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1-1-2014

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Published version. "Sexual Violence, Law, and Qualities of Affiliation," in *Wording the World*. Ed. Roma Chatterji. New York: Fordham University Press, 2014: 172-190. [Publisher Link](#). © 2014 Fordham University Press. Used with permission.

Sexual Violence, Law, and Qualities of Affiliation

Sameena Mulla

Introduction: Sexual Violence, Rupture, and Affiliation

In 2005, Rachel,¹ a young woman from Baltimore, told me about reuniting with her estranged father and coming to know her paternal kin. Among these kin was her father's younger brother. Rachel had visited her uncle and other paternal kin one or two times in an effort to resurrect ties with her father's side of the family. In and out of prison over the years, Uncle George had been a minimal presence in Rachel's life until recently. Of late, she had stopped in to see him at the halfway house that served as his home during the period of his supervision following release from prison. At the last of these visits, Rachel told me, Uncle George raped her. Following the attack, Rachel disclosed what had happened to her mother and a friend when they demanded to know why she seemed so shaken. They insisted that Rachel make a police report, and though she had not initially intended to do so, she contacted the police and filed a complaint after receiving assurances that her mother and friend would support her through the process. As Rachel made decisions affecting her participation in the legal case against her uncle, her relationships with both her maternal and paternal kin took on new affective valences. Some months later, faced with many different choices, and with more than her own life and future at stake, Rachel ultimately pleaded with the State's Attorney to cease prosecuting Uncle George for a second-degree sex offense. Since Rachel was the complainant, her words carried weight, and the prosecutor, sympathetic with her desires and motivations, and aware of the difficulty of prosecuting without a "cooperative" victim as witness, acquiesced.² Rachel frequently

expressed pain and confusion over the emotionally fraught nature of sexual violence within the family. In scholarly literature, accounts of sexual violence, particularly rape, are littered with descriptions of brutality that result in Sunderings and ruptures that damage and unmake relations. Rather than forge a narrative about a violent event that singularly disrupted her bonds of affinity, Rachel's grappling with the event of sexual assault within her family life revealed her experiences of pain, intimacy, love, and confusion.

Rachel's experience included reevaluating and shifting relations with her mother, siblings, stepfather, (estranged) father, and paternal kin, as well as many cousins and aunts who played a part in navigating the complicated world of a life lived in relation to a violent event.³ While some authors go so far as to declare rape itself a negation of kinship, particularly when marriage relationships are the focus of analysis, Rachel's account implies a reworking of her ties to her family (Hartman 1997: 84). These Sunderings are frequently bound up with the trope of shame (Olujic 1998), and while shame certainly constituted one affective strand of Rachel's experience, it seems there were other affects shading the subtle and personal meanings that came to be attached to the event and the days that followed it. In Rachel's recounting of her experience, one can see that in the context of day-to-day life, sexual violence does not lead to inevitable and irreparable alienations. In this chapter, I explore the range of affects that victims of sexual assault in Baltimore attach to their experiences of rape and recovery, lingering on the impact of these affective experiences on kin relations. Shame, disruption, and alienation may form one side of the affective coin, but running along its other edge are descriptions of love, bonding, and cautious forays into new modes of intimacy.

Das on Affect, Sexual Violence, and Kin Relations

In a passage of *Life and Words: Violence and the Descent into the Ordinary* emblematic of the patience and curiosity at the heart of Veena Das's anthropological work, she moves the reader through a range of affects she attaches to a literary scene in which the characters grapple with the specter of rape as it has affected their lives and relationships. Das returns us to thinking with her about Manto's Sakina, a young woman who we understand to have been raped during Partition in the short story "Khol Do." In an analysis spanning over twenty years, Das writes of the growing subtlety of her understanding of the scene in which Sakina's father is reunited with his daughter following her abduction and (implied) rape. When the apparently dead Sakina moves her hands in response to a doctor's utterance, Das writes of her initial interpretation in 1986:

I noted that even Sakina's father cannot comprehend the nonworld into which she has been plunged, for he mistakes the movement in the body as a sign of life whereas in truth it is the sign of her living death. (2007: 47)⁴

Many years later, returning to contemplate the scene Manto laid out, Das reenergizes her interpretation, recognizing not the end of relations between father and daughter, but rather the possibility of beginnings:

Upon deeper meditation on this story, I think there is one last movement that I did not then comprehend. In giving a shout of joy and saying “My daughter is alive,” the father does not speak to give voice to a scripted tradition. In the societal context of this period, when ideas of purity and honor densely populated the literary narratives as well as family and political narratives, so that fathers willed their daughters to die for family honor rather than live with bodies that had been violated by other men, *this father wills his daughter to live even as parts of her body can do nothing else but proclaim her brutal violation.* (2007: 47)

In giving the interpretation of Manto’s story this second layer of understanding, Das moves from the initial narrative of the raped body embodying shame and cast permanently into a nonworld of social death, to a narrative in which there is some future in which the father has affirmed his daughter’s life and tethered her to the world of shared language. Perhaps they will cling to this tether and find themselves occupying a shared life world in some as-of-yet-to-be-determined future, though this world is largely unknown to us at present. We may only wonder what qualities their relationship will have. Invited to wonder about the future of kin relations between fictional characters in Manto’s “Khol Do,” I also began to contemplate the relationships of sexual assault victims in the cases I studied, particularly when these cases involved sexual violence within families.⁵

It is tempting to think of sexual violence in the family as that which invites the disciplinary scrutiny of the State (Foucault 1999; Donzelot 1997). In the cases that I draw on in this essay, family members do not necessarily take pains to avoid State “meddling” in the family. What’s more, it is often children, and not parents, who bear the burdens of violence against them, and who invite the State, through the legal system, to participate in the renegotiating of family relations.⁶ When the State does intervene, it is not the extraordinary events of formal prosecution that necessarily (re)constitute kin relations, but the ever-present potential of the law that is called on to negotiate family alignments and intimacies—the law is itself affect in these settings.

Though Rachel’s circumstances involve her paternal rather than her maternal uncles, Thomas Strong’s claim about the avuncular reminds us of the many strands of relatedness which often go un- or under-explored in the study of “kinship,” particularly as theorists have seen fit to regard kinship in relation to the institutional power of the State rather than by exploring *eros* (Strong 2002: 414; Umphrey 2007). When Rachel and other sexual assault victims I discuss in this chapter affect transactions in kin relations by drawing attention to the way the State may abut daily life, they neither legitimize nor delegitimize the State. Rather, rape victims and their kin painstakingly rework relations as they leverage the potential of institutional intervention against the modalities of being related in everyday life.

I draw on my field research with sexual assault victims like Rachel, who made formal police reports of sexual violence in Baltimore, to explore the ways in which sexual violence becomes an opening for victims to renegotiate and realign loyalty, care, and intimacy by weighing the interests of many relations within their social network, including parents, children, aunts and uncles, cousins, friends, and sexual partners past and present. While I, too, turn to institutions as constituents in the process of (re)forging kinship, I follow Rachel’s cues in focusing on relations beyond those of marriage to understand the work of

coming together that she affects within her family. What's more, Rachel's participation in the legal process, though it relies on the perception of the law's efficacy by her network of relations, is not done in service of legitimating the State, the point over which Strong (2002) contends the institutionally centered analyses inevitably, often mistakenly, arrive.

Rather than focus on the work of law to legitimate the State, Rachel's participation in the legal process serves to realign the nature of the affiliations that permeate her family. As stated above, studies of sexual violence frequently draw attention to the ruptures that are affected between victims of sexual violence and their kin, intimates, and family members. When one emphasizes formal legal intervention, this rupture maps onto the legal statutes governing the criminal investigation of sexual violence. In this case, a single incident is marked as such, and the investigation is predicated on establishing a clearly demarcated time line surrounding one discrete instance of sexual assault. In this way, sexual violence is always linked to "the social and cultural imaginaries of order and disorder" (Das 2008: 283).

It is instructive to compare the rupture-driven eventedness of sexual violence to something like domestic violence, in which a legal case must be proved based on a pattern of behavior and multiple violent incidents escalating in frequency and use of force (Mulla 2011: 355). Sexual violence in the United States, most commonly occurring between intimates, is often isolated from its broader context of daily intimate life precisely mirroring the legal statutes governing its intervention. Thus, many analyses seem to bear out the ways in which the force of the violent event isolates victims from their networks of care. While sexual violence may partly generate disruption, I argue that understanding law as affect draws attention to the refounding and renegotiating of the sexual assault victims' kinship and care networks, particularly in cases in which the violence is repeated, and even dispersed throughout the kinship network. Law works in concert with bonds of love to reconstitute kin relations so that the violence threatening to fracture the family can be recast such that the force of the law might serve the preservation of family relations under reconsidered terms of affiliation.

Ethnographic Contexts and Case Studies

In the course of my fieldwork in Baltimore, I observed forty-four sexual assault forensic interventions as they unfolded in the emergency room. These cases were observed over a two-year period in which I served as a patient advocate accompanying sexual assault victims through the course of their emergency room stays.⁷ Following this two-year period, I shifted my observations to the other personnel involved in the sexual assault intervention, including the forensic nurses, State's Attorneys, police detectives, patient advocates, defense attorneys, and grand juries. While I was no longer accompanying sexual assault victims in the emergency room, for a one-month period a recruitment flier was included in their discharge papers. Those willing to speak to me about their experience in the emergency room could follow up by contacting me with the information on the flyer. In this way, I was able to recruit and follow four sexual assault victims over a six-month period, meeting with them on a biweekly basis. These four individuals, one man and three

women, gave generously of their time, allowing me to track the ways the sexual assault cases with which they were involved unfolded in the days, weeks, and months following the initial complaint. This chapter will focus specifically on two of these individuals, Rachel and Jake, although I draw on the overall context of the research to inform my analysis.

Such context might begin by offering a brief overview of the use of the telephone by victims when arriving at the hospital. This telephone use illustrates the impulses of sexual assault victims to reach out to their relatives rather than to curtail contact. Of the forty-four sexual assault victims I accompanied in the emergency room, forty-one were female and three were male. There were fifteen victims (fourteen females and one male) who came to the emergency room unaccompanied (see Table 10-1). Of the fifteen who came to the emergency room by themselves, all but two asked to use a phone to contact a friend or relative at some point during their stay (see Table 10-2). Of those who asked to have telephone access, eleven victims used the phone to call their mothers. Some called friends after phoning their mothers. The remaining two victims who phoned in the course of their hospital stays but did not seek to contact their mothers contacted their husband and children in one case, and the domestic violence shelter where they were living in the other.

While a phone call may only indicate the desire of the sexual assault victim to reach out to their relations, the frequent presence of relatives in the hospital effectively demonstrates the willingness of relatives to make a gesture of supporting the raped family member. While fifteen of the victims I attended came to the emergency room unaccompanied, the other twenty-nine either came to the emergency room with at least one person, who, in all but two cases, was a relative of some kind, or were met by a relative at the emergency room at some point during their hospital admission (see Table 10-3). The two who came to the hospital without a relative were both females accompanied by female friends. Those relatives accompanying the sexual assault victim included one or both parents, children, husbands or domestic partners, aunts, cousins, siblings, grandparents, and cus-

Table 10-1. Rape victims and emergency room accompaniment

GENDER	TOTAL CASES OBSERVED	ACCOMPANIED	UNACCOMPANIED
Male	3	2	1
Female	41	27	14
Total	44	29	15

Table 10-2. Unaccompanied rape victims

Action	Number of victims
Phoned mother	11
Phoned someone other than mother	2
Did not use phone	2
Total	15

Table 10-3. Accompanied rape victims

RELATIVES OR FRIENDS?	NUMBER OF VICTIMS
Accompanied by one or more relatives	27
Accompanied by friend	2
Total	29

Table 10-4. Rape victims and conversations about children

	NUMBER OF VICTIMS
Formerly pregnant: conversed about children	26
Formerly pregnant: did not converse about children	3
Never pregnant	12
Total	41

odial guardians. Often, more than one person accompanied the victim. Those individuals who were not relatives were friends, boyfriends or girlfriends, neighbors, and, in one or two cases, members of the clergy.

Of the forty-one women whose cases I observed, I learned that twenty-nine had been pregnant at some time in their lives (according to the forensic nurse's findings during the pelvic examination or victim disclosure). Conversation is common during the course of a sexual assault evidence exam, and it is the victim who determines whether there will be talking and what all the room occupants will discuss. The forensic nurse examiner conducting the examination welcomes such conversation as it can lighten the tone of the room and distract the victim from the immediacy of her suffering. While pregnancy is not equivalent to motherhood, of the twenty-nine women who appeared to have been pregnant at some point during the life course, twenty-six steered conversation with me and the nurse to their children, and/or phoned their children or their children's current caretakers in order to guarantee that the children were being looked after during the victim's hospital visit (see Table 10-4).⁸ Six women showed me photos of their children that they had tucked into their wallets or purses. Much to the consternation of the forensic nurse who fretted that the victim would not return and would compromise any evidence on her body, one victim even left the hospital in the middle of her examination to go pick up her infant daughter when her child care fell through. To the nurse's relief, the victim returned to the hospital with the infant in tow in order to complete the forensic examination.

The frequency with which relatives either accompanied sexual assault victims or dominated topics of conversation attuned me to the significance and importance victims placed on reaching out to relatives as caregivers in the early moments following the reporting of sexual assault to the police. In my small sample, it seems clear that mothers and children made up the two types of relatives that were initially the most important, if I

take their being the first or only contact as signifying greatest importance. Thus, in the initial moments of the sexual assault intervention, victims' attention drifted toward filiative kin in seeking and deploying care. In reaching out to their mothers, sexual assault victims often spoke with great affection and longing. The exchange of emotive expression between mothers and children sometimes resulted in declarations and gestures of support, and, at other times, seemed quite vexed.

Appeals for understanding or comfort often fell short of the unconditional spirit that sexual assault victims seemed to desire. Mothers and other relatives sometimes asked about the series of "choices" that may have led to a situation in which the victim was vulnerable to violence. While some family members and friends were perhaps not ideal in offering unconditional support, other family members and friends made gestures of overwhelming support and loyalty. Some expressions that I interpreted as demonstrations of loyalty included calling for vengeance, assuring the victim they would support any recovery efforts, seeking information and resources through which to support victims of sexual violence, asking questions, making affectionate gestures, or merely listening.

Against these general findings, I turned to some of the more in-depth follow-up interviews I conducted with the smaller group of four sexual assault victims mentioned earlier. I continue this chapter by discussing the cases of two of these victims, Rachel and Jake, in greater detail, with particular attention to the ways in which relatives played a role in the unfolding of their legal cases. In Rachel's case, the force of law is brought to bear on her entire kinship network through her initiation into the legal process. Rachel ultimately made the decision to request that the prosecutor cease working on her case at a point at which the force of law threatened to tear her family apart. It is important to note that when Rachel made the decision to request that the prosecutor halt the case, her family members had sufficiently demonstrated their willingness to support her in a way that renewed her sense of intimacy with particular individuals, and her reliance on the kinship network as a whole. I also show how Rachel's decision to cease the prosecution of her uncle resulted in the continued guarantee of care for her infant half-brother.

Following my discussion of Rachel's circumstances, I give a detailed account of Jake's case in order to demonstrate the ways in which his former stepfather's violence against him and his sisters resulted in an enduring bond of relatedness—one that persisted long after his mother's divorce from the man who abused her children. Once again, the nature of this enduring relation is deeply dependent on the legal force that is "always already"⁹ for Jake to bring to bear against his stepfather long after they have ceased to share a household and the marital tie between Jake's mother and stepfather has been dissolved.

Rachel: Sexual Violence, Legal Leverage, and Family

While sexual assault cases often end without prosecution of assailants, the process of filing a police report and participating in the legal investigation may result in significant changes to the nature of intimacy, loyalty, and caregiving within a family. Rachel's case was one of many that ended with her requesting the prosecutor to stop the case. In the

months between her report to the police and her conversation with the prosecutor that brought the proceedings to a halt, Rachel negotiated a tangled landscape of family relations under threat from various fronts. As Rachel's case unfolded, she variously considered her relationships with different family members, and the potential consequences of pursuing the legal case. Like many instances of reported sexual assault in the United States, the perpetrator in Rachel's case was someone known to her.

In this case, Rachel accused her paternal uncle of sexual assault. "Uncle George" was Rachel's father's younger brother. In addition to her father and his relatives, Rachel was also concerned about her relationships with her maternal family. Rachel's mother and father had been divorced for quite some time. They had two children, Rachel and her younger brother. Rachel and her brother had both been wards of State for a number of years, with their custody finally awarded to their maternal grandmother, with whom they remained close. Rachel's mother was remarried to another man who was the father of Rachel's half-brother, a seven-month-old infant at the time that Rachel ultimately decided to ask the State's Attorney handling her case to stop his prosecution.

Rachel was in her early twenties when I met her, but her delicate frame and timid way of speaking lent the impression of someone much younger.¹⁰ When asked to explain the circumstances under which she came to report to the police and undergo a forensic examination, Rachel framed the story through her long-term estrangement with her father and his side of the family:

Rachel: Alright. My uncle—he just came home from jail the beginning of this year. This is my first time meeting him. Well, my mom said I met him when I was younger but I don't ever remember meeting him. And my father wanted me to meet him. It's my father's brother. And me and my cousin went to meet him one day. And at first—

Sameena: Where did you go to meet him?

R: At my father's house. At first—we got along, well, we always got along pretty good the couple times that I've seen him. And we had stopped talking because me and my cousin Violet—that's like my best friend—me and my cousin we was supposed to meet him downtown. And he had us standing downtown for an hour and a half in the rain and he never showed up. So, I stopped talking to him. And he used to say little smart stuff to my cousin like, "Violet you fat as I don't know what. You look good. You look just like your mother and somethin' somethin' somethin'." And one day I was sitting down there with him and I was like—he said—"Uncle George I need a job." He said, "Well what kind of job you need." I said, "Any job, a job is a job it doesn't matter." He said, "What kind of stuff can you do." I said, "I can type, I can do office work, waitress, cashier, I can do anything." He said, "Well, do you dance?" I said, "I can dance but I am shy around people so I am not just going to come out and dance." And he was like "Well, you can be a stripper." So I just looked at him and he started laughing so I am sort of like, "Well, he is joking with me," so I started laughing and joking with him. So we went back and I told my cousin about it and she called her mother and her mother was like, "You need to stay away from him because that side of your family is nothing but pedophiles." 'Cause it's a history of that going on my father's side of the family. My Uncle George has a daughter named Lia. Their younger brother [Rachel's father's and George's younger brother] got Lia pregnant. That's his niece. So it's been going on for a while. We have a

couple people that's in that family that's molested—a couple men molested boys, young boys and stuff like that. It's crazy. And, well—

S: Did you know this before or is this something that you found out afterward?

R: I found out that after I met him, but it was before this incident happened. Because I wasn't going to sit there and say, "Oh well, y'all got a history of raping people," 'cause I never heard of my Uncle George doing anything like that. And this my first time actually getting to know that side of the family. I really don't deal with my father like that. He hasn't been in my life but I was trying to give him a chance. And I didn't want to just say, "Oh well, I don't want to be around y'all." I want to get to know them also. I know my mother's side, why not get to know my father's?

Rachel's speech slips between the past and present tense—her relationship with her father's family is not relegated purely to the past. The present tense is inserted here and there, sneaking into her speech, illustrating the persistence of relationships despite the violence that has marred the landscape of relatedness. In Rachel's telling, a few important points emerge very rapidly. First, she came to be acquainted with her Uncle George in her effort to cultivate closeness with her father, with whom she had very few dealings throughout her life. Second, Rachel's relatives told her about a family history of sexual abuse on her father's side. This history of abuse is indicated in the kinship chart rendering Rachel's family (see Figure 10-1): a paternal uncle sexually assaulted both Rachel and her cousin. Third, Rachel further disclosed that her Uncle George had recently been released from prison. As became apparent in my subsequent conversations with Rachel,

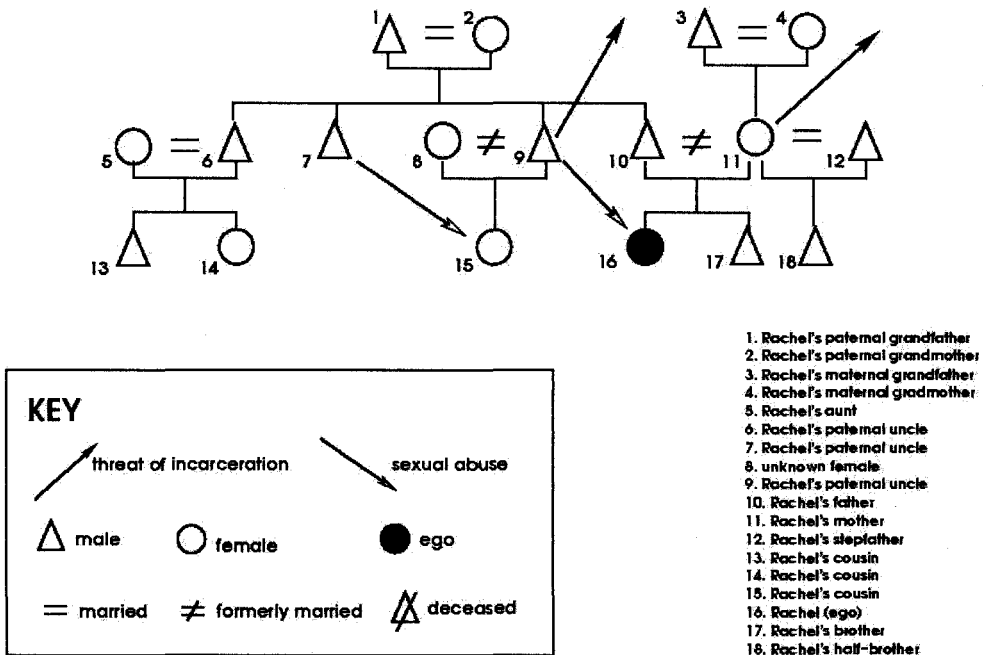


FIGURE 10-1. Rachel's relatives (2004).

his recent prison release and current status under supervision made him vulnerable to immediate incarceration, but he was not the only family member at risk of incarceration, as indicated by a pair of arrows marking the two individuals facing the threat. This factor, above many, came to bear on Rachel's decisions regarding the prosecutorial process: Rachel's mother also had an outstanding warrant for her arrest and re-imprisonment.

The warrant for Rachel's mother had been issued in relation to a supervisory violation connected to an earlier drug-possession conviction. Initially, Rachel had told the State's Attorney that her mother would not testify in the case against Uncle George. When I asked her why her mother would not testify, Rachel told me that she had not even asked her mother, as she knew it was in her mother's and half-brother's interest for her mother to remain out of prison. Rachel's mother, however, later told her she would testify on Rachel's behalf, and that she did not care whether she was taken into custody. Rachel admitted feeling great relief when her mother asserted that she preferred returning to prison to having Rachel pursue the legal case without her support and participation.

As the months passed, Rachel kept in contact with the assistant State's Attorney handling the case against her uncle. She met with the attorney once in person, and received several letters and phone calls from him. At her request, I accompanied Rachel to her meeting with the attorney. I drove her to the courthouse and walked with her to the entrance. As we passed through security, she joked and smiled with the security guards. They pointed us to the elevators that would take us upstairs and as we turned the corner to follow the hallway they had indicated, Rachel began to shake and shiver. She leaned against the wall, her palms flat, and paused to collect herself. "Are you OK?" I asked. "I'm so nervous," she said. On this, her first visit to the State's Attorney's Office, Rachel thought her heart would jump out of her chest. She made me promise not to leave her alone with the attorney and proceeded upstairs only after I had promised. Throughout the meeting, she seemed calm, though she spoke as she always did, quietly and succinctly: "No, sir. Yes, sir." As the meeting drew to a close and Rachel realized that the State's Attorney simply wanted to update her on the progress the case was making, she relaxed subtly, losing the tense bearing of her shoulders. Only when we walked outside did she smile and, rubbing her shoulders, breathe a sigh of relief.

"I am so glad that is over!" she exclaimed. And then the following, as I wrote in my field notes:

Rachel smiled big when we walked out of the courthouse. Her stride seemed to get longer, easier, and then, something snapped shut, tightened. She had been so tall and upright. She is so often slumped down, defeated, that I often forget she is taller than me. In an instant, she was slumped down again. The smile vanished and her face was still, her head at a tilt. "I remember something, Ms. Sameena. God, I remember." I asked her what she remembered. She told me she had been there before, the courthouse. She had come many years before for the custody stuff. "When they took us away from Mom, me and [my brother]. That was the last time we came here." She says she thinks that is why she shook and got nervous. "I don't like it in there."

Rachel linked the courthouse with her earlier experience in the foster-care system, associating it with the moment in which, as children, the court removed her from the custody of her mother and declared her a ward of the State.

Almost two months later, Rachel phoned me to see if we could meet and talk. We sat next to a lake in a nearby suburb where she had moved. She was working at the local fast food restaurant and had recently opened a bank account. The audio recording of our chat that afternoon is filled with the sound of wind and Rachel's frequent pauses to remark on the beauty of the day, the locale, and her perception of distance from Baltimore, though we were only an hour outside the city. As soon as we sat down on the dock, Rachel told me she had called the State's Attorney the day before and told him she could not move forward with the case. "Are you disappointed?" she asked me. I assured her I was not disappointed and asked her to tell me what had brought her to the moment. Rachel replied:

Well, I talked to my dad and he was so sad about the whole thing and really wanted me to forgive my uncle. And things out here have just been going so well. I really love working and I love my job. I just want to live. I am saving a little money and it is so pretty out here. And my uncle just got out of prison, so this would mean breaking parole.

Rachel's withdrawal from the case guaranteed that her recently reunited family could continue to reconcile for the time being. Discontinuing the legal case also spared her mother and her best friend from having to testify. Though both had been willing to do so, testifying would certainly have meant imprisonment for her mother, who had an outstanding arrest warrant against her. Her mother was currently the sole caretaker of Rachel's infant half-brother, only seven months old, and Rachel had often spoken fiercely of her love for her half-brother and mother. Having lived for several weeks with the knowledge of her mother's willingness to face returning to prison while foregoing caring for the baby, Rachel had measured her mother's loyalty toward her. Having the assurance of her mother's support, Rachel magnanimously freed her mother from the added possibility of returning to prison. At the same time, Rachel's reprieve indulged her father's request and halted legal action against her uncle. After the suspension of the trial preparation, Rachel's family stood in debt to her. This debt served, at the moment, as the guarantee of Rachel's future in her family. The decision to cease the prosecution was also a sign of Rachel's complicated love for her father, her mother, and her baby half-brother.

Jake: The Reach of the Law

While Rachel's circumstances raise questions about her relationships with current kin, the reach of the law may extend not only into one's present family, but also into the lives of those with whom one once shared a bond of kinship and, in this case, with those who now share a household and a bond of kinship with one's former kin. In short, love, violence, and law sustain relatedness, even when formally recognized kinship ties cease to exist. In this case, I draw attention to the connections that endure between Jake, his siblings, and his abusive former stepfather. As with the previous case, my emphasis here is on

Jake's nonmarital relationships. Accordingly, the narrative that unfolds is not one of ruptures in kin relations, but rather about the quality and character of sustained relatedness between parents, (former) stepparents, and siblings.

Jake is the second oldest of four siblings. He is the only boy born to his mother and has three sisters. At the time that I met him, Jake's former stepfather had been tried and convicted for perpetrating sex offenses against Jake and two of his sisters. It is interesting to note that though the abuser in question was no longer married to Jake's mother, Jake never referred to him as a former or past stepfather but consistently called him "my stepfather" in the present tense. The abuse had begun twenty-one years in the past, and Jake's mother had since divorced the abuser. As Jake recalled, "Well, it started when I was nine. It started when I was nine years old, and my mother met this guy. About six to eight months after she met him, he moved in. And right away, things started happening with me."

Jake's mother, a widow, introduced her partner into her household and, subsequently, into her formal kinship network by marrying him. Jake's father, also the father of his three sisters, passed away in a drunk driving accident at the age of thirty. Jake frequently spoke of his own alcohol and drug abuse problems—this theme was the only way he reflected on his genealogical connection with his father in our conversations. He often stated how he, Jake, had lived beyond his expected age of death, as he was a few months beyond his thirtieth birthday when I met him:

My real father died in a car accident when I was real little. I didn't really know him much, but I was so sure I was just like him. And it looked like things were going that way. . . .

I mean drinking, DUIs,¹¹ drugs. I was so sure I would die the same as him at thirty, then my birthday came and I didn't know what to do with myself. Sometimes I still think "Wow, I am here," but then I think it was just expecting to go at thirty that kept me going past thirty, and that's OK, too. But I had to clean up my act big-time.

In the absence of Jake's father, Jake's mother was free to partner and remarry, thus granting the stepfather access to her co-inhabitants. In marrying Jake's mother, the stepfather also came to be in charge of Jake and his sisters and they frequently found themselves alone with him both in and out of the home. Though Jake's stepfather started abusing the children very shortly after his introduction into the household, the siblings did not come forward with any legal allegations for some time. The abuse was frequent, with incidents occurring daily. As time passed, Jake characterized the abuse as more physical, aggressive, and frequent.

At the age of eleven, Jake told me, he decided he could no longer tolerate the abuse and ran away from home. He stayed away from his family, living in Florida and then Georgia, until he was eighteen years old, at which point he returned to Maryland. When I asked Jake why he and his sisters waited before coming forward, he responded as follows:

I had figured out that what was going on was wrong. Like I said, I was under the impression that he would kill my mom. So I never said anything about it. My mother knew what was going on. She didn't know what was going on, she knew there was something really wrong, but she didn't—she couldn't put her finger on it, and I guess she didn't want to,

you know, know what was really going on. We were close, but when it came to things like that, on one or two occasions she told me, “If there’s anything that was wrong, would you tell me?” And I said, “Yeah.” You know, I was bald-faced lying to her. But I never told her.

Jake’s mother and the other adults in his life did not discover his stepfather’s routine abuse of Jake and two of his sisters. Even as their adult family members and extended care network failed them, Jake describes his and his sisters’ silence as a choice made to protect their mother:

Jake: Like I said, around eleven, I had come to the conclusion that this was wrong, and it was affecting—it was affecting me as far as everything in my family that was going wrong. And it was affecting me at school, where my grades started dropping off where I was an A student.

Sameena: Did anyone at school pick up that something was going on?

J: They were asking me questions about what I was doing, asking me if I was experimenting with drugs. They asked me every question but the right one. Of course, I denied everything, this and that. They just chalked it up to me being hyperactive.

Like his mother, Jake’s teachers knew that something was wrong, but they were unable to assay the nature of what Jake was suffering, nor was he able to tell them, as he and his sisters feared for their mother’s safety. As Jake explained, they knew of their stepfather’s ability to harm them and thus had no reason to believe that he would not follow through on his threats against their mother. Jake described his daily sense of vulnerability:

J: My mom worked two jobs. We were—my sisters and I were by ourselves a lot.

S: Your sisters knew what was happening, too.

J: They knew what was going on. And they were a part of it at the time, as I said. It was just something that remained unspoken.

S: What did your stepfather tell you? He told you he was going to kill your mother?

J: He did. He blatantly told [my sister] that this would kill your mother if she found out, and if it didn’t, I will. So we never said anything.

Jake also reported that his stepfather would frequently take the siblings out and allow other men to engage in sexual acts with them, widening the circle of adults in their world who perpetrated violence against them. When I asked Jake why, after twenty years of silence, he and his sisters came forward, he explained that he and his sisters had come to know, through friends and acquaintances, that his stepfather, having divorced his mother, had remarried. The new wife had small children, and Jake, now a father himself, felt compelled to take action to protect them. Jake explained simply, “I don’t want him to do to other kids what he’d done to me. I didn’t want him to take away from other kids what he’d taken away from me. [Pause.] That’s it. I didn’t want him to take the childhood from another kid.” According to Jake, he was the first among his siblings to propose they come forward, and his sisters agreed with little convincing. The first person they told was their mother. Though she was no longer in contact with her ex-husband, Jake describes her as being quite hurt by the disclosure. Jake’s mother was also instrumental in helping her children notify the police. She contacted a friend who was a former police detective. The

detective notified members of the sex offense investigation unit, and two plainclothes detectives came to take Jake and his sisters' complaints. The three were interviewed separately and at length. Within days, law enforcement confronted Jake's stepfather in his workplace. He confessed to sexually abusing Jake and his sisters and was arrested. Though he entered a not guilty plea on the advice of his legal counsel, Jake's stepfather was found guilty at trial and sentenced to ten years in prison.

Having divorced Jake's mother some years past, and having never had any biological children with her, Jake's stepfather was not kin to Jake either by code nor by substance. Yet Jake, through the nexus of the law, was able to expel his stepfather from his new household (though not necessarily sever his kinship ties with his new wife), even as his stepfather had once expelled him from his own home since Jake felt compelled to run away as a child to avoid being abused. In the section that follows, I will show how it is that violence and law sustain Jake's relatedness to his former stepfather, even when they have no formal kinship ties in a conventional framework. I will also discuss how the violence shaped Jake's relationship with his sisters and his mother.

Mothers and Siblings: Care and Intimacy

In Jake's retelling of the history of abuse, the violence he and his sisters suffer at the hands of their stepfather comes to bear on the intimacy between the siblings. It also determines their relationship with their mother, demanding that they maintain the secrecy of the abuse they are suffering and that she remains outside this circle of secrecy. As Jake told me, the siblings were often witness to one another's suffering, and the secrecy was an agreement they shared in their joint effort to care for and protect their mother, whose life their stepfather frequently threatened. Jake and his sisters saw themselves as bearing the violence of their stepfather's abuses in order to offer a barricade separating their mother from his violence. The siblings came to consensus as to when to maintain the silence, and also chose to come forward together and break this silence when they learned of the potential threat to their stepfather's new stepchildren. In addition to sharing a circle of secrecy in order to protect their mother, the siblings also guarded one another's secrets. One of Jake's sisters kept his plans to run away a secret, as well as his motivations for running away. In this way, the siblings protected their mother and one another. Thus, they cultivated an intimacy entangled with daily mutual sustenance of a fragile secrecy.

I characterize the secrecy as fragile for two particular reasons. First, as I write above, Jake described the abuse as an almost daily occurrence for all three siblings. Thus, the abuse was not a discrete event that took place only once and from which the siblings could agree to move forward. Rather, the abuses occurred over a long period of time (two years for Jake, and longer for his sisters), and they managed to keep this a secret from their mother for almost two decades. Second, they were not left alone to nurture their secret. Rather, their mother was aware that her children were unwell and asked them to share the source of their unhappiness. They actively resisted her inquiries and sustained the secrecy despite her frequent inquiries. Jake also withheld this information from his

teachers, who similarly had a sense that he was unwell, but attributed his declining performance in school to other factors.

In our conversations, Jake spoke of his mother as someone with whom he was very close. He called her his “best friend” and his “closest relative,” and lauds her support of him and his sisters when they disclosed the violence that had been taking place in their household at the hands of their stepfather. When speaking about his mother, Jake frequently mentioned her expressions of guilt and responsibility for the suffering her ex-husband imposed on her children:

S: It sounds like she’s also been involved in this process for you and your sisters.

J: Yeah.

S: Did she have to testify at all?

J: No. She still harbors a lot of guilt.

S: How do you feel about that?

J: There’s nothing that she can do about it. I tell her to let it go. I tell her to look at how it turned out, how my sisters have turned out; we’ve gotten through this.

Though Jake and his sisters were able to maintain the secret of their stepfather’s abuse over a long period of years, the potency of this poisonous knowledge has not diminished. While Jake drew his mother’s attention to his and his sisters’ ability to persevere and endure, even referring to himself as “lucky” on several occasions, he felt his mother was plagued by guilt. In comforting his mother by communicating to her that she was not responsible for his victimization, Jake was once again expressing care for his mother by attempting to shield (or absolve) her from the emotional effects of the brutality he had suffered.

Violence, Law, and Qualities of Affiliation

In the previous section, I described the ways in which Jake’s characterization of the intimacy he shared with his sisters and his mother was inflected by the violence of his childhood. This, however, is not evidence on its own of the means by which sexual violence constitutes the relatedness between family members. To some degree, one might argue that guilt and the withholding of knowledge result in alienation and not affiliation, as estrangement rather than closeness. Rather than seeking to determine whether the sexual violence was alienating or binding, I contend that it was at once alienating and binding; it dictated the quality of the shared intimacy between Jake and his sisters. This intimacy was marked by Jake and his sisters’ shared fears and concern for their mother, and their agreement to take a course of action that would necessitate bearing the brunt of the consequences of the sexual violence and shielding their mother from both violence and the knowledge of violence.¹²

I would now like to turn to Jake’s relationship with his stepfather—the man who abused him and his siblings and who was married to his mother for about ten years. As I mentioned above, whenever Jake spoke of his stepfather, he mobilized the appellation

“stepfather” as a present state of relations, despite the fact that his mother had divorced her partner almost a decade in the past. The mere fact that Jake continued to refer to his former stepfather as his stepfather does not, on its own, signify the uninterrupted nature of his relatedness to the man. In this instance, I want to argue that it is Jake’s stepfather’s act of violence against his stepchildren, and the legal statutes surrounding this violence, that maintain the state of relatedness such that Jake and his siblings may testify, thereby forcing their former stepfather out of his household and away from his new wife and her children.

The enduring nature of Jake’s relationship with his stepfather and family can be understood as belonging to two distinct moments and periods of time. The first era stretches from 1983 to 1998 (see Figure 10-2). This is the period during which Jake’s mother was married to his stepfather. Her first husband’s death was occasion for introducing a new male figure into the kinship network as her marital partner. While we may think of kin relations and household composition as stable over this period, they are in fact characterized by mobility and flux, as Jake himself was absent from the household between 1983 and 1991 when he ran away to escape his stepfather’s violence.

The second period in which to consider the state of Jake’s family relations begins in 2004 (see Figure 10-3), when Jake first spoke with me and shared his life story. It seems that Jake, his siblings, and his mother are in no way formally connected to his stepfather either through a legally recognized bond, such as a tie of marriage, as this has been dissolved. Jake’s stepfather remarried and is now legally bonded to his new wife and her children. Jake’s stepfather and his mother never had any (biological) children of their own. Hence there is no bond of blood between Jake and his stepfather. Despite the lack of

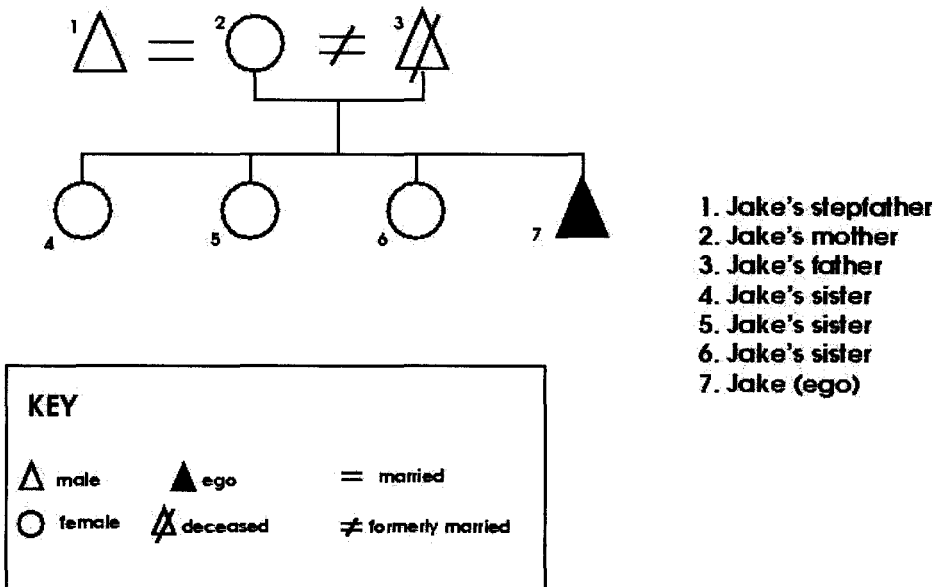
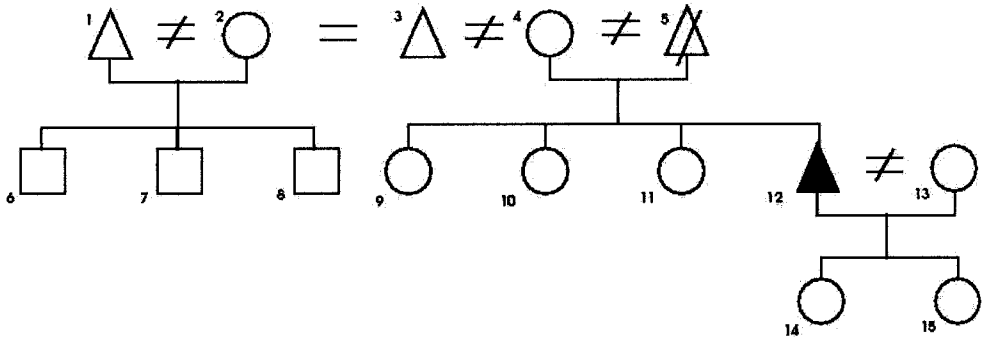


FIGURE 10-2. Jake's relatives (1983-94).



KEY					
△	male	▲	ego	=	married
○	female	⊘	deceased	≠	formerly married
□	gender unknown				

- 1. unknown male
- 2. Jake's ex-stepfather's wife
- 3. Jake's ex-stepfather
- 4. Jake's mother
- 5. Jake's father
- 6. unknown
- 7. unknown
- 8. unknown
- 9. Jake's sister
- 10. Jake's sister
- 11. Jake's sister
- 12. Jake (ego)
- 13. Jake's ex-wife
- 14. Jake's daughter
- 15. Jake's daughter

FIGURE 10-3. Jake's relatives (2004).

affinal and consanguineal ties between Jake's family and his stepfather's family, Jake and his siblings possess the ability to effect the removal of their stepfather from his household through their testimony and his subsequent conviction and sentencing. Thus, there is still a connection of relatedness as all of the actors considered here—Jake, his siblings, his mother and stepfather—continue to heavily mark one another's everyday lives. If there is no bond of blood or marriage between the two households, what then constitutes the relatedness that is sustained here?

Remaining Related, Redefining Relatedness

The legal negotiations present in Rachel's and Jake's cases show two very different affects of the law in constituting kin relations, and the considerations that the two make reveal the ways in which violence, its anticipation, and its aftermath, were imbricated into their daily lives. What is most remarkable about Jake's case is how the law itself creates an enduring link between Jake, his siblings, and his former stepfather, even when his stepfather is no longer married to Jake's mother. In this case, the violence of Jake's former stepfather over his then-stepchildren lays open the potential to be disciplined by the law. Indeed, in Maryland at the time there was no statute of limitations on filing of criminal charges for sexual abuse of minors guarantees, meaning that Jake and his siblings could have continued to hold their stepfather accountable for his violent acts well into the future. While these laws apply to any adult who commits sexual abuse against any children, it was their mother's marriage that brought the stepfather into Jake's life in the first place, and her trust in him to parent her children as his stepchildren that contributed to the possibility

for violence to occur in Jake's household. What's more, sexual abuse more often than not involves adults who are related to or have custodial access to children, or adults who are intimately acquainted with the child in some other way (Kilpatrick et al. 2003).

The lack of a statute of limitations allowed Jake and his siblings time to reevaluate whether to come forward, and they did so only when they heard of their former stepfather's remarriage and newly formed stepfamily. After living with a manufactured silence sustained over the course of years, they opened themselves, their mother, and their stepfather to legal scrutiny with the motivation to prevent the abuse of their stepfather's current stepchildren. While they may have had other undisclosed reasons for coming forward, their willingness to testify is in part a caring and protective gesture toward these children. In some ways, one might say that it is a gesture of siblingship, in which Jake and his sisters renegotiated their existing pact, that of silence, in order to include their former stepfather's new children. Those children were not required to come forward while Jake and his sisters made their stepfather's abuses known to the law. If the stepchildren had secrets of their own, their own circle of secrecy could remain quietly sealed. The gesture of coming forward may also be a parental one, for as adults they were able to do for these children what no one was able to do for them. Jake never suggested this himself, although he frequently spoke of his own daughters and his duties toward them. Whether the relationship between Jake and his former stepfather's stepchildren was one of siblingship, parenthood, or simply the magnanimous gift of strangers, it was the relationship with his stepfather as a stepfather that was preserved through the law over time. The potential of the law to be enforced in no way diminished over the twenty years that Jake and his sisters kept silent.

Rachel's case differed much from Jake's in that the relationships at stake were not simply between her and the uncle she accused. Rather, successful prosecution would expose her mother to incarceration, deny her infant half-brother access to his maternal caregiver, and estrange Rachel from her father's side of the family. While her uncle would potentially return to prison as a result of a supervisory violation if found responsible for sexually assaulting Rachel, Rachel's mother would also face arrest as there was an outstanding warrant that would be served if she were to come forward and testify on Rachel's behalf. Upon hearing of her mother's willingness to testify, and facing her father's plea to allow the family to make up for his brother's wrongs against her without involving the law, Rachel ultimately chose to ask the State's Attorney to drop the charges against her uncle. In doing so, Rachel contributed to keeping her mother free for a while longer, and keeping her infant half-brother out of foster care. The violence of being separated as a family had been part of Rachel's history, as well as her brother's, and she seemed determined to shelter her half-brother from the same fate. Like other vulnerable children, Rachel and Jake "have bargaining power in families" and "manage to secure adult attention and care despite disruptions in relationship, changes in the composition of household units, and high mobility among family members" (Reynolds 2000: 167). They expelled or reintegrated violent elements within their kinship networks—for Jake through the incarceration of his former stepfather, and for Rachel through the threat of incarceration of her uncle. As a victim of violence, Rachel was not alone among her kin: another of her father's

brothers had also victimized her cousin, and the knowledge of such abuses was shared among various members of the kinship network. The efficacy of Rachel's deliberations, her threat of and ultimate withdrawal from prosecution, rests on the permeation of the knowledge of sexual violence and its consequences across the kinship network.

Another way to interpret Jake and Rachel's processes of deliberation and intervention is to consider the stakes of denying paternal rights. In Jake's case, he denies his stepfather paternal status by holding him accountable for violating his former paternal contract. In Rachel's case, she deliberates over whether to hold her uncle accountable for his harms against her, but relents not only in hopes of protecting her mother, but also at her father's plea. Not wishing to discontinue the process of "getting to know that side of the family" (i.e., her father's side), her withdrawal from the prosecutorial process granted her father and his immediate family another chance. Thus, Jake and Rachel's cases point toward disparate solutions in reconstituting their families within the political realm—if there have been paternal transgressions of sexual violence here, then the social and sexual contracts governing these relations have been unbalanced. Das's account of the relationship between the social and sexual contract states, "By grounding the power of the father in the consent of the family, Hobbes is able to draw a distinction between fatherly and sovereign authority as two distinct but artificial spheres" (2006: 104). She continues, "Unlike the consent to be ruled by the father, which protects the family against him, such that political society stops at the doorstep of the family, the consent to the social contract protects individuals from each other by vesting power in the sovereign." The violence of the "father" may not be in violation of the sexual contract, but in its excessive form, it reveals the father's drift away from the social contract. The family members then have recourse to invite the State, through the mechanism of the law, to set right both the social and sexual contracts such that the father's violence is contained. A turn away from the father is also a turn toward other relations—toward mother, sisters, and brother. It is the force of law as an affect in the face of violence that allows love to flourish and create new conditions of intimacy and care by which Rachel and Jake may forge on, securing a future, if only an immediate future, for themselves and their relatives.