining to woman abuse were often considered a 'low priority.' Police often refused to attend to such calls, and when they decided to answer, their main objective was to restore peace between the two parties without making an arrest or invoking formal sanctions (Hirschel and Hutchinson, 1992). By the late 1970's and early 1980's, law enforcement agencies began to take woman abuse more seriously as they introduced crisis intervention training for police officers when confronting domestic disputes. At the same time, law enforcement agencies began the development of specific domestic violence units (Morley and Mullender, 1992). Research on these initiatives illustrates that these developments continued to fail because of dominant patriarchal police attitudes towards woman abuse. When police officers arrived at the scene of a "domestic", they often neglected to arrest the assailant. This occurred even when there was compelling evidence that physical abuse had taken place, the woman was in grave danger, or even if she had requested that an arrest be made (Morley and Mullender, 1992).

Police reluctance was attributed to numerous factors: they believed that woman abuse was a private matter between husband and wife; they often stereotyped female victims as unreliable, representing what Rigakos (1998) described as a police cultural tendency to label uncooperative women as

“symbolic complainants” (which will be discussed below); and male officers also often sided with the male abuser thus reinforcing male superiority over women. Interfering in family disputes was frowned upon because it was not recognized as ‘real police work’ (Hirschel & Hutchinson, 1992; Rigakos, 1998). As a result of male chauvinism, women seeking help looked for alternatives to the criminal justice system (Ursel, 1998). At the same time, however, many feminists continued to insist that the legal system had a duty to protect women in domestic violence situations. Thus, following the resistance of police officers to attend to women in abusive relationships, some States within the United States and Canadian Provinces implemented several mechanisms, such as warrantless arrest and pro-arrest policies, to influence arrest rates. When it was realized by policy makers that none of these implemented mechanisms were functioning as intended, the mandatory arrest policy was introduced. The arrest of woman abusers would now be mandatory (Barata and Senn, 2003).

The Mandatory Arrest Policy

The Mandatory Arrest Policy originated in the United States in the early part of the 1980’s. By 1983, eleven States had made domestic violence a separate criminal offence (Morley and Mullender, 1992) and by the 1990’s it was incorporated into the majority of legal policies in the United States (Buzawa & Buzawa, 1992) and Canada. It has been critically accepted that the Minneapolis Domestic Violence Experiment conducted by Sherman and Berk (1984) was responsible for the beginning of legitimizing mandatory arrest as a

visible policy. The six month study analyzed the comparative impact of three interventions on recidivism: (1) arrest; (2) temporary separation; and (3) police counselling. Through the use of randomly assigned police responses, the study discovered that recidivism occurred with 10% of the men arrested, 24% of those who were temporarily separated from the abused, and 19% of those who received police counselling. Thus, the authors concluded that arrest was the most effective deterrent in abusive situations. Sherman and Berk recommended that arrest become the preferred response where there were reasonable grounds to believe that abuse had taken place.

Four subsequent studies, funded by the U.S. Department of Justice, took place in Milwaukee, Colorado Springs, Omaha and Charlotte to try to replicate the above findings. While the Milwaukee and Colorado Springs studies concurred with the Minneapolis study, arrest was only effective in certain circumstances (Lerman, 1992). Sherman et al. (1992:168) found that in Milwaukee,

“employed, married, high school graduates and white suspects are all less likely to have any incident of repeat violence reported to the domestic hotline if they are arrested than if they are not. Unemployed, unmarried, high school dropouts and black suspects, on average, are reported much more frequently to the domestic violence hotline if they are arrested than if they are not.”

While no explanation was given for this finding, the data clearly shows that mandatory arrest policies do not affect everyone equally. Realizing this, Sherman (1992) recanted his initial recommendation, claiming that mandatory arrest may be detrimental to some abused women, especially, those living in ghettoized areas.

Conversely, in Charlotte and Omaha, there was relatively little difference in recidivism whether the suspect was arrested or not. Hirschel and Hutchison (1992:115) claimed that the Charlotte and Omaha studies revealed contradictions in the success of mandatory arrest, arguing that trusting that “arrest alone could contribute to the solution of this serious problem is unfulfilling.” Despite these reservations, mandatory arrest became an essential part of combating woman abuse (Morley and Mullender, 1992).

According to Evan Stark (1993), mandatory arrest was necessary and important for its distinctive role in criminalizing woman abuse for several reasons. The primary role of mandatory arrest is to minimize police discretion when responding to woman abuse. This control is important because, “by disregarding battering, minimizing its consequences, and blaming the victims, police were no different” than the greater society who saw woman abuse as a private matter (p. 662). Indeed, by failing to act, the police may have made abusive men even bolder. By controlling police discretion, mandatory arrest symbolized the importance and seriousness of the criminal justice system’s response to woman abuse. A significant example of the effect of mandatory arrest on police response was demonstrated in London, Ontario (Jaffe et al., 1986). While the Canadian government instructed police departments in 1983 to lay charges in domestic violence situations, and prosecutors to adopt a no-drop policy in exceptional cases regardless of the feelings of the victim (Morley and Mullender, 1992), London, Ontario had already previously adopted these policies in 1981. Peter Jaffe and colleagues (1986) found that the instituting of

the mandatory arrest policy was accompanied by a significant increase (2500%) in police laying charges against woman abusers. More importantly, it was found that these charges were successful in reducing recidivism by the offenders. With the advent of the mandatory arrest policy in London, victims were less reluctant to call the police, and less likely to withdraw their cases if brought to court.

A second role of mandatory arrest (Stark, 1993) is its ability to actuate the immediate response to and the protection of women in violent situations. Accordingly, mandatory arrest provides the abused woman the opportunity to effectively weigh her options. If she desires to leave the relationship, mandatory arrest allots her the time needed to seek help from someone or to obtain a restraining order if necessary. It has been established that without any arrest, women are generally three times more likely to be re-victimized by their partners so the chances of recidivism also increases. According to Stark (1993), the prevention of re-victimization and recidivism is the third role for mandatory arrest. Due to the fact that the intended purpose of mandatory arrest is to protect women from abuse, by limiting police discretion in the pursuit of protecting women, incidents of recidivism are generally limited. Of course, Stark is nonetheless minimizing the importance of studies that show no effect or even escalation effects for mandatory arrest. Finally, Stark argues that mandatory arrest symbolically reinforces the idea that women are persons who deserve to be protected by law as they are equal to men.

Similarly, Ursel (1998) shares Stark's optimism in her evaluation of the mandatory arrest policy in Winnipeg. She claims that by introducing the

mandatory arrest policy, the criminal justice system accomplished two goals. First, mandatory arrest has criminalized domestic violence making it clear that this is an unacceptable act. This was a significant social change with important symbolic values that should not be underestimated. Second, by removing the decision from the woman to press charges, the abuser can no longer evade arrest through the invocation of threats. Threats, in this context, would be pointless since the abused woman has no control over the arrest.

While the mandatory arrest policy appears to have had a positive impact according to the Minneapolis, Minnesota and the London, Ontario studies, subsequent studies on woman abuse and the effectiveness of the mandatory arrest policy have revealed mixed results. Most importantly, there is also evidence suggesting that police officers continue to hesitate to respond in domestic abuse situations. Ferraro's (1989) research on the Phoenix police illustrates that, although there was an increase in police calls for domestic violence, nonetheless, arrests were rarely made. This was attributed to the lack of priority that police associated with these cases, the sexist attitudes of police towards battered women, and a police officer's cultural predilection to what Rigakos (1998) later termed the "symbolic complainant." This complainant is actually the result of a masculine police subculture, which attaches a negative image to abused black women. They are conceived as manipulative and deceitful individuals prone to wasting police resources by eventually dropping the charges. Helping this symbolic complainant, therefore, is not considered "real police work" (Rigakos, 1998:88).

Women not only continue to be stereotyped by police, but new problems have emerged that place women at even greater risk. Beyond the problems of domestic abuse, women were now falling victim to a more general systematic inequality.

...the institutionalization of feminist antiviolenence activism may have helped some battered women, but it has also contributed to creating new problems of protecting women from domestic violence. In particular, it has exposed women to new risks associated with living in a profoundly unequal society (McMahon and Pence, 2003:53).

More specifically, social programs once available to women in abusive situations were severely undercut by an emphasis on law by the “leaner and meaner state” (McMahon and Pence, 2003:54). The implications of this change led to negative ramifications, not only for those women socially seen as “symbolic complainants”, but for abused women in general. Gotell (1998) claims that, although, institutionalizing woman abuse by deeming it a legal issue worked as immediate relief for abused women, institutionalizing it further resulted in a negative and costly consequence for abused women in the long run. For instance, in Canada, the clear goal of feminism was the demand that services such as childcare, housing, and job training be funded. When the mandatory arrest policy was introduced, however, funding for such services was undercut or eliminated. This was definitely problematic because women in abusive relationships required these services for empowerment once they had left the relationship. Cuts to and the loss of these services were extremely detrimental to women in this position (McMahon and Pence, 2003). This law and order approach thus was inadequate for combating woman abuse.

One might conceive that the above reasons would be considered sufficient in order for one to question the effectiveness of the mandatory arrest policy. In fact, however, mandatory arrest's fundamental erosion stems from another source: racism in law enforcement agencies and legal practices. Although the mandatory arrest policy is supposed to ensure mandatory protection for all women who are victims of abuse, police officers continue to uphold the historical racist notion of the essential woman to determine who is classified as a *real battered woman* (Ferraro, 1989; Ammons, 1995). This is clearly the case for the symbolic complainant, but even more so when police encounter abused women who are non-white:

If a woman was from a subculture the police viewed as 'deviant'—from a family where someone wasn't working, where someone was non-white, spoke a foreign language, lived in a run-down home, or was drunk—police were likely to perceive battering as a 'family fight' of little concern to them, and they usually did not make an arrest" (Buzawa & Buzawa, 1992).

Although the above quote does not explicitly speak to black women's encounters with the police, it implies this interaction through the use of the term "non-white", and thus reveal that police officers viewed and, as will be shown below, continue to perceive black women as deviant. This treatment of black women is not surprising considering the historically negative relationship between law enforcement and black people in general.

Black Women and the Mandatory Arrest Policy

Law and Race

For approximately four decades in the United States, race relations have been improving, but the relationship between black people and law enforcement agencies continues to be strained (Walker, 2003). While an overwhelming majority of individuals, both black and white, believe that the law ought to be equally enforced regardless of race (Weitzer, 2000), black people continue to receive differential treatment by the police (Walker, 2003). Not surprising, a recent U.S. nationwide survey found that 71% of white people in contrast to 41% of black people trust the police (Schuck et. al., 2008). The mistrust that many black people have toward the police results from the perpetual racism embedded in the historical development and ideologies of the criminal justice system. Racial divisions between black and white people 'have played a strategic and defining role' in history (Walker, 2003:665). Concepts such as 'racial superiority' and 'whiteness' have established the white race as seemingly dominant over all other racial groups. This idea continues to have negative social and legal implications for black people to the present day.

Today, it is assumed by many that race is no longer a factor in law. Yet, statistics reveal that black people are the targets of racial profiling, and that one in three young black men are under some form of correctional supervision (Walker, 2003). With these statistics in mind, the assumption that there is a negation of race in law is called into question. There are numerous reasons for this differential treatment of black people including the historical development

of the 'canteen culture' and institutionalized racism (Bowling and Philips, 2002). The former suggests that racist attitudes manifest themselves through the police subculture, which consists of particular stereotypical views and classifications of the public. For example, referring to minority groups as police 'property' – in other words, police officers believe that the public accord them the authority to discipline minority groups. The justification for this belief lies in the assumption that minority groups are problematic to society. They, therefore, 'deserve' to be disciplined along the same lines as other 'problematic groups' such as prostitutes, drug addicts, and homosexuals, etcetera. The specific view with regard to black people is that they are criminally inclined, aggressive, lack intelligence, troublesome, and prone to drug use so they require discipline (Bowling and Philips, 2002).

The theory of institutionalized racism suggests that racism is a phenomenon of not just one individual, but of the institution itself. It comprises beliefs and values that are shared among the individuals acting within that institution. A definition for institutional racism was given by John Newing, a Chief Constable in London, England:

I define institutional racism as the racism which is inherent in wider society which shapes our attitudes and behaviour. Those attitudes and behaviour are reinforced or reshaped by the culture of the organization a person works for. In the police service there is a distinct tendency for officers to stereotype people. That creates problems in a number of areas, but particularly in the way officers' deal with black people (Bowling and Philips, 2002:160-161).

Both theories intertwined and taken together constitute a strong explanation for police racism. These two theories illustrate the systematic capacity for the pervasive condoning of whiteness as superior, and in turn, the resulting

mistreatment of black people, more specifically, the further victimization of abused black women.

In addition to upholding racist ideologies, the law further endorses an essentialist view of women, which proves to be further detrimental to black women. The feminist essentialist perspective, which was very influential in the development of the mandatory arrest policy served to enhance this repeated endorsement of the essence of whiteness. When lawmakers resolved to criminalize woman abuse through the introduction of the mandatory arrest policy, many believed that it would eliminate the racial prejudices in law. It was conceived that the policy would ensure that women, regardless of race, would be treated equally. Such was not the case. All victims of abuse hold very individual and different experiences – their standpoints vary. The mandatory arrest policy attempted to systematize these experiences into one holistic, unified, and comprehensible experience, which would be impossible. By implementing feminist essentialist thought and by universalizing the experience of all women in abusive situations, the only experiences that are ever truly considered are still those of the white woman. As a result, the importance of race and class issues is obscure, and in turn, the abusive situations faced by black women become obscured or trivialized (McMahon and Pence, 2003). By adopting this universal perspective towards woman abuse, law enforcers enhance their existing racist beliefs so are granted permission to invent concepts like the real battered woman. A vivid connection thus exists between the concept of the real battered woman, the early invention of the essential woman and the concept of the

essential woman used by many second wave feminists. While mandatory arrest was implemented to protect all women, it therefore, has significantly failed black women and other minorities.

Protection or Lack Thereof for Black Women

“There is no such thing as abstract equality before the law. Instead the law in its form, content and application institutionalizes inequalities and differential treatment” (Edwards, 1989:144).

Taking into account the law and the essential woman, one can say that the institutionalization of inequalities has led to the development of *the real battered woman*. This woman is a white middle class, weak and passive woman in need of help from the criminal justice system (Ammons, 1995). This description is embedded in the minds of police trainees who are often taught that violence is innate in low class or ‘ghettoized’ neighbourhoods. Numerous studies suggest that many of the people living in these ‘ghettoized’ areas are people of colour (Ammons, 1995; Sokoloff and Dupont, 2005). It then follows that police officers are implicitly taught that abusive behaviours are predominantly exhibited by black people and other racial minorities, who are conceived as being uncivilized so are accustomed to abusing their partners and abusing each other (Ammons, 1995). Buzawa and Buzawa (1992) suggest that, in general, crimes perpetrated by people of the same racial or economic status are regarded as the least threatening to the social order, thus the attention these crimes receive is negligible. They further contend that violence perpetrated among racial minorities has been significantly ignored in contrast to white-on-

white violence. Where a white middle-class woman would be protected in domestic disputes, a poor, black, abused woman may not be so lucky.

Research illustrates that black women are victims of domestic violence far more often than white women or women of other racial groups. The abuse that black women experience is double that of other racial groups and four times higher than white women (Rasche, 1988). Ironically, police officers continue to be reluctant to come to the rescue of black women; although the need is quantifiably greater. Furthermore, a United States study authored by Greenfeld et al. (1998) found that between 1992 and 1996 approximately 12 per 1000 black women were victims of woman abuse compared to 8 per 1000 white women. Moreover, it has also been found that black women sustain a greater degree of lethal injuries than any other group (Bent-Goodley, 2001). The prevalence of abuse in the black community as well as the reluctance of police to interfere lead to the conclusion that police officers seem more inclined to arrest the assailant of a white middle-class victim than a black woman. This trend continues despite the fact that black women report abuse more frequently than their white counterparts do (Sokoloff and Dupont, 2005).

Based on their ideas of race, police officers have a specific view of the characteristics of a real battered woman, which has become embedded in their approach to domestic situations. The preferred woman is the 'quintessential woman,' – the white middle class woman. By abusing her person, the man is committing an assault against the "very fabric of U.S. society" (Avakame and Fyfe, 2001:36). She is the epitome of the real battered woman, yet the arrest of

her abuser often continues to be unexercised. The primary reason that can account for this is that those who usually abuse white middle-class women are their husbands, who are typically more powerful than the women being abused (Avakame and Fyfe, 2001). Although white men are treated more leniently than black men in abusive situations; if the victim is white, meaning not black, the abusive husband is more likely to be arrested (Black, 1980). This illustrates the ongoing belief in that at all costs, one must protect those believed to be the “very fabric of U.S. society.”

Although there is a likelihood of an arrest of a white victim’s abuser, if the assailant is black, the likelihood of arrest significantly increases (Bachman and Coker, 1995; Pearlman et. al., 2003). Furthermore, the treatment given to a black man during or after arrest is notably much harsher than that shown his white male counterpart. Black (1980) establishes that there is a variety of styles that police officers use in addressing “domestics”. Typically, white men receive the less coercive styles, while black men are the recipients of more penal approaches. This differential treatment can be attributed to many factors, but the most convincing one is the police officers’ decision making regarding black people due to historical racial biases and stereotypes. This leads one to the assumption that police officers are not arresting black men to protect black women, but arresting them due to preconceived racial biases. Given that black people are overrepresented in American prisons, this comes as no surprise (Avakame and Fyfe, 2001).

Some evidence shows that the overall crime rate of a community has an effect on police officers' decisions to implement mandatory arrest (Eitle, 2005). However, where race significantly affects mandatory arrest is at the level of crime for a particular jurisdiction. In other words, in areas where the crime rate is substantially high, police officers are considerably more reluctant to arrest the abuser of a black victim in comparison to a white victim (Eitle, 2005). This establishes once again, that the overall protection of a white woman is more important than that of a black woman -- the net effect being that black women are always left to protect themselves. Suggestions have been made that family instability in poor black neighbourhoods contributes to the high crime rates in these neighbourhoods. By failing to address the issues of abuse in those neighbourhoods, however, police are not only sustaining the racial belief that abuse is an inherent aspect of the black community, but are also indicating that the issues of black women are not serious enough to merit legal protection (Avakame and Fyfe, 2001). Moreover, "by inadvertently sending out the message that African American women are fair game for spousal abusers, police may be encouraging violence against them and consequently, exacerbating the epidemic of family instability" (Avakame and Fyfe, 2001:38). As a result, this is encouraging a cycle that includes the continuity of poverty, violent crime, and family instability (Avakame and Fyfe, 2001).

This racist concept of the real battered woman is not limited to the United States. It is also ingrained in the minds of many Canadian police officers in their perception of Caribbean woman in abusive relations (Flynn and

Crawford, 1998). Due to the prevailing misconception of the innateness of violence in the Caribbean community, police are disinclined to react to help an abused black woman. Caribbean black women (and black women in general) are viewed as ‘superwomen’ – they can handle anything, even abuse, therefore, they do not need or, some may argue, deserve the attention of the police. “In many minds a picture has been painted of black women as hardened, tough, back-talking, strong, permissive, and undeserving of protection, women for whom blows might not be considered cruelty” (Kupenda, 1998:8). While the image of the strong black woman holds some truth, when considering the ramifications of slavery – the constant struggles against the intersecting oppressions of racism, sexism, classism, etcetera – it can also be argued that black women adopt this persona to counteract their abandonment by the criminal justice system and their mistreatment by law enforcement officers.

The neglect and adversity that they face from both gives credence to research findings, which suggest that abused black women are more likely to kill their abusive partners than abused white women. Accordingly, these findings illustrate that abused white women are approximately twice as likely to be victims of homicides, than both abused black women and abusive white men (Mercy and Salzman, 1989; Plass and Straus, 1987; Stark, 1990). Plass’ (1993) study on the prevalence of homicide in both black and white families corroborates with the aforementioned. She revealed that, not only are homicides more prevalent in black families, but that black men are more likely to be victims of homicide than black women. As a result, black women’s status as

victims of abuse is often replaced as they are thought of more as criminals, which further legitimizes the perceptions of black women as deviant or dangerous (Bell and Mattis, 2000).

Now, as a result of being labelled a murderer, black women who kill their abusers become engulfed in a system that is not only racist and sexist, but that very rarely sympathizes with them or attempts to understand the rationale behind their decision to kill. Although the law offers the battered woman syndrome (BWS) as a defence in conjunction with self-defence for women who kill their abusers, it has been realized that very few women, especially minority women, are ever successful when the defence is put forth (Ammons, 1995; Tang, 2003). BWS fails women who partake in such an act in general as it pathologically labels them, views them as deviant, and as such, degrades their experiences of victims of woman abuse. However, it further fails abused black women and other women of colour as it neglects to address the different cultural circumstances that surrounds an abused black woman than that of an abused white woman (Ammons, 1995, Aylward; 1999; Tang, 2003). Furthermore, the 'reasonable person' model that is utilized in the courts in regards to this defence, is based on the characteristics of white women, who are thought to be weak and passive individuals who were helpless in their actions towards their abusers (Tang, 2003). This stereotype is contrary to that of the stereotype of women of colour. As a result, women of colour fail to fit the core characteristic on which the defence is based; and thus, whereas a white woman may be granted the

opportunity to employ the defence, a black woman, who is already deemed deviant and unworthy of protection, may never get the opportunity.

Consequently, the images and stereotypes of black women are significantly damaging. On the one hand, black women are subjects of neglect or abandonment; and on the other, they are criminalized by a system that consistently fails to protect them. Therefore, utilizing it is an inexcusable justification for the treatment they receive from police officers. By ignoring or devaluing their abuse, police officers and the criminal justice system further complicate the position of abused black women and legitimize their abuse. It is a serious problem when a black person commits a crime against the white community; however, a black male beating 'his black woman' is considered acceptable. This acceptance allows racism and sexism to continue its historical plague in the lives of black people, more specifically, in the lives of black women (Flynn and Crawford, 1998).

The Risks of Asking for Help

Those who enforce mandatory arrest, in addition to upholding a racial essentialist notion of the real battered woman, embrace the historical idea that (white) women are weak and submissive creatures who are in need of protection. As a result of this dominant male perspective, the law takes on a paternalistic role aimed at the protection of women (Martin, 1997). Those who deviate from that idea of woman and the real battered woman suffer the consequences. Unfortunately, for many black and other minority women, to call upon the law for protection from their abusive relationships, holds the consequence of

experiencing arrest along with their abusers (McMahon and Pence, 2003; Coker, 2004). Due to the 'get tougher on abusers' movement fuelled by feminists' reliance on criminalization, black and aboriginal women in both Canada and the United States are frequently arrested and charged with engaging in domestic violence against their male partners (McMahon and Pence, 2003). For instance, McIvor and Nahanee (1998) have illustrated that abuse against aboriginal women is given the least amount of attention in comparison to other crimes in the aboriginal community. What's more, in many areas, the mandatory arrest policy is not available to assist these women who are being abused by their spouses or common-law partners. However, where mandatory arrest is available, it is frequently counterproductive, as the women who call the police are often arrested for acting in self-defence. This produces the dual arrest of both parties.

It is possible that dual arrest in domestic disputes may simply be a reflection of actual dual violence between parties. In this eventuality, authorities are adhering to policy. However, numerous researchers discussing the racial nature of dual arrest suggest that in most cases, dual arrest is not warranted. Research instead suggests that dual arrests are an over-enforcement of mandatory arrest, and that only certain individuals are implicated in dual arrests due to their racial or class status in society (Martin, 1997). Scholars such as Gelles and Straus have been criticized for overemphasizing a women's capacity to be equally as violent as their male counterparts. Straus (1989) acknowledges, however, that the violence women use against their abusive partners is usually in self-defence. Other scholars (McIvor and Nahanee, 1998; Coker, 2004) have

echoed this finding. Straus (1989) found that three out of every four women studied used violence only as a means of protecting themselves. Police are blind to this because what police officers see before them is a woman engaged in violence, an activity that a passive white woman would not engage in. The stereotypical 'quintessential' woman would never engage in violence and fight back (Martin, 1997).

Visher (1989:144) remarks that,

In encounters with police officers, those female suspects who violate middle-class standards of traditional female characteristics and behaviours (i.e. white, older and submissive) are not afforded any chivalrous treatment during arrest decisions. In these data young, black or hostile women receive no preferential treatment, whereas older, white women who are calm and deferential toward police are granted leniency.

In analyzing dual arrests, Bourg and Stock (1994) recognized that women were charged more harshly than their male counterparts. Even more disturbing, black women in particular were disproportionately arrested, not only in comparison to their white female counterparts, but also in comparison to their white male counterparts. Four out of five black women were arrested and charged with felonies as opposed to one out of five white women. These statistics are further detrimental to black women and other minority women, if it is further taken into consideration that when they enter the criminal justice system, they are put at still greater risk. A white middle-class woman who calls upon the police for assistance will not experience the risks to the same extent as an abused black woman. White middle-class women do not usually have to contend with the issues of losing their children or losing immigrant status, if they request help from the police or are arrested themselves as a consequence. These risks are very real for black women and other minority women (McMahon and Pence 2003).

This places a black woman 'between a rock and a hard place.' On the one hand, she is a victim of woman abuse, and on the other, she cannot utilize the services intended to protect her because, as a black woman, she does not fit the characteristics of the real battered woman (Sen, 2004).

While the evidence above is compelling, a study conducted by Martin (1997) revealed quite the opposite. According to Martin's findings, the primary victims of dual arrest were young, white, employed men and women who were unmarried and lived with the co-defendant. These findings could be the result of many different factors. For instance, while these women are white, due to the police officer's ingrained beliefs as to who constitutes the real battered woman, the police may have been punishing the abused women for fighting back and been frustrated that these other women are failing to live up to the stereotypical characteristics of this ideology. On that same note, police in Connecticut may believe in Gelles' theory of abuse which contends that arrest "works" for those individuals who have something at stake, whereas it would lose its effect in a community that is violence prone and has very little to lose such as in inner-city Detroit (Stark, 1993). There is evidence which illustrates that recidivism violence increases in those who are not properly integrated into the work environment; mainly, black, poor and unemployed individuals (Sherman, 1992). Arresting these types of individuals would be ineffective.

Furthermore, arrests are not made due to the dominant law enforcement mentality, which suggests that they are only harming each other, so are thus, less dangerous to society's social fabric. While these are only my assumptions

regarding the reasons behind Martin's findings, they are justifiable, and substantiated by the research presented above. The Connecticut study reveals that white women are affected by dual arrest, however, while their encounters with the criminal justice system are problematic; women who contradict the racial recognition of the essential woman or the real battered woman, who have encounters with the law are placed in a significantly more problematic position.

The potential for arrest is only a fraction of the risk that black women face once they decide to call upon the police for protection. They also risk encountering other aspects of the legal and governmental systems of control that further ignore their circumstances that subject them to further victimization. Moreover, they risk being an accomplice to the arrest of their own black men thus, committing what Flynn and Crawford (1998) refer to as *race treason*. This is perplexing because, for many of these women, the police are often their only available source of protection from their abusive partners (McMahon and Pence, 2003). While there are services available, such as women's shelters and therapeutic assistance, the availability or the knowledge of these services in the black community is very limited. Where the availability is known, black women usually mistrust these help services as they are perceived as lacking the proper resources to deliver culturally sensitive treatment to their abusive situations (Potter, 2006).

Interviews with black abused women who chose to seek help from extra-legal services reveal that when the counsellors singled out black women, it was to illustrate how they were stronger than white women – strong enough to leave

the relationship. Whether intentional or unintentional, the counsellors upheld stereotypical views of the strong black woman in such a way as to downplay their abusive experiences. As a result of these experiences, black women are discouraged from seeking such services and the police are placed at the forefront of services available for their protection (Potter, 2006). However, the risk of being further victimized by the legal system is a much scarier thought than enduring the abuse that they currently face. In reality, the abused woman yearns for the abuse to end, but refuses to become a victim of a system that can further complicate her life, and the life of her partner (Flynn and Crawford (1998); McMahon and Pence, 2003; Coker, 2004).

By upholding the racist notion of the real battered woman, police officers' interference in the lives of abused black women, may further marginalize and subordinate them, by subjecting them to further legal and governmental risks (Coker, 2004). Coker (2004) notes that these women are further subjected to certain aspects of a prejudicial justice system, such as immigration and child welfare laws, which would affect their decision to contact the police. Stemming from this, due to the fact that many black women are immigrants, they and other immigrant women believe that they or their partners may face deportation or may be separated from their children (Gillis et. al., 2005).

With regard to child welfare laws, children of black abused women are more than likely to be removed from the home or monitored by child protective services (Bent-Goodley, 2001). Evidence reveals that 42% of all children in

foster care are from poor black families, while they account for only 17% of the child population in America. In cases where the mandatory arrest policy could have proved successful, the lack of addressing the dynamics of race in both the legal and governmental institutions has rendered it ineffective (Coker, 2004). As reported by a black woman in a U.S. study who phoned the police: “The call to the police opened up so many doors. Then I had three different services watching me and the kids. Child protection put me at risk for losing my children; they said, next time they’ll take the kids! I always thought the police were there to help me. I never called them again” (see Coker, 2004:1333).

Whereas, the speaker of the above quote refuses to call the police because of further institutional intrusion, others refuse to call them to protect their abuser. Black women, as members of a historically underprivileged and undervalued class (Sokoloff and Dupont, 2005), may hesitate to contact the police because of the notion of race treason (Flynn and Crawford, 1998; Potter, 2006). Race treason refers to a black woman’s fear that by calling the police she is subjecting her black man to racist treatment by the police. Treatment conceived as far worse than what she is enduring in her current relationship. In her view, calling the police could easily result in a crime committed against her race (Flynn and Crawford, 1998). According to Flynn and Crawford (1998), this is no surprise considering the historical relationship between the police and black men. Between 1978 and 1997, 17 Canadian black men were shot by the police, 11 were killed, and those crimes have yet to be solved. Although these crimes may not have occurred during incidences of woman abuse, they still shed

some light on the tenuous relationships between black men and law enforcement agencies. This illustrates the concept of racial re-victimization and, with regard to black women, sexual re-victimization. Due to the fact that black women are historically plagued by the concept of the dominant strong woman, head of the household, 'superwomen' -- who is, nevertheless, affected by sexism (Amos and Parmar, 1984), their issues are minimized. According to Angela Harris (1990), black women are placed in a footnote in comparison to their white female counterparts. As footnotes, re-victimization occurs, as the black woman's situation is again ignored (Flynn and Crawford, 1998).

Chapter Summary

This analysis of mandatory arrest illustrates the differential treatment abused black women receive as a result of this policy's development. Further, this analysis portrays some of the risks black women face when they make the decision to initiate contact with the police. It was revealed that police officers fail to protect and respect abused black women because they are perceived as fundamentally incompatible with what police and the law believe to be the real battered woman. With this perspective, police officers fail to protect women who are in desperate need of their assistance. Black women are disproportionately affected by woman abuse, yet they are either denied protection or provided an unacceptable means of addressing their needs. For instance, black women face the risk of further victimization by the legal system through dual arrest, and in addition, they are subjected to policies, such as

immigration laws and child-protected services, which may deliver worse outcomes than if they had not contacted the police in the first place.

The final concern addressed, although briefly, was the risk of being a key player in the conspiracy against black men. Due to their intent to protect black men from potential police brutality, black women prefer to endure the abuse from these men, rather than seek help from the police. The serious consequences that may be incurred through contact with the police entice the black community to resist initiating such contact. Essentially, a black woman has two choices: on the one hand, she can continue to endure the abuse by her partner, and, in turn, reduce his chances of becoming a victim of the criminal justice system; or, on the other hand, she can contact the police and subject the abuser and herself to a system that is plagued by racism. In both scenarios, the affect is negative for the abused women. Children, of course, may also be negatively implicated if the abused woman is also a mother. This issue will be discussed in the next chapter.

Chapter 3

Children -- Victims Too!

Introduction

In the previous chapter, I explored the implementation of the mandatory arrest policy, its employment of the essential woman theory, and its negative impact on abused black women who seek the protection of law enforcement agencies. In this chapter, this differential treatment of abused black women will be expanded on and will lay the foundations for my research study. This study focuses on the perspectives of black Caribbean-Canadian women who have witnessed the abuse of their mothers during their childhood (child witnesses), as well as on the treatment the mothers received from the police who were called upon, at the time, to protect the abused. I begin this chapter with a literature review which will reveal four significant findings about abused black women and their children. First, in depth research is actually lacking in this area of child witnesses, especially, regarding black and other minority children. Second, any available research is still essentialist in nature, as it speaks, most directly, to the experiences of white child witnesses. Third, the *Social Learning Theory* is widely used to account for woman abuse in black families, suggesting that black people, who were once child witnesses, are more likely to accept violence as normal in intimate relationships. Lastly, mandatory arrest and its effect on child witnesses requires further research.

Prevalence of Child Witnesses

Women, regardless of race, class or ethnicity, can be victims of woman abuse, which also may affect their children. While children may not be the direct victims of woman abuse, they are implicit victims as they often witness the abuse. Yet, the issue of child witnesses has only recently been examined in scholarly literature. Prior to its formal recognition in the late 1970's and early 1980's, numerous scholars spoke about the effects of child abuse or the 'battered child syndrome,' but few have discussed the more general effect that woman abuse has on children who witness their mother's abuse (Jaffe, Wolfe and Wilson, 1990). As Jaffe, Wolfe and Wilson (1990:15) explain, "the needs of [child witnesses] were rarely considered. Except when children were physically abuse[d] as well, they were considered to be part of the battered woman's responsibility and added to the complexity of finding safety, appropriate housing and financial support". This lack of acknowledgment was even more prevalent with regard to black and minority children who were child witnesses.

The recent recognition given to child witnesses is important. It has become public knowledge that many acts of violence, including homicide, take place in the home. However, the public remains ignorant as to how much of this violence is witnessed by children. Children in these situations need to be recognized because they are the *invisible victims* of woman abuse. As such, they are unable to escape any public violence by retreating to the private security of their own homes. For these individuals, the violence is happening at home, so there is nowhere safe to hide (Osofsky, 1995). This is, especially, true for younger

children who, because of their age, lack alternatives for finding safety from the abuse; whereas, older children may have alternatives, such as social groups, to which to escape from this violence (Berkman and Esserman, 2004). A sample of 633 children revealed that children under the age of 5 were more than likely to be present while their parent was being abused, compared with older children. Among these children, 42 percent are victims of witnessing multiple incidents of abuse (Berkman and Esserman, 2004).

Witnessing an event is defined as a situation in which an individual is close enough to it that they are able to accurately recall what they saw. An individual who experiences this proximity is understood to be an eyewitness (Edleson, 1999). However, where invisible victims are concerned the scope of this definition is broadened to encompass multiple facets of the act of witnessing. Children can “witness” woman abuse in various ways, by being directly threatened by the abuser, becoming the abuser’s hostage in order to force the return of the mother, being coerced into watching or becoming an accomplice to their mother’s abuse, or by being forced to spy on the mother so the abuser can monitor and keep track of her movements (Edleson, 1999:841). Furthermore, a child can witness abuse not only through the sense of sight but also through hearing. This is an ability often underestimated by a child’s parents. Many parents believe that their children are asleep or outside when the abuse is occurring. For example, in Peled’s (1993:86) interviews with abused women, one woman commented that, “a lot of the abuse toward me was either when the kids were in bed or it was verbal abuse...I try to keep as much of it away from

the kids. I tried to be the role model the perfect wife and mother as long as they were awake.” Contrary to her belief, research has shown that children are quite aware of acts of abuse towards a parent (Jaffe, Wolfe and Wilson, 1990). As one child stated: “I really thought somebody got hurt. It sounded like it. And I almost started to cry. It felt real, I was thinking about calling, calling the cops or something because it was really getting... really big banging and stuff like that” (Peled, 1993:125). This account reveals that the child, not only hears the abuse, but is significantly affected by it.

There are inconsistencies in ascertaining the number of children and adolescents who have witnessed abuse; however, two approximations from Carlson (1984) and Straus (1992) continue to be popular today. Carlson (1984) conducted a meta-analysis based on the Straus, Gelles and Steinmetz (1980) study that estimated that violence occurred in approximately 3 million homes in America. Carlson deduced from the above findings that approximately 3.3 million children, between the ages of 3 and 17, are at risk of becoming child witnesses each year. Carlson qualified her findings, contending that the number was possibly an under representation of the true number for three reasons. First, Straus’ study was limited to violence that caused injury to the abused. Second, the study by Straus and colleagues excluded children 3 years or younger, even though, they are potentially at risk of becoming child witnesses. Lastly, while Carlson’s study spoke of households averaging two children, she acknowledges that violence may be more prevalent within lower-income households, which she contends, on average, house a greater number of children.

Straus (1992) suggests that an estimated 10 million adolescents witness the abuse of a parent each year. His study was one of the first to question adults on the violence that they had witnessed between their parents as children. Twelve percent of the adults questioned were child witnesses, where 50 percent recalled the abuse of their mothers, 19 percent recalled the abuse of their fathers, and 31 percent witnessed both parents engaging in abusive conduct. Recent studies are consistent with the above estimates and have illustrated that children are more likely to witness the abuse of their mothers rather than their fathers. A Canadian cross-sectional longitudinal study, which took place between 1998 and 1999, indicates that 1 in 12 children between four and seven years old witnessed abuse; and 30 percent witnessed abuse on multiple occasions. The majority of the abuse was inflicted on their mothers (Cherniak, et. al., 2005). In the U.S, Macfarlane and colleagues (2003) state that approximately 10 million children witness the kicking, beating, and other types of abuse of their mothers each year. These child witnesses can range from infants to teenagers.

Experiences of Being a Child Witness

In addition to illustrating the prevalence of child witnesses, studies also strive to show how this form of child victimization can affect the behavioural development of the child. While there is evidence to show that witnessing abuse may have very little influence on the developmental process of the child, other evidence reveals that children who witness woman abuse are more likely than non-child witnesses to develop internal and external behavioural problems. For

example, girls are more likely to show signs of internal problems such as depression and anxiety whereas, males are more likely to demonstrate external problems such as deviance and aggressive behaviour (Edleson, 1999; Osofsky, 1995; Macfarlane et. al. 2003). Hughes (1986) interviewed abused mothers of child witnesses and found that 75 percent of their children demonstrated aggressive behaviour, 55 percent internalized their feelings and showed symptoms of withdrawal, and 10 percent had suicidal tendencies. The behavioural problems thus described are not the fate solely of children of a certain age, but rather, can be ascribed to children of any age. According to Macfarlane and colleagues (2003:203),

“Infants and toddlers show poor weight gain, poor sleeping habits, irritability, and other evidence of general distress, such as regression. Preschool children demonstrate anxiety and fearfulness...school children...have problems at school and post traumatic stress disorder.

Compounded with the above problems is the fact that children may begin to accept abuse as a natural method of conflict resolution and in turn, pursue these behaviours in their own relationships. Consequently, child witnesses are at risk of becoming perpetrators or else victims of abuse in their own intimate relationships (Ernst et al., 2007). An explanation for this tendency is the Social Learning Theory, developed by Bandura (1977). This theory assumes that behaviour is learned through the observation and emulation of adults in one's environment. Children who observe abuse during childhood and adolescence are exposed to actions they may come to believe are acceptable. As a result, they imitate this abusive behaviour or accept abuse as normal in their teenage and adult relationships (Huang and Gunn, 2001).

For most individuals, adolescence is where intimate relationships are first developed and where they are first afforded the opportunity to practice what they have learned during their childhood. During this period of adolescence, males may begin to inflict violence on their partners and females may begin to accept the violence because they believe the behaviour to be normal. The Social Learning Theory works to explain how the intergenerational cycle of violence continues (Jaffe, Wolfe and Wilson, 1990).

Between 15 and 40 percent of adolescent males have inflicted violence on their girlfriends, and between 7 and 15 percent of teenage girls have been victims of this violence (Foshee et al., 2005). From these numbers, it can be deduced that men are more likely to engage in abusive conduct than women are to become victims of abuse. This corroborates with evidence that men who were child witnesses are likely to be abusive and, are thus, more accepting of violence as the appropriate way to address conflicts. Ernst and colleagues (2007) argue that child witnesses are no more likely than non-child witnesses to be victimized in their adult lives. They also argue that being a child witness increases one's chances of becoming a perpetrator of violence in their adult relationships. As it is widely known that woman abuse is more likely to be perpetuated by men, this discovery may reflect a possible alternative consequence flowing from the Social Learning Theory. Females, instead of internalizing the idea that the behaviour of their abusive parent is normal, learn to recognize unacceptable behaviour and consequently choose intimate relationships that do not reflect

abuse. Moreover, they may be more equipped than non-child witnesses to choose non-abusive relationships.

It has been shown on numerous occasions in the previous chapter that black women are believed to be abused more frequently than white women. The Social Learning Theory has been used by some scholars to explain this quantitative difference in abuse. For example, Ehrensaft and Cohen (2003) state that black men do not abuse the women in their lives simply because they have the physical dominance to do so; rather they do so because it is what they learned during their childhood. Men learned from their fathers or father figures that violence is an appropriate strategy to sustain control in their relationships, especially, when they feel they are losing authority. Likewise, other scholars have found that witnessing the abuse of one's mother initiates abusive behaviour in black youths, more frequently than their white counterparts (Foshee et al., 2005). In a study on woman abuse and black women, Huang and Gunn (2001), demonstrated that both black women and men currently in abusive relations were likely to have had parents who tolerated abuse. These individuals were likely to have witnessed the abuse of a parent, most likely the abuse of their mother. As such, this study tends to support the conclusion that witnessing abuse as a child is a significant indicator of women abuse in black families.

As noted in the first few lines of this analysis, research on black child witnesses is very rare. The available research is itself problematic as it is more inclined to illustrate the Social Learning Theory's influence on black men and women, rather than on exploring the role that race and racism play in influencing

the strategies utilized by black child witnesses to cope. Fantuzzo and Lindquist (1989) showed early concerns regarding this lack of research, stating that race may be an important variable in understanding how black families deal with abuse or how social and legal agencies should respond to children in these families. Two early studies in the United States attempted to explore how black child witnesses cope with abuse. Both studies suggest that white children show more signs of internal and external behavioural issues than black children (Hester et. al., 2000). In a more recent study of 206 children, Morrel and colleagues (2003) found that abused mothers of black child witnesses believed that their children showed significant signs of high levels of external and internal behavioural problems ranging from depression to aggression. Therefore, researchers should not ignore, but give voice to their circumstances.

Ignorance by researchers can further isolate children in the black community. The home, for numerous black children, is a place to escape the racism that they encounter on a daily basis outside the home. Witnessing the abuse of their mother can thus jeopardize their ability to depend on the home as a safe haven, causing them to feel a sense of vulnerability and become fearful, as they believe they have nowhere else to turn (Hester et al., 2000). Further research is necessary to learn how to appropriately address these issues, and to gather a specific understanding of black child witnesses beyond the realm of the Social Learning Theory. By failing to properly analyze the issues of black child witnesses, scholars, like feminist essentialists, and the enforcers of the mandatory arrest policy, implicitly or explicitly support the notion that race is

irrelevant in abusive relationships. This is an essentializing practice as the majority of experiences cited are those of white children, which are assumed to represent the experiences of all children. Moreover, by universalizing the experience of white children and ignoring the experiences of minority children, negative stereotypes of the black community continue to be implicitly endorsed. For example, the belief that violence is a natural part of the black community inevitably means that children from this community will become violent.

Child Witnesses and the Mandatory Arrest Policy

As there are very few studies on black child witnesses, even less research has been done on the implementation of mandatory arrest and its effect on the children of abused black women. The little research found strives to provide police officers with specific techniques on how to handle abusive situations where the child is present at the scene. One such suggestion is to implement community-based policing, where the police work closely alongside the community to combat crime. Strategies include, the “long-term assignment of officers to circumscribed neighbourhoods and the increased use of walking beats, bicycle patrols, community-based substations, and school-based officers, all of which facilitate regular, non-crisis interaction between police and community residents.” (Berkman and Esserman, 2004:6). With the relationships fostered through community-based policing, the police may be more inclined to unravel the underlying causes associated with abuse as well as address the needs

of the victims and their children in a holistic manner (Anderson and Herman, 2001).

In a culture specific capacity, it is believed that community-based policing in black and disadvantaged communities may allow police officers to build intimate relationships with these communities. This would facilitate trust between the communities and the police, and in turn, the communities would begin to believe that the police are in fact there to help. The tactics used by police forces to build such relationships would be: recruiting minorities and immigrant officers, training police to be sensitive to cultural differences, encouraging them to join community councils, and communicating with prominent community leaders (Coventry and Johnson, 2001). As a result of applying this initiative, police would be able to address the issues of abused women and their children and be more effective in situations where there are racial, ethnic, and class differences. However, only a small number of police forces currently embrace this model of policing (Berkman and Esserman, 2004).

Other recommendations include refraining from arresting the abuser in the presence of the child, as this may trigger or enhance a child's anger and dislike for the police. Police should also refrain from questioning children, as this can be a daunting experience for the child. This is, especially, true for minority children who are already aware of their parents' mistrust of the police. If an interview is necessary, the police should inform the parents of the reasons for conducting the interview. This is an important recommendation with regard to black and other minority women, as they might believe that by interviewing a

child who was not abused, the police would contact child-protection services; thus, increasing the probability of abused women losing their children (Berkman and Esserman, 2004). This would have the effect of adding more stress to an already stressful situation.

These recommendations, on the one hand, may generate great results because each year police officers respond to thousands of domestic dispute calls where children are present, resulting in a need for mechanisms to properly attend to each child and situation (Berkman and Esserman, 2004). However, these mechanisms could be counterproductive because, with the lack of research on abused black women and their children, police continue to lack the necessary information that would help them respond appropriately to black child witnesses. As previously mentioned, black people, due to their experiences of racism and discrimination by the legal system and other institutional services, greatly mistrust the police. This mistrust inevitably finds its way into the minds of their children. Bearing this in mind, when the police are called to the protection of an abused black woman, specific sensitivities are required.

Moreover, while community-based policing appears to be a positive solution, little research exists on its effectiveness with black child witnesses and children in general. Therefore, one ought to remain sceptical at this point in time. What is certain is that the means by which officers approach the issue, as well as officers' attitudes toward the victim and the abuser will have an impact on how child witnesses view the police at present and in the future. According to Berkman and Esserman (2004:8), "when police officers are quick to restore

safety, and when they do so in a calm, respectful, culturally sensitive and non-punitive manner, they set the stage for battered women and their children to re-establish their own sense of security and control". This positive attitude by law enforcement officers allows black women and their children to view the police in a relatively positive light. However, if a police officer's reaction to woman abuse is negative, for example, based on their idea of the real battered woman, the child's attitude toward the police could grow to become a negative one.

Given the paucity of existing research, I, therefore, structured my exploratory study to gather information on black female child witnesses. Considering the fact that the focal point of my analysis is abuse as experienced from the perspective of abused black women, it seemed appropriate to centre my research on female participants. By doing so, I hope to reveal information regarding their thoughts on abuse in general as well as their residual feelings about the treatment their mothers received from the police officers who responded to their abuse call. The rationale for this study is, thus to counteract the effects of essentialist theorizing and the social sciences that it has supported, and to examine how mandatory arrests do not only affect the abused and the abuser, but their children as well.

Chapter Summary

This chapter has shown that woman abuse is a persistent phenomenon that not only significantly affects the abused, but can also have a detrimental effect on children who witness the abuse. Research on child witnesses is limited,

however, what is available suggests that witnessing abuse is prevalent in the lives of many children – approximately 3.3 to 10 million children. Children exposed to woman abuse may demonstrate internal behavioural problems, such as depression and anxiety. Others may develop external behavioural problems, such as partaking in overt aggressive behaviours towards others.

While this information is fundamental to the study of child witnesses, it utilizes the essentialist overview of child witnesses so it considerably explores the experiences of white children. The experience of abuse by children of colour is thus ignored or overlooked. This emphasis allows for a plausible explanation for the dearth of research available on black child witnesses. The available data does, though, strive to establish a relationship between the Social Learning Theory and abuse in the black community. It suggests that black men who were once child witnesses tend to be abusive in their adult intimate relationships, whereas black women grow to accept abuse as a normal consequence of intimate relationships.

As so little research has been done on black child witnesses, even less is written about the mandatory arrest policy and its effect on the children of abused black women. Realizing the scarcity of such research and its overwhelming vital importance for society, I developed a research study designed to elucidate information on black female child witnesses. With that said, the details of the study are discussed in the following chapter.

Chapter 4

The Exploratory Study: Theory and Method

Introduction

In chapter 3, the effect that woman abuse has on child witnesses was explored. It was also seen that there is a dearth of research on black child witnesses, especially regarding the effect of mandatory arrest. In that chapter, I also introduced my research study, which is designed to help rectify this problem. In this chapter, my research study will be further developed by explaining *non-essentialist standpoint feminism* as my theoretical framework, and *snowball sampling* as my method. This sets the stage for the narratives to be discussed in subsequent chapters.

Theoretical Framework

In general, a *standpoint* is the view from which individuals see or interpret society. It concentrates on the circumstances in one's life (i.e. gender, race, class) that influences one's social position in society, and the experiences that arise from being in that particular social position. As such, through a recollection of these experiences, *standpoint theory* attempts to challenge the status quo (Wood, 1994). The objective is to uncover human oppression by allowing oppressed individuals to discuss their experiences of disenfranchisement in the hopes that their account will expose and challenge the otherwise unknown, negative aspects of the status quo (Allen et al., 1999). To uncover such

knowledge is to expose dominant power and for many people, women in particular, the dominant power is patriarchy. An indifference towards patriarchy, coupled with the intended objectives of the standpoint theory, led to the formulation of *standpoint feminism*. This term was coined by second wave feminist Nancy Hartsock (1983), who strived to conceptualize the oppressive situations women must face. By its nature, standpoint feminism is “explicitly political, and forthrightly aims to incorporate ‘women’s ways of knowing’ that have historically been excluded from science” (Hundleby, 1997:27). It equips women with a tenacity, which facilitates a rigorous analysis of their oppression and the institutions that design, facilitate and reinforce this oppression. It reveals ‘truths’ regarding the social relations between men and women that are invisible in society due to their normative implications (Hartsock, 1983; Harding, 2004). As a product of the Marxian analysis of capitalism, standpoint feminism attempts to develop knowledge of women’s oppression mapping its manifestations, and in turn, emulates Marx’s development of the *proletariat standpoint*.

According to Marx (1844:112), “all mysteries which lead theory to mysticism find their rational solution in the human practice and in the comprehension of this practice...” In other words, to understand the oppression experienced by the proletariat and to criticize the capitalist regime one must gain knowledge through the voices of those who experience the oppression – the proletariat or the working class. The economic and social inequality that exists between the proletariat and the bourgeoisie is made visible by revealing the

capitalist exploitation of the workers and the systemic disadvantages that they face (Hartsock, 1983). Second wave feminists believed that the analysis of the experiences of women, like that of proletarians, would illuminate the disadvantages that they face and challenge the normative nature of the male-female relationship. Second wave feminists also argued that “[t]he powerful vision of both the pervasiveness and reality of class domination made possible by Marx’s adaptation of standpoint could allow for a much more profound critique of phallocratic ideologies and institutions than has yet been achieved” (Hartsock, 1983: p. 107).

While Marx employed the proletariat standpoint by focusing on their “material life activity”, Hartsock’s *Standpoint Feminism* focuses on ‘women’s life activity’, by analyzing the sexual division of labour that exists between women and men. By concentrating on the sexual inequalities that occur between men and women, early developments of standpoint feminism has been critiqued for relying on an essentializing image of woman. The differences that exist among women, be it race and/or class, were deemed irrelevant in their fight against sexism, and the need to expose it. Instead, emphasis was placed on the central commonality that *all* women possess with regards to division of labour—a material commonality. More specifically, women’s material circumstances universally differ from that of their male counterparts due to their economic activities, which were not given the same economic value or appreciation as those activities that, for example, took place outside the home. This difference

constantly placed women in a disadvantaged position while elevating men to the most privileged positions (Hartsock, 1983).

Standpoint feminism emphasizes that notion that *women* exist as a collective unit and ignored important distinctions such as race, which in turn, undermined the intended effects of Standpoint Theory. This was later recognized by Hartsock (1997:368) when she stated:

By examining the institutional sexual division of labour, I argued that a feminist standpoint could be developed that would deepen the critique available from the standpoint of the proletariat and that would allow for a critique of patriarchal ideology. In following this strategy I committed an error similar to that of Marx. While he made no theoretical space for any oppression other than class, by following his lead I failed to allow for the importance of differences among other various groups-power differences all.

To overcome the charges of essentialism, recent Standpoint feminists have adopted a new approach. They acknowledge that, in order for theory to be effective, it needs to account for all oppression and not just that of white middle-class women only and refrain from universalizing their experiences for all women (Hundleby, 1997). Whereas accounts of oppression simply set the stage for the acquisition of knowledge, the political opposition to oppression actually produces knowledge and challenges the dominant power (Hundleby, 1997). This approach embraces the experiences of individuals by acknowledging that those experiences allow for advocacy while at the same time concentrating on the conditions that allow for the construction of marginalized groups. In other words, it recognizes that social constructs such as race, class, ethnicity and gender are elements used to categorize particular groups by the dominant powers in society, which allows for marginalization to occur (Collins, 1997). This affirms that white women's oppression should not be the only recognized form

of oppression. As such, women facing multiple forms of oppression are given a platform to voice their experiences so they can avoid being ignored despite the fact that their experiences are not those of white women. Furthermore, this new approach illustrates that knowledge of all forms of oppression is imperative to understanding and reforming the inequalities embedded in the status quo (Collins, 1997).

In Chapters 1 and 2, I examined essentialism and the essential woman and painted a picture of how both concepts have been detrimental to black women in abusive relationships. By utilizing the reformed version of standpoint feminism, or what I will refer to as *non-essentialist standpoint feminism*, the limitations of essentialism can be overcome avoiding the privileging of white women's experiences above those of other women. Instead, disenfranchised women are able to voice their experiences, not as representatives for all women, but as voices in the fight against multiple forms of oppression.

I, therefore, intend in this paper to use a non-essentialist standpoint feminist theory to present the data collected from my interviews with black women who witnessed the abuse of their mothers during childhood. Of course, these interviews by no means extend to the realities of all such experiences. However, they do shed light on the mistreatment of black abused women by a system that has been historically plagued by racism and sexism. The participants herein revealed that their mothers received such treatment by virtue of their blackness and their womanhood. Acknowledging that "the notion of standpoint refers to groups having shared histories based on their shared location in

relations of power...” (Collins, 1997:376), these accounts will surely reveal different versions of the pervasiveness of racism and sexism faced by black abused women. Furthermore, these accounts will provide new knowledge about an existing problem that both strives to challenge the status quo and illustrate the generational effects of racism. This may be termed new knowledge because it is from the perspective of child witnesses. It is oppositional knowledge that outlines the effect that the social inequalities faced by abused black women have on their children and how those children perceive and cope with power relations. More importantly, the narratives presented can aid in the fight against multiple forms of oppressions that abused black women contend with.

Methodology

In an effort to accomplish the theoretical, political and general knowledge-based goals of non-essentialist standpoint feminism, five black women, were interviewed who were between the ages of 20-25. During their childhood, these women had witnessed the abuse of their mother by her male partner and the resultant treatment they received from the police after requesting protection from their abuser. In conducting these interviews, I believe I achieved two exploratory research goals. First, I was able to elucidate information illustrating the negative treatment that some abused black women faced in their contact with law enforcement officers. Second, the evidence revealed that being a witness to such abuse has the potential to influence how one proceeds with intimate

relationships and one's perception of the police and legal institutions in one's later adult life.

In order to obtain an interview sample, the participants were recruited through a sampling technique known as *snowball sampling*. This is the process by which an existing respondent recruits other potential subjects to participate in the study by virtue of their friendship, or other ties. The new subjects, in turn, recruit others in a similar manner (Bachman and Schutt, 2003). This recruitment process seeks out and initiates access to populations or groups that are usually difficult to contact through more traditional means of sociological research (e.g. household surveys and questionnaires). Such "hidden" populations (Van Meter, 1990; Atkinson and Flint, 2001; Bachman and Schutt, 2003) have historically included sex trade workers, drug users, and even gang members (Atkinson and Flint, 2001). In essence, this method utilizes hidden social networks and provides the researcher with expandable contacts that they may have never encountered through other means.

Snowball sampling is thus a more informal investigative technique, which can provide the researcher with the tools necessary to intimately explore hidden populations and obtain intensive and comprehensive information about particular subject matter (Atkinson and Flint, 2001). Van Meter (1990) also argues that the use of such an ascending methodology, has the major advantage of focusing on smaller groups including aforementioned hidden populations. This is beneficial, as opposed to traditional or descending methods of research that employ standardized surveys and questionnaires gathering a quantitative

analysis of the general population. Perhaps most important in selecting an appropriate method, my use of non-essentialist standpoint feminism means avoiding generalizing the experiences of black abused women and black child witnesses since this contradicts the theory intent to give voice and not essentialize. The goal is to avoid generalizing or universalizing the experiences of the participants, and instead give voices to the participants to advocate against oppressions such as racism and sexism.

A secondary methodological issue revolves around actually finding participants. With a snowball sampling technique, undertaken in the context of standpointism, I decided to first begin with my own personal story. I believed that there were others in similar circumstances who would want to share their stories. I thus contacted several shelters and abuse centres for women, in both Toronto and Ottawa, with the hope of finding potential participants. Some declined for personal reasons, others because of time constraints, and still others were not appropriate for this research. I decided, therefore, to start my snowball sampling closer to home, which proved more successful. By contacting one family member and, in turn, a few friends in Toronto who were willing participants, they recruited their own friends. Obtaining participants through this method was nonetheless difficult because friends who were sometimes referred to me were still reticent to do an interview. In the end, my *snowball* resulted in a sample of five women. Snowball sampling helped me locate an otherwise hidden population. It proved the most appropriate and practical approach to accessing my potential participants because each contact was based on an implicit trust,

the inter-referral process itself. This likely facilitated a more open dialogue especially given that the women interviewed also knew my own experiences. Nonetheless, encouraging full disclosure was difficult due to the subject matter and the comfort level of the participants involved, but I believe that traditional methods of research would not have achieved the intimate and comprehensive data needed for the success of this study. Snowball sampling, along with the non-essentialist standpoint feminist theory allowed me the opportunity to gain in-depth knowledge on a group that, up until now, had not been largely studied. It enabled me to share their stories by giving them a voice, as well as to illustrate the power of knowledge as pivotal when advocating against systemic oppression.

Chapter Summary

By adopting *non-essentialist* standpoint feminism as my theoretical framework, I avoid the significant flaw associated with standpoint feminism: essentialism. By utilizing non-essentialist standpoint feminism, black women are given the opportunity to express their experiences as child witnesses of woman abuse. Their voices are no longer silenced or overlooked, and the women interviewed could express their experiences not as the experiences of all black child witnesses, but as a source of knowledge opposing the oppression of abused black women.

In order to retrieve such knowledge, and the privilege to disseminate it, I employ a research method suitable to gain access to child witnesses. Given the

fact that child witnesses are difficult to contact through conventional research methods, I elected to use snowball sampling. This technique provides a platform fit to intimately explore the pain of child witnesses and to uncover necessary detailed information that would aid in the fight against the great adversity abused black women face in general and with the criminal justice system more specifically.

Chapter 5

In Their Own Words

Introduction

In my effort to examine the effect of mandatory arrest on abused black women, I conducted an exploratory study interviewing five adult black women who had not only witnessed the abuse of their mothers during their childhood, but had also witnessed their mother's contact with the police officers who were called upon to protect them from their abusers. In chapter four, I introduced snowball sampling as the method used to locate these participants, and non-essentialist standpoint feminism as the theoretical orientation employed to give voice to them. By utilizing this approach, in the current chapter I hope to provide a platform for my participants to voice their opinions on how witnessing the victimization of their mothers, by both the mother's partner and the police officers, affected them both as children and as adults.

Due to the lack of established scholarship on black child witnesses and their opinions on mandatory arrest, I strive to preserve the authenticity of the data collected by presenting the information unedited. Preservation is necessary for two very important reasons. It establishes the lived reality of the mandatory arrest policy's affect on abused black Caribbean women and also how this affects children who witness woman abuse. More importantly, however, I believe that to successfully use non-essentialist standpoint feminism as well as be able to influence or oppose the multiple oppressions abused black women face, in this case, with regard to mandatory arrest, the participants' voices must

be presented without interpretation or interruption. I hope that by presenting the data in this manner, research will aid in this area of study and the voices of these five women will be joined by many others.

With that said, below I present the stories of Tiffany, Sandra, Caroline, Nina, and Natalie. It must be noted that each woman is provided with a pseudonym to maintain confidentiality.

Interviews – in their Own Words

Interview 1

Date: Saturday, May 23, 2009

Location: Second Cup, Scarborough, Ontario

Time: 9:00 am

Interviewee: Tiffany

Me: How old are you?

Tiffany: 23

Me: Where are you from?

Tiffany: *I was born in Canada, but my parents are Guyanese*

Me: How old were you when you first witnessed the abuse of your mother?

Tiffany: *I'm not sure. I was probably 6 or 7.*

Me: Did you witness her abuse on more than one occasion?

Tiffany: *Yes. It was constant. If he wasn't hitting her, he was cussing her about her weight or me. I don't know... anything.*

Me: Did you ever try to help your mother while she was being abused?

Tiffany: *I tried to help her a couple of times. I yelled at him, I even tried to hit him once. It didn't work out so well because he slapped me and told me to go to my room.*

Me: What would she do?

Tiffany: *Nothing. If I said something, she would tell me to go next door to my friend's house or something. Or sometimes she didn't even pay me any attention.*

Me: Do you believe your ethnic community influences the way you would approach, address or remedy certain situations, such as an abusive partner?

Tiffany: *Yes. I guess you can say that it [woman abuse] is accepted or maybe tolerated, so we don't really do anything about it. We just go on with our day as if nothing happened a minute, an hour or the night before.*

Me: Does that bother you?

Tiffany: *Kind of. It is frustrating because when you want to get help for your mother there is really no one there to help because a lot of the women that you know are going through the same situation. Abuse is a cycle you know. I remember talking to my grandmother once and she told me that she was in an abusive relationship and she didn't do anything to stop it, so I guess that is the case for my mother. We don't like to discuss it... it is silenced I guess.*

Me: Do you believe your community had an influence on the way your mother dealt with her abusive situation (i.e. reaching out for help).

Tiffany: *Yeah. Because we (members of the black community) don't like to discuss it. Mom keeps it private. She doesn't tell anyone. She tells me to keep it between us and she was even a little upset when I told her about the interview. She asked why I was airing our dirty laundry.*

Me: How do you believe the police view black abused women?

Tiffany: *I don't know. Not that great I guess.*

Me: Care to elaborate?

Tiffany: *They view them the same way they view black men – deviant.*

Me: If you can recall, how likely was your mother to call the police when she was being abused? Why?

Tiffany: *At first, she was hesitant to call the police, but now she does whenever she feels that the abuse has gone too far.*

Me: Too far? What do you mean?

Tiffany: *I don't know, when she feels that she can't handle it anymore. When she gets scared, I guess when she believes he might really hurt her.*

Me: You said at first she was hesitant, why do you think that was?

Tiffany: *She doesn't like the police. She feels that they are racist because my uncle who drives a nice car is pulled over regularly because he is a black man with a nice car. Things like that make her dislike the police.*

Me: Were you there when the police arrived? How did they treat her?

Tiffany: *I was there on several occasions. I remember that on numerous occasions, the same officers came, but I guess they were tired of her complaint because they didn't really do anything. The first time she called the police, he was arrested and she claimed she was done with him, but that same night he was back at the house. I don't get it. She was bleeding pretty badly and they allowed him to come back— I just don't get it.*

Me: What is your opinion of mandatory arrest for abusers of battered women?

Does this policy affect your likelihood to call the police?

Tiffany: *I think its okay. I just wish that it was enforced more aggressively. They [police officers] need to set some boundaries especially after she called them so many times. They should take charge and prosecute him or something. He can't keep beating her, she keeps calling them, they take him away, it happens again and he keeps coming back.*

Me: Don't you think your mother should be the one to decide what happens to him?

Tiffany: *Yes and no. The first time she called, maybe, but after 3 or 4 times I think the police should be the one to say enough's enough.*

Me: Hypothetically speaking, if you knew a black woman who is being abused by her partner: (a) Do you think she would contact the police; (b) how likely do you believe the police are to trigger an investigation and/or arrest the alleged abuser?

Tiffany: *No. because black people's faith in the police is very low. They don't believe they would help. Answering a call for the first time, I believe that they will investigate and arrest the abuser, but after a few calls they just stop caring. They hate serial cases—I guess I would too.*

Me: Do you think the police treat abused black women differently than other battered women? If so, why?

Tiffany: *Yes and no. I guess it depends on the officer you get. If you get one that is racist as hell, then yes he would treat her like crap, but if you get one that is understanding of race and racial differences, then I guess he would treat her the same as every other abused woman.*

Me: Does this impact the way you would choose to interact with the police if you found yourself in an abusive situation.

Tiffany: *Not really. I hope I am never in that situation, but if I am ever abused, I am going to call the cops especially because I know that he is much bigger than me. I feel that the police should do their job, and that is protecting me. So if I cannot protect myself who better to than the police?*

Me: Is there anything else with regard to the subject matter, you would like me to know?

Tiffany: *Police officers are okay, I just wish that they used mandatory arrest more aggressively.*

Interview 2:

Date: Saturday, May 23, 2009

Time: 11:30 am

Location: Second Cup, Scarborough, Ontario

Interviewee: Sandra

Me: How old are you?

Sandra: *20*

Me: Where are you from?

Sandra: *Well my background is Jamaican. That is where I was born, however, I was raised in Canada.*

Me: How old were you when you first witnessed the abuse of your mother?

Sandra: *I believe I was about 7 years old or younger. All I know is that I was really young, too young to understand what was going on.*

Me: Did you witness her abuse on more than one occasion?

Sandra: *Yes, on several occasions. They were usually pretty bad.*

Me: Did you ever try to help your mother while she was being abused? If yes, how did she react?

Sandra: *Yes I always tried to help her, however, I couldn't do much. She always sent me to my room and told me to lock the door. I remember that being the worst feeling ever as a child not knowing if your mother was okay and being forced to stay in a room. All you could hear were cries, struggles and screaming and you had to decide which sounded like a cry for help.*

Me: Do you believe your ethnic community influences the way you would approach, address or remedy certain situations, such as an abusive partner?

Sandra: *Yes, I do believe so. I come from a Jamaican background and in Jamaica, physical abuse in a relationship is more accepted, more specifically woman and children beatings. It's not really a big deal.*

Me: Does that bother you?

Sandra: *Yes. Because as a black female, the Jamaican mentality doesn't include the female perspective and it belittles us. I am offended by that kind of mentality.*

Me: Do you believe your community had an influence on the way your mother dealt with her abusive situation (i.e. reaching out for help).

Sandra: *Definitely, I believe because she came from a background where physical abuse was accepted. She didn't seek the right help and she was more accepting of the physical abuse that occurred in her relationships.*

Me: How do you believe the police view black abused women?

Sandra: *I believe they are less sympathetic to black abused women than they are to, for example, white abused women.*

Me: Why would you say that?

Sandra: *I just feel that, in general, police seem to be less sympathetic to black people.*

Me: If you can recall, how likely was your mother to call the police once she had been abused? Why?

Sandra: *Not likely because she probably didn't want her boyfriend to go to jail and have to deal with the police.*

Me: Were you there when the police arrived? How did they treat her?

Sandra: *The one memory that stands out to me is when I was about eleven years old. I was in my room when they arrived. I felt they treated the situation more lightly than they should have.*

Me: Meaning?

Sandra: *I wanted them to take him away and give my mother something she could rely on to feel safer. At the time, I felt they just came, talked about the situation, and the next day he was there again. Nothing was enforced to protect my mother. It was like they just didn't care.*

Me: What is your opinion of mandatory arrest in situations of battered women?

Does this policy affect your likelihood to call the police?

Sandra: *I feel it [mandatory arrest] discourages females from calling the police because they don't want to cause more trouble and complicate things further.*

Me: What do you mean by complicate things further?

Sandra: *Lots of times the abuser could be the father of their children and they don't want them [the children] to see him arrested. Also, by getting the police*

involved, the abuser may get angrier and more violent. It is also possible that they can be charged and I don't feel like they [the women] would want to charge them.

Me: Hypothetically speaking, if you knew a black woman who is being abused by her partner: (a) Do you think she would contact the police; (b) how likely do you believe the police are to trigger an investigation and/or arrest the alleged abuser?

Sandra: *No. I do not think she would contact the police. Police officers do not treat black people right and knowing this, she would not contact the police. I also don't think that the police would be likely to carry out an investigation. I don't think it's a priority for them, woman abuse, let alone the abuse of a black woman.*

Me: Do you think the police treat abused black women differently than other battered women? If so, why?

Sandra: *I can't comment on that as I have not witnessed the treatment of other abused women from different racial groups. However, I will say that, at times, I feel that the police have an unsympathetic and almost uncaring attitude towards people of minority.*

Me: Does this impact the way you would choose to interact with the police if you found yourself in an abusive situation.

Sandra: *It discourages me from involving the police if I were ever in an abusive relationship. I think I would prefer to turn to some type of counselling for the abuser. When police are involved I believe it complicates the situation, it doesn't*

solve anything and you can't trust that as a minority they are doing everything in their power to protect you.

Me: Is there anything else with regard to the subject matter, you would like me to know?

No I think we covered everything.

Interview 3

Date: Saturday, May 23, 2009

Time: 5:00 pm

Location: Pickering Public Library

Interviewee: Caroline

Me: How old are you?

Caroline: 23

Me: Where are you from?

Caroline: *I was born in Toronto, but my background is Jamaican.*

Me: How old were you when you first witnessed the abuse of your mother?

Caroline: *I witnessed verbal abuse towards my mother for as long as I can remember, but I started witnessing physical abuse when I was about seven or eight.*

Me: Have you witnessed her abuse on more than one occasion?

Caroline: *Yes, I have.*

Me: How severe was the abuse?

Caroline: *She has been to the hospital a few times to get stitches. I also remember that she broke her arm once, when he threw her down a flight of stairs. Many times he would beat her like he was in a bar fight. It was quite*

disturbing to watch. Majority of the time I would lock myself in the room until it was over or my sister came home from work.

Me: Did you ever try to help your mother while she was being abused? If yes, how did she react?

Caroline: *Yes, I tried to help her, but whenever I tried to help her, she would usually just tell me to stop and go away. I would usually go and call my aunt while I was in my room to let her know what was going on. And she usually comforted me on the phone.*

Me: Did your aunt ever do anything to stop the abuse?

Caroline: *No because I guess she was used to abuse and she knew that they would often fight so they would make up after. She was also abused herself by her boyfriend, so I guess she was accepting of it as well.*

Me: Do you believe your ethnic community influences the way you would approach, address or remedy certain situations, such as an abusive partner?

Caroline: *Sometimes I feel that I am, simply because I feel that white cultures are more open to seeking help. But black women feel they have to be strong, put up a front to protect who you are.*

Me: Does that bother you?

Caroline: *Yes. It puts more pressure on me and other females from my culture to deal with their problems and it discourages them from seeking help. It puts pressure on us to deal with our problems alone and further discourages us from seeking help that would probably benefit us.*

Me: Do you believe your community had an influence on the way your mother dealt with her abusive situation (i.e. reaching out for help).

Caroline: *Yes. It influenced her by discouraging her from seeking help and accepting her abusive relationship. Well maybe she didn't accept it, she just got used to it.*

Me: How do you believe the police view black abused women?

Caroline: *I believe they are less sympathetic to black abused women, or any minority woman for that matter. This also adds to your question above. Because of how the police and the public in Canada view black people, black women often feel like the police will not help them. Therefore, they are forced to put up a front and deal with the abuse on their own.*

Me: If you can recall, how likely was your mother to call the police once she had been abused? Why?

Caroline: *Not likely. He is my father and probably for the sake of the children she didn't want us to see him taken away in a police car.*

Me: Were you there when the police arrived? How did they treat her?

Caroline: *When they came, I felt they did the best they could.*

Me: What do you mean?

Caroline: *They tried to resolve the situation and gave them time apart, but obviously, she didn't want to press any charges, so I guess they did what they could.*

Me: What is your opinion of mandatory arrest for situations of battered women?

Does this policy affect your likelihood to call the police?

Caroline: *I feel that the policy sounds great, but in reality, I personally think that it would discourage me from calling the police or discourage my mom from calling the police as well.*

Me: Why would it discourage you?

Caroline: *I don't want to be responsible for anyone having a record or anything like that.*

Me: So are you saying that you are willing to take the abuse and do nothing?

Caroline: *No, but I feel that I would try to do something on my own, involving the police makes the problem worst for everyone involved. I would try to solve the problem myself by doing things such as discussing it with the man or seek counselling. Try different techniques that may solve the abuse in our relationship. If that doesn't work I would eventually give up and leave that person.*

Me: Do you think that would be easy, leaving him that is. For many women this is the hardest part. That is why they stay.

Caroline: *I know, but I would like to think that I wouldn't be like most abused women. I would like to think that my childhood taught me that I am better than this type of relationship and I deserve the best.*

Me: Do you think that there is culturally sensitive counselling that could truly help your situation?

Caroline: *I hope so. I wouldn't say there isn't.*

Me: Hypothetically speaking, if you knew a black woman who is being abused by her partner: (a) Do you think she would contact the police; (b) how likely do

you believe the police are to trigger an investigation and/or arrest the alleged abuser?

Caroline: *I don't think she would call the police because, basically, when a black woman contacts the police nothing good comes out of it. It makes the abuser angrier and it could ruin the relationship, which she may not want. More importantly, the abuser is forced to be arrested by mandatory arrest. So that is why I say no. Secondly, I think that they are unlikely to trigger an investigation. I think they may arrest them, but not trigger an investigation.*

Me: Why?

Caroline: *The reason I think this is because, I believe they believe they have better things to think about than some stupid fight between two lovers.*

Me: Do you think the police treat abused black women differently than other battered women? If so, why?

Caroline: *Yes actually I do think that they would treat them differently. I think it's possible that they do.*

Me: Why do you think that?

Caroline: *I feel that black women have that stereotype of being deviant, argumentative, hostile, angry, and because of these stereotypes they are less sympathetic to black abused women.*

Me: Does this impact the way you would choose to interact with the police if you found yourself in an abusive situation.

Caroline: *Yes it would. I have very little trust in the police system. I would not call the police because I believe that they would think that I brought it on myself*

or my actions may have triggered the abuse, or they may think that I am at some fault—maybe the way I behave, I don't know.

Me: Is there anything else with regard to the subject matter, you would like me to know?

Caroline: *I wish there was more help geared toward black abused women.*

Interview 4

Date: Sunday, May 24, 2009

Time: 11:00 am

Location: Pickering Public Library

Interviewee: Nina

Me: How old are you?

Nina: 25

Me: Where are you from?

Nina: *I am from Trinidad*

How old were you when you first witnessed the abuse of your mother?

Nina: *Well, it started in Trinidad and continued when we moved here. I was very young. I can't remember the exact age.*

Me: What year did you come to Canada?

Nina: 1994

Me: Have you witnessed her abuse on more than one occasion?

Nina: *Yes. My dad was very abusive.*

Me: How severe was the abuse?

Nina: *It could range from a slap in the face to an outright one-sided kickboxing match. She married him in order to get her Canadian papers, so I think he took advantage of that. He knew that she was all he had.*

Me: Did you ever try to help your mother while she was being abused? If yes, how did she react?

Nina: *Yes and no. If I tried to help, I would scream something like, "stop hitting her." She would tell me to shut up and stay out of it. I don't know why she was always like that. If I said I was going to get help or call someone she would get mad and tell me to stay out of it. I never understood why.*

Me: Do you believe your ethnic community influences the way you would approach, address or remedy certain situations, such as an abusive partner?

Nina: *Yes. For sure. I swear, black people are so protective of their own. Matters, such as abuse are something (sic) that is kept in the family. No one needs to know our business. We dealt with it on our own. This is so ironic because back home, the community was so involved in your life. Private matters were no longer private, but for the community to solve. You did something wrong, not only my mother, but the whole community would have something to say about it. Here, it is so different. The community is no longer involved in our private lives, but because of our race, we feel it necessary to keep that protected. So if someone did something wrong, like abusing their girlfriend, we didn't want to get anyone involved. Your close friends, maybe, but they would probably advise you to keep your mouth shut.*

Me: Do you believe your community had an influence on the way your mother dealt with her abusive situation (i.e. reaching out for help).

Nina: *Definitely. She doesn't want anybody to get involved in her situations. She doesn't even want me to tell my aunts or anyone. The only person that knows is*

me, my sister, my mother and her best friend. Mom doesn't really trust the system. She doesn't think they are going to help her, just make the situation worst. My stepfather has been beating her for years and it was when I was about fifteen or sixteen the police got involved.

Me: Has she ever gotten help from counsellors?

Nina: Are you crazy. She was pissed when the police were involved the time they were called. She doesn't believe they understand where she is coming from. She wants no one involved. I believe that she thinks that she can help him, but I don't understand why she doesn't see that that is not the case.

Me: How do you believe the police view black abused women?

Nina: I want to think like any other woman, but then I remember last April about that girl who they arrested because she didn't want to testify, I am not too sure now. I wonder if it was a white woman, if they would have arrested her.

Me: If you can recall, how likely was your mother to call the police once she had been abused? Why?

Nina: She never wanted to get them involved. She does not like the police because she feels that they do not like her and they will not help her.

Me: How do you know this? Has she ever said anything to you to corroborate what you said above?

Nina: She does not have to. I know because even I at times do not trust the police in the affairs of black people.

Me: Were you there when the police arrived? How did they treat her?

Nina: *The only time I remember seeing the police was when he beat her so bad that she needed medical attention. This was when I was about 15 or 16. I can't remember exactly how the fight began, but our neighbours heard the commotion and called the police. When they arrived my mother had a broken nose and a cut above her eye. He was bruised too, but he is much stronger than she is. They treated her okay I guess. From what I could remember, they handcuffed him and read him his rights. Meanwhile she was begging them to let him go, for him to tell them that he was going to do better, and he was sorry. They took a statement from her, but she didn't want to give them any information. What was surprising to me – and I remember asking myself, why it mattered – is that they kept asking about the minor bruises he had, and asking her what was the reason for the fight. Anyway, they took him down to the station. However, I don't remember if it was the same night or the next, but he eventually came back. I think the police wanted to prosecute, but my mother was not going to let the love of her life go to jail for a broken nose.*

Me: What is your opinion of mandatory arrest for battered women situations? Does this policy affect your likelihood to call the police?

Nina: *I am sceptical about it. I like the concept, but I think that something is missing. I am not too sure. In my mother's case, I believe that he should have been arrested—which he was—but I felt the police were not really trying to understand the situation. They basically just came arrested him, asked her a few questions and left. I felt like they did not really care about the fact that this was an abused woman who needs help, they were just going through the motions.*

Me: Do you think they acted that way because of your mother's reluctance to give any information?

Nina: *Could be. Even though she was reluctant, they could have done more to help her. They could have given her pamphlets of centres that may be sensitive to her situation, or phone numbers of people that she could talk to. They could have acted like they cared. At the time, it didn't really bother me as much, but now that I think about it, I am upset. I feel that at that moment she needed all the help in the world. She never listened to my sister or me because she thought that we did not understand the dynamics of her relationship with him. According to her, we were just kids. So I believe that if the police showed her that they were people who actually cared about her situation, things would've probably been different.*

Me: What do you mean different?

Nina: *I'm not sure. Maybe she would have left him earlier and got some help. Or maybe she would have gone ahead with a trial to teach him a lesson. I am not sure. Or maybe they might have stayed the same, but at least she would have known she had people who cared and other options available.*

Me: Hypothetically speaking, if you knew a black woman who is being abused by her partner: (a) Do you think she would contact the police; (b) how likely do you believe the police are to trigger an investigation and/or arrest the alleged abuser?

Nina: *No I do not. We have a dislike for the police. You are studying this, you know that black people and the police do not get along. And regardless if they*

are being abused, they won't want them to interfere in their lives. Now, I do not want to speak for all black women. I believe that if I ever found myself in this situation, I would want them involved—even if it was to arrest the bastard with this mandatory arrest business. I am not too sure how far I would take it, but at least he would be out of my life for a bit. I think that with the mandatory arrest policy, they have to arrest the abuser, however, I believe that they only do so in extreme situations, i.e. extreme bleeding or where med [medical] attention is necessary. I do not think that they take it [woman abuse] very seriously.

Me: And how about investigate?

Nina: *Same. I do not think they take it serious enough to investigate, unless it is something that they cannot ignore.*

Me: Do you think the police treat abused black women differently than other battered women? If so, why?

Nina: *I want to say no, but the truth is black people are treated differently regardless. So yes, not all [police officers], but I believe that many of them do. I believe that it is a part of their profession, believing that black people are violent. Therefore, they treat us differently. This violent thing can go both ways. On one hand, they can ignore us, and on the other, they can pay us too much attention. Both can be bad for us.*

Me: How so?

Nina: *Well, when they ignore us they are sending the message to society and to black children that black people do not matter. By paying us too much attention,*

they are sending the message that we are the ones to keep a close eye on. We are society's threat.

Me: Does this impact the way you would choose to interact with the police if you found yourself in an abusive situation.

Nina: *It depends. I would not want to involve the police to protect him [the abuser] and fight stereotypes of black people, but on the other hand, I love myself too much to not do something about it. So if the beating is something that is continuous then I would definitely contact the police. If it was a one time thing, then I would let it slide.*

Me: But how would you know if it was only going to be a one time thing?

Nina: *That's the thing: I don't. But that's a chance I guess I am willing to take.*

Me: Is there anything else with regard to the subject matter, you would like me to know?

Nina: *No nothing really. I hope I have helped you.*

Interview 5

Date: Wednesday, May 27, 2009

Time: 1:00 pm

Location: Second Cup, Ottawa, Ontario

Interviewee: Natalie

Me: How old are you?

Natalie: 24

Me: Where are you from?

Natalie: *Grenada*

Me: How old were you when you first witnessed the abuse of your mother?

Natalie: *Probably 6 or 7 years old was my first memory. He used to cheat and mom used to get mad about it.*

Me: Have you witnessed her abuse on more than one occasion?

Natalie: *Yes. I would say that it stopped when I was probably in my teens.*

Me: How severe was the abuse?

Natalie: *It was severe in that it was a combination of emotional and physical abuse. It was constant and it had pretty long-term effects. The physical abuse was pretty severe. As a child I witnessed my father kicking my mother to the floor. I would not be surprised if the headaches and back pains she complains about resulted from the abuse.*

Me: Did you ever try to help your mother while she was being abused? If yes, how did she react?

Natalie: *All the time. That is why my father and I do not get along.*

Me: What would you do?

Natalie: *I would try to jump in, so that, in order for him to hit her he had to hit me. I am not an only child. My sister would help, but my brother was too young so he would just cry. I remember that he (the father) was arrested before, but he came back. My mother was pretty hysterical. She did not want us to jump in, but it gave her leverage when we did because she would say things like, "Would you dare hit your children?" it was ironic because he would hit to discipline us, but in that situation I realized the extent of his actions.*

Me: Do you believe your ethnic community influences the way you would approach, address or remedy certain situations, such as an abusive partner?

Natalie: *Yes. Being an immigrant makes it harder for me to report abuse because I do not have citizenship. As a woman of colour, I do not trust the police, especially how they treat black people. It would make it hard for me to report abuse, but if it does happen, I would report it. I love myself more than the abuser.*

Me: Do you believe your community had an influence on the way your mother dealt with her abusive situation (i.e. reaching out for help).

Natalie: *Yes. She was very hesitant to call the police. Because of the police culture here [in Canada] it is harder to call. They are too biased, racist and more sexist.*

Me: How do you believe the police view black abused women?

Natalie: *First off, it depends on the class bracket. If the woman is of a higher class bracket, she is viewed as deserving of preferential treatment by the police. If she is in a lower class bracket, then she deserves what happened to her. Second, immigrant women and women of colour are blamed for not leaving and staying in the relationship, especially, if they have kids. Officers will question why she would keep the child in the current situation. It is kind of hard to say one particular uniform bracket. I think it depends on class and race.*

Me: If you can recall, how likely was your mother to call the police once she had been abused? Why?

Natalie: *From what I could remember, the threat of calling the police was the bigger threat. Generally speaking, she did not want to call the police. She did not want the public to get involved and know our business—what happens in the*

home stays in the home. Also her kids having a father was important to her, she did not want to lose that. She also did not want to lose the second income in the family. She constantly worked, but the second income was important.

Me: Do you think abuse is tolerated in the black community?

Natalie: *I believe that it is a lot more silenced, which gives the perception of tolerance. We [the black community] understand that it is wrong to abuse a woman. Men do feel shameful when it becomes public knowledge. I know of instances where men beat their girlfriends or wives constantly and say nothing. They do it out of control. However, if it gets out they feel ashamed.*

Me: Were you there when the police arrived? How did they treat her?

Natalie: *The questioning process was a lot more intense. They did not believe her right away. The behaviour is expected because black men tend to be more violent. They began questioning her role in the abuse, implying that it was her fault. They even asked what she did to protect us [the children].*

Me: What is your opinion of mandatory arrest for abusers of battered women?

Does this policy affect your likelihood to call the police?

Natalie: *It further criminalizes women in general because women are arrested too; but when you look at arrest [rates violence or] weapon use for women is low, they usually use a remote,[and is usually] acting in self-defence. This creates the idea that men are victims, which is false. Men perpetuate around 95% of abuse. Mandatory arrest policies further marginalize women of colour therefore, in practice it does not work.*

Me: Hypothetically speaking, if you knew a black woman who is being abused by her partner: (a) Do you think she would contact the police; (b) how likely do you believe the police are to trigger an investigation and/or arrest the alleged abuser?

Natalie: *Again, it depends on her socioeconomic bracket. If she is in a lower bracket, she is calling the police.*

Me: Do you think the police treat abused black women differently than other battered women? If so, why?

Natalie: *There are a lot more factors at play, than for example white women, that further complicates their reactions to an abusive relationship. So yes, the police do treat them differently.*

Me: Does this impact the way you would choose to interact with the police if you found yourself in an abusive situation.

{Question was omitted from this interview, because I felt she answered it in a previous question}.

Me: Is there anything else with regard to the subject matter, you would like me to know?

Natalie: *The mandatory arrest policy becomes problematic when [the] justice system neglects to acknowledge that race and status play in the criminalization of women. These important factors must be considered, especially, in the case of domestic violence. It is important that throughout the process women are empowered, there needs to be an active participation of women throughout the entire process.*

Chapter Summary

As I interviewed the five women for this exploratory study, I realized that, having been a child witness myself, I could easily relate to their experiences. In listening to their stories, I saw the significant impact that their voices could have in combating the oppression abused black women face as a result of racism, sexism, classism, and so on. These stories carried with them the powerful potential of being able to change the perception of abuse in black communities, which in turn, could significantly influence society's view of and interaction with abused black women. All of these are the fundamental outcomes of non-essential standpoint feminism and it is in keeping with both the theory's intent and its significant potential for change, which compels me to share my experience as a child witness in the following chapter.

Chapter 6

Exposing Realities

Introduction – My Story

Many of my childhood memories revolve around my having witnessed the abuse of my mother by her male partners. Some instances were severe enough to require medical attention. Similar to the plight of many other abused women in such circumstances, my mother had the tendency to excuse the actions of her abusers as a reflection of her own shortcomings. This made it very difficult for her to seek the help she needed. Contacting the police was never an option, that is, until I made it one. On one occasion, the level of abuse by her then boyfriend had reached such proportions that I believed he was going to kill her. I was probably ten years old. They had engaged in a heated argument, which resulted in his hitting her repeatedly causing her severe physical trauma. Witnessing this prompted me to contact the police.

The police arrived at the apartment an hour after I had called and by then her abuser had left. The police could not properly invoke the mandatory arrest policy due to their delay in responding. However, upon their arrival, they were aggressive and insulting to my mother during the questioning, which prompted uncooperative responses from her. I remember one of the officers asking her what role she had played in the fight. It was not until the end of the questioning process that they asked her the name of her abuser and where she thought he

might be. I remember that she gave them an alias for her abuser. Then they left. After their departure, I asked her why she had lied about his identity. She said, “Police are racist. They do not like black people. They will not protect me and they will only make things worse for him.” At the time, I never really understood why she felt that way, but looking back on the incident, her reasoning became quite clear. They had treated her as if she was equally blameworthy; in their minds, she had to have done something to provoke the abuse. This, for me, illustrated the police officers’ lack of empathy and callousness toward my mother.

My Reflections

The Participants

The ages of the participants in my study ranged from 20-25 years old. They represent various countries in the Caribbean. Sandra is Jamaican, Nina is Trinidadian, Natalie is Grenadian, and even though both Tiffany and Caroline are Canadians, their parents are Guyanese and Jamaican, respectively. Regardless of their native islands, however, they had all been residing in Toronto when the Ontario mandatory arrest policy became part of the Policing Standards Manual in 1994.

When the policy was enforced, the participants had already witnessed the abuse of their mothers by their fathers or their mothers’ significant other. For Caroline, Nina, and Natalie, the abuser was their father, while the others witnessed violence toward their mothers’ by their boyfriends. According to the

participants, calling the police was not a viable option for their mothers because of the racial tension that exists between the police and the black community. Nevertheless, the police became involved for all the women on one or more occasions, during which the participants witnessed some negative treatment or outcome for their mothers due to their race.

In this sense, this chapter serves as an analytical platform by which to illustrate the long-term effect that abuse by the abusers and neglect or complicity by the police has had on black Caribbean women who have been child witnesses of woman abuse. The realities brought out in their stories in conjunction with my own hopefully provide a collective, yet individually nuanced voice.

Contextual Similarities

Even though my experience could not be identical to that of any of the other participant, I nonetheless found four major similarities that resonated in our experiences, which, I believe, connected us: each of us, at a young age, had witnessed the abuse of our mothers; we were all members of a community that mediated how we could remedy situations such as abuse; our mothers all disliked police involvement in their abusive situations; and lastly, we all shared the same perception of police indifference towards black women and a general ambivalence and mistrust for mandatory arrest. In illustrating and analyzing these four similarities, a fundamental concession must be made. Despite these commonalities, I do not mean to suggest that these experiences are synonymous

with those of all black child witnesses, or that they encompass all possible experiences of this nature.

One of the major premises of non-essentialist standpoint feminism, upon which much of the theoretical framework of this analysis has been predicated, seeks to avoid only analyzing the experience of one or a few women as though it spoke for the experiences of all black child witnesses of family violence. Presenting these stories as well as the similarities among them, I hope will serve to strengthen the potential for a collective voice that can expose the negative effects of mandatory arrest policy in its current form. Equally important, the information provided here is aimed at shedding light on what has hitherto remained a largely ignored area of study.

Young Victims of Woman Abuse

In chapter four of this thesis, I demonstrated that at a very young age, children often begin to witness the abuse of their mothers. Some participants in this study recalled being child witnesses as young as six years old. Personally, I began to witness the abuse of my mother my first year in Canada when I was eight years old. This was the norm for me until I was 13. The worst part about being a child witness is having a constant feeling of helplessness – feeling as if there was nothing that I could have done to help my mother. Like the other participants in this study any time I did try to help her, she would send me to my room. Once there, all I remember doing was hearing her cry. Sandra shared this feeling of helplessness:

Yes, I always tried to help her, however, I couldn't do much. She always sent me to my room and told me to lock my door. I remember that being the worst feeling ever as a child, not knowing if my mother was okay and being forced to stay in a room. All I could hear were her cries, struggles, and screaming, and I had to decide which [one] sounded like a cry for help.

In addition, some of us tried to obtain comfort from other family members while the abuse was occurring, but more common was the desire to play an active role in protecting our mothers. Tiffany and I both tried to help our mothers at times, by engaging in the fight as a way of getting the abuser to stop. We would hit or yell at him. However, attempting to get involved never seemed to stop the existing fight. In fact, it always seemed to make things worse. I remember being yelled at by my mother while Tiffany recalled being slapped by the abuser. Natalie, on the other hand, was more inclined to use her body as a human shield to shelter her mother. Natalie said, "I would try to jump in, so that, in order for him to hit her he had to hit me". What was interesting about Natalie's approach was how her mother reacted: "She did not want us to jump in, but it gave her leverage when we did because she would say things like, 'Would you dare hit your children?'"

I feel this is significant as it illustrates that black children may also be iatrogenic victims of abuse. More research is required therefore in this area in order to obtain a better understanding of how woman abuse affects young black children. Research concerning child witnesses is a fairly new development. Nonetheless, my exploratory study does indicate that an attempt to universalize the experience of all child witnesses ignores other important developments that may lead to a greater understanding of how to approach woman abuse in black families. For example, the stories demonstrate that some of us were prone to

actively trying to stop the abuse that was taking place in order to protect our mothers. This finding is extremely significant as it challenges the major stereotypes regarding the black community that suggests abuse is somehow natural and unchallenged. While the participants are only a small fraction of black women, I believe that this study reveals that if abuse were a natural and socialized part of the black Caribbean community, it would have been unlikely to precipitate our common attempts to protect of our mothers. We would not have reacted in this manner. Socialization begins at a very young age, but none of us ever accepted the abuse. None of us accepted abuse as normative. Our witnessing abuse has reinforced that it was unacceptable in our community. I do not speak on behalf of the five participants in this study, and certainly not for all black Caribbean child witnesses of woman abuse. However, our common experience of physical resistance and interjecting ourselves into the violence perpetuated against our mothers, should at the very least prompt further consideration of our active involvement in future research and help dispel a mythology about the “normalcy” and acceptance of woman abuse in the black community, more specific to my study, the black Caribbean community.

Community Influence

In continuity with my previous theme, the second similarity between the participants that is highlighted in this analysis is the influence that the black Caribbean community seems to have on mediating the response to woman abuse. The need to protect one’s race integrity in the black community has been

discussed by numerous scholars such as Flynn and Crawford (1998) and Coker (2004). From the perspective of child witnesses of woman abuse, there was a unanimity that our community, whether it be the black community in general or our various island nationalities, influenced how our mothers dealt with their situations of abuse. It may also have had some influence on our approach to abuse as well.

Both Nina and Natalie spoke of the racial ties within their communities that pressured battered women against involving the police. Tiffany and Sandra discussed the perceived tolerance or acceptance of abuse in the black community, whereas, Caroline discussed ‘the superwoman complex’ in which most black women are stereotyped as hearty receives resilient to abuse.

Being a member of a community that is the target of racism and discrimination (Sokoloff and Dupont, 2005) hinders an abused black woman’s ability to remedy her abuse outside her home. She fears being further victimized by the outside world, and is afraid of subjecting the abuser to a racist legal system. If she decides to contact the police, she fears encountering accusations from the black community of conspiring with the legal system. As a result of these fears, the abuse is kept secret, and the notion that “what happens in the home, stays in the home”, holds sway. Natalie stated:

From what I could remember, the threat of calling the police was the bigger threat. Generally speaking, (my mother) did not want to call the police. She did not want the public to get involved and know our business—what happens in the home stays in the home.

According to Nina, however, the notion of “what happens in the home, stays in the home” is foreign to how abusive situations were addressed in Trinidad, her homeland:

[B]ack home, the community was so involved in your life, private matters were no longer private, but for the community to solve. You did something wrong, not only my mother, but the whole community would have something to say about it. Here it is so different. The community is no longer involved in our private lives, but because of our race, we feel it necessary to keep that protected. So if someone did something wrong, like abusing their girlfriend, we didn't want to get anyone involved. Your close friends, maybe, but they would probably advise you to keep your mouth shut.

This need for secrecy in the black community is further intensified when the black woman is an immigrant. In addition to the fear of exposing the abuser to the police and thus bringing shame to their communities, immigrant women may be placed in a difficult position if their status is uncertain (Sheppard, 2000). According to Coker (2004), immigrant women along with undocumented women are further marginalized if they bring in the police because they then face the risk of deportation, economic instability, the potential loss of their children and the increase of abuse within the home. It is no surprise, therefore, that immigrant women might tend to keep their abuse private, especially avoiding the involvement of the police. Natalie, an immigrant woman, spoke of this fear lived out in the immigrant community as well as its influence on her mother's unwillingness to call the police. In addition to Natalie's mother's fear of losing the father of her children and her economic stability, her reluctance to call the police was due to what she concluded were their racism, bias and sexism of the police, which could further complicate her particular situation as an immigrant woman.

While the above deals with the protection of racial ties and status, some of the participants believed that a lack of outside involvement goes beyond racial ties. They perceive that the black Caribbean community tends to accept and/or tolerate woman abuse, which hinders an abused woman's ability to seek the help she deserves:

I guess you can say that it [woman abuse] is accepted or maybe tolerated, so we don't really do anything about it. We just go on with our day as if nothing happened a minute, an hour or the night before... It is frustrating because when you want to get help for your mother there is really no one there to help because a lot of the women that you know are going through the same situation. Abuse is a cycle you know. I remember talking to my grandmother once and she told me that she was in an abusive relationship and she didn't do anything to stop it, so I guess that is the case for my mother. We don't like to discuss it, it is silenced I guess (Tiffany, Interviewed, May 23, 2009).

I come from a Jamaican background and in Jamaica, physical abuse in a relationship is more accepted, more specifically woman and children beatings. It's not really a big deal (Sandra, Interviewed, May 23, 2009).

This argument does have merit as it represents the experience of some black Caribbean women; however, others, like Natalie, argue that the black community does not necessarily tolerate abuse, and that this is longstanding myth that needs to be challenged.

I believe that it is a lot more silenced, which gives the perception of tolerance. We [the black community] understand that it is wrong to abuse a woman. Men do feel shameful when it becomes public knowledge. I know of instances where men beat their girlfriends or wives constantly and say nothing. They do it out of control. However, if it gets out they feel ashamed.

Both arguments form the basis of my experience as a child witness. My mother was always reluctant to speak about her abuse, especially with me. Similar to the mothers of some of the participants in my study, the abuser would beat her and then hours later, it was as if the incident had never occurred. This seems to indicate their acceptance or tolerance of the abuse. However, even though my own mother refused to speak about her abuse with me, I can recall that on many occasions she voiced her concerns to her friends who were also victims of abuse.

As they were also encountering the same violence, it was impossible for them to give her the help she needed to escape the abuse. Regardless of their inability to remedy their abusive relationships, the fact that they conversed about it leads me to conclude that my mother and her friends were well aware that woman abuse was unacceptable behaviour. My mother could vocalize her abuse within her circle, but hid it from the outside world for fear of potential police involvement, which in the grand scheme of things, could, in their view, produce an even worse outcome than her current situation.

Historically, abused black women have spoken out against abuse. Where they did not seem to progress in seeking legal help, they found other avenues that provided them with the opportunity to appeal to a wider audience. Davis (1998) notes how African American women in the 1920's used the musical genre of "the Blues" to express their views against woman abuse in the black community. Although these women (e.g. Bessie Smith, and Billie Holiday) vocalized their intolerance for woman abuse, their voices were nonetheless silenced and/or even ignored, which gave the illusion of tolerance and acceptance. It was not until white women began to speak out against woman abuse in general that the public began to listen. Even though their plights were brought to the forefront; it was only a triumph for white households. It was apparent that woman abuse was considered unacceptable when the victim was white, but it was still culturally acceptable in African American households. It was considered normal behaviour for black people. This neglect of the black woman's plight against abuse, which in turn trivialized her experiences, played a

role in an abused black woman's reluctance to share her abuse with the outside world. Consequently, woman abuse in the black community lacked the impact necessary to bring about change in public perception, which could in turn assist in obtaining protection for abused black women.

Thus, understanding the issues pertaining to the influence of the black community in woman abuse and the community's reactions to it can provide mechanisms to address violence. With the use of non-essentialist standpoint feminism, it is possible for this study to contribute to the ongoing discussion of cultural normalcy regarding future research on violence against women of colour in the home, which, up until now, has been absent from the academic landscape. Acknowledging these racial ties and how immigrants are viewed as "tolerating" of abuse can further enlighten the police and the public about the socioeconomic circumstances of the victim's plight. This would go far toward overcoming the obstacles these women face.

Mothers' Reluctance to Contact the Police

I have already discussed what is commonly misunderstood as the acceptance of abuse by the black community. This was reaffirmed with the fact that some black Caribbean women and the black community as a whole, exhibit a level of silence which, in turn, suggests tolerance on the issues of abuse. What complicates the myth of tolerance is the considerable amount of evidence that alludes to the fact that black women report abuse more frequently than any other group (Sokoloff and Dupont, 2005; Pearlman et al., 2003). How can black

women be both accepting of their abuse while still reporting the highest number of incidents?

This study has revealed that, contrary to research indicating black women's high rate of reporting abuse, it was very unlikely that in the case of abuse, our mothers would call the police. Two supporting reasons for this finding are that the victims' belief of racism occurring within the police force as well as their fear of committing *race treason*. According to many of the participants, their mothers insisted that police officers are racist individuals who are reluctant to assist black women or black people. For instance, Tiffany stated that her mother "doesn't like the police. She feels they are racist because my uncle who drives a nice car is pulled over regularly...things like that makes her dislike the police." Similarly, my own mother was very upset when the police arrived because she strongly believed then, as she does today, that because of the colour of her skin and her Jamaican background, the police would neither act in her best interest nor treat her abuser fairly. These opinions hold some merit, given the evidence provided in previous chapters that illustrates that police officers, on more than one occasion, mistreated black people and neglected to protect abused black women in crisis (Avakame and Fyfe, 2001; Pearlman et al., 2003). This made it obviously difficult and improbable for black women to trust law enforcement officers enough to seek their assistance.

This lack of trust in the police also has implications that transcends generations as it has a ripple effect. Some of the participants in my study

believed that if they found themselves in an abusive relationship, they would hesitate in their decision to contact the police. In the words of Caroline,

I have very little trust in the police system. I would not call the police because I believe that they would think that I brought it on myself or my actions may have triggered the abuse, or they may think that I am at some fault—maybe the way I behave, I don't know.

Others, however, believed that while they do not trust the police, they would not, as victims of abuse, hesitate to report their abuser.

Although this may seem like a viable option, for many black women contacting the police is not always a choice they decide to make. There are many reasons for this, but a popular one in the black community is the fear of committing *race treason*. In essence, mothers of the women in the study refused to subject their abusers to a system plagued with racism because they would be subjecting them to racial abuse, and as a result committing a crime against their own race. This was illustrated in the literature presented in chapter two, as well, as in the opinions of the participants. The participants reported that their mothers seemed to refuse to be responsible for a black man going to jail. Caroline, for example, stated that she would rather attempt to solve the problem on her own – going to the police, for her, was not an option. Sandra states that her mother did not want to involve the police because she did not want her boyfriend to go to jail. Similarly, my mother felt that by calling the police, she was conspiring with them, which she could not fathom doing. As a result, she was more than willing to stay and “weather” the constant abuse rather than betray him.

There are two other reasons for our mothers' failure to contact the police which I wish to briefly mention. First, there is the mother's fear of her children witnessing the arrest of or the negative treatment of an abuser at the hands of the

police, and, second, economic stability. The witnessing of the abuse of one parent by another tends to result in children having contradictory feelings towards the abusive parent. However, that does not mean that they are unaffected by a police officer's treatment of that particular parent. Although the child may understand that their father's actions were inappropriate, witnessing his arrest may further traumatize them. This can result in negative memories of and even resentment towards the parent who contacted the police (Berkerman and Esserman, 2004). Minimizing these traumatic events in the child's life is extremely important as after the abuse has occurred the child often turns to the victimized parent for comfort. Any feelings of resentment towards that particular parent will hinder their receiving the sense of comfort and security that they require in order to begin their healing (Berkerman and Esserman, 2004). Therefore, it is understandable that abused black women are reluctant to contact the police as they wish to protect the children from further trauma, which could also render them victims of further abuse.

Then again, from an economic standpoint, many abused black women often refrain from contacting the police because they fear losing what might be their only income in the household. Thus, they do not seek help and they continue to stay in the abusive relationship to prevent what could turn out to be a life of poverty for them and their children. This life of hardship is populated by approximately 60 percent of single mothers (Johnson, 1996).

These are the real impediments that prevent some black Caribbean women from reporting their abuse. Abused black women believe that the risks

associated with contacting the police are far greater than the risk of staying in their current relationship. Therefore, it is not that they accept their situations per se but rather knowing the potential consequences of the criminal justice alternative prevents them from stepping outside their circle. The greater threats of racism, sexism, classism, and so on lurk around the lives of black women. By reinforcing these “isms” by general application of mandatory arrest obfuscates how these oppressions intersect and significantly affect different women. Consequently, abused black women will continue to live in “silence” until a mechanism is introduced that addresses the multiple oppressions and impediments that reinforce their resentment towards the police system.

Perceptions of Police Indifference

The final similarity between the participants and my own experience centered around our perceptions of police officers’ treatment of abused black women compared to other abused women. This discussion, in turn, led to an analysis of the mandatory arrest policy in Ontario. There seemed to be a consensus that police officers treat abused black women differently than other abused women. This could be attributed to the fact that black people in general are seen as deviant and violent, with abused black women being no exception. “I feel that black women have the stereotype of being deviant, argumentative, hostile, angry, and because of these stereotypes they [the police] are less sympathetic to black abused women” (Caroline, Interviewed, May 23, 2009).

Each woman interviewed had her own way of expressing the aforementioned consensus, but Nina expanded on her explanation by describing the double edged sword that accompanies police indifference towards black people:

I want to say no [police officers do not treat black women differently], but the truth is, black people are treated differently regardless. So yes, not all [police officers], but I believe that many of them do. I believe that it is a part of their profession, believing that black people are violent. Therefore, they treat us differently. This violent thing can go both ways. On one hand, they can ignore us, and on the other, they can pay us too much attention. Both can be bad for us...Well, when they ignore us they are sending the message to society and to black children that black people do not matter. By paying us too much attention, they are sending the message that we are the one's to keep a close eye on. We are society's threat.

Acknowledging the occurrence of differential treatment, my participants and I are very critical of mandatory arrest. The mandatory arrest policy was implemented to supposedly protect all women from their abusive partners. However, when applied, some women receive preferential treatment, while others are neglected. I noted this when the police arrived at my apartment to assist my mother. She was treated as if she was the suspect. They wanted to know the role that she had played in her own abuse – implying that she was partially, if not wholly, at fault for her own victimization. This attitude towards the victim downplays their roles as victims of abuse, and at times tends to provide an image of their abuser as victims, which results in *criminalizing* the abused. While abused white women may encounter this type of treatment from the police, when it occurs to abused women of colour it tends to place them at a higher risk of being arrested, if not solely, then alongside their abusers (dual arrest). As a result, they risk losing their children, immigrant status and being

under the surveillance of government or legal services (McMahon and Pence 2003; Coker, 2004).

This fear of dual arrest is the reality for many abused women of colour. Although research indicates that the majority of abused women who revert to violence only do so to protect themselves (Straus, 1989; McIvor and Naheneh, 1998; Coker, 2004), police officers tend to ignore this fact because the women that stand before them do not represent or fit the profile of the real battered women. Furthermore, in situations where dual arrest is not invoked, mandatory arrest has the ability of placing the woman and her family in further distress:

I feel it [mandatory arrest] discourages females from calling the police because they don't want to cause more trouble and complicate things further... Lots of time the abuser could be the father of their children and they don't want them [the children] to see him arrested. Also by getting the police involved the abuser may get angrier and more violent. It is also possible that they can be charged and I don't feel like they [the women] would want to charge them (Sandra, Interviewed May 23, 2009).

He is my father and probably for the sake of the children, she didn't want us to see him taken away in a police car (Caroline, Interviewed, May 23, 2009).

...basically, when a black woman contacts the police nothing good comes out of it. It makes the abuser angrier and it could ruin the relationship, which she may not want. More importantly, the abuser is forced to be arrested by mandatory arrest (Caroline, Interviewed, May 23, 2009).

The above sentiments corroborate why scholars suggest many black and other racialized women are often reluctant to involve the police – to avoid their children witnessing their father's arrest (Berkerman and Esserman, 2004), as well as, because they fear further abuse in retaliation from their significant others (Sherman, 1992).

While some women definitively criticize the mandatory arrest policy, others look to its potential, acknowledging that if considerable changes were implemented, it might better accommodate abused black women. Tiffany, for

instance, believed that police officers should be more aggressive when invoking mandatory arrest, especially, in situations where they had been contacted on previous occasions. She believed that, after having called the police on several occasions, each time they came to her home, they became more and more detached from the situation. Tiffany said:

They [police officers] need to set some boundaries especially after she called them so many times. They should take charge and prosecute him or something. He can't keep beating her, she keeps calling them, they take him away, it happens again and he keeps coming back...I think the police should be the one to say enough's enough.

Tiffany's concern, in my opinion, speaks to the assumption that many hold that police officers fail to adequately address abuse of black women. Moreover, by constantly detaching themselves from her mother's abuse, the police reinforce the idea that it is natural for abuse to occur in black families. The inadequate service provided by police was also a concern in Nina's recollection of her mother's experience. She believes that even though the officers were cordial with her mother, they should have done more than simply arrest the abuser. They had an obligation to provide other avenues of assistance for her outside of the law such as providing her with phone numbers of help services for abused women or giving her pamphlets regarding women's shelters. As a result of this lack of holistic assistance, police officers failed to provide adequate service to the participants' mothers.

Given this data, it is obvious that the use of the mandatory arrest policy is not successful if law enforcement officers' actions remain discretionary and discriminatory. The treatment the participants and I witnessed of the police towards our mothers when mandatory arrest was invoked left us very sceptical

of it, which in turn, led to our questioning police loyalty towards us if we ourselves became victims of abuse. From the stories I gathered, the main problem with mandatory arrest is the manner in which it is enforced. Providing an opportunity for participants to voice their opinions on this problem has opened doors to further research with the mandate to improve this policy or amend it to make it more highly effective in situations involving not only abused black women, but other abused women of colour as well.

Moreover, due to the fact that police officers are placed in a unique position when they respond to a call and encounter abused black women with children, their actions in the situation significantly influence the children's perception of them. Police officers should, therefore, take advantage of this unique opportunity and start to build trust with the black community, beginning with the child witnesses. Child witnesses are often forgotten, or ignored by police officers, but their experiences expressed as presented above have illustrate that they are well aware of what is happening around them. By continuing to ignore child witnesses and their susceptibility and by not providing proper services to their abused mothers, police officers are continuing to perpetuate the racial tension between them and the black community. It only makes the perceived community acceptance of woman abuse as discussed above more entrenched in the system. As a result of the treatment their mothers receive from the police, child witnesses may begin to accept the concept of police racism and be less inclined to contact the police if they become victims of abuse

in the future. This further plays into the perception that the black community condones abuse.

Chapter Summary

In this chapter, by sharing my experience as a child witness and in analyzing the experiences of the five women I interviewed for my exploratory study, the detrimental effects of the mandatory arrest policy were further revealed. Through these stories, I found four similarities in our experiences. First, we had all been child witnesses at a young age. Second, we were all members of communities that influenced how our mothers dealt with their abusive situations. Third, our mothers all have a significant mistrust of law enforcement agencies interfering in their situations. Lastly, we believe that the police treat abused black women differently, which we all witnessed when they came to protect our mothers. The participants in this study have a mistrust for police that has been transmitted from one generation to the next. Mandatory arrest tends to heighten that mistrust because of perceived police stereotypes and racist ideas of black people. One has to acknowledge that these stereotypes and ideals are all manifestations of the historical racism and essentialist thoughts on the black women. In the following chapter, a new means to address, intervene and to properly protect abused black women will be introduced.

Chapter 7

An Embraceable Change:

Abused Black Women Seen Through New Lenses

Introduction

Thus far, my analysis of mandatory arrest has brought to light two important observations. First and foremost, it has affirmed that second wave feminists meant well in their struggles to protect all victims of woman abuse, regardless of their respective differences. However, the legal acceptance of their views on the essential woman has hampered black women's (and other women of colour's) struggles against the significant issues such as racism the criminal justice system. More specifically, two effects have made mandatory arrest a double-edged sword in the protection of abused black women.

Having acknowledged these systemic, historic and legal contradictions, I have introduced *black feminism* – a manifestation of third wave feminism and a type of non-essentialist standpoint feminism – as an alternative to what I have described as feminist essentialism. Black feminism, a derivation of non-essentialist standpoint feminism, provides black women with a platform from which to voice their opinions by expressing the difference and uniqueness of women's experiences. Explaining the significance of black feminism leads to the discussion of one of its most vital components – that of *intersectionality*. This discussion leads to the application of both black feminism and intersectionality to the problem of woman abuse in the black community. Once the imperative

factors necessary to address woman abuse in the black community have been illuminated, I offer what I call a *Needs Assessment Approach*. It encompasses the spirit of black feminism and embodies three criteria which I believe can result in a better treatment by the police of abused black Caribbean women (and other women of colour). In sum, these are: (1) inclusivity; (2) sensitivity training; and (3) a *rights-needs based approach* to confronting the abuse of black women.

Black Feminism

The successes of the Women's Liberation Movement of the nineteenth century and the Women's Movement of the twentieth century cannot be denied. However, in their effort to combat sexism, many feminists inadvertently or advertently embraced the notion of the essential woman. The utilization of this particular concept did bring the movement great success, but along with this, it inevitably resulted in the silencing and marginalizing of black women (Harris, 1990). The essential female is free from colour, class, and sexual orientation. Therefore, her social circumstances were depicted as irrelevant to her plight as a woman. The net effect then was that in eliminating issues such as race, many feminists implicitly condoned the construction of the essential woman as a white woman (Harris, 1990). By marginalizing race and epitomizing a white woman as the ultimate woman, some suggest that feminist essentialists unintentional upheld the racist beliefs of their colonial and imperialist counterparts (Amos and Parmar, 1984).

The group of college-educated white middle and upper class women who came together to organize a women's movement brought a new energy to the concept of women's rights in America. They were not merely advocating social equality with men. They demanded a transformation of society, a revolution, a change in the American social structure. Yet as they attempted to take feminism beyond the realm of American life, they revealed that they had not undone the sexist and racist brainwashing that had taught them to regard women unlike them as Others (hooks, 1981:121).

Recognizing the racist connotations associated with the essentializing tendencies in some feminist theory practices, black and other women of colour during the latter half of the twentieth century sought to challenge this concept (Rezai-Rashi, 2005). Their criticisms were based on three premises. First and foremost, they claimed that feminist essentialists failed to acknowledge race and racism as essential components of many women's struggles. Black feminists contested, for example, the fact that the racism black women faced was implanted in their experiences as women and should thus, not be ignored. Further, they argued that feminist essentialists' views were based on Eurocentric ideals of family and sexuality, which overlooked the impact that race relations had on black women and other women of colour's views or experiences. Finally, they believed that in the process of criticizing other cultures, feminist essentialists often developed racial perceptions of cultures unlike theirs, and thus became racist. As a result, feminist essentialists attempted assimilation by imposing their own beliefs on particular issues, suggesting that the "other" abandon their own (Rezai-Rashi, 2005). The problem, though, was that feminist essentialists' request for cultural abandonment, in and of itself, implies a uniformity and equality of oppression among women. Their monolithical analysis of women's oppression omits important differences amongst women,

and ignores the vital likelihood that male subordination does not affect all women in the same way (Munro, 2007).

In partial acknowledgement of all the difficulties and shortcomings associated with feminist essentialism, a third wave of feminism emerged which celebrated the differences among women. *Third wave feminism* is comprised of multiple forms of ideologies that endorse holistic, all encompassing, and innovative perspectives on women. Some ideologies have a tendency, however, to cling to the concepts of essentialism. For instance, according to *strategic essentialism*, coined by theorist Gayatri Chakravorty Spivak, feminists should recognize that the differences that exist among women create significant difficulty when trying to claim their uniformity. Nevertheless, essentialism should not be dismissed altogether. Its ideals should be strategically utilized in feminists' political pursuits in order to achieve their desired goals (Spivak, 1984). That said, this approach is fundamentally flawed because a major part of its deployment is embedded in essentialism. This begs questions of who will be provided the opportunity to deploy essentialism in women's political pursuits, what form will it take, who will be included and who will be neglected and isolated? (Munro, 2007) It would mean reverting to the ideals of essentialism, albeit strategically, and the essential woman previously opposed by many third wave feminists because of its inaccurate representation of women. This is only one of the theories that emerged from third wave feminism. Other theories tend to dismiss essentialism and focus more on the importance of the differences among women -- one theory in particular is *black feminism*.

Black feminism concentrates on the life experiences of black women. It focuses on black women as individuals, as well as a collective group by examining the intersections of race, class, sexism, and other forms of oppression – inside or outside the black community – that are constant in their everyday lives (Potter, 2006). It embraces the concepts of the non-essentialist standpoint feminist theory by condemning oppression, “by actively examin[ing] the politics of location in the lives of black women and the groups of which they are a part” (Few, 2007:454). This provides a creative platform, which allots black women the opportunity to express the multiple oppressions they face, without being exclusive to racism or sexism. It does not prioritize one form of oppression over another, and for the purpose of a holistic expression, renders them all equal (Burgess-Proctor, 2006; Potter, 2006; Few, 2007). Black feminists address the circumstances of black women by recognizing the historical contingencies connected to black women’s plight against multiple adversities while analyzing the means by which “black women and their families negotiate” the various intersecting oppressions they face. Here, black feminists occupy a leadership role in attempting to abolish the destructive perceptions of ‘black womanhood’. In addition, they produce knowledge and bring awareness to issues concerning black women that have previously been ignored (Few, 2007:455) and as such, ignite a powerful opposition to oppression.

Despite the potential success of black feminism, its fixation on the experiences of black women, has been criticized as endorsing a new form of essentialism, the very concept it sought to reject. According to its critics, black

feminists strive to create the identity of the *essential black woman*, and establish the notion that racial discrimination is limited to the experience of black people (Rezai-Rashi, 2005). While this is a plausible accusation, critics fail to recognize that, like non-essentialist standpoint feminism, black feminism, when interpreted and understood as intended, allows for an alternate understanding of female oppression by analyzing the various *components* of being female – with only one dimension of that being race. Its intention is not to create an essential black woman, but rather to appreciate and emphasize the individuality that exists amongst black women, while illuminating their collective struggle as black women. As Black feminist, Patricia Hill-Collins (2000:25) notes,

On the one hand, all [black] women face similar challenges that result from living in a society that historically and routinely derogates women of African decent. Despite the fact that....black women face common challenges, this neither means that individual [black] women have had all the same experiences nor, that we agree on the significance of our varying experiences. Thus, on the other hand, despite the common challenges confronting...Black women as a group, diverse responses to these core themes characterize...Black women's group knowledge or standpoint.

By embracing the individuality of black women, black feminism illustrates that women are affected by multiple forms of oppression, and reveals that for many women, race is a pervasive form of oppression that demands significant attention.

A predominant concern for second wave feminists was the manner in which gender and sexuality worked together to oppress women. They “[saw] the inequalities of the social world from the standpoint of the subordination of women to men”, and asserted that women, by virtue of their gender, were universally dominated by men (Mackinnon, 1991:86). This subsequently designates gender subordination as the most fundamental concern for all women.

In the process, it neglects the other factors that contribute to the characteristics of women. The significance assigned to gender is witnessed in Kate Millet's (1969) comparison of racism and sexism. She contends that sexism is more important than racism, most notably because sexism has tenacity that renders it extremely more difficult to eradicate than racism. Subsequently, she believes that sexism is the most powerful means of control in today's society. While her assertions may be conceivable to many second wave feminists, for women labelled as the "other", they remain problematic. For black feminists, and black women in general, gender and sexuality conjoin with race, and other forms of oppressions to fundamentally define their experiences. Feminists who believe that gender is separate from race overlook the fact that a black woman cannot choose between race and gender – she is both, black and woman. As such, black women have to fight both forms of oppressions, along with others, simultaneously (Mckay, 1993).

It has been a longstanding assumption that black women were not a pivotal influence in the Women's Liberation Movement (Potter, 2006). Contrary to this belief, however, black women were involved in the movement and they too took part in the struggle against sexism, while never losing sight of the consequences of racial disparity (hooks, 1981). During the latter half of the nineteenth century, black women were cognizant of the fact that true liberation was only possible once it encompassed freedom from both sexism and racism. Therefore, by participating in both the plight against sexism and the struggle for racial equality, women such as Sojourner Truth and Mary Church Terrell were

able to strive for empowerment, not only as women, but more significantly, as black women (hooks, 1981). They understood that the detrimental effect of patriarchy was as equally potent as the effects of racism. As noted by Sojourner Truth,

There is a great stir about coloured men getting their rights, but not a word about the coloured woman; and if the coloured men get their rights, and not coloured women theirs, you see the coloured men will be masters over the women, and it will be just as bad as it was before (cited in hooks, 1981:4).

With the above, Sojourner Truth illuminated an important aspect of black feminist thought – intersectionality – and its relation to oppression, which continues to exist even today (King, 1988).

Black Feminism and Intersectionality

Intersectionality acknowledges that factors, such as “race, class, gender, sexuality, and other [avenues] of inequality are dynamic, historically grounded, socially constructed power relationships that simultaneously operate” in the process of subordination (Burgess-Proctor, 2006:37). With intersectionality, gender is no longer prioritized as the most conspicuous form of oppression, but as one that equally intersects with other forms to shape the lives of many women in society (Burgess-Proctor, 2006). According to Kimberle Crenshaw (1997), there are three categories of intersectionalities that are crucial when analyzing the marginalization of black women. First and foremost, *structural intersectionality*, refers to the way in which black women (and other women of colour) are at the margins of converging structures of oppressions. These are multi-layered forms of domination such as poverty and/or a lack of educational

opportunities, which are compounded with race and gender – all of which are constant in the lives of many black women.

Second, but equally as important is *political intersectionality*, which contends that black women are members of at least two oppressed groups, which often embrace contradictory political agendas. These, voluntarily or involuntarily, ignore the experiences of black women by insisting that they must choose either their race or their gender. As a consequence, their struggles are further complicated because, in advocating against racism, their gender is ignored; and by speaking out against sexism their race becomes irrelevant (Crenshaw, 1997 & 1994). *This struggle of political identity is similar with reference to woman abuse in the black community.* In situations where an abused black woman's race takes precedent, the issue of woman abuse is suppressed to protect the reputation or challenge the stereotypes of the black community. Conversely, in situations where gender is paramount, her concerns and experiences of abuse are either, erased or replaced with a white woman's experience (Crenshaw, 1997).

The third and final *intersectionality* that Crenshaw refers to is *representation intersectionality*, which refers to the images used by the media and popular cultural to portray black women as both promiscuous and deviant.

While these three forms of intersectionalities have been separated to acknowledge their individualism, they also work together to describe the situations of many black women. For example, structures such as poverty or class, accompanied by the political identities of race and gender, and the

historical images of black women (outlined in chapter one) constantly manifest themselves in the lives of many black women. This illustrates the importance of analyzing the experiences of black women through both the individual and collective use of intersectionality.

Black Women and Intersectionality

Black women suffer from what black feminists refer to as *multiple jeopardy* or multiple forms of oppressions, which include, but are not limited to, sexism, racism, and classism (hook, 1981; King, 1988; Collins, 2000; Potter, 2005; Few, 2007). From a racial standpoint, black women experience the oppression of those with dark skin, due to their designated colour, while being held captive by sexism from both white and black men, due to their gender (King, 1988). Furthermore, it has been illustrated both theoretically and empirically that black women, and other racial minorities, are frequently confined to poverty-stricken lifestyles and are overrepresented in areas plagued by high degrees of poverty, unemployment, and financial impediments (Bent-Goodley, 2001; Sokoloff and Dupont, 2005). While evidence verifies that these forms of inequities as a whole affect the lives of black women, many feminists and the general public, tend to view the relationship between them as additive. Each form of oppression is erroneously reduced to a mathematical equation: racism *plus* (hetero-) sexism *plus* classism *equal* the experience of black women. By equating the experience of black women some feminists allude to the existence of oppression as manifested in a single fashion, one that does not, or

cannot, occur simultaneously (King, 1998). This results in the undermining of the concept of intersectionality and the continued acceptance of the essential white woman, whose paramount concern is patriarchy and sexism to the exclusion of racism.

Theoretically speaking, the existence of the additive formula further perpetuates the concept of the essential woman by magnifying the experiences of white women, and deemphasizing the experiences of black women. In essence, “blackness” is seen as one additional challenge that merely layers an extra oppression upon what remains the core political identity of womanhood and the challenge of hetero-sexism. In addition, when accounting for the experience of black women’s oppression, in comparison to theirs, feminist essentialists have a tendency to employ this equation as an intensifier describing the experiences of abused black women. For instance, although black women experience abuse, because they are black, they experience it more intensely than white women do; more accurately, black women experience abuse worse than they (whites) do (Harris, 1990). This is problematic because, although there is an acknowledgment of woman abuse in the black community, it does not seem to warrant social, public, or political attention because abuse is considered normal in black families. However, when it becomes apparent that it affects white women, the issue is placed on the political agenda.

[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...It is our mothers, wives, daughters, sisters, friends, neighbours, and coworkers who are being victimized (cf. Crenshaw, 1994:101).

In racial communities, woman abuse has always been inflicted on somebody's mother, sister, and/or daughter; therefore, this remark evidently illustrates that it is not the abuse of the racialized woman that requires attention, but the fact that it affects white women (Crenshaw, 1994). In fact, if woman abuse was the main concern, the abuse in racialized communities would not be considered normal, but would be seen as an unacceptable form of behaviour, which demanded political, legal, and social attention. However, woman abuse only became unacceptable when it publicly affected white women. As such, the use of *plus* as an intensifier, continues to prevail in undermining the experiences of the "other". It deems the circumstances of black women as secondary or irrelevant to the fundamental issue of sexism, experienced by all women, and as a result, abuse in the black community becomes difficult to combat. Nevertheless, black feminism strives to overcome such impediments by allowing scholars the comprehension required to study the dynamics of black women and their families (Few, 2007), and thus, obtaining knowledge on abused black women, transcending the concept of feminist essentialism or the use of the additive formula.

Black Feminism and Woman Abuse

A vital component of feminism is being able to combat woman abuse. In an effort to elucidate change to the situations of abused women, feminist scholars and advocates challenge the pervasiveness of woman abuse by shedding light on the manner in which it is 'perpetuated and condoned' in society

(Crenshaw,1991). As feminists politicize woman abuse, they do so with an emphasis on gender, leading to the assumption that all women who experience abuse experience it in the same manner. Therefore, any mechanism introduced to address this issue should rest on this assumption. The thought process behind this assumption is that, “all women stand to benefit from efforts to politicize [woman abuse], and that concerns about race may seem unnecessarily divisive” (Crenshaw, 1997:111).

However, the effort used to contextualize woman abuse solely on the basis of gender becomes problematic for abused black women, especially when legal institutions intervene and employ policies such as the mandatory arrest policy. As illustrated in previous chapters, the mandatory arrest policy supported by feminist essentialists and coupled with the historical racism ingrained in the minds of legal practitioners, is inadequate in addressing the circumstances of abused black women. In order to effectively address their abusive situations, it is imperative to “re-centre” discourses and solutions on woman abuse from their perspectives (Crenshaw, 1997), and this is what this exploratory study has strived to accomplish. This is necessary because, as long as discourses on woman abuse portray gender and race as mutually exclusive, black women in abusive relationships will continue to face social exclusion, and be subjected to continual mistreatment from law enforcement agents. To accomplish the re-centring of woman abuse, oppressions must be viewed as converging systems that are not autonomous, but act to marginalize individuals simultaneously (Crenshaw, 1997, Burgess-Proctor, 2006). By incorporating black feminism the

process of re-centring can occur, in the form of analysis by way of intersectionality.

Through the process of re-centring, legal institutions and practitioners could gain knowledge on the dichotomy that exists in the lives of black women. That is, black women are both woman, as well as affiliates of a group that has been historically persecuted because of the colour of their skin (Sokoloff and Dupont, 2005). Gaining access to this knowledge is critical to understanding and examining the way abused black women experience abuse. In her analysis of crime, Barak (1998) observes that race, class, and gender have been used autonomously to analyze crime, which has in turn, proven to be disadvantageous to the study. Barak believes that by using an intersectional approach, one “incorporates an appreciation of differences in the patterns of crime attributed to socialization, opportunities, and bias in the context that everyone’s life is framed by inequalities of race, class, and gender” (p. 251).

Similarly, by incorporating the intersectional approach embedded in a theory sensitized to the lived experiences of black women, an appreciation of difference will emerge that will work to sensitize law enforcement agents to the circumstances of abused black women. They may thus gain an understanding of how concerns of “illiteracy, responsibility for child care, poverty, the lack of job skills, and pervasive discrimination weigh down many battered women of colour who are trying to escape the cycle of abuse” (Crenshaw, 1997:115). Intervention strategies cannot overlook these significant intersectional structures if they want to effectively respond to abused black women. Legal and social interventions

that are exclusively based on the experience of women who are not similar in race or class to an abused black woman are damaging because they fail to address the multiple struggles that these women encounter. Notably, due to the fact that the adversities of disempowerment that abused black women face are reflections of the barriers embedded in their everyday lives, interventions that refuse to use intersectionality are more likely to perpetuate and reproduce the abuse, rather than challenge and prevent it (Crenshaw, 1994).

The mandatory arrest policy neither effectively challenges nor prevents the subordination of abused black women. In fact, in many cases, it has a tendency to further complicate their situations by inadvertently conspiring with the multiple forms of oppression that are present in their lives. It presumes that the experience of abuse is similar in all cases and that the same solution will be effective for all (Mills, 2003). Yet, by assuming this presumption will suffice in the protection of abused black women, there is ignorance towards the racist, (hetero-) sexist, and classist notions entrenched in the institutions that develop and employ the mandatory arrest policy. As a result, police officers are not fully educated on the dynamics of woman abuse in black communities and thus condone and uphold preconceived notions of the black community, which only hinders their attempts to resolve these situations. This results in the differential treatment of the abused which not only further victimizes her but also significantly affects her children, who may witness her abuse and the treatment she receives from the police. This was clearly evinced in this exploratory study.

The Needs Assessment Approach

Throughout this analysis, I have illustrated how dominant ideologies of race and the essential woman have proven to be detrimental to abused black women who choose to contact the police and seek protection from their abuser. I have magnified the flaws associated with mandatory arrest with the intention of bringing awareness to them, and now wish to provide recommendations that could improve its impact on abused black Caribbean women and other women of colour.

This thesis has shown that the implementation of mandatory arrest in cases of woman abuse presents another legitimate platform by which legal institutions and law enforcement officers can mobilize racist beliefs and stereotypes about black people and other people of colour. The criminalization of woman abuse was an important development for all women. However, this has since become meaningless when one considers the discriminatory practices that are embedded in the policy and its ineffective execution (Flynn and Crawford, 1998). In assessing its inherent and significant roadblocks, I propose that the mandatory arrest policy should be replaced by what I refer to as the *Needs Assessment Approach*. This approach, I believe, would go a long way in rectifying the most grievous problems associated with the mandatory arrest policy. A needs assessment approach is based on assessing the needs of abused women and accommodating them as best possible. To accomplish this task, the approach has three criteria that must be fulfilled: a) inclusivity b) sensitivity, and c) introducing the rights-needs based approach to woman abuse.

In outlining the needs assessment approach, it is noteworthy to mention two important concessions. First and foremost, although the Approach is derived from the experiences of abused black Caribbean women and analyzed in the context of black feminist theory, it by no means is meant to exclude other women. Secondly, I am not naïve enough to believe that it will produce the desired change overnight, but I do believe that if meticulously employed, the needs assessment approach will make a difference over time by improving police-victim relations and, indeed, perhaps police-black community relations over time.

Inclusivity-Minority Recruitment

Law enforcement officers are the initial contact between the black community and the criminal justice system. They are the occupying force in society encompassing a significant amount of authority and power that, if used positively, can foster trust between them and the community. However, in order for a trustworthy relationship to materialize, law enforcement agencies require a reformation by purging their agencies of tainted members and recruiting ones that will facilitate building trust relationships (Luna, 2003). Purging tainted members, according to Luna (2003) is a form of modernized management, which states that to elucidate change in the police force, one must begin from the top down. That is, every one from the chief to 'rank-and-file' officers must be scrutinized. Here, emphasis is placed on the ethics and integrity of the police force rather than on efficiency and physical force. Current employees would be

rigorously scrutinized, and those who lack the type of police work ethic and attitude recommended to build community trust would be removed from the police force. This may be a difficult, but necessary task considering that improvements in the recruitment process would occur as biases and prejudices for those individuals recognized as “others” would be limited, and an open-mindedness needed to recruit new officers would be cultivated.

Given that due to the current multicultural Canadian population police officers encountering individuals from different cultural and ethnic backgrounds is inevitable, it is imperative that police forces represent the public they serve (Jain, Singh and Agocs, 2000). It can be argued that if the black community and other minorities were sufficiently represented in police services, the police might be less likely to maintain and promote racist notions of “others”, as well as refrain from perpetuating oppressive behaviour towards those individuals. In turn, minority groups might begin to cooperate with police officers more frequently (Jain, Singh and Agocs, 2000). Acknowledging this potential effect of recruiting racialized minorities, some Canadian police services have implemented diversity initiatives to accomplish multicultural police services. For example, the Ottawa Police service launched the Enhanced Language Training Program to recruit immigrant minorities and in 2005 the Durham Regional Police Service developed the Diversity Strategic Plan (Kazarian, Crichlow and Bradford, 2007). Despite these initiatives, visible minorities are still underrepresented in Canadian police services.

The reality is that the black community and other minority groups are routinely less likely to be recruited than their white counterparts. According to Jain and Suriya (1993), the representation of “others” in police organizations in major cities across Canada is significantly lower than their make-up in the population. For instance, in Toronto where visible “others” comprise of 40% of the population, visible minority officers represent only 5% of the police force (Forcese, 1999). Nationwide statistics seem to echo the similar sentiments. Although some might argue that overall minority representation within the police force is on the rise, it still remains that while visible minorities constitute 13% of the Canadian population, they only represent 4% of Canadian police officers (cited in Corsianos, 2009). When accounting for both visible minority status and gender, it seems that as the number of female officers increases the number of female visible “other” officers remain quite small (Statistics Canada, 2005) as they represent 4% (385) of all female police officers in Canada. In regards to their male counterparts, male visible minorities only comprise 5% (2395) of all male police officers (cited in Corsianos, 2009).

The low recruitment of minorities in police forces only aids in condoning and perpetuating some white police officers’ bias. As well, this fails to provide young racialized children with role models that represent their ethnicity or culture (Normandeau, 1990). Reports indicate that the recruitment process favours white men, which further promotes the perception that groups thought to possess racial and gender inferiority are not welcomed on police forces (Jain, Singh and Agocs, 2000). This notion has negative implications for black people,

in general, but more specifically, for abused black women. It suggests that the possibility of an abused black woman being investigated by an officer of racial similarity is significantly limited, and the privilege of encountering a woman, let alone a black woman, who may be able to sympathize with her struggles, is virtually impossible. Problems such as these may be avoided with diversity in recruitment. As one minority participant in a survey conducted by Jain, Singh and Agocs (2000:62) stated, "Policing is a form of power. If we are not involved as a people, then we give up the power to govern ourselves." Relinquishing this right is neither in the best interest of the black community, nor that of police forces.

The concentration on minority recruitment have been misunderstood and as a result, "...criticized for resembling US-style quotas and affirmative action, for not using merit as the basis for hiring, for jeopardizing police safety, for amounting to reverse discrimination..." (Kazarian, Crichlow and Bradford, 2007) However, the recruitment criterion that I am suggesting is not meant to jeopardize the integrity or safety of the police force, but to accurately reflect the Canadian population, which will hopefully lead to better productivity and better policing in black communities. Such diversity would act to weaken the barriers that have otherwise made it difficult for racialized men and women recruits to be successful in the police force. The end result is that recruiting more racialized minorities, especially women, will be beneficial to abused black women because patriarchy and racism will be challenged, and the previously stereotypical concept of the real battered woman will be difficult to enforce. Hiring black

officers, in particular black female officers, is no panacea, but as mothers, daughters, sons and fathers in the black community they can increase the likelihood of sensitivity.

Cultural Sensitivity Training

Since black women and other women of colour began challenging the essentialist idea of woman with its negative impact on the “other”, scholars and social service providers began advocating for cultural sensitivity training. They believed that in order to address woman abuse, issues such as race, class, culture, and religion demanded further attention and examination (Bell and Mattis, 2000). Therefore, policies and social services aimed at preventing and intervening in the abusive situations of black women should be culturally sensitive to better serve the needs of the different women they encounter.

Considering the potential consequences of cultural sensitivity training, it cannot be overemphasized that educational courses on culture must be mandatory for all law enforcement agencies. Social workers from diverse backgrounds who work with, for example, abused black women and their children should deliver these courses. Although some police services offer similar training, the fact that the recommended training is to be delivered four times a year to ensure that the officers receive a diverse education on the varying needs and circumstances of the types of women that make up the Canadian mosaic, and that it connects cultural training with woman abuse education, separates it from the diversity training offered in some police services. The

courses would be to educate police officers on the multiple forms of oppression that exist in the lives of women of colour, and how each oppression concurrently works to keep them in their current situations. I realize that this recommendation may be costly for law enforcement agencies to implement. However, this cultural sensitivity training is necessary due to the fact that abused black women and other abused women of colour are victims of differential treatment from the police because of the consequences of the current mandatory arrest policy. Having a culturally aware police force is important in abusive situations. This training can set a precedent that can even be useful in an officer's day-to-day encounter with minority groups generally.

The cultural understanding and training that I aim to introduce to police forces is one that provides an understanding of culture as a product of history. That is, one that conveys a notion of culture reminisce of the history that has played an intricate role in shaping the lives of black people, but more specifically, black women today even in their differences (Bent-Goodley, 2001). From this concept of culture, it is inferred that to be culturally sensitive to the needs of the black community one has to obtain some form of historical understanding of how they form their opinions on life (Bell and Mattis, 2000). In other words, law enforcement agencies must gain knowledge of the black community in such a way that promotes understanding and an awareness of the fact that culture, through history, impacts how the community is defined by society and how they define themselves.

Specific to woman abuse, becoming culturally aware and sensitive to the needs of abused black women means becoming historically attuned, for example, to its beginnings. Many scholars believe that in order to address and deliver meaningful service to abused black women, issues such as slavery and its influence on relationships between black individuals today should be analyzed (Bent-Goodley, 2001). According to Franklin (2000), feelings of anger, hopelessness, powerlessness, fear of attachment, and distrust of the white community are the direct results of slavery, which in turn, have helped to shape the relationship between black men and women. In essence, slavery legitimized the abuse of black women by both black and white men, and emancipation from slavery further validated their abuse:

The Faustian bargain struck by white and black men – designating the black man as the head of household, giving him authority over black women in exchange for their labour in the fields – was the first signal after emancipation that erosion of gender relations in the African American community (Franklin, 200:52-53).

Emancipation allowed black women to continue to be oppressed in the home, only this time it was from their own black men. Abuse increased in black homes and black women found themselves routinely “trapped” in a conflicting dichotomy – combating the violence they received as women and advocating against racism alongside the men who beat them (Crenshaw, 1994). Becoming knowledgeable of this history would equip police officers with some of the tools required to properly address the circumstances of abused black women, and understand some of the forces that are constant in their lives.

Knowing the history that helps define the experience of a group is paramount when delivering effective service to that particular group. This

history will be potentially helpful in combating woman abuse in the black community (Bent-Goodley, 2001). This means that understanding the aftermath of slavery for black women is also necessary. That is, gaining knowledge about their socioeconomic status and why they represent one of the poorest racial groups in society today; analyzing external barriers, such as institutional racism, that impede their economic maturity and hold them captive in their abusive relationships; and examining internal obstacles, such as the need to protect their black men from prejudices or the pressure to choose between antiracist and anti-sexist advocacy (Bent-Goodley, 2001). By acknowledging these impediments, and with proper education, police officers would gain sensitivity to the situations of an abused black woman. They will realize and understand that the oppressions abused black women face intersect and exist to trap them in their current situations.

In their analysis of African Americans in psychotherapy, Bell et al. (1988) outlined four goals for effective treatment. By their account, a therapist is required to: (a) rid themselves of racial stereotypes and myths about the black community; (b) address the patient's race and the importance of it; (c) be sensitive to the patient's needs; and (d) adjust or adapt to the patient's expectations. These four goals are equally important when police officers are involved in the situations of abused black women. The first two goals, however, are essential to gaining cultural sensitivity. Police officers tend to carry false stereotypes of racial minorities with them on the job, which in turn, form the basis of the differential treatment these abused black women receive.

Over the past two decades, three different, but equally problematic, responses to woman abuse in black communities by law enforcement officers and the public have been fuelled by these negative stereotypes of black women. These include non-interventionist response, devaluation, and justification (Bent-Goodley, 2001). The non-interventionist response implies that police officers and other ‘outsiders’, refuse to interfere in the lives of abused black women, which in turn, permits the continuation of abuse. The devaluation response refers to the notion that black women are historically less entitled to protection than white women because they do not require assistance, and they are deemed able to take care of themselves. Finally, the justification response coincides with the devaluation response and implies that because black women are viewed as ‘superwomen’, they are capable of coping with negative treatment such as abuse, and are in fact accustomed to such activities (Bent-Goodley, 2001). All three responses work together to trap black women in abusive relationships. Many view them as capable of tackling any obstacle that arises, primarily because the obstacles they face supposedly result from their own deviant or dangerous behaviours. These stereotypes make it very difficult for black women to be viewed as vulnerable and in need of protection from their abusers:

[black] women do not inspire the kind of empathic concerns that would lead others to advocate for their protection. Women whose physical and psychological makeup mark them as “other”...are often treated as though they are responsible for and/or deserving of the abuse they experience. They are perceived as “inauthentic victims” (Bell and Mattis, 2000:520).

By outlining the problems associated with upholding these pervasive stereotypes, and allowing officers to realize that these are mere stereotypes that do not explain the situations of many black women, they may become more

sensitive to how their own stereotypes of the “other” affect their duties as protectors for all. They may subsequently gain sensitivity to the issues of abused black women and thus strive to deliver better services to them. Participants in this study stressed this concern:

I felt they treated the situation more lightly than they should have...I wanted them to take him away and give my mother something she could rely on to feel safer. At the time I felt they just came, talked about the situation, and the next day he was there again. Nothing was enforced to protect my mother. It was like they just didn't care. (Sandra, Interview, May 23, 2009).

Moreover, while cultural sensitivity training will allow for better policing of woman abuse, it will also counteract claims of the essential or the real battered women by challenging such concepts in the minds of front-line officers. Abuse cuts across all cultural boundaries, and designating one specific type of voice to determine the experience of all abused women, “simultaneously reif[ies] and erases ‘othered’ women as victims of domestic violence” (Crenshaw, 1994:100). Their experiences should be acknowledged and protection should be granted to them.

Rights-Needs Based Response

To effectively utilize a needs assessment approach, Flynn and Crawford's (1998) suggest that police officers apply a *rights-needs based response* to the abuse of black women. Once law enforcement agencies have recruited individuals who appropriately represent Canada's multicultural society and have undergone cultural sensitivity training, they can embark on delivering a service that is based on the rights and needs of the victims. Mandatory arrest is constantly criticized for hindering the autonomy of the victim, which can be

very difficult for black women because they become vulnerable to further victimization by the legal system, social services, and their abusers. For these reasons, black women should have the opportunity to make decisions and have their needs met when they initiate contact with the police for protection. “Battered women are often the best judges of whether arrest will increase their safety, and mandatory policies that ignore their wishes are particularly dangerous” (Coker, 2004:1334). As such, implementing a rights-needs based approach would emphasize autonomy, which would allow abused black women the security of feeling less vulnerable in an already vulnerable situation. Moreover, by applying this approach, the final two goals outlined by Bell et al. (1988) – sensitivity to individuals’ needs and the adaptation to individuals’ expectations would be accomplished.

Police officers arriving at the scene to protect an abused black woman should have as their first order of business to make the victim know that she is deserving of police protection. Being regarded as deserving means that the officer would be sensitive to the victim’s situation. They would acknowledge the seriousness of the abuse, gain an understanding from the victim’s perspective and most importantly, believe the victim and refrain from blaming her for the abuse (Russell and Light, 2006). Granting the victim respect in this capacity is extremely empowering. In a British Columbia survey, Russell and Light (2006) found that not only was there a consensus among the victims regarding the fundamental impact that being treated with respect can have, but police officers concurred as well. Many of the officers surveyed thought that abuse victims

needed to be respected and know that their situation was by no means their fault. As well, many stressed the importance of viewing the victim as credible: “You need to let victims know you believe what they are telling you. The worst thing is to say to someone that she is not believed. Everyone should be looked at as telling the truth until or unless it is proven otherwise” (Russell and Light, 2006:385). Contrary to the recommendations of Russell and Light, an overwhelming amount of research reveals that black women and other women of colour, nonetheless, continue to receive differential treatment from law enforcement officers (Buzawa and Buzawa, 1992; Ammons, 1995; Flynn and Crawford, 1998; Avakame and Fyfe, 2001). Therefore, as a mechanism introduced to reduce and eventually eliminate such treatments, the third criteria of the needs assessment approach must commence with the victims knowing that they are deserving of police protection from their abusers.

In the process of illustrating to the victims their worthiness, police officers are to build a sense of security and comfort for victims by making them aware of their rights – one being the right to make decisions free from prejudices and negative stereotypes. With the mandatory arrest policy, an arrest is deemed mandatory where there are reasonable grounds to believe that an abuse has taken place. However, it is also the case that many black women do not want their abuser to become victims of what they see as a racist criminal justice system. Many abused women only require the abuser to be removed from the home. Allowing the abused the opportunity to be more vocal by taking her aside and asking her, “What would you like us to do?” enables her to convey her request to

the police. In turn, the officer can communicate to the victim alternatives to arrest, which would allow her to decide what is best for her and her children. One option may be implementing restrictive orders such as protective or restraining orders (Flynn and Crawford, 1998).

In addition, if the victim requests the arrest of her abuser, she should have a say in how the arrest is made. This is essential for women with children. Police officers should refrain from arresting the accused in the presence of children because this can negatively affect a child (Berkman and Esserman, 2004). For instance, a son who idolizes his father may resent his mother and the police for arresting him. Therefore, providing the victim with the option to vocalize her opinions is pertinent as not having one may significantly influence a black woman's desire to call the police. In essence, the officer is allotting the woman the opportunity to play a significant role and embrace the autonomy that she once lost. This allows it to be a more viable option for black women to call on the police to protect them from their abusive partners.

Furthermore, police officers must be mandated to provide the women with culturally sensitive information about counselling and shelter services (Flynn and Crawford, 1998; Russell and Light, 2006). The aforementioned cultural sensitivity training police officers received would be a vehicle to facilitate this referral. In training, they would be exposed to different services that are meant to serve abused women in order to meet the needs of a diverse community. As a result, providing officers with the information needed to accomplish this task and demonstrate to the victims that their needs are of the utmost importance.

This is an area where police officers frequently fail when enforcing mandatory arrest:

...they could have done more to help her. They could have given her pamphlets of centres that may be sensitive to her situation, or phone numbers of people that she can talk to. They could have acted like they cared. At the time it didn't really bother me as much, but now that I think about it, I am pissed. I feel that at that moment she needed all the help in the world. She never listened to my sister or me b/c she thought that we didn't understand the dynamics of her relationship with him...according to her we were just kids. So I believe that if the police showed her that they were people who actually cared about her situation, things would've probably been different (Nina, Interviewed, May 24, 2009).

Studies show that police services, in collaboration with community initiatives, are essential in combating woman abuse and protecting women. Abused victims believe that when police officers collaborate with community services to provide them with a holistic approach, they are more inclined to ensure that the abused receives effective service. Nevertheless, a lack of referral to community services or a lack of encouragement from police officers to seek out such services, can further victimize the abused by disempowering them (Russell and Light, 2006) and trivializing their circumstances. Therefore, to effectively provide meaningful services, a holistic approach must be embraced when addressing the needs of the victims.

In the rights-needs based response, police officers are also mandated to file all incidents of abuse that are reported (Flynn and Crawford, 1998). Due to the fact that police officers believe that policing woman abuse is not 'real' police work, it is not too presumptuous to believe that they fail in this regard. As such, this initiative can enable police officers to keep track of continuous incidents of abuse. The information documented could assist in the prosecution of abusers, should the victims allow this to occur. As well, being part of this process has the

potential to alleviate the trauma experienced by the victims in and having to prove the guilt of and testifying against their abuser. Most importantly, this limits concerns of committing race treason, which is a significant fear for many abused black women (Flynn and Crawford, 1998).

By applying the needs assessment approach, instead of the mandatory arrest policy, the notions associated with black feminism and the intersections of oppressions are embraced. As illustrated, the criteria of the needs assessment approach allows police officers to gain an understanding of the negative forces that significantly influence the life of the abused, analyze their current circumstances and provide them with a holistic service that encourages their active participation. Therefore, by utilizing the needs assessment approach, police officers would be better educated and thus, better equipped with the tools necessary to address the abuse of black women. Consequently, if black women realize that police officers are exerting effort to incorporate their voices and listen to their needs, more black women may begin to trust that the police do act in their best interest. This approach leads to the empowerment that black women desire to combat their abuse. They would no longer be demoralized in the eyes of the police, and they would be provided with a service that requires them to take control of their situation -- a privilege removed when racism and the concept of the real battered woman are invoked. Of course, not every woman would embrace this new way of policing, but those who did would feel a sense of empowerment that others can emulate.

Additionally, if police officers act in a manner that positively affects abused black women, child witnesses might begin to have a different or more positive outlook on law enforcement officers. In a previous chapter, it was mentioned that there is a generational resistance towards the police amongst members of the black community. The needs assessment approach can assist in reducing this friction as individuals who witness it in action may be more inclined to call the police should they find themselves in similar situations.

Realizing the significant potential of the needs assessment approach, in that it would allow for fair and equal treatment of abused black women, failure to fulfill its requirements would result in disciplinary actions, such as suspension, as a means of holding police officers accountable for their actions or lack thereof. This would illustrate a pressing desire to rectify the problems associated with the current mandatory arrest policy, and further impress upon the public that woman abuse is a crime against all women.

Chapter Summary

This chapter has presented an alternative perspective on how to address woman abuse in the black community. It has illustrated that the most effective means of dealing with abused black Caribbean women is from a black feminist perspective. Understanding that feminist essentialism along with racism in the legal system, is neither the most appropriate, nor the fairest means of combating woman abuse in the black community, and that black women are victims of multiple forms of oppression that intersect to define their struggles as a group

and as individuals, will dynamically influence the legal systems approach to abused black women. I analyzed their plight, not as a set of autonomous adversities, but as adversities that simultaneously affect how a black woman reacts to abuse, and how the police should in turn, respond to their abuse.

Acknowledging this, a needs assessment approach was introduced, which caters to the needs of the victims and demonstrates that an understanding of intersectionality is necessary in the circumstances of abused black women. The needs assessment approach has three criteria, with the first suggesting that law enforcement agencies adequately represent the community they protect. That is, they should employ more minority women and men. Secondly, law enforcement agencies become culturally sensitive through mandatory courses on culture and history. It is suggested that these courses be presided over by social workers who work with abused women of different cultures. Here, police officers gain a general and cultural knowledge of abuse and partake in social networking to help the women they encounter. Finally, police officers employ a rights-needs based approach in abusive situations. With this criterion, the woman is given the opportunity to voice her needs, which police officers would try to meet through the service they provide and the education and contacts that they learned during cultural training. In essence, the needs assessment approach would better serve the black community, by building trust relationships and by empowering black women. It would provide them with something many believe the police are incapable of – protection.

Conclusion

During the course of this study, I have demonstrated that the notion of *the essential woman* coupled with historical racism in the legal system, has led to the mandatory arrest policy's failure to adequately protect black woman from their abusers. In exploring this fundamental problem I provided a comprehensive analysis of woman abuse and the mandatory arrest policy.

Woman abuse has been a constant in the lives of many women for centuries; its social and legal recognition is relatively new. Since the latter half of the nineteenth century, women have been challenging the traditional realities of the male-female relationship. That is, women began demanding that they are not a man's property and deserve to be treated as men's equals. From this attempt to obtain and maintain gender equality, the women's Liberation Movement was born, which allowed women to speak out against woman abuse. The problem, however, was that the white woman's experience became the general face of woman abuse as she embodied the essence of womanhood. Consequently, the abusive situations that black and other women of colour faced were virtually ignored: they were not representatives of the essential woman. In the mid-twentieth century, this concept was passed on to second wave feminists, who, not only "rediscovered" the fight against woman abuse, but influenced social and legal interventions to protect abused women and combat woman abuse. One important example was the mandatory arrest policy.

Although the mandatory arrest policy was introduced to protect all women from their abusive partners, the women who most benefitted from it were white.

Law enforcement officers internalized the concept of the essential woman to develop characteristics for those they considered *the real battered woman*. Racism became further ingrained as abused black women were often neglected since they did not embody these characteristics of womanhood. Additionally, as a result of systemic racism, abused black women who chose to contact the police for protection from their abusers, were often subjected to greater risks, such as encountering child services and dual arrest situations.

My own interviews of five women who had witnessed not only the abuse of their mothers by their significant others, but also the treatment their mothers had received from police officers who came to their “rescue” is an attempt to offer a radical intervention to these preconceptions. A literature review on child witnesses reveals that the research available on child witnesses is relatively new and lacking in substance, even though witnessing abuse is prevalent in the life of many children (Osofsky, 1995; Edleson, 1999). There is next to no information about how a child is psychologically affected if they witness the implementation of mandatory arrest. This lack is because child witnesses were not considered a priority or a candidate for attention unless they were abused themselves. The research further neglects the experiences of black and other minority children as the experiences documented are those of mostly white child witnesses. As such, much research is required as the information collected could significantly influence how police officers approach situations involving abused black women.

This thesis, I hope, has thus furthered the research available on child witnesses by focusing on black children and the effects of mandatory arrest. In my exploratory study I brought forth an otherwise “hidden” population, and acquired through a non-conventional method of research, the snowball sampling technique, data that further challenges the mandatory charging policy as it stands. Interviewing these women using non-essentialist standpoint feminism and sharing my story as a child witness enabled me to compare my experience with that of the participants and outline four similarities that we share. Highlighting these similarities puts in perspective the significant need for change in how police officers approach woman abuse in black communities.

This brought me to recommend a crucial change, which would go a long way in assisting abused black women and abused women in general. As one of the major “unwritten” components of the mandatory arrest policy is based on the essential woman theory, I proposed that instead of feminist essentialist thought, law enforcement agencies should utilize black feminism to understand and approach the abusive situations of abused black women. *Black feminism* is based on the notion that women are different by nature, they do not share the same circumstances, and should not be treated as though they do. It acknowledges that black women suffer from multiple forms of oppressions that intersect and work together to oppress them; thus, in order for law enforcement agents to have an effective and positive impact on the lives of abused black women this understanding of intersectionality is imperative.

The conclusion that I draw from my study is that police must engage with the notion of black feminism if they wish to rectify their outlook on and approach to abused black women. This idea gives me the opportunity to recommend that the mandatory arrest policy be eliminated and replaced by a needs assessment approach to suit a multiplicity of circumstances. This approach strives to address the needs of the victim through three criteria. First, it suggests that to interact appropriately with black and other women of colour, more minority recruitment is necessary in police forces. Minority recruitment is scarce, especially, in major cities where minorities represent a significant amount of the population. For example, in Toronto where minorities account for 40% of the population, minorities are only represented by 5% of law enforcement agents. This is unsettling considering that Canada is a multicultural country where minorities encounter police officers on a daily basis.

The second criterion lies in cultural training for police officers. This training would focus on the concept of intersectionality by providing police officers with an understanding of the different forms of oppression that simultaneously affect the lives of abused black women. The officers could gain an understanding that oppressions such as poverty combined with racism act to keep some of these women in their current situations. Obtaining this knowledge can equip police officers with the tools to provide a service that speaks specifically to the needs of the women. The final criteria would mandate that police officers would utilize the first two criteria to assist in providing victims with a service that strives to accommodate their needs and rights. In other words,

the victim's autonomous involvement should not be ignored. The victim should be able to vocalize her needs free of prejudices, and the police officer should make certain that they do everything to accommodate their needs.

This study has enabled me to illustrate the detriments of mandatory arrest and to present a potential aid to this significant problem. Abused black women are among many women who, due to the colour of their skin, receive indifferent treatment from the police. This project strives to eliminate this treatment and allow these women to receive the treatment they deserve. Woman abuse is an injustice that is prevalent in the lives of many women. Therefore, to ignore its existence or to deem it normal in the lives of some women and condemn it in others sends a counterproductive message to the public that abused black women and other women of colour are not worthy of the law's protection.

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