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Power and Control: Radical Feminism, State Cooptation and Intersectional Queer Theory in Domestic Violence Praxis

Introduction

Although the Trump administration's Justice Department revised the definition in April of 2018, until that point, the Office of Violence against Women states that domestic violence is "a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner" that "can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person" and "includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone[1]." These basic building blocks of anti-violence activism are uncontroversial implemented on an international level as the dominant conceptualization of domestic violence. Every person who undergoes training in domestic violence learns to identify these dynamics extracted from the definition of domestic violence. Every domestic violence advocate across the US and around the world undergoes training to identify these aspects of abuse when working with survivors. Every presentation provided by a domestic violence agency begins with these basics. And, every effort to curb domestic violence must first be measured against these concepts.

However, in April of 2018, the Trump administration's Justice Department erased this definition to replace it with a statutory definition.[2] The reason seems to be that these concepts are not politically neutral. The conceptualizations of domestic violence have come to fruition only as a culmination point of a political movement against violence which took shape through the theory and practice of feminism. By way of po-

1 Domestic Violence. Office of Violence Against Women, n.d. Retrieved 5-13-2015 from: http://www.justice.gov/ovw/domestic-violence

2 Domestic Violence. Office of Violence Against Women. n.d. Retrieved 10-8-2019 from: http://www.justice.gov/ovw/domestic-violence

litical struggle, feminism developed the analysis of domestic violence as the concepts of power and control, and consent and coercion, thereby shaping the understanding of violence across the political spectrum. For this fact, in order to understand the formations of domestic violence and the Trump administration's Justice Department revision, a review of how feminisms have developed the theories of description and practices of advocacy establishes a base line for comprehension. And yet, the strange conclusion drawn from such a review, as shall be demonstrated below, is that the radical feminist theory and praxis which developed the dialectical theory of domestic violence is also to blame for the ironic twist toward the revision. This paper charts a genealogy of the theory of domestic violence through the founding theoretical developments within radical feminism and the criminal justice system. The radical feminist theory and praxis associated with domestic violence leads to three key problems including 1) a public policy praxis leading to the strengthening of carceral systems, 2) a universalization of womanhood leading to an implicit racism, and 3) a binary dialectic leading to an explicit heterosexism.

The paper begins with a discussion of the radical feminist dialectic developed through Marxist dialectical materialism. At this point, the three moments of dialectical materialism – i.e. oppositionary duality, quantitative and qualitative change, and the negation of negativity—are revised from Marxist theory to become the moments of radical feminist critique. Following the discussion of dialectic, the paper moves on to discuss the revision of the Marxist universal class, the proletariat, to woman. Here, the feminist dictum of "the personal is political"[3] becomes the key concept within feminist praxis leading to both a revolutionary epistemology and the abolition of the division between the private and public spheres. And yet, as the paper progresses, radical feminist praxis has the ironic conclusion of expanding criminal justice responses against the oppressed. It is here that the revisionism of the Trump administration's Justice Department becomes clear. Finally, the paper discusses criticisms posed by women of color feminism and queer theory of radical feminist formulations. This final section discusses potentials for reformulating the radical feminist theory and praxis away from simple gender binaries toward power and control within heteropatriarchy and white supremacy. Where political movement intersects within interpersonal relationships, the feminist dictum, "the personal is political,"[4] becomes realized as the demolition of the boundary between the public and the private spheres.

3 Carol Hanisch, "The Personal is Political," in *Notes from the Second Year: Women's Liberation,* ed. Shulamith Firestone and Anne Koedt (New York: Self Published by Shulamith Firestone and Anne Koedt, 1969), 76–77.

4 Ibid., 76-77.

Violence and Dialectic

The rise of the anti-rape movement in the 1960s and the subsequent rise of the battered women's movement in the 1970s were inseparable from the broader radical feminist movement.[5] During this period, feminist critique developed a dialectical analysis of patriarchy as the source of women's oppression. Writers such as Kate Millet,[6] Shulamith Firestone,[7] Andrea Dworkin[8] and Catharine MacKinnon[9] argued that gender equality within neither liberal political nor radical socialist ideologies was a possible goal, for in both of these ideologies, the function of production and the distribution of power relies on the subjugation of women. Accordingly, patriarchy conditions men and women to correlate gender roles to sex thereby grounding gender inequality and male power in biological essentialist terms. The fundamental contradiction confronting social inequality is located in this power struggle between men and women. As such, without a fundamental change within the social construct of gender, there could never be a fundamental change in the subjugation of women. As a dialectical theory, the two chief theorists within radical feminism are Shulamith Firestone and Catherine MacKinnon.

First, Shulamith Firestone developed from Marxist theory of class based conflict a dialectical theory of radical feminist analysis in her book, "the Dialectic of Sex."[10] According to Firestone, the kernel of dialectical materialism taken from Marxism rests on the conflict between two opposing powers, the oppressors and the oppressed. For Marxism, this was characterized by the struggle between the bourgeoisie and the proletariat as a class based conflict against the capitalist mode of production. Yet, across social modes of production, whether it is socialist or capitalist, women are subordinate to men. For radical feminists, the dialectic of bourgeoisie and proletariat becomes the dialectic between men and women within a patriarchal society. Thus, the abolition of oppression

5 Susan Schechter, *Women and male violence: The visions and struggles of the battered women's movement* (South End Press, 1982), 29–52; Amy Lehrner, Nicole E. Allen, "Still a movement after all these years? Current tensions in the domestic violence movement", *Violence Against Women,* Vol. 15, No. 6, (Newbury Park, CA: Sage Publishing), 2009, 656–677.

6 Kate Millett, *Sexual Politics*. (Urbana, Il: University of Illinois Press) 1969, 2000.

7 Shulamith Firestone, *The Dialectic of Sex: The Case for Feminist Revolution*. (New York, NY: Bantam Books), 1971.

8 Andrea Dworkin, *Woman Hating*. (New York, NY: Penguin Books), 1974.

9 Catharine MacKinnon, *Toward a Feminist Theory of the State* (Cambridge, MA: Harvard University Press), 1989; Catharine MacKinnon, "Feminism, Marxism, Method, and the State," *Signs* Vol. 7, No. 3. (Chicago, Il: University of Chicago Press), 1982, 515–544.

10 Firestone, *The Dialectic of Sex*.

within society depends on the abolition of sex based oppressions over class. Firestone explains, "We have not thrown out the insights of the socialists; on the contrary, radical feminism can enlarge their analysis granting it an even deeper basis in objective social conditions and thereby expanding many of its insoluble."[11] Second, Catharine MacKinnon further elaborates the dialectical theory in her article "Feminism, Marxism, Method, and the State"[12] and her book "Toward a Feminist Theory of the State."[13] Mackinnon seconds Firestone by grounding feminism within dialectical thought revised from Marxist theory.[14] According to Mackinnon, there is a central methodological departure which feminism makes from Marxism that cannot be explained through the Marxist dialectic of class struggle thereby fulfilling the role left out by Marxists to account for the subjugation of women as a substantive form of oppression.[15] The methodology of Marxism focusses on the economic structure of class society that in its vulgar form claims inequalities of gender, race and nationality are merely epiphenomena constructed by bourgeois ideology, and that these epiphenomena would disappear along with class after the communist revolution.[16] Accordingly, the central feature of the radical feminism rests on a conceptualization of women's oppression based in a dialectical struggle appropriated from Marxist dialectical materialism.

Within the theory of Marxist dialectical materialism there are three moments: 1) a duality of opposition in which conflict is fundamental to change, 2) qualitative change occurs as a result of quantitative change, and 3) through the negation of negativity – i.e. the destruction of the cause of suffering – a positivity is created in the world.[17] Each of these moments draws a line to class struggle. Firstly, there is a dual opposition between the proletariat and the bourgeoisie which defines class struggle as conflict based. Second, through quantitative change of distribution and production, Marxist theory dictates that the quality of society changes. Finally, through negation as a revolution of the negativity encoded within capitalist society, a new world is born as a positive. As the sublation of the contradiction within the oppositional duality, this final moment occurs through social revolution thereby eliminating the negativity within capitalism in order to bring about the end of suffering.

11 Ibid., 12.
12 Mackinnon, "Feminism, Marxism, Method, and the State," 515–544.
13 Mackinnon, *Toward a Feminist Theory of the State*, 3–80.
14 Ibid.,13–35; Mackinnon, "Feminism, Marxism, Method, and the State," 515–544.
15 Mackinnon, *Toward a Feminist Theory of the State*, 4.
16 Ibid., 6.
17 David Macey, *The Critical Theory Dictionary* (London, UK: Penguin Books, 2000); Friedrich Engels, *Dialectics of Nature*, trans. by Clements Dutt (New York, NY: International Publishers, 1925).

MacKinnon and Firestone expound the feminist dialectic as analogous to the Marxist dialectic thereby establishing a power struggle between the sexes resulting in the oppression of women. Hence, according to the dialectic, the struggle for women's liberation may be conceptualized through a recreation of the three moments of Marxist dialectical materialism within the dialectical theory of radical feminism.

In the first moment of an oppositional duality, radical feminism materialized the dialectical movement between men and women as a struggle for power that reproduces the dialectic within Marxism to encapsulate the struggle between men and women. Firestone frames radical feminism as a power struggle explicitly stating that, "the goals of feminism can never be achieved through evolution, but only through revolution: power, however it has evolved, whatever its origins, will not be given up without a struggle."[18] Where the struggle between the bourgeoisie and the proletariat is described within Marxism as the fundamental conflict and oppositional duality, radical feminism contends that this position is contradictory. A Marxist revolution that focuses on the struggle between bourgeoisie and proletariat without confronting the issue of male power and women's oppression results in the reestablishment of male power and women's oppression within the socialist society. Thus, the class struggle becomes the sex struggle as basis for the oppressors and the oppressed. The struggle between men and women forms the basis for the continuing subjugation of women within a patriarchal society. In order to abolish oppression, the oppression of women must thus take center stage in the struggle against oppression. This moment is the centrally defining feature of radical feminism and the theory of domestic violence.

According to the second moment, where dialectical materialism envisions the fundamental change occurring at the quantitative level and resulting in qualitative change, the feminist dialectic views the change occurring in the opposite direction. Beginning with Firestone, radical feminism represents a conscious shift toward culture rather than social class. As a turning around of the orthodoxy, the quantitative change resulting from a revolutionary movement occurs through the qualitative change within culture. However, like Marxists, the change occurs only through revolution. Firestone explains that "the incorporation of the neglected half of human experience – the female experience – into the body of culture, to create an all-encompassing culture, is only the first step, a precondition; but the schism of reality itself must be overthrown before there can be a true cultural revolution."[19] The level of incorporation is the level of the quantitative through which the dialectical materialism envi-

18 Firestone, *The Dialectic of Sex*, 31.
19 Ibid., 169.

sions the location of fundamental change, for "just as the revolutionary goal of the sexual, racial, and economic revolutions is, rather than a mere leveling of imbalances of class, an elimination of class categories altogether, so the end result of a cultural revolution must be, not merely the integration of the two streams of culture, but the elimination of cultural categories altogether, the elimination of culture itself as we know it."[20] Counter to Marxist theory, the feminist revolution thus formulates the theory and praxis of revolution as resulting from the qualitative change within culture, and only through this change can a fundamental change within the quantitative conditions of oppression occur.

The final moment of negation of negativity is formed within dialectical materialism as the revolutionary event in which the oppositional duality is abolished to establish a third. For Marxists, it is this moment that ushers in the foundations of the future communism through the structure of state socialism: the bourgeoisie is overturned by the proletariat thereby abolishing the class distinction of bourgeoisie and proletariat. Radical feminists transform this moment to become the feminist revolution against male power. It is here in the abolition of oppression that the feminist revolution locates the negation of the negativity contained within patriarchy. In this sense, as with the negation of negativity within dialectical materialism, the revolution brings about the end of undue suffering through a social transformation that ultimately leads to the abolition of oppression. For Marxists, "the end goal of socialist revolution was not only the elimination of the economic class privilege but of the economic class distinction itself."[21] For radical feminists, this means the abolition of gender. Firestone succinctly states that "the end goal of feminist revolution must be, unlike that of the first feminist movement, not just the elimination of male privilege but of the sex distinction itself: genital differences between human beings would no longer matter culturally."[22]

The Personal is Political

Extending from the critique of the Marxist dialectic, feminist theories of violence are constructed through experiences within feminist social movements against the oppression of women and this has resulted in the entire anti-violence movement coming to life as a feminist orientation toward the oppression of women. The liberal conception of the division between the private and the public spheres upheld these values and so-

20 Ibid., 176.
21 Ibid., 11.
22 Ibid.

cial mores positing that the private life of the family is not within the scope of state control, and as MacKinnon asserts, "public [complaints] of inequality within the private contradicts the liberal definition of the private."[23] Within the dialectical theory elaborated above, this development represents a movement from the personal-political foundation of experience as expounded through radical feminist praxis.

The dictum of 60s era feminism became "the personal is political,"[24] and the battered women's movement envisioned itself as a personal-political social struggle wherein the direct experience of women with patriarchy followed a thread to social action. This fulfillment of building a political movement from personal experience becomes the universal enterprise of women's liberation through the particular instantiations of women's personal struggles. Thus, because domestic violence is defined by the experience of the survivor, the movements were envisioned as political movements arising directly from the personal struggles and experiences of women in a patriarchal society.[25] According to MacKinnon, this transformation of the dialectic becomes a feminist methodological turn that moves away from the object centered approach of Marxist dialectical materialism towards the subjective consciousness of the oppressed.[26] Where Marxism focuses on the objective conditions of the working class as a universal class, feminism allows the individual's own interests to be accounted for through the practice of consciousness raising thereby realizing the personal as political.[27] It is in just this way that the subject to object flow transforms Marxist methodologies to embrace the emancipation of women as the universal class, and therefore "feminism stands in relation to Marxism as Marxism does to classical political economy."[28]

As eluded to in her discussion of consciousness raising, in the 1960s, activists within the anti-rape movement, the battered women's movement and the broader feminist movement organized consciousness raising groups as a personal-political mode of generating feminist critique through personal experiences. The practice of the group purposes itself to bring women together face to face in order to share the connection between their life experiences and the social struggle against patriarchal authority. In this way, the particular personal experiences with patriarchal structures affirmed feminist theory by developing, from the par-

23 Mackinnon, *Toward a Feminist Theory of the State*, 190.

24 Hanisch, "The Personal is Political," 76–77.

25 Kimberly D. Bailey, "Lost in Translation: Domestic Violence, the Personal is Political, and the Criminal Justice System," *Journal of Criminal Law & Criminology,* 100(4). Chicago, Il: Northwestern University School of Law, 2010, 1255–1300.

26 MacKinnon, "Feminism, Marxism, Method, and the State," 28–29.

27 Ibid.

28 Ibid., 30

ticular struggles, the universal struggle of women against patriarchy, and thus, the group realizes the feminist dictum through the direct connection of politics with women's personal lives. This becomes the core of feminist praxis: through the group, the theory and praxis of the feminist movement become one through an implicit enactment of the personal as political. For the battered women's movement, consciousness raising groups act in part as a facilitation of recovery from violence and oppression, but more importantly, as a mode of consciousness raising in which survivors of domestic violence would see their position within a larger political framework thereby developing and elaborating on feminist theory. The concept of power and control dynamics in the definition of domestic violence developed as a consequence of consciousness raising groups and survivor advocacy.[29] As such, the theory of domestic violence arises in this way through radical feminist theorist-activists building a model from the personal-political experiences of women.

First among anti-violence activists to formalize definitions, the Domestic Abuse Intervention Program in Duluth Minnesota created the dominant model of domestic violence theory and practice through a centering of power and control as the goal of abuse and reestablishment of power and control in a survivor's life as intervention.[30] In the process of developing pedagogy for batter intervention programs and working within communities of domestic violence survivors, the Domestic Abuse Intervention Program began a study of tactics used by abusers by implementing feminist praxis as an epistemological model. The members of the Duluth group actively engaged survivors of violence through study groups that were built out of anti-violence advocacy efforts. Ellen Pence, Michael Paymar and Coral McDonald began attending local Duluth consciousness raising domestic violence support groups in order to develop a conceptualization of domestic violence as it was experienced by survivors.[31] According to Ellen Pence, a founding member of the Duluth Group with Michael Paymar and Coral McDonald, the Duluth Group developed the theory of domestic violence directly from the women's experiences in the consciousness raising support groups:

> I remember… saying to Coral [McDonnell] and Michael [Paymar] "We just gotta go to these women's groups and ask these questions" and so we started going. 'What's it like to live with them?' 'Describe it.' And people started to

29 Emerson R. Dobash, Russell P. Dobash, *Women, Violence and Social Change* (London and New York: Routledge, 1992), 25–26.

30 Ibid., 174–178.

31 Peter Cohn, [Film] *Power and Control: Domestic Violence in America*. Hillcrest Films LLC, 2010.

> tell stories, and then people, then we got into the word 'Tactics'. Somehow in the process the word tactics came up and we started asking "What other tactics does he use against you besides violence?" And, um…'Well he never lets us have any friends', so we'd get all the women to tell a story about that, "Who doesn't he let you see? When?" and then the word 'isolation' started coming up. We lumped all that under 'Isolation'. And he's always putting ya down and calling you names and what are all the things that he's doing that when they talk about that? And then 'Emotional Abuse' became that category. And so…it came from these stories…'Tactics.'[32]

In Pence's narrative, She explains that power and control dynamics, the categories of abuse and the concept of domestic violence tactics are all developed through the direct words of survivors. The personal narratives of domestic violence survivors became the fundamental building blocks for the theory of domestic violence. As a consequence of consciousness raising affinity groups, the Duluth Group found through survivor narratives a kernel that expresses the centrality of power and control within a violent relationship. The Duluth Group's work within consciousness raising groups culminated in 1980 with the creation of the Power and Control Wheel in 1980.[33] This became what is the most crucial piece within the overall theory of domestic violence and connects the definition explicitly to the dialectical theory elaborated above in that it encapsulates both the foundational theory of domestic violence and the enumeration of abuse tactics by the Office of Violence against Women, the National Coalition against Domestic Violence, and all contemporary domestic violence programs. Accordingly, radical feminist epistemology developed power and control as an explanatory concept through the praxis of anti-violence activism. As a feminist epistemological praxis, this has resulted in the standard definition of domestic violence and the accompanying models of intervention: domestic violence is "a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner."[34]

32 Ibid.

33 Power and Control Wheel [online image]. (Duluth, Mn: Domestic Abuse Intervention Programs). 1984.

34 Domestic Violence. Office of Violence Against Women, n.d.

Problematizing Radical Feminist Praxis

The primary focus of the battered women's movement as it emerged from the broader feminist movement was on finding support and safety for survivors.[35] This was accomplished through networks of women who were unaffiliated with institutional claims to power.[36] There were no grants, there was no support in the criminal justice system or through police, and there was a strong backlash against any effort to make domestic violence a public issue. The work of the battered women's movement included providing survivors with access to legal aid, composition of safety plans, providing shelter and safe housing options, and pressuring the criminal legal system to take domestic violence seriously. It was a truly grassroots movement that operated without either access to the criminal justice system or federally funded granting mechanisms.[37] Although this made it difficult to provide resources to survivors, the lack of institutional connections also allowed the movement to be free from governmental restrictions. However, a central goal of the battered women's movement was instituting systemic changes within the criminal legal system to hold male batterers criminally accountable for the perpetration of violence.[38] This seemingly innocuous goal has led to the revisionism of domestic violence theory instituted by the Trump administration's Justice Department.

All of this changed with the introduction of statutory policies against domestic violence. Although by the mid-70s most states in the US provided women the right to bring criminal action against an abusive partner, it wasn't until 1994 that the Violence against Women Act was introduced and passed through the US congress. For the first time, the Violence against Women Act instituted criminal penalties for domestic violence on a national level. Without a doubt, the formal protection of law against violence and the conceptualization of violence as an exercise of power constitute a major victory for the women's movement and social progress for all people. And yet, the instituted power, privilege and rights within the Violence against Women Act turn turtle the feminist movement that pressed for power, privilege and rights. It is at this mo-

35 Schechter, *Women and male violence*, 53–79; Marie Gottschalk, *The prison and the gallows: the politics of mass incarceration in America*, (UK: Cambridge University Press), 2006, 139–163; Lehrner & Allen, "Still a movement after all these years?", 656–657.

36 Schechter, *Women and male violence*, 53–79.

37 Andrea Smith, "Unmasking the state: Racial/gender terror and hate crimes," *Australian Feminist Law Journal* 26(1), 2007, 47–57; Lehrner & Allen, "Still a movement after all these years?" 656–657.

38 Schechter, *Women and male violence*, 157–184.

ment that the force leading to the Trump administration's Justice Department revision of the standard definition of domestic violence with the statutory definition becomes crystalized within US Federal Statutes.

Where the Office of Violence against Women state that domestic violence is "a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner,"[39] contradicting the definition of domestic violence as based in power and control, the Violence Against Women Act of 1994, the same act to which the Office of Violence against Women came to be, states that acts of domestic violence are "felony or misdemeanor crimes of violence by" a person who has an intimate relationship with the victim.[40] In a purely legal definition, the Violence against Women Act reports that domestic violence is a criminal act that is marked by a specified domestic relationship to the victim. Domestic violence becomes redefined within the text of the Violence against Women Act:

> The term ''domestic violence'' includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.[41]

As discussed in the introduction, in April of 2018, the Trump administration's Justice Department replaced the standard definition of domestic violence with the statutory definition, and it is the above definition provided in the Violence against Women Act of 1994, word for word, which is now published on the Office of Violence against Women as the definition of domestic violence. At this moment of reconciliation and integration, the criminal legal model of domestic violence eliminates the analysis of power and control dynamics in order to supplant the power of the state to intervene.

Though the movement for domestic violence laws and regulations found major success, simultaneously the advocacy for women's libera-

39 Domestic Violence. Office of Violence Against Women, n.d.

40 United States. Violence Against Women Act of 1994. (Washington, D.C.: U.S. Dept. of Justice, Violence Against Women Office). 1996, 40002.a.8.

41 United States, 1996, 40002.a.8.

tion from battering began a process of institutionalization.[42] The anti-violence movement made criminal justice demands to political leaders and in the process of conservatization became the vanguard and authors of criminal policies. In a bid to properly distribute and adjudicate services, anti-violence shed its power of critique. Activists, who at once view themselves as a part of a political movement for social change and in struggle against the status quo, become a bureaucratic institution dominated by professionals. Growing in influence, anti-violence successes become quantified in terms of criminal legal charges[43] resulting in the transformation of the revolutionary dialectic into forms of power held over survivors by the criminal justice machine.[44] Through this process, many of the feminists who were before demanding economic justice, racial justice and gender justice became a part of the same system that ensures these social changes do not occur.[45]

While moments of unrest provide a basis for radical action, the feminist revolution leads to strange conclusions that recreate power and control is recreated within the criminal legal context of domestic violence legislation. As such, the focus of the anti-violence movement is moved towards prosecution rather than social, cultural and political change. Thus, where the conceptualization of violence was a political force with insurrectionary potential, through the signification of violence as crime, the means toward political struggle against violence becomes enmeshed within a new power and control over survivors. Accordingly, the definition of domestic violence becomes grounded, not in the dynamic movements of power and control, but in the criminal act as a carceral procedure on the other. Based on empirical work in the Wingspan Anti-Violence project, Farr explains:

> Current laws that are meant to protect victims/survivors of hate crimes, domestic violence, sexual assault and discrimination have often not accomplished the task that the laws were meant to accomplish. Instead, these laws have inadvertently facilitated the revictimization of marginalized and oppressed peoples through institutional violence. The facilitation of revictimization occurs along lines of identity including gender, race, class, sexual

42 Incite Women of Color against Violence. *The color of violence: the Incite! anthology* (Cambridge, Massachusetts: South End Press, 2006), 1–11; Smith, "Unmasking the state," 47–57; Jennifer Wies, "Professionalizing Human Services: A Case of Domestic Violence Shelter Advocates," *Human Organization*, Vol. 67, No. 2, (Oklahoma City, OK: Society for Applied Anthropology 2008), 221–233; Lehrer & Allen, "Still a movement after all these years?" 656–657.

43 Gottchalk, *The prison and the gallows,* 139–163.

44 Incite Women of Color against Violence, *The color of violence,* 1-11.

45 Smith, "Unmasking the state," 47–57; Lehrer & Allen, "Still a movement after all these years?" 656–657.

orientation, ability, color, ethnicity and other categories as modes through which a person both self-identifies and becomes identified as possible criminals. As such, both institutional violence and discrimination enact the cultural and social formations of perpetrator and victim.[46]

Problematizing Radical Feminist Theory

The radical feminist praxis leading to the strengthening of the criminal justice system affects communities of color and lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI) people disproportionately. This antipathy towards white supremacy and heterosexism goes deeper than the feminist praxis leading to institutionalization and lies deeply embedded within the genealogy of the radical feminist project. The problematic is centered on the conception of the radical feminist dialectic. Within the conception of radical feminism as a dialectical struggle, there must be a unity of opposites, a struggle between men and women as such, and thus a universal position of womanhood as the standpoint of the oppressed. This requirement of unity against patriarchy develops problematic conceptions of power that lead to replications of social oppression within the revolutionary movement.

Firstly, because the dialectical analysis of radical feminism had proposed that women's issues can be universalized through the perpetual struggle between men and women for power, white radical feminists became the vanguard of white women's liberation over women of color who were then expected to either join the radical feminist movement in the struggle to destabilize patriarchal power or betray women's liberation by remaining on the side of men. At the founding of the radical feminist movement, women of color feminism developed a mode of theorizing how various identities never affect a person in isolation but always in combination: oppression correlates to traits of not only gender, but also race, class, sexuality and other identity categories that in combination shape the experience of identity.[47] As an anti-essentialist political

46 Patrick Farr, *Queer Victims: Reports of Violence by LGBTQI Survivors Result in Violent Assaults by Police*, Thesis Advisor Craig Lecroy (Arizona State University, 2016), 1.

47 Demita Frazier, Barbara Smith, Beverly Smith, "The Combahee River Collective Statement," in *This Bridge Called My Back,* ed. Gloria Anzaldúa and Cherrie Moraga (Watertown, MA: Persephone Press, 1981), 210–218; Cherrie Moraga, Gloria Anzaldua, *This Bridge Called My Back* (Watertown, MA: Persephone Press, 1981), xliii–xlvii; Akasha Gloria Hull, Patricia Bell-Scott, Barbara Smith, *All the Women are White, All the Blacks are Men but Some of Us Are Brave: Black Women's Studies* (New York, New York: Feminist Press, 1982, 2015), xvii–xxxii; Nancy Hartsock, "The Feminist Standpoint: Developing the Ground for a Specifically Historical Materialism," *The Feminist Standpoint Theory Reader: Intellectual and Political Controversies* ed. Sandra Harding, (New York, NY: Routledge, 1983), 35–53; Kimberle W. Crenshaw, "Demarginalizing the Intersection of Race

ontology where identity is overdetermined through the intersection of multiple identity categories, women of color feminism provides a theory from which to grasp the different ways each person experiences oppression, and as such, struggle against oppression necessarily leads toward multiple lines of liberation. This critique forms a challenge at the core of the radical feminist dialectic, for at the intersections, there can be no essential duality of particular identities but instead only an analysis of oppressions as they manifest across social organization.

And secondly, because the universal standpoint of the oppressed is located in womanhood, and because the fundamental contradiction is between men and women, cisgender radical feminists erase the struggle of LGBTQI people against the violence of heterosexism. Like women of color feminism, an equally significant critique of radical feminism is also tracked within queer theory.[48] Queer theory as a theoretical posture was conceived of by Teresa de Lauretis in 1991 for the special edition of the journal "Difference: A Journal of Feminist Cultural Studies," a collection of analytics through which all normative categories begin to appear strange.[49] This strange normativity is heteronormativity. Heteronormativity can be described as a conjunction of sexual orientation toward the opposite sex of one's birth assigned gender, a "biological" sex in agreement with one's birth assigned gender, a gender expression that aligns with one's birth assignment, and a gender identity that aligns with one's birth assignment.[50] Hence, queer theory poses the challenge that gen-

and Sex: a Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics," *University of Chicago Legal Forum,* 139, (Chicago, Il: University of Chicago Law School, 1989), 139–67; Kimberle W. Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color," *Stanford Law Review*, 43(6), (Stanford, CA: Stanford Law School, 1991), 1241–1299; Patricia Hill-Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment. Second Edition* (New York, NY: Routledge, 1990, 2000), 1–42.

48 Michel Foucault, *The History of Sexuality:* Volume 1 *Introduction*, trans. Robert Hurley (New York, NY: Vintage Books Random House Publishing, 1976, 1990), 51–73; Eve Sedgewick,. *The Epistemology of the Closet.* (Berkley, CA: University of California Press, 1990), 67–90; Judith Butler, *Gender Trouble* (New York, NY: Routledge, 1990), 1–5; Judith Butler, *Bodies that Matter* (New York, NY: Routledge, 1993), 223–242; Teresa De Lauretis, "Queer theory: Lesbian and Gay Sexualities an Introduction" in *Difference: A Journal of Feminist Cultural Studies,* ed. Teresa de Lauretis, vol. 3, no.2. (Bloomington, IN: Indiana University Press, 1991), iii–xviii; Michael Warner, "Introduction: Fear of a Queer Planet," *Social Text*, No. 29, (Durham, NC: Duke University Press, 1991), 3–17; Lisa Dugan, *The Twilight of Equality?: Neoliberalism, Cultural Politics, and the Attack On Democracy* (Boston, MA: Beacon Press, 2003), 43–65; Susan Stryker, "Transgender History, Homonormativity, and Disciplinarity," *Radical History Review*, 100 (2008), 145–157; Lori Girschick, *Transgender Voices: Beyond Men and Women* (Lebanon, HS: University Press of New England, 2008), 23–50.

49 De Lauretis, "Queer theory: Lesbian and Gay Sexualities an Introduction," iii–xviii.

50 Girschick, *Transgender Voices*, 23–50.

der identity itself cannot collapse into simple biological categories.[51] The prescribed gender roles of men and women within Western society, as compared to other socio-historical contexts and the resistance to gender roles by feminist movements, demonstrates that the categorization of gender expression as an essential trait is misleadine. If there is any deviation from this binary then the subject becomes queer or estranged from the normative standards.[52] Thus, queer theory is concerned with gender identity and birth assignment and the ways in which this becomes a homonormativity excluding transgender and gender non-binary people.[53]

Although the criticisms of radical feminism developed by women of color and queer theory appear to undermine the project of defining domestic violence in terms of power and control, the theories developed against radical feminism have an equal ability to enrich the reading of domestic violence. Where radical feminism began from the position that gender equality within society was the central issue confronting the women's movement, it is women of color feminists' and queer theorists' contention that what is necessary for liberation is an embrace of multiple movements against oppression intersecting at womanhood, color, sexual orientation and gender identity. This transformation of theory and praxis is represented within the work of Incite! Women and Trans People of Color against Violence and the National Coalition of Anti-Violence Programs (NCAVP).

First, Incite! formed in 2000 after organizers of the Color of Violence conference decided to continue their work against violence as it manifests across interpersonal and state violence. This conference resulted in the publication of an anthology by the same title, the Color of Violence: an Incite Anthology."[54] The Incite! framework for anti-violence is described in the document "Dangerous Intersections" describing a vision of the anti-violence movement as an inseparable intersection of institutional and gender violence.[55] It is at this intersection that people of color experience violence through multiple lines of oppression simultaneously as these are manifested within white supremacy and heteropatriarchy. These dangerous intersections have the result of not only complicating the effectiveness of anti-violence responses but of turning momentum of the battered women's movement against people of color. They argue that in order to confront the many forms of violence perpetrated against

51 Butler, *Gender Trouble,* 1–5; Butler, *Bodies that Matter,* 223–242.

52 Warner, "Introduction: Fear of a Queer Planet," 3–17.

53 Dugan, *The Twilight of Equality?*, 43–65; Stryker, "Transgender History, Homonormativity, and Disciplinarity,", 145–157.

54 Incite Women of Color against Violence, *The color of violence,* 1–11.

55 Incite Women of Color against Violence, "Dangerous Intersections," Incite! Women of Color against Violence Website, n.d.

women and trans people of color, it is necessary to reconceptualize violence as a form of oppression expressed through an intersectional feminist approach. And thus, there is an implicit connection with intersections of identity wherein oppression and the maintenance of power and control are synonymous. This concept of violence as power and control provides a mode of theorizing the ways in which an intersection of identities and the effect of identity within dynamic of violence results in violent social and political conditions.

Second, the NCAVP formed as a coalition of anti-violence programs focused on hate violence and domestic violence within and against LGBTQI and HIV affected communities in the US. Since 1996, the NCAVP has released two annual reports, one on Intimate Partner Violence in LGBTQI and HIV Affected Communities and a second on Hate Violence in LGBTQI and HIV Affected Communities.[56] The NCAVP buiilds directly from praxis and reflected within the combined movements of the struggles against hate violence and intimate partner violence that have resulted in their twin reports. Central to the NCAVP's understanding of violence is the intersections between sexual violence, intimate partner violence, hate violence and institutional violence. As such, the NCAVP implements a methodology that transcends the radical feminist theory of domestic violence thereby establishing bias, sexuality, domesticity and governmentality as entwined with violence as a concept. As violence types, each event crisscrosses multiple concepts to varying degrees thereby developing into complicated and dynamic intersections. Hence, violence against LGBTQI people intersects systems of hate violence, domestic violence and sexual violence, all of which rest atop the foundation of institutional violence.[57] At the theoretical and practical level, each of these different forms of violence can cross into one another so that the motivations involved in different forms of violence may appear as overdetermined. Hence, through the critique of violence as intersectional

56 Anthony O. Ahmed et. al., *Lesbian, gay, bisexual, transgender, queer, and HIV affected hate violence in 2014*, (New York, NY: National Coalition of Anti-Violence Programs, 2015); Anthony O. Ahmed et. al., *Lesbian, gay, bisexual, transgender, queer, and HIV affected intimate partner violence in 2013*, (New York, NY: National Coalition of Anti-Violence Programs, 2014); Anthony O. Ahmed et. al., *Lesbian, gay, bisexual, transgender, queer, and HIV affected hate violence in 2013*. (New York, NY: National Coalition of Anti-Violence Programs, 2014); Anthony O. Ahmed, *Lesbian, gay, bisexual, transgender, queer, and HIV affected hate violence in 2014* (New York, NY: National Coalition of Anti-Violence Programs, 2015); Emily Waters et. al., *Lesbian, gay, bisexual, transgender, queer, and HIV affected intimate partner violence in 2014*, (New York, NY: National Coalition of Anti-Violence Programs, 2015).

57 Venn diagram of AVP programs and services [Online Image]. (New York, NY: New York City Anti-Violence Project), 2012. Retrieved 7-13-2015 from: http://www.avp.org/about-avp/faqs

and resting atop the foundation of institutional violence, the critique of institutional violence is represented within the reflexivity of the anti-violence movement.

The theory of violence as implemented by Incite! and the NCAVP developed through women of color feminism and queer theory add nuance to the goal, strategies and tactics of domestic violence otherwise not possible within the radical feminist paradigm. Domestic violence is not merely caused by the patriarchal family structure, but rather is upheld and bolstered through oppressive conditions. This theory and praxis harmonizes with the definition of domestic violence as based in power and control. The power and control taking form within patriarchal domesticity is an expression of oppressive conditions. Furthermore, oppression is the dynamics of power and control over others of which domestic violence is an expression. From this definition of violence and oppression, the anti-violence movement can define the struggle against violence as the struggle against oppression wherein there is room to critique the conditions of the patriarchal family, of white supremacy, of heterosexism and of state violence, all of which interact on the theater of domesticity. Lavina Tomer and Cathy Busha, the founders of the Wingspan Anti-Violence Project, an LGBTQI survivor advocacy program in Tucson Arizona and member program of the NCAVP, write:

> all forms of violence and oppression (sexism, racism, ableism, body image, homophobia, classism ageism…) are connected. Violence occurs when one person, one group, one country believes that she/he/it has the right to control the body, the land, the religion, the lives, the free will of another person, group, country, and so on. The abuser feels superior and entitled to her/his/its power.[58]

Conclusion

As discussed in the introduction, in April of 2018, the Trump administration's Justice Department instituted a revision to the Office of Violence against Women's standard definition of domestic violence. Domestic violence transformed from a conceptualization based in dynamic of power and control to one of "felony or misdemeanor crimes of violence" (VAWA 1994: 40002.a.8). And yet, based on this archeology of radical feminism's collaboration with criminal justice, implicit racism and explicit heterosexism, this revision is the logical conclusion. On the one

58 L. Tomer, C. Busha, *Domestic Violence In The Gay, Lesbian, Bisexual, Transgender Community: A Resource* (Tucson, Arizona: Wingspan Domestic Violence Project, 2000), 1.

hand, the radical feminist theory and praxis of domestic violence establishes a struggle to end patriarchal power and control over women by establishing lines for an anti-authoritarian consensual politic. While on the other hand, radical feminist theory and praxis is the archeological bedrock of the Trump administration's Justice Department revisions toward law and order. Thus, within the radical feminist project, there are three key problems that are all closely associated. These key problems are 1) a public policy praxis leading to the strengthening of carceral systems, 2) a universalization of womanhood leading to an implicit racism, and 3) a binary dialectic leading to an explicit heterosexism. These three difficulties cut to the heart of the radical feminist project.

The theory and praxis of the movement against domestic violence arises through the radical feminist dialectic as an oppositionary duality between the abuser and the survivor of violence. This movement realizes the feminist dictum that "the personal is political" (Hanisch 1969) demolishing the boundary between the public and the private spheres. And this movement represents a conflict theory where emancipation from violence depends on the feminist revolution that would abolish the conditions of man and woman that give rise to domestic violence. Thus, domestic violence can be neither adequately described nor confronted outside of feminist theory. However, in relation to radical feminist theory and praxis, the movement against domestic violence is marred by white supremacy, heterosexism and state collaboration. Through these relationships to bigotry and authoritarianism, radical feminist theory and praxis leads to contradictions. The answer to this problem is found within the work of intersectional feminists and queer theorists who challenge the conditions of oppression that affect domestic life as a reinvigoration of the radical spirit that gave rise to the movement against domestic violence in the first place. This is not possible through the paradigm of radical feminism, and must become an intersectional queer project confronting multiple lines of oppression. Domestic violence is not simply a problem confronting the binary men and women, but a problem which must be confronted simultaneously at the intersections of white supremacy, heteropatriarchy, authoritarianism, police brutality and economy.

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Władza i kontrola: radykalny feminizm, kooptacja państwowa i przekrojowa teoria queer w praxis przemocy domowej

Abstrakt

W artykule tym dowodzę, że istnieje związek między radykalną teorią feministyczną a standardową definicją przemocy domowej. Radykalny feminizm opisany jest przez postmarksistowską dialektykę, w której binarność płci zajmuje miejsce struktury klasowej. Radykalny feminizm jako taki opisuje teorię konfliktu, w którym walka między płciami wypiera walkę klasową. Konflikt między płciami powoduje zburzenie podziału między sferą publiczną i prywatną w stronę zjednoczenia prywatnego i politycznego. Standardowa definicja przemocy domowej wynika z tej teorii dialektycznej. Stwierdza się w niej, że przemoc domowa to cykl,

w którym jedna osoba próbuje zdobyć lub utrzymać władzę i kontrolę nad bliskim partnerem. A jednak radykalna koncepcja feministyczna prowadzi do sprzeczności, walka płci ma tendencję do usunięcia innych form ucisku, przede wszystkim przemocy instytucjonalnej, heteroseksizmu i białej supremacji. Radykalny projekt feministyczny wiąże się z trzema kluczowymi problemami: 1) praktyką polityki publicznej prowadzącą do wzmocnienia systemów karceralnych, 2) uniwersalizacją kobiecości prowadzącą do niejawnego rasizmu oraz 3) dialektyką binarną prowadzącą do jawnego heteroseksizmu. W oparciu o krytykę radykalnego feminizmu przez feminizm przekrojowy i teorię queer, w niniejszym artykule dowodzę, że rozwiązaniem jest wzmocnienie radykalnego ducha, który doprowadził pierwotnie do rozwoju ruchu przeciwko przemocy domowej.

Słowa kluczowe: Przemoc domowa, feminizm radykalny, przekrojowa teoria Queer, teoria Queer, przemoc instytucjonalna

Paddy Farr jest niezależnym badaczem, organizatorem i aktywistą zajmującym się przemocą z pogranicza przestępstw z nienawiści, dyskryminacji, brutalności policji, przemocy domowej, napaści seksualnych, więziennych kompleksów. W 2013 Paddy ukończył studia magisterskie z filozofii, co zaowocowało pracą magisterską zatytułowaną „Tragiczna ironia: Sokrates w historii filozofii Hegla". W latach 2013–2015 Paddy pracował jako koordynator projektu Wingspan Anti-Violence Project w Tucson, kolektywu zorganizowanego przez i dla osób LGBTQI, które doświadczyły przemocy. Paddy pracował również nad projektami z National Coalition of Anti-Violence Programs, które zaowocowały publikacją czterech amerykańskich raportów na temat przemocy wobec osób LGBTQI i IV +: „Raport o przemocy z nienawiści NCAVP 2013", „Raport o przemocy parnerów seksualnych NCAVP 2013", „NCAVP 2014" Raport na temat przemocy z nienawiści" I „ Raport na temat przemocy partnerów seksualnych NCAVP 2014". W 2016 r. Paddy ukończył pracę magisterską „Queer Victims: Reports of Violence by LGBTQI Survivors Result in Violent Assaults by Police". Po opuszczeni Wingspan Anti-Violence Project, Paddy pracował jako psychoterapeuta w ugene Oregon USA w prywatnej praktyce. Paddy uprawia psychoterapię psychoanalityczną inspirowaną pracą Jacquesa Lacana, Felixa Guattari i Judith Herman. Specjalizuje się w terapii traumy, antypsychiatrii, tożsamościach Latinx i LGBTQIA.

Power and Control: Radical Feminism, State Cooptation and Intersectional Queer Theory in Domestic Violence Praxis

Summary

This article argues that there is a connection between radical feminist theory and the standard definition of domestic violence. Radical feminism is described

through a post-Marxist dialectic in which the gender binary takes the place of the class structure. As such, radical feminism describes a conflict theory in which a struggle between genders displaces the class struggle. The conflict between genders realizes a demolition of the division between the public and private spheres as a unification of the personal-political. The standard definition of domestic violence arises from this dialectical theory. It states that domestic violence is cycle of one person attempting to gain or maintain power and control over an intimate partner. And yet, the radical feminist vision leads to contradictions in which the gender struggle tends toward the erasure of other forms of oppression, most importantly institutional violence, heterosexism and white supremacy. The radical feminist project contains three key problems: 1) a public policy praxis leading to the strengthening of carceral systems, 2) a universalization of womanhood leading to an implicit racism, and 3) a binary dialectic leading to an explicit heterosexism. Based on the critique of radical feminism by intersectional feminism and queer theory, this paper argues that the solution is to reinvigorate the radical spirit that gave rise to the movement against domestic violence in the first place.

Key Words: Domestic Violence, Radical Feminism, Intersectionality, Queer Theory, State Violence

Paddy Farr is an independent researcher, organizer and activist focused on violence at the intersection of hate crimes, discrimination, police brutality, domestic violence, sexual assault and the prison industrial complex. In 2013, Paddy completed an MA in Philosophy which resulted in a thesis titled "Tragic Irony: Socrates in Hegel's History of Philosophy." Between 2013 and 2015, Paddy worked as the coordinator of the Wingspan Anti-Violence Project in Tucson Arizona, a collective organized by and for LGBTQI survivors of violence. Paddy worked on data projects with the National Coalition of Anti-Violence Programs which resulted in the publication of four US based reports on violence against LGBTQI&HIV+ people: "NCAVP 2013 Hate Violence Report," "NCAVP 2013 Intimate Partner Violence Report," "NCAVP 2014 Hate Violence Report," and "NCAVP 2014 Intimate Partner Violence Report." In 2016, Paddy completed a Master of Social Work which resulted in a thesis titled "Queer Victims: Reports of Violence by LGBTQI Survivors Result in Violent Assaults by Police." Since leaving Wingspan Anti-Violence Project, Paddy has worked as a psychotherapist in Eugene Oregon USA in private practice. Paddy practices psychoanalytic psychotherapy influenced by the work of Jacques Lacan, Felix Guattari and Judith Herman. Paddy specializes in trauma recovery, anti-psychiatry, Latinx and LGBTQIA identities.