



## Journal of International Women's Studies

Volume 6  
Issue 2 *Volumes*

Article 14

Jun-2005

# Book Review: Domestic Violence and the Politics of Privacy

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### Recommended Citation

Enck-Wanzer, Suzanne (2005). Book Review: Domestic Violence and the Politics of Privacy. *Journal of International Women's Studies*, 6(2), 166-170.

Available at: <http://vc.bridgew.edu/jiws/vol6/iss2/14>

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*Domestic Violence and the Politics of Privacy*. Kristin A. Kelly. 2003. Ithaca: Cornell University Press. 209 pp. Includes endnotes and bibliography. \$17.95 (paperback).

Reviewed by Suzanne Enck-Wanzer<sup>5</sup>

As a committed activist/academic, I frequently encounter individuals firmly rooted on one side or the other of the activism/academia divide. On one side, a disavowal of anything “theoretical” emerging from the “ivory tower”; an indictment that most academics are too far removed from the problems of “average” people. On the other side, a denial that what happens on “the ground” *is* theoretical and ought to inform the ways in which academics build a corpus of knowledge. However, at the domestic violence shelter where I volunteer, theoretical questions guide many of our conversations: How does our public culture understand gendered violence? How can we increase community responsibility and responsiveness? How can we move from a framework of reaction to one of prevention? How might we improve the relationships between local law enforcement and social service coordinators? How can we empower individual victims to view themselves as part of a broader movement for social justice?

In *Domestic Violence and the Politics of Privacy*, Kristin A. Kelly offers a strong attempt to address many of these questions as she demonstrates both that academic writing can be a form of activism (and inform other activism) and that those working in the social service sector can (and ought to) contribute to broader theoretical discussions. A professor of political science at the University of Connecticut, Kelly intelligently and eloquently combines her study of American political theory and praxis with ethnographic insight into the multitude of intersecting barriers facing victims of domestic violence. Directly engaging the gendered constructions and limitations of spatial divides (public versus private), Kelly challenges traditional divisions between the state and the individual by insisting that we reintroduce the *community* into our dialogues.

Divided into seven chapters, this book evolves from rather abstract comparisons of John Locke with John Stuart Mill, to a consideration of how we might productively enliven community responsiveness to systemic acts of domestic violence. While this book touches on a number of social issues and theoretical concerns relevant to this journal's readers, three broad thematics drive this text: 1) interrogation of traditional notions of public and private space; 2) challenges to the legal sphere's capacity for addressing women's concerns; and 3) suggestions for a more robust model relating state and individual concerns.

### **Interrogating the Public and Private**

The first three chapters of Kelly's book offer a methodical deconstruction of how the independent models of the public/private boundaries outlined initially by Locke and Mill coalesce to guide contemporary tensions between individuals, families, and the state. Using Lockean frameworks of liberalism as the touchstone throughout this book, Kelly examines the relationship between a model that envisions sharp distinctions between nonpolitical domestic relations (i.e., the family) and the economic/political concerns of the state. Understood as a generally peaceful domain, Locke viewed the primary function

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of the family as cultivation of reason in children (thus creating sovereign individuals). Competing with Locke's division between domestic and political, Kelly turns to Mill's conception of public/private, which is premised upon a separation between the state and the individual. Emphasizing personal liberties, Mill's distinction is widely embraced within the American social imagination and enforced through a variety of legal mechanisms designed to protect individuals from undue state intervention.

What complicates contemporary cases of family violence, according to Kelly, is the way that we have structured our culture around these two models of liberalism: from Locke, we believe that the family is nonpolitical and thus, no concern of the state; and from Mill, we hold sacred the sanctity of private relations (conflating here the individual with the family), personal liberty, and protection from state interference. Thus, it is the tension between these two models upon which domestic violence is precariously balanced. As Kelly argues, "Battering within the home presents a profound challenge to both models because of their shared reliance on the private realm as a space that is relatively free of state presence" (6). With her lucid characterization of the roots of American liberalism in place, Kelly moves on to give an overview of feminist critiques of how the public/private split in America places women at a cultural disadvantage.

This state of disequilibrium is perpetuated by what Kelly identifies as the "ideological nature of the public/private split" (35). Drawing definitions of *ideology* from Zillah Eisenstein and Carole Pateman, Kelly identifies ideology as a set of ideas and expectations that *mystify reality*. If we can understand the harms extended from the public/private split as being based in an ideological system (the public/private dichotomy itself) which artificially constructs women as inferior, Kelly suggests that we might better encompass the experiences of women by lifting the veil of such ideology. While Kelly's accompanying analysis is compelling, her characterization of ideology misses its systemic nature for structuring human interaction. Notably, in the remainder of this book, Kelly references a variety of other ideological structures (e.g., civil society, legal system, and educational system) without either acknowledging their ideological status or insisting that *reality* is somehow mystified through the ideological underpinnings of such structures. Ultimately, Kelly's argument that our frameworks for understanding the world are constituted through social constructs (e.g., discourse, theoretical frameworks, and social attitudes) could have been made without this brief detour into the character and function of ideology. In fact, given the next move of the book (critiquing the US legal system), such a discussion could be enriched by more attentiveness to critical legal theorists who articulate connections between the law and its ideological underpinnings.

### **The Legal Regulation of Women**

Chapter Four begins with an historical overview of various legal doctrines governing notions of the family as a space of conflict and domestic violence as a crime. Citing various Feminist Jurisprudence scholars, Kelly reminds us that "the primary institutional mechanism for both limiting and exerting government authority over citizens, the law has become a symbolic marker in the United States of which topics and events should be treated as public and which should be respected as private" (60). Delineating between various historical precedents, Kelly observes a difference between policies mandating that men do not have the right to abuse their wives and those that demand government intervention to stop violence in the home. Along with "victim

rights” perspectives emerging in the 1970s and more recent civil remedies (e.g., restraining orders), activists in the “battered women’s movement” have sought to recognize the family as being comprised of multiple sovereign individuals (individuals who have the capacity to harm one another). Although Kelly recognizes that this move to recognize individuals is an important challenge to Mill’s legacy of conflating the family with the individual (in defense against the punitive powers of the state), Kelly argues that this emphasis on individuality and rights contributes “to an atmosphere where it becomes extremely difficult to foster a sense that battering is a widespread phenomenon in American family life and that the solution requires development of a collective response” (74).

It is in response to this relegation to private accountability that Kelly offers a challenge to make domestic violence an issue of public concern. Here, she proposes an expanded definition of *public* that takes into account not only the relatively successful *publicity* of domestic violence as a social problem deserving of reproach, but also less successful efforts to envision familial abuse as belonging in the realm of *public responsibility*. Kelly views this dual demand of the public as a challenge to Locke’s fetishization of familial unity by a Mill-inspired attentiveness to the “harm principle” which articulates particular circumstances for state impositions upon personal liberties (most notably, when one individual interferes with the sovereignty of another).

### **A Turn to Community Interventions**

In Chapter Five, Kelly draws from ethnographic research to lend credence to an augmented model of civic engagements. Having interviewed forty-five people involved in addressing the problem of domestic violence (ranging from legal advocates and shelter workers to prosecutors and police officers), Kelly extends many of her previous arguments and concludes that while important, the law is limited in its ability to breach effectively the deeply entrenched divisions between public and private spaces. Most significantly, it is in this chapter that Kelly argues that current legal approaches, while important for naming the problem and redressing specific cases of abuse, are of little use in *preventing* domestic violence. While legal personnel in many cases do fall short in fully and consistently applying laws, Kelly argues, “a legally based approach tends to leave cultural supports that facilitate domestic violence largely untouched” (100). As such, Kelly turns to community involvement as a foundation for fostering a culture that would thwart attitudes authorizing domestic violence. By creating community coalitions and coordinating social service networks with legal personnel, Kelly suggests an ameliorated framework for understanding, preventing, and responding to violence between intimates.

Building upon interviewees’ desires to increase public awareness of and responsibility for domestic violence, Chapter Six introduces what Kelly names the “Triangle of Political Space.” With this model, Kelly envisions a series of boundaries between the public and private that take into account not only the tensions of the (private) family and (public) state, but what she argues is the *jointly* public and private *community*. Drawing from literatures debating the merits of an American “civil society” (e.g., Adam Seligman’s *The Idea of Civil Society* and Thomas Janoski’s *Citizenship and Civil Society*), Kelly articulates the community relationship as serving as bridge between the “public sphere of the state and the private sphere of the family” (118).

Kelly's introduction of the community into the traditional public/private binary serves as a marker of the ambiguities plaguing clean divisions between the public and private. By decentering both the *state* and the *victim* in cases of domestic violence, Kelly argues that we reap the advantage of expanding "the meaning of public interventions to include actions that do not directly subject private individuals to state sanctions, thereby creating space for a somewhat less vigilant stance on the public/private boundary" (120). Increasing the potential of democratic processes, Kelly insists that this model enhances education and a stimulation of civic participation that will result from a "commitment to, and immersion in, the democratic process" (133). In a socio-political climate guided largely by Robert Putnam's warnings in *Bowling Alone*, Kelly argues that reinvigorating the democratic spirit of participation will create a system wherein all individuals feel affected by and responsible for gendered violence.

### **Concerns about *Domestic Violence and the Politics of Privacy***

Overall, Kelly demonstrates a keen awareness of the concerns facing victims of intimate abuse and the constraints encountered by those working through social service and legal venues alike. Kelly's turn to the "Triangle of Political Space" is an innovative move and the spirit of her model is one I embrace; however, this framework runs the ironic risk of (re)naturalizing the family as a private space--one that is mediated by this bridge of the community, but still one that can become insulated when community involvement is not as robust as we might desire. After spending much energy debunking the notion that the family *is* a private space beyond the scope of state intervention, it seems odd that the move to challenge this construction would rely upon continued expectations of familial privacy as the accepted state of affairs. Additionally, Kelly argues that one benefit of the triangle model is that it avoids the risks associated with directly addressing widespread gendered and economic inequalities. Based on her interviews, Kelly concludes that most appeals to the community to better understand domestic violence run the risk of "turning off" the public due to uncomfortable calls for the public to acknowledge their complicity in such inequities. By downplaying the structural disparities that perpetuate domestic violence in lieu of emphasizing how such abuses have the potential to harm the greater community, Kelly argues, we can benefit from the increased participation of *average* people rather than the alienation of those who might presumably prefer the status quo. While the fear addressed here is understandable, this trade-off may be difficult for many feminist activists to accept.

Efforts that stand to gain legitimacy from this model are so-called "faith-based initiatives." Although lauded by Kelly for balancing the state with the family, such programs might suggest reason for pause among feminist activists/scholars. Although not inherently corrupt, in the current political climate especially, the relationship between the state and such initiatives might overextend the arm of theocratic policies to the detriment of secular programs. For example, if the state as a primary source of funding supports only one particular form of "faith" (e.g., mainstream Christianity), we must ask what effect this will have on the relationship between *community* and *family*. In cases of domestic violence, where forced conditions of pregnancy/childbearing are a common tool of domination and entrapment, any initiative that seeks to restrict women from controlling their reproductive capacities might further inhibit victims from leaving abusive partners.

### **Teaching *Domestic Violence and the Politics of Privacy***

This book has great potential across an array of disciplinary graduate courses. In a Gender Studies/Women's Studies course, Kelly offers an important historical analysis of under-reported intimate abuses and women's efforts to break out of stagnant domestic role. Theoretically, she problematizes the public/private divide in a way that speaks to ongoing debates among various brands of feminisms, testing liberal feminist ideals against the lived experiences of marginalized women generally and victims of abuse specifically. Rather than rejecting outright any one vantage, Kelly attempts to bring together a range of competing feminist challenges of the status quo.

In a *Political Science, Political Theory, or Legal Theory* course, Kelly's theoretically dense considerations of Lockean models of liberalism in connection with critiques of the US legal system would demonstrate an excellent blend of theory and practice. Forging the speculative space of theory with concrete social ills, Kelly weaves together a compelling argument for understanding material problems as they emerge from competing notions of abstract principles. One word of caution is needed, however; with combinations of multiple taxonomies (e.g., models of liberalism, various feminist critiques, and legal theories), readers may find themselves re-reading passages and seeking out section headings to remind themselves of the overarching arguments. While her Triangle model could be drawn directly out of the identified constraints of legalistic models (without the injection of US liberal foundations), for courses engaged directly with US liberalism, the theoretical intersections prove stimulating.

Finally, this book would provide a strong exemplar for students of Rhetorical Theory and Critical/Cultural Theory as it unwittingly demonstrates the rhetorical constructions of "reality" and ideological underpinnings of "neutral" interpretive frameworks. Although Kelly struggles against this impulse at times (e.g., her discussion of ideology), her identification of domestic violence as a *crime*, a *communal problem*, and/or *public issue*, speak directly to the concerns of critics seeking analyses of constitutive rhetorics. Furthermore, Kelly's attentiveness to pragmatic interventions of civic actors provides a model for building continued theoretical insights into the nature and potential of social resistance and change.

In just 164 pages of actual text, Kristin Kelly provides a well-researched and insightful contribution to ongoing struggles for nonviolence. The additional forty pages of end-notes and bibliographic information provide a helpful addendum to readers wishing to follow-up on Kelly's arguments and analysis. Her book will stand the test of time as activists and academics alike continue in their efforts to imagine a more robustly democratic and peaceful community.