

Race, Health Care and the Law
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The Effect of Racism on Domestic Violence Resources

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Racism affects all aspects of a person's life. The following discussion examines how racism affects African-American women in terms of domestic violence. Racism alters how African-American women receive treatment through domestic violence resources and how they perceive resources. Therefore, because of racism African-American women have specific concerns when making decisions about domestic violent relationships and what resources would be the best for them. These concerns include the view of the race as a whole, the perceptions of African-American men, how African-American families are treated by American society, economic concerns, and how American public protectors such as the police and judicial system treat victims and batterers in the system.

A. Racism Against African-American Women Within the Sphere of Domestic Violence

Racism is an additional obstacle for the African-American victim of domestic violence in obtaining adequate resources to leave an abuser and continue a life free from abuse. Professor of Law and domestic violence expert Zanita E. Fenton expounds on the history of African-Americans and the current status of an African-American female as a domestic violence victim:

Enslaved black women performed the same tasks as their male counterparts while still fulfilling traditional female roles. Therefore, necessarily, the stereotypes for black women were opposite those for white women, and directly correlated with the 'bad girl' stereotypes. ... Thus, the prevailing stereotypes of black women do not allow them to fit within the stereotype of the "good girl" or "victim," making interactions with the justice system that much more complicated.

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African-American women are stereotyped as the opposite of the stereotypical, traditional middle and upper class white woman. The historic stereotype of the white woman is that she is small, delicate, soft, passive. Fenton declares that the image of the white woman or the 'good girl' is intertwined with the image of a victim. The African-American woman, however, is not small, delicate, soft, or passive. Rather, in the words of author and domestic violence advocate, Evelyn White, she is in part the "strong black woman." Evelyn White describes racism based upon stereotypes of African-American women as a force that makes them "walk a difficult line" between the sexual wanton woman and the pious churchwoman, between the opinionated, bossy woman and the subservient woman to her African-American husband or boyfriend. Specifically, for centuries, African-American women have been compared to white women and considered immoral and sinful.

Being viewed as the "strong black woman" is positive, but unfortunately, it leaves African-American women in caregiver roles with no opportunities when they need care. Therefore, the African-American woman must first demonstrate herself to be a victim in general, and then a victim of domestic violence. She must show that she is a victim of circumstances that are not her fault. The problem of not recognizing African-American women as victims as immediately as white women impedes their ability to utilize resources, and may put the African-American victim in a more imminent position of danger. Even when an African-American woman overcomes obstacles to obtaining domestic violence resources, the African-American woman still has to prove that she is a victim.

The result of stereotyping and racism in conjunction with the political domestic violence movement's focus on white women has left the African-American victim of domestic violence in a difficult position. Fenton states, "[s]tereotype adds an additional tool for control, both within the family relations and in societal perceptions that influence a woman's ability to get help and succeed in the justice system." Nevertheless, whether people use stereotypes to justify that an African-American woman deserves the violence, that she is strong enough to fight it alone or for any other reason to lay some sort of fault upon the woman, this type of rationalization perpetuates not only racism but also the belief that violence against women is condoned by society. Hopefully, with more awareness of domestic violence and knowledge of how abusers seek to gain and retain power over women, African-American women will not have to first disprove the stereotypes in order to attain the assistance they need to leave and stay safely away from the batterer.

A manifestation of racism within the domestic violence movement

appeared in the last quarter of the twenty-first century when domestic violence among minority and marginalized populations was ignored while white domestic violence issues were emphasized. One example of how the dismissal of non-white domestic violence occurred is exemplified in the television program 48 Hours. In discussing the Violence Against Women Act of 1991, 48 Hours presented the stories of seven women who experienced domestic violence. All but one of the women were white. The white women were humanized for the audience with personal stories of their lives. The one black woman was left nameless and only depicted with a picture of her beaten face. The audience was not given a chance to relate to her violence.

In the last twenty years, United States legislators started to focus on the fact that domestic violence is not solely a minority or marginalized population's problem. The shift in focus came with the realization that domestic violence is also a problem for white, middle and upper class mothers, wives, sisters and daughters. Consequently, domestic abuse became part of the political agenda. As domestic violence rose to gain national attention, little thought to women of color occurred and the only gains for them were consequences of gains in the white community. The positive result of the creation of new methods and tools to fight domestic violence in society is apparent, but these new resources do not reach all victims equally.

All domestic violence victims must confront a number of issues when trying to leave an abusive situation, but the racism against African-American women imposes additional issues on women already burdened. The fact that African-American women face race-based obstacles in obtaining domestic violence resources is the reason that racism within the movement against domestic violence and within the legal system must be brought to the forefront. Racism must be fought within the domestic violence movement and in the legal system in order to successfully help all victims of domestic violence. Not only are African-American women's needs ignored as a result of racism, but racism also creates additional needs for African-American women.

B. Concerns Specific to African-American Victims of Domestic Violence in Light of the Effects of Racism

"[F]or white women and women of color, the experience of battering is quite similar but at the point of seeking help or escape from the abuse, women of color face many problems that white battered women generally do not." The additional hardship of racism creates concerns that are specific to African-American victims of domestic violence and other marginalized groups. Like all victims of domestic violence, African-American women consider many issues when making the decision to leave an abusive situation. African-American women, however, may

consider a number of additional issues, including the African-American race image as a whole, the position of African-American men, the view of African-American families, their economic situation, and the system's responsiveness if they do make a call for help. Addressing these concerns while developing domestic violence resources will create better resources with equal effectiveness for all domestic violence victims. If the resources took into account all victim concerns and realities, the victims would likely feel more comfortable using the resources. Just as resources, such as a shelter, do not ignore facets of a victim's life such as whether she has children or a disability, so should the resource not ignore whether the victim is African-American. The fact that a victim has children or a disability affects what the victim needs to live a life without domestic violence. Our society has made race matter. Therefore, for resources to be effective in our current society, race and/or racism must matter.

1. Race as a Whole

A culturally specific concern for African-American victims is the racial repercussions of reporting domestic violence. Evelyn White described this concern by stating, "[w]e know what the risks are if we abandon each other." Domestic violence does not have the classification of a "black problem" or a "white problem" anymore. Nevertheless, victims perceive that reporting violence in the African-American community is an opportunity for the public to use the information to reinforce negative stereotypes of the African-American community. African-American women hesitate to report abuse by African-American men because of the "readiness of the outside society to label or blame these acts of violence as racially predictable." Not only must African-American women be concerned about the public as a whole, but also the effects of reporting abuse within her race community.

The African-American woman "may be ostracized within [her community] for contributing to racial stereotypes" by reporting domestic violence by an African-American man. This fact creates a dilemma for African-American women because "[p]reserving cultural identity often requires strong allegiance to the community as a whole, causing women to choose between fear of rejection or continued violence." The concern for racial unity is very strong, as seen from the reactions by African-American women to the allegations of sexual harassment by Professor Anita Hill against Supreme Court Justice Clarence Thomas and the rape of Denise Washington by professional boxer Mike Tyson. This concern is described by African-American women as one arising from the belief "that racism always trumps sexism, and that the 'hierarchy of interests within the Black community assigns a priority to protecting the entire community against the assaultive forces of racism.'" Therefore, it should not be assumed that African-American victims are not experiencing violence if there is a lack

of reporting. Rather, the lack of reporting, in part, is a result of the victim balancing the abuse against the fear that the community will not support her decision to report and/or leave the abuser. Thus, the victim may determine that it is "better" for her to stay in the abusive situation. Victims may even be told by other African-American women, who themselves have experienced some type of violence, not to report the violence.

Domestic violence victims cannot simply leave an abuser without help. Most need money, a place to stay, emotional support, childcare services, and cooperation from the legal system to keep the abuser away. Many times this help can be found within the community, family, friends, and local domestic violence programs. When victims fear that reporting will violate the "unwritten code" that "prohibits the reporting of African American male violence against African American females," the community where the victim may naturally look for support may no longer exist for her.

2. African-American Men

Another major concern connected to racism and domestic violence is the status of the African-American man within the United States. Unfortunately, African-American victims of abuse receive the message that to report abuse by an African-American man is to feed the stereotype of African-American men as violent. Research, which the Wisconsin Coalition Against Domestic Violence relies on from 1998, concluded that an African-American woman was more likely to feel protective of her abuser than a white woman. The reason for this reaction is a manifestation of the effects of discrimination and the "hard times" the African-American male has faced in the United States. Some African-American women feel that incidents of violence against African-American women by African-American men should not be reported because "they would be putting another 'brother' in prison." Furthermore, the image of the "strong black woman" is forced on African-American women by each other in an attempt to defend ignoring the violence, because this violence has happened before and they should just go on with life as women have before.

The African-American female feels an obligation to support and assist her male counterpart emotionally in order to preserve the family. The reality is that "police brutality and blatant racism in the criminal justice system" exist, and when an African-American victim reports the abuse she is not only reporting abuse, but she is subjecting the abuser to the biased system. The choice for African-American women is not just whether to stay with the abuser, but whether to make a decision that may, on the surface, look to others in the community as selfish. If she reports the abuse, and the batterer is arrested, she does take the chance that the batterer will experience racism by the police or within the

legal system. The victim is forced to make a choice between the violence she experiences and the racism that her batterer may experience. Racism, when considered a more serious problem, can keep African-American women from trying to end the violence.

3. The African-American Family

Along with the concerns about the African-American race and the status of African-American men, the family is another reason that prevents African-American women from reporting or seeking out resources for domestic violence. Fenton best describes this reality:

In addition to the classic victim's cycle of domestic abuse, which is almost a paralyzing force preventing a woman from leaving her abuser, many African-American women also stay in abusive relationships to 'present a united front.' That is, because the national media and politicians have historically assaulted the black family as degenerating in a 'tangle of pathology,' many African-American women feel the need to stay in their relationships, keep their families together, and be unified against outside oppressions and stereotypic representations. They feel that to break up the family would just add to the problems of both their own families and the problems of the black community.

White states that African-American women are sacrificing themselves in order to maintain African-American families. African-American women face pressure to keep the family together to combat racist views concerning the African-American family, thus ignoring the abuse for the sake of others. This concern again forces the African-American woman to place societal perceptions of her and her family above the reality of the violence within the home. The presence of domestic violence in an African-American family can be used as reinforcement for bigoted or racist beliefs about violent African Americans. Consequently, African-American women face pressure to ignore the violence and thus quiet the racists and the bigots.

4. Economic Concerns

To understand the plight of the African-American domestic violence victim, we must recognize her economic position in our society. Over half of homeless families nationally are African-American, while African-Americans only make up twelve percent of the total population. A 1996 study entitled Profile of Working Women finds that nearly two thirds of all minimum wage earners are women. Moreover, the U.S. Census Bureau found while 28% of white female-headed households in 1998 were below the poverty line, 40% of black female-headed households were below the poverty line. To better clarify the African-American woman's position, consider that the median annual income for a white

woman in 1996 was \$11,266 and the median income for black women was \$9,508. Socioeconomic status is not an indicator of domestic violence. However, the two factors produce the effect that African-American women of lower socioeconomic status (as well as all women of lower socioeconomic status) who are victims of domestic violence are more likely than middle and upper class white women who are victims of domestic violence to need "extensive services and support" in order to leave an abusive relationship. Therefore, while the option of calling the police offers immediate safety for the victim of domestic violence, the victim may not see this as an option when the abuser is needed to support the family financially.

The alarming rate of poverty among African-American women is evident and has significant affects on African-American domestic violence victims. More than half the African-American women interviewed in a 1998 study stated that they stayed with their batterers because they did not think they could support themselves and their children alone. As the data from the status of African-American women reveals, a disproportionate amount of African-American women in the United States are living in poverty, and that creates an obstacle for many African-American domestic violence victims. The choice is not just about the enormous risk of leaving the abuser, but the additional question, "how will I keep my family fed and sheltered?" As author and domestic violence expert Kimberle Crenshaw discusses:

Many women of color, for example, are burdened by poverty, child care responsibilities, and the lack of job skills. ... Where systems of race, gender, and class domination converge, as they do in the experiences of battered women of color, intervention strategies based solely on the experiences of women who do not share the same class or race backgrounds will be of limited help to women who because of race and class face different obstacles.

The resources offered to domestic violence victims cannot always focus solely on physical violence. A broader approach is necessary in order to address all of the victim's needs, which will allow her to stay away from the batterer. For an African-American victim of domestic violence, financial support may be as urgent a need as mandatory arrest laws.

5. Views of the Public Protectors

Racism affects African-American victims within the informal structures of society and economics, as well as within our formal infrastructures of the police and judiciary. Racism within these formal structures can have immediate, detrimental affects on victims and their families through arrest, collection of evidence, and sentencing, among others.

i. The Police

As previously discussed, Wisconsin's laws mandate arrests in situations involving domestic violence. The mandatory arrest law can provide for immediate safety for a victim of domestic violence if (1) the police are notified and (2) the police officer "has reasonable grounds to believe that the person is committing or has committed domestic abuse and that the person's actions constitute the commission of a crime..." The officer will arrest if he or she reasonably believes "that continued domestic abuse against the alleged victim is likely" and/or "[t]here is evidence of physical injury to the alleged victim." For the mandatory arrest law to actually help victims the police must be notified first. Evidence shows that many within the African-American population do not have a trusting relationship with the police. White stated in a 1993 interview, "[t]he police have historically been no friend to the Blacks." Thus, the Wisconsin mandatory arrest law has a limited ability to provide safety for African-American women who distrust the police in that they may not choose to call the police for protection. The result is that "many women of color simply will not call the police for fear of what will happen to themselves or their abusive partner in the hands of law enforcement officers." The fact that African-Americans do not have a good relationship with the police is seen to varying degrees throughout the United States, but it cannot be denied that the fear exists to a certain extent everywhere.

ii. The Court System and Lawyers

Along with distrusting the police, a general distrust of the court system and its actors also exists for many African-Americans.

Whether she is a plaintiff, defendant, or witness, the African American woman in the courtroom faces numerous obstacles to being considered a believable, reasonable person. ... Documented juror and judicial attitudes concerning the veracity of African-American women inhibit not only the African-American female at trial, but African-American women in all walks of life.

The obstacles of a historically founded distrust of the court system and documented discrimination against African-American women can lead African-American victims of domestic violence to turn away from state resources. Therefore, the elimination of court filing fees will probably have less of an impact on African-American victims of domestic violence because they are less likely to turn to the courts when attempting to get out of a violent relationship.

iii. Public Shelters for Domestic Violence Victims

Furthermore, while the state of Wisconsin has a system of shelters and centers for domestic violence victims, not all people feel equally welcome at the shelters. A perception exists among

African-American women that "shelters and institutions established to help battered women are only for the needs of white women." African-American victims may determine that it will be better for them to stay in the abusive situation rather than face racial discrimination in a shelter.

Racism against African-American women affects when and how they are able to utilize resources for domestic violence. The racism against African-American women creates specific concerns when African-American victims attempt to obtain resources to leave an abusive situation. The specific concerns of African-American women such as maintaining racial unity and avoiding the propagation of stereotypes against African-American men are not addressed by the common state domestic violence resources of mandatory arrest and restraining orders offered by the police and the court system.

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