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Domestic violence and minoritisation: Legal and policy barriers facing minoritized women leaving violent relationships

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Abstract

This article on service responses to women of African, African-Caribbean, Irish, Jewish and South Asian backgrounds facing domestic violence draws on our recently completed study based in Manchester, UK (Batsleer et al., 2002) [Batsleer, J., Burman, E., Chantler, K., McIntosh, S.H., Pantling, K., Smailes, S., Warner, S., et al. 2002. Domestic violence minoritisation: Supporting women to independence. Women's Studies Centre: The Manchester Metropolitan University]. We frame our analysis of domestic violence and minoritisation around the question that is frequently posed in relation to women living with domestic violence: 'why doesn't she leave?' In response, we highlight the complex and intersecting connections between domestic violence, law, mental health provision, entitlement to welfare services, which function alongside constructions of 'culture' and cultural identifications, structures of racism, class and gendered oppression. All these contribute to maintain women, particularly minoritized women, in violent relationships. Further, we illustrate how leaving violent relationships does not necessarily guarantee the safety of women and children escaping domestic violence.

Despite many recent legal and social policy initiatives in the UK that have usefully brought domestic violence into the public domain, there have also been counter-measures which have made leaving violent relationships correspondingly more difficult, in particular for women from minoritized communities. We offer an analysis of how state practices, particularly facets of immigration law in the UK (although Bhattacharjee, 1997, provides an equivalent U.S. analysis), interact with domestic violence. These not only equip perpetrators with a powerful tool to oppress minoritized women further, but it also indicates how state structures thereby come to impact directly on women's distress (Chantler et al, 2001). In addition, we highlight how other aspects of state policy and practice

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which enter into the material well-being of survivors of domestic violence, for example, housing, levels of state benefits, and child-care also pose significant obstacles to minoritized women leaving violent relationships. Whilst women from majority/dominant groups also face many of these barriers, we illustrate how the racialized dimensions of such policies heightens their exclusionary effects. It is argued that legal and psychological strategies need to address the complexity of how public, state and institutional practices intersect with racism, class and gender oppression in order to develop more sensitive and accessible ways of supporting minoritized women and children living with domestic violence.

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1. Context and rationale for the study

This paper draws on our recently completed locally based study¹ of service responses to minoritized² women surviving³ domestic violence which highlighted both general and specific ways that women from historically and currently marginalized cultural backgrounds and subject to racialized oppression within contemporary Britain are systematically disadvantaged, if not excluded, from accessing support and provision. Our particular focus on women from four minoritized communities—African and African-Caribbean, South Asian, Jewish, and Irish⁴—was prompted by concern that domestic violence, as other, services were not sufficiently accessible to women from these backgrounds, notwithstanding their presence as substantial communities within the Manchester area. The study built on our previous investigation of services responses to South Asian women presenting with issues of attempted suicide and self-harm (Burman, Chantler, & Batsleer, 2002; Chantler, Burman, Batsleer, & Bashir, 2001) in which domestic violence was identified as a contributory factor. Domestic violence, like attempted suicide and self-harm, crosses the public/private divide that both structures legal, health, and social service responses. While there are studies of the particular needs and experiences of women in the UK from black and South Asian communities in accessing support services around domestic violence (e.g. Choudry, 1996; Mama, 2000), to our knowledge this is the only available study that investigates across different racialized groups to explore how the structural position of minoritisation enters into the accessibility of domestic violence services.

Hence a further rationale for the study was to explore potential links through commonalities of experiences as minoritized groups that cross the often seemingly unbridgeable ‘black’/‘white’ divide.

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² We use the term ‘minoritisation’ (rather than ‘minority’, or ‘minority ethnic group’) to highlight that groups and communities do not occupy the position of minority by virtue of some inherent property (of their culture or religion, for example) but acquire this position as the outcome of a socio-historical process. This also encourages a reading that indicates areas of continuity as well as differences of positions between women from different minoritized groups—so spanning the black/white divide that usually structures such discussions.

³ We write of ‘surviving’ rather than ‘escaping’ or ‘fleeing’, since, as we discuss later, a) women are not (only) victims, b) women often live with the abuse for a long time before finally leaving; and hence c) leaving the violent relationship is not a single or total event. While we do not mean to imply that women always or only ‘survive’, we use this term to highlight women’s strengths and resistance, rather than only subjection.

⁴ We recognise that the lexicon and topology of discussions of ‘race’ and racisms take different forms in different countries, here we use terminology of community identification that is common currency within contemporary Britain.

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