

A Restorative Justice Critique of Shelters for Battered Women in the American Deep South

Kim Cook from the Department of Criminology at the University of Southern Maine recently visited the Institute. While there she gave a talk based on an earlier paper she had given as a Fulbright scholar in Australia. This article summarises that presentation. It draws from research conducted by Kim and her colleague Denise Donnelly from the Department of Sociology, Georgia State University.

Introduction

In 1985, Stan Cohen recommended that reform strategies be evaluated on their 'moral pragmatism' which involves assessing the following:

- ?? Doing good a commitment to the socialist reforms that would eliminate the social inequalities driving conventional crime problems.
- ?? Doing justice, a commitment to the rightness and fairness of punishment for the collective good.
- ?? Making a difference: reform should be the tight thing to *do* because it is the right thing to *do*, not because it will reduce 'crime' rates or anything else.

He provided two examples of agencies that fall into this category: rape crisis centres and battered women's shelters. By raising public awareness, and providing a safe haven for women, these agencies are 'levelling' the playing field' (doing good) for victims. By advocating legal reform (in 1985, pro-arrest and pro-prosecution policies were popular among advocates) that hold abusive men accountable and provide women with 'safe' places to go, these agencies are 'doing justice' for the collective good. And, finally, because rape crisis centres and shelters for battered women give voice to women's victimization, they are certainly making a difference, in Cohen's view. I limit my analysis onto shelters for battered women.

The development of shelters

While much good research had been done on shelters and violence against women by 1985, much more has been written since. Historically, shelters were established as

feminist-oriented grassroots organizations to raise awareness about violence against women, and to provide concrete material assistance to women who are battered. In the early 1970s, the battered women's movement established services that tended to be widely scattered geographically and limited in scope. As public awareness of woman battering spread, however, the number of shelters and services grew exponentially. Now, over 1,200 state-funded agencies for battered women offer temporary shelter, and some combination of emergency hotlines, counseling and support groups, financial assistance, transportation, job and housing locator services, legal assistance, and children's programs in the USA. Despite tenuous links between research and policy in violence against women and restorative justice, proponents and activists share certain goals: to end violence in the family, to empower victims of violence and to offer material support for those in need.

Selecting clients

Thus established, shelters began to view wine battered women as more 'appropriate' clients than other. Workers soon realized that battered women are diverse with a range of problems, for which they were ill-prepared. Serving some groups of women--such as those with multiple intractable problems, mental illness, or drug/alcohol addictions was deemed not practical (and even dangerous) for these organizations. This particularistic approach created a situation whereby a holistic range of services available to battered women in need was not possible. More crudely put, echoing one of the respondents in this research; 'we do battered women; we don't do homeless women.' The profile of 'battered woman' emerged as: young, white, heterosexual, and working class or poor, and has at least one child.

Funding for services to battered women has increased substantially as a result of the Violence Against Women Act. Competition for these funds, however, remains fierce. Clinton Administration welfare reforms increased demands for services from battered women's agencies. Funding shortfalls translate into a lack of accessible shelters for all battered women, inadequate shelter capacity, and almost non-existent transitional housing and other aftercare programs. As other sources of assistance for poor women and their children are drastically altered or eliminated by the Bush Administration, the constraints facing battered women's agencies will only be exacerbated. These politics of scarcity result in service providers being forced to establish criteria for client eligibility, leaving many women 'out in the cold.' Some consequences of state funding on services to battered

women are that it has contributed to a Faustian relationship where shelters now have a variety of constituents to satisfy: law enforcement, community representatives, state legislatures, other professionals, and battered women.

Restorative Justice Theory

While shelters were not established on a theory of restorative justice, it may be useful to provide an analysis of shelters based on this approach. It is not my intent to critique for its own sake, but rather to offer analysis with an eye toward improving responses to battered women's needs. Nor do I want to demonise shelter workers or to argue that their motivations are suspect, however some of this analysis involves questioning the approaches taken and perspective offered by executive directors in Mississippi, Alabama and Georgia. Central to this analysis are the needs of battered women of colour and women in other disenfranchised groups. In as much as executive directors prioritise the complex needs of these women we can gain some deeper understanding of the effectiveness of shelters for battered women in the American Deep South.

Restorative justice is a theoretical and praxis-oriented approach to criminal offending, where victims' needs are given relatively high priority in processing various cases. It is important to bear in mind that the analysis presented here can only pertain to victims of abuse and their needs. Because shelters for battered women provide services to this population, this analysis cannot provide meaningful understanding of offenders. Because restorative justice is, in part, about 'victim needs', this analysis is offered as a contribution to that dialogue.

Questions that concern me are: can shelters be seen as part of the 'community of care' as described by restorative justice scholars? And can shelters fit into a morally pragmatic framework? The data presented here are from the in-depth interviews with 44 shelter executive directors in Mississippi, Alabama, and Georgia, in 1995.

Reinforced Racial Inequality

Even though more than half (57%) of our respondents felt that the racial distribution of women served was roughly proportional to the areas they served, one-fourth of our respondents mentioned women of color as an important under served group. Most often mentioned as under served were African-American women, although concerns were raised regarding Asian-American women, Latina women, and recent immigrants of all nationalities.

Explanations they offered: predominantly white shelter staff, shelters located in white neighborhoods, women of color might be uncomfortable in shelter, women of color might not be as aware of services as white women. Some directors believed that women of color had their own resources. For example, one respondent said:

This county's African American community, I think, is pretty close knit. I think they try to pretty much take care of their own... We get a lot of calls from African American women, but have just not had a lot of them in the shelter

From such indifference to malign neglect resulted in a violation of civil rights law. A respondent who noted that hers was 'one of the best shelters in the state,' went on to say that:

Right now, we're about 50-50, thank goodness. If I could keep it at that, I would be so happy, because what happened in [city] was it [the shelter] became totally black, and the white women would not go...we had to close the shelter and move it to another community [so white women would we it].

Doing Justice for the Collective Good.

Rather than making social change for the collective good, some directors relied on the 'black community explanation.' For example a white shelter director from Mississippi noted, *they're [black women] just more used to it, tolerate it longer, or don 't see...any other recourse. The majority of the [black women] that we get through here are lower socio-economic, not folks like you and me who can afford a hotel room.*

According to Richie (1996) an important reason why battered women of colour do not seek assistance from the established programs (either the criminal justice system, and/or shelters) is that men of color are far more likely to be incarcerated once apprehended than their white peers. Activists for battered women were involved in calling for pro-arrest policies, but the results have been disastrous for racially and economically marginalised men.

Making A Difference?

Because this is fundamentally a question of value judgements, we have to ask "are shelters for battered

woman 'the right thing to do?'" Without hesitation I would say, yes, they are the 'right thing to do, and they could be done better.' It is clearly not the 'right thing to do' to close a shelter because the majority of residents are women of colour. It is clearly not the right thing to do to advocate harsher punishments for batterers when that means their families suffer more. It is not the right thing to do to advocate social service programs that exploit and reproduce social inequalities such as what this research illustrates. Shelters that operate within this framework of 'exclusivity' become part of the problem compounding those obstacles battered women encounter when seeking safety. Women of colour quickly get the message that these services are not for them.

Discussion

Kay Pranis argues that restorative justice has the potential to advance social justice concerns. If communities are to become 'restorative' then criminal activity would be used as an 'opportunity to strengthen the community, to deepen understanding of one another, and to build caring relationships.' This can be accomplished when 'dealing with those incidents in a contextual way, by providing those most affected with meaningful roles in resolving the problems, and by conducting the dialog in a different way.' Shelters undermine this when they prescribe pre-determined strategies and services for particular 'types' of women.

Shelters often produce a set of 'house rules' that restrict women's movements, these rules typically involve curfews, house-keeping schedules, behavioural and social rules for adult women and their children. Misbehaviour' results in sanctions, including denial of shelter. Exercising such power over residents limits the 'restorative' impact because it violates a cardinal rule of 'empowerment.' Because, as Pranis says, 'restorative justice affirms a preference for non-coercive relationships', imposing such rules, and punishing when they are violated, replaces one highly controlled environment with another. If restorative justice requires agents of social change to abandon coercive strategies, then shelters would be a key community support agency to foster empowerment and provide effective supports for women. By turning battered women away from shelter because they do not meet 'appropriate' criteria, shelters blame the victim for her conditions and reinforce her disenfranchisement. Shelters could become part of the 'community of care' necessary to aid battered women within a restorative justice scheme, but they would have to reform their practices to achieve this goal.

