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Challenging the Pursuit of Criminalisation in an Era of Mass Incarceration: The Limitations of Social Work Responses to Domestic Violence in the USA

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Abstract

This article critically reflects upon the social work field engaging the issue of domestic violence and its relationship to the criminal legal system in the USA. The historical trajectory of the contemporary battered women's movement beginning in the 1970s parallels the rise of criminalisation and mass incarceration particularly impacting marginalised racial communities. In the USA, the passage of the Violence against Women Act (VAWA) in 1994 as a part of the Crime Bill symbolises the convergence of historical forces contributing to the growing collaboration between the feminist movement, social work engagement with gender-based violence and the carceral state. Since the late 1990s, new social movement forces including advocates and activists from anti-violence programmes in the USA have contested this unquestioned reliance upon criminal legal remedies and the professionalisation that has depoliticised the social movement. This critique has developed an intersectional analysis that challenges gender-based violence as well as state violence and advanced an alternative set of frameworks and practices. This article employs contributions of critical criminology, critical race theory and empirical examples from the field of domestic violence and new social movements to analyse the limitations of social work policy, practice and research and to suggest future productive directions.

Keywords: Critical reflection, domestic violence, criminal justice, gender, race, intersectionality

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Introduction

Domestic violence has emerged over the last three decades as one of the clearest cases where a [social] movement has turned to criminalization as a primary tool of social justice (Simon, 2007, p. 180).

If you are in danger, please hang up the phone and dial '911' (Voicemail message on domestic violence and sexual assault crisis lines across the USA).

Social work in the USA has a long and uneven history of participation in the identification and amelioration of domestic violence. While violence against women has persisted over time, society's recognition of and policies directed towards this phenomenon have shifted in priority and recommended remedies (Dobash and Dobash, 1992; Ferraro, 1996; Gordon, 1988; Pleck, 1987; Schneider, 2000). What now appears as a complex, professionalised network of social service, clinical therapeutic, mental health, medical, civil legal, child welfare and criminal justice system responses to domestic violence has its early contemporary roots in a more grassroots feminist social movement with a systemic analysis of gender-based power and the identification of patriarchy as an overarching *political* problem (Ferraro, 1996).

The tensions between social movement origins and aspirations largely rooted in civil society and the trajectory of an increasingly individualised and rationalised model of social service delivery with collaborative ties with the state have been the source of contestation since the movement's beginnings (Dobash and Dobash, 1992; Ferraro, 1996; Schechter, 1982). These tensions also point to what could be called the paradoxical nature of social movement success. On the one hand, the widespread dissemination of shelters, the passage of local and federal legislation criminalising domestic violence, and coordinated responses between domestic violence advocates and law enforcement have resulted in what many would deem to be enviable social movement achievements (Weldon, 2002). On the other hand, the professionalisation and standardisation of these responses and their integration into the institutions of the state have signalled, for some, a betrayal of the social movement's emancipatory roots (Brown and Halley, 2002; Ferraro, 1996; Lehrner and Allen, 2009).

For women of colour, in particular, the reliance of the movement upon the criminal justice system has been particularly vexing, raising concerns about historical harms to communities of colour and the haunting spectre

of accusations of sexual and domestic violence as a means to persecute men of colour (Crenshaw, 1991; Incite!, 2006; Pleck, 1987; Richie, 2000). These contestations have intensified as the level of incarceration in the USA has increased fivefold (Bonczar, 2003) during the same period in which the anti-domestic violence movement has achieved successful gains in recognition of domestic violence as a public concern and as a crime. The punitive turn in immigration policy especially post 9/11 has held particular perils for undocumented immigrant women who are increasingly subject to detention and deportation even among those who are seeking police protection (Çaçon, 2007; Woo, 2011).

This article critically examines the dominance of criminalisation in the USA anti-domestic violence movement, engaging concerns beyond the effectiveness of particular criminal justice interventions to move to broader frames of what constitutes violence, safety and for whom. It builds upon the critiques specifically addressing the anti-violence movement such as those found in critical race theory (Crenshaw, 1991; Richie, 2000), critical ethnic studies (Smith, 2005, 2006, 2010) and critical criminology and legal theory (Brown and Halley, 2002; Bumiller, 2008; Gottschalk, 2006; Simon, 2007). It also draws upon my own involvement and research in more conventional anti-violence movement settings as well as the new social movement organisations emerging out of contestation of what has developed in the conventional anti-violence response.

The article begins by delineating the broader political context in which criminal justice-related domestic violence interventions are embedded. It follows with an analysis of the constraining logic of criminalisation, introducing the notion of the 'fetishisation of safety' that has contributed to the alignment of the anti-domestic violence movement with the criminal justice system and foreclosed alternative conceptual frames and remedies. It then explores the possible connections between the dominance of the criminalisation response and managerialist tendencies of social work. Finally, the article details prominent new social movement forces emerging in the late 1990s in the USA that have shifted the terrain of the anti-violence movement and its relationship to the criminal justice system.

While the focus remains on the US context, it uniquely centres the experiences and perspectives of historically marginalised women and communities within and affected by the anti-domestic violence movement. These concerns will likely resonate with and be relevant to those in other international contexts in which policy debates regarding the criminal legal system and the development of alternatives such as restorative justice and transformative justice have received more attention and resources. It may also inform those engaging in contexts in which policies including criminal legal remedies for gendered violence are in formative or transitional stages of development.

Mass incarceration and criminalisation of domestic violence: parallel and intersecting paths

The context: an era of mass incarceration

The concern over the validity and role of criminalisation as a strategy to challenge domestic violence gains salience amidst significant changes characterising the period marking both the development of the contemporary anti-domestic violence movement and the rise of the US carceral state, beginning in the early 1970s. These include the dismantling of the social welfare system (Tonry, 1995; Wacquant, 2009; Western, 2006); the fivefold increase in the US prison population (Bonczar, 2003); the disproportionate racial effects such that one in three African American men now faces the likelihood of imprisonment (Bonczar, 2003); the growing rates of incarceration of women with an over-representation of African American and Latina women (Harrison and Beck, 2006); and the increasing ties between the formerly autonomous systems of crime control and immigration control especially post 9/11 (Çaçon 2007; Kalhan, 2010).

These conditions now widely known as ‘mass incarceration’ (Wacquant, 2009), ‘mass imprisonment’ (Garland, 2001) or the ‘prison industrial complex’ (Davis, 1998) are understood in the USA to be closely linked to the history of racism (Gilmore, 2007; Wacquant, 2009). In particular, the dismantling of the social welfare system resulting in widespread poverty and displacement especially in urban areas populated by African Americans (Bobo and Thompson, 2010; Tonry, 1995; Wacquant, 2009), the ‘war against drugs’ dramatically increasing criminal penalties for drug-related offenses disproportionately targeting communities of colour (Tonry, 1995) and, more recently, the ‘war on terror’ and the related criminalisation of immigrants (Capps *et al.*, 2007; Çaçon, 2007; Kalhan, 2010) contribute to the racialised nature of mass incarceration. While the USA remains ‘exceptional’ in its high level of incarceration, exceeding 2 million persons in 2002 (Harrison and Beck, 2006), rates of incarceration are also increasing across other industrialised nations (Lappi-Seppälä, 2011; Sudbury, 2000).

In the USA, an increasing number of immigrants are also facing incarceration, both within the criminal justice system but also within the immigration system of detention. In what legal theorist, Anil Kalhan, calls the ‘quasi-detention legal regime’ (Kalhan, 2010, p. 44), non-citizens in the USA are increasingly detained and deported, enhancing another system of incarceration in the USA, specifically for undocumented immigrants. These statistics are equally staggering. On an average day in 1994, about 6,000 non-citizens were held in detention. By 2008, this number increased to 33,000 per day for a total of 380,000 in a single year (Kalhan, 2010, p. 44).

The parallel development of the criminalisation response to domestic violence

In the USA, the contemporary anti-domestic violence movement emerged as the criminal justice system was taking its 'punitive turn' in the early 1970s (Gottschalk, 2006; Pleck, 1987). At that time, few police policies or public laws recognised what was more likely to be called 'wife abuse', leaving abused women with few protections whether within the home, workplace, social networks, community institutions or the legal realm (Merry, 2010; Rambo, 2009; Schneider, 2000). Over the past forty years, domestic violence has evolved from an issue barely gaining public recognition to one that is a designated crime within all fifty states (Miller, 2004; Weldon, 2002).

While the history of criminalisation of domestic violence in the USA is beyond the scope of this article, the widening of the carceral net and the institutionalisation of the criminal justice response within the network of services and other remedies affiliated with domestic violence were amplified with two significant policy shifts. By the end of the 1980s, mandatory arrest laws or state legislation making arrest of at least one party mandatory when police engage in a domestic violence situation swept the nation and is now policy in at least half of the states (Buzawa *et al.*, 2012; Maguigan, 2002; Schmidt and Sherman, 1996).

The second occurred in 1994 with the passage of the Violence against Women Act (VAWA), the first federal act legislating criminal legal responses to violence against women. The attachment of this act to the draconian Violent Crime Control and Law Enforcement Act (Crime Bill) of 1994 federally legislated 'three strikes you're out' policies and widened the death penalty (Benekos and Merlo, 1995). This collaboration further cemented the uneasy alliance between a progressive social movement and an expanding system of crime control (Bumiller, 2008).

VAWA placed the newly named Office of Violence against Women office within the same federal department responsible for the criminal justice system, the Department of Justice. And new funding mandates further strengthened these relationships by encouraging collaborations between criminal justice institutions and the advocacy institutions of civil society, and by promoting and funding activities explicitly 'encouraging arrest' (Brooks, 1997; Siegel, 1996).

The fetishisation of safety and the constraining logic of criminalisation

Domestic violence-related scholarship documents considerable ambivalence over the widening scope of criminalisation and the intended and unintended effects of this strategy (Dobash and Dobash, 1992; Schneider,

2000). Much of this scholarship, however, focuses on the effectiveness of particular interventions but fails to adequately question broader consequences of the dominant framing of domestic violence as a crime. How has this shaped overall social movement goals, practices and institutions? How has this strategy failed to meet the needs of certain groups or classes in the USA and even endangered these groups? And how has this foreclosed alternative conceptual frames and options regarding the issue of domestic violence and other related arenas?

Criminalisation of domestic violence cannot be said to have a significant causal role in overall rising rates of incarceration (Gottschalk, 2006). Nor are actual domestic violence incarceration rates high enough to affect the overall statistics (Buzawa *et al.*, 2012). I suggest that it does, however, contribute to the overall phenomenon in the following ways. First, the pursuit of criminalisation can be said to serve a symbolic role in affirming the legitimisation of the criminalising of social problems, generally, and of gendered violence, in particular (Bumiller, 2008; Simon, 2007). This has arguably contributed to other social movements such as those seeking justice for homophobic violence to take a similar route (Jeness and Grattet, 2001). Second, it has shaped the ways in which the remedies to domestic violence are defined in alignment with goals and processes compatible with or at least not conflicting with criminal justice remedies (Bhattacharjee, 2002). Third, criminalisation of domestic violence in the USA contributes to the disproportionate and negative impacts people of colour, immigrants and lesbian–gay–bisexual–transgender–queer (LGBTQ) persons (Crenshaw, 1991; Incite!, 2006; Mogul *et al.*, 2011; Ritchie, 2006; Wacquant, 2009) with the effect upon immigrant communities heightened since 9/11 (Woo, 2011). And, finally, it has inhibited the ability of the anti-violence movement to critically challenge the phenomenon of mass incarceration, as such challenges are contradictory to criminalisation strategies prioritised over the past forty years (Gottschalk, 2006).

The scholarship of critical political theorists (Bumiller, 2008; Gottschalk, 2006; Simon, 2007) argue that the strong link between the anti-violence movement and criminalisation can be partially explained by the twin alignments of (i) the movement or sector's concern regarding safety and the protective function of the criminal justice system (Bumiller, 2008) and (ii) the emancipatory turn towards survivor centeredness and the conservative trend towards victim rights (Gottschalk, 2006; Simon, 2007). While the concern for safety and the centring of women survivor needs and perspectives do not necessarily dictate policies favouring criminalisation as a response, these priorities have been mobilised towards remedies that fit with and were taken up by a criminalisation agenda dominating the policy arena during the same time as the movement struggled for public recognition and policy gains (Bumiller, 2008; Gottschalk, 2006).

I expand the focus on safety by suggesting that the evolution of this alignment has been fuelled by the 'fetishisation of safety', that is, the perversion

of legitimate concerns for safety towards an excessive focus on immediate physical safety and the presumption that safety is the inarguable priority of violence intervention (Kim, 2010). This fetishisation has overdetermined the convergence of needs with remedies, making the engagement with the criminal legal system the dominant response to domestic violence and defining responses short of those that are at least aligned with the overall framework as somehow faulty.

This complex network of social service and legal policies is anchored by an ideology that views physical separation as the best and most logical route towards safety. Hence, the classic intervention to violence is bodily separation of the victim from the violator, rather than more complex changes that may shift the conditions that support violence. Although a 'woman's choice' is also the hallmark of the feminist movement and its survivor-centred philosophy, the fetishisation of safety and the dominance of the dichotomous law and order framework of victim–perpetrator and safety–danger provides a lens that often views anything short of separation as a failure of the system and, ultimately, calls into question the rationality or readiness of the person seeking a remedy to violence (Mills, 1999).

The dominance of a dislocating resolution to intimate forms of violence is shaped by the external conditions under which this formulation was constructed. In the neo-liberal order, such resolutions to social problems are posed as individual, depoliticised and aligned with or at least not disruptive to larger structural dynamics, that is, the dismantling of the social welfare system and the growth of the carceral state (Brown and Halley, 2002; Bumiller, 2008). The social movement's concern with safety now aligns with the broader obsession with dangerous, criminal classes and an accompanying strengthening of a law-and-order agenda that now trumps any other set of remedies (Bumiller, 2008). The result of the dominance of criminalisation has been a social movement or sector so narrowly focused on safety that it often fails to contemplate options that might stray from the entrapments of these binaries lest they be associated with risks of any kind (Kim, 2010).

The inexorable ties between safety and criminalisation in the USA also minimise or neglect the danger that state violence poses to survivors of violence. For example, crisis hotline advisements to call 911 in case of danger do not include warnings for certain vulnerable groups that they may subject themselves to the perils of the state. Police who are increasingly tied to immigration control routinely ask not only alleged perpetrators but also victims of crime for immigration papers. Immigration control has access to jails and prisons that may hold people who may never be convicted of a crime but who nonetheless risk detention and deportation as sweeps of jails and prisons seek undocumented persons (Romney and Esquivel, 2011). Once autonomous systems of crime and immigration control are now regularly granted or, more recently, mandated collaborative relationships (Chacon, 2007).

In the USA, the glaring shift towards the collaboration of crime and immigration control is symbolised in the incorporation of the Immigration and Customs Enforcement (ICE) (formerly Immigration and Naturalization Service) into the post-9/11 Department of Homeland Security. The concrete policies such as ‘Secure Communities’ or S-Comm, a recent ICE policy requiring local law enforcement to send fingerprints to immigration authorities immediately upon arrest regardless of offense or conviction, raise risks for any immigrant or perceived immigrant engaging the criminal justice system (Preston, 2011; Woo, 2011).

This has affected undocumented immigrant women who may not seek help because they have greater reason to fear authorities. Anecdotal evidence suggests the vulnerability of immigrant women to wrongful accusations of domestic violence, subjecting them to arrest and heightened risk of detention and deportation (Woo, 2011). This risk also extends to undocumented perpetrators of violence, who are increasingly subject to jail sweeps or reports to ICE (Çaçon, 2007), not likely the intended consequences of survivors who may seek police protection but not the deportation of their partner, parent of shared children or family breadwinner.

Others falling into marginalised categories are subjected to the dismissal of violence, degradation by law enforcement, arrest or outright brutality. Sex workers seeking assistance for gender-based violence regularly face the risk of abuse and arrest if they engage the police (Major *et al.*, 2011). LGBTQ persons similarly report dismissal of violence, risk of ‘mutual arrest’ in relationships that fail to conform to heterosexual norms as well as acts of derision and violence by law enforcement (Mogul *et al.*, 2011; Ritchie, 2006).

The risks associated with the sweep of mandatory arrest policies are more familiar as debates continue regarding negative effects on the self-determination of survivors who experience diminished choice over arrest and criminal charges (Mills, 1999), contribution to dual arrest increasingly leading to the arrest of women survivors of violence (Hirschel and Buzawa, 2002) and questions regarding the possible increased danger to survivors of violence resulting from arrest particularly when perpetrators of violence are African American and unemployed (Schmidt and Sherman, 1996). Despite these critiques even among those who strongly favour criminalisation, in general, this is described as a policy not likely to be reversed (Maguigan, 2002).

The logic and constraints of criminalisation reach beyond the boundaries of the police. Survivors seeking safety from violence are routinely offered remedies aimed to bodily separate them from the person doing harm. The most widely recommended option for survivors of domestic violence remains the temporary restraining order or protective order that is often available as civil as well as a criminal remedy (Buzawa *et al.*, 2012). Although restraining orders can offer a varied set of protective measures, they primarily achieve safety through the legal enforcement of physical

separation of ‘victim’ from ‘perpetrator’. While survivors of violence regularly seek these orders to provide some degree of protection, many also express ambivalence or even surprise when faced with their concrete mandates. Survivors of violence routinely violate their own protective orders by continuing contact due to not only threats by perpetrators of violence, but also survivors’ desires to maintain relationships while, at the same time, seeking to end violence (O’Sullivan *et al.*, 2007).

Even without a restraining order, survivors of violence who choose to make contact with the person who harmed them risk violating rules and regulations qualifying survivors for service such as legal assistance or shelter (Kim, 2002). The safety paradigm of the domestic violence field categorises engagement with the person who perpetrated violence as uniformly dangerous. The fetishisation of safety often places these concerns above survivor choice and self-determination, subjecting survivors to judgement and punitive measures when they fail to conform to these standards (Mills, 1999; O’Sullivan *et al.*, 2007).

In particular, direct engagement with people doing harm no matter the level of harm is now seen as dangerous business—an arena of activity that cannot be contained by an increasingly safety-driven and risk-averse social service sector. Survivors and community allies are dissuaded from directly engaging with the perpetrator of violence and are rather encouraged to contact social services or law enforcement to seek remedies (Kim, 2007). Recent attention paid to bystander participation is constrained to prevention rather than intervention, narrowing the scope of active community engagement at the level of primary prevention that is defined as that taking place before any harm has been committed (Coker, 2004; Graffunder *et al.*, 2004). Direct intervention is now ceded to the protective role of the state, leaving little for survivors of violence or social networks to do with perpetrators of harm except to leave or call 911 (Kim, 2010).

Professionalisation and the rise of a social service sector

Although the discipline of social work in the USA has explicitly taken up the mantle of social justice (NASW, 1999), it has not sufficiently articulated the meaning of this oft-used term nor has it examined its relationship with social movements. Such oversights have been exacerbated by a decline in social work’s traditional and fading emphasis on the more mobilising activities of community organising (Fisher, 1994; Shragge, 2003). Notable exceptions are more likely to emerge from activist arenas of intellectual engagement contesting historic divisions between social change and social services (Building Movement Project, 2010) or scholarship on hybrid community organising and service institutions (Hasenfeld and Gidron, 2005; Minkoff, 2002).

While many social workers within the domestic violence field remain committed to explicitly political and emancipatory aims, the professionalisation of the field and the growing managerialism of social work have combined to contribute to conservative trends (Ferguson and Woodward, 2009; Reisch and Andrews, 2002). The increased legitimacy resulting from social movement gains and the resources that accompanied such gains also allowed for a greater influx of social workers, criminologists, therapists and other professionals to gain a footing in the expanding field of domestic violence (Dobash and Dobash, 1992). The increase in resources largely resulting from social movement gains led to more professional positions filled by those with increasingly formalised qualifications. The growing professionalisation also fuelled a distancing between protest roots and compliance with the very acts of legislation and other policies that resulted from early protest. Hence, the institutions and actors both of civil society and criminal justice that arose from social movement successes increasingly disavowed or simply lacked awareness of social movement origins (Lehrner and Allen, 2009). The professional positions that became associated with the domestic violence field such as crisis line worker, shelter advocate, legal advocate, therapist and victim witness advocate became routinised into a set of professional skills, tasks and assumed relationships that conformed to the collaborative relationships between civil society and criminal justice system that had since been firmly established.

Just as the trajectory of criminalisation coincided with the increasing law-and-order agenda of the state, the shift towards professionalisation and depoliticisation was supported by the priorities of social work and its emphasis on proscribed roles, formal educational requirements and rationalised functions. The relationships between civil society sector and criminal justice system were to be managed rather than contested, rendered more efficient and effective rather than fundamentally questioned. The prioritising of means without sufficient examination of ends and larger political context contributed to the participation of social work in the legitimisation of criminalisation as a dominant frame for social amelioration and the unwitting participation in the construction of the carceral state.

The rise of a new anti-violence social movement

Intersectionality and the rise of the marginalised: new institutions and actors

While early anti-violence movement history reveals contestation regarding the role of the state and, in particular, policing and the criminal justice system in the feminist response to domestic violence and sexual assault, critiques of the movement's overall relationship to crime control waned with the increasing success of criminalisation-related strategies and the resulting

institutionalisation of criminal justice remedies (Ferraro, 1996; Schechter, 1982). In the years leading up to the eventual passage of VAWA, legal theorist, Kimberle Crenshaw (1991), published her landmark work calling into question the very remedies championed in VAWA and introducing the term 'intersectionality' to the anti-violence movement lexicon. The framework of intersectionality illuminated the ways in which an exclusive focus on gender as the primary category defining gendered violence silenced the voices and experiences of women falling into marginalised categories of race, class and immigration status. In particular, perspectives and policies championing the category of the battered woman or victim of sexual assault often highlighted the experiences of white, middle-class women, leading to remedies with potentially negative effects upon racially marginalised women. The latter were often left both victims to violence within their own communities and as categories of neglect or blame within dominant society. This widely circulated work gave voice to the ambivalence, tension and opposition at both the centre and the margins of the movement.

A small but increasingly vocal set of critics began to develop further critiques of the conventional remedies to violence, partly fuelled by the growing proliferation of programmes targeting marginalised communities and the demands for diverse language accessible and culturally competent domestic violence programming beginning in the 1980s (Bhattacharjee, 2002; Kanuha, 1996). The result was a newly recognised constituency of survivors of violence as well as an influx of social movement actors and social sector advocates from racially and ethnically marginalised communities including immigrants, LGBTQ communities, disabled communities and their intersections (Lockhart and Danis, 2010).

These new organisations and actors were sensitive to both the cultural conditions that necessitated less individualistic and more communitarian remedies and the political conditions that largely rejected engagement with the criminal justice system out of pragmatic necessity or political design (Kim, 2007). The simple category of gender devoid of race, class, sexuality, gender identity, immigration status and ability/disability did not adequately capture the experiences and needs of these newly recognised survivors of violence (Crenshaw, 1991; Kanuha, 1990; Lockhart and Danis, 2010). Although existing paradigms and models of domestic violence as a social problem and the available set of remedies were largely adopted by these new domestic violence programmes, the perspectives and conditions faced by these communities soon challenged the legitimacy and relevance of what had become a conventional domestic violence response.

The mobilisation of new social movement forces

While many of these critiques were not new, the mobilisation of social movement forces largely led by those from those communities most

impacted by the intersection of gendered and state violence signalled a new historical turn. In 2000, the establishment of the new social movement organisation, Incite! Women of Color against Violence, articulated the explicit condemnation of gender-based violence and state violence in a founding conference *Color of Violence* attracting over 1,000 people, turning away an additional 2,000 (Ptacek, 2010). The leadership of a new contingent of largely women of colour including immigrant and LGBTQ persons expressed the concerns of women and transgendered persons facing both gendered violence and the violence of state policies of mass incarceration, increased surveillance of women on welfare, child welfare systems removing children from families of colour, and immigration control violating women crossing national borders and detaining and deporting immigrants (Incite!, 2006; Ptacek, 2010).

Bridging the gap between anti-violence movement and prison abolition

The previous year, Critical Resistance held its founding conference and reignited the prison abolitionist movement, bringing together disparate social movement forces in a united effort to articulate a broad critique of what it named as the ‘prison-industrial-complex’ that dominated US domestic policy making (Bierria *et al.*, 2012). The effects of criminalisation were not only limited to the prison system, but were seen as expanding to the systems of social welfare, child welfare, education, community development and increasing arenas of ‘governance through crime’ as it pervades everyday life (Gilmore, 2007; Simon, 2007).

Although many social movement actors were connected to both the anti-violence movement and the prison abolitionist movement, significant gaps remained between these social justice strands. A 2002 meeting held between members of these two organisations that had since taken the form of national organisations with local chapters and affiliates yielded a *Critical Resistance-Incite! Statement on Gender Violence and the Prison-Industrial Complex* (Critical Resistance and Incite!, 2003) that articulated the expanse separating the two movement strands and the commitment to bridge these gaps. Most notably, the anti-violence movement was cited for its contribution to criminalisation and the prison abolitionist movement for its insufficient attention to the issue of intimate violence against women as well as the effects of state violence upon women. The joining of gendered and state violence and the mutual commitments to address violence at these intersections articulated a set of challenges and area of social movement development that would critically influence the anti-violence movement in the following years.

Since that time, new knowledge and arenas of practice are being shared not through conventional conferences or academic scholarship, but rather

on websites, in informal gatherings and emerging documentation including progressive ‘zines’, anthologies and toolkits (Bierria *et al.*, 2012; Chen *et al.*, 2011; Creative Interventions, 2012; Generation Five, 2007; Incite!, 2006). Many have been influenced by ‘restorative justice’ concepts and practices developed in Australia (Kelly, 2002; Murray and Powell, 2009; Nancarrow, 2006), New Zealand (Paulin *et al.*, 2005; Waldegrave *et al.*, 2003), Canada (Pennell and Burford, 2002) and, to a lesser extent, those in the USA (Coker, 1999). However, the close affiliation of many of these restorative justice programmes with the criminal justice system and the dearth of these programmes in the USA have made them less accessible to more radical social movement entities (Smith, 2010).

As new models and practices for violence intervention develop, these initiatives also challenge more conventional anti-violence social service institutions and actors to shift from an individualised social service and criminal justice model to support collective or community engagement. This approach decentres the role of the professional to support the leadership and expertise of the people most affected by the social problem of domestic violence, that is, survivors and their communities, and includes and encourages the engagement of the perpetrators of violence. It challenges the authority of the state by reasserting the power of grassroots community members and institutions. In many regards, these echo radical traditions of social work and community organising, suggesting both the contributions of social work and future productive directions for the field (Ferguson and Woodward, 2009; Reisch and Andrews, 2002).

Conclusion

The evolution of the domestic violence field in the USA points to the vexed relationship between social movement, social service sector and the state systems with which they associate. In this case, the dominating framework of a social problem as a crime and the accompanying reliance upon criminalisation and alliances with the institutions of crime control have contributed to the unwitting participation in the current policy of mass incarceration. It has also crowded out more imaginative and potentially effective responses to violence, particularly those accessible and appropriate to marginalised communities that are disproportionate targets of state violence. Despite the anti-violence movement’s commitment to social justice, the emancipation from gendered violence has become bound to the ceding of feminist power to the patriarchal and racially biased authority of the state.

The rise of new social movement formations led largely by people of colour and those most impacted by the negative effects of criminalisation have challenged the neo-liberal response to social problems and articulated a critique and emerging set of practices that point to new opportunities for

mobilisation and innovation. While the continued dominance of the conditions and ideologies of neo-liberalism threaten the sustainability of these new social movement strategies, the resulting devolution and heightened opportunities for violence also make these strategies more necessary.

The strengthening of social work's critical analysis of both its harmful and ameliorative roles in efforts towards positive social change can contribute to the further building of institutions, policies and practices that contest rather than reproduce oppressive relations of power in its many intersecting forms. This may become increasingly important in the face of what could be a ubiquitous turn towards the criminalisation of social problems.

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