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Gender Neutrality and the “Violence Against Women” Frame

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Gender Neutrality and the “Violence Against Women” Frame

Julie Goldscheid*

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The CONVERGE! conference took place at a moment of opportunity and challenge for advocacy to end gender violence.¹ At the same time that law, policies, and programs to address gender violence globally have expanded, the critiques that many at this conference have raised surface the limitations of generations of reform. Intimate partner and sexual

* Professor of Law, CUNY School of Law. This essay has been adapted from an article titled, Julie Goldscheid, *Gender Neutrality, the ‘Violence against Women’ Frame, and Transformative Reform*, originally published at 82 UMKC L. REV. 623 (2014) [hereinafter Goldscheid, *Gender Neutrality*]. Published with permission from UMKC L. REV. Professor Goldscheid participated on the following panel, however, her remarks have been redacted: Andrea Ritchie et al., *Plenary 2—Redefining Gender Violence*, 5 U. MIAMI RACE & SOC. JUST. L. REV. 289 (2015).

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¹ This essay uses the terms gender violence, intimate partner violence, domestic violence, and sexual violence to refer generally to the range of violent acts that are committed primarily by men against women, including physical and coercive violence between intimate partners, sexual assault, and stalking.

violence continue to be committed at alarming rates,² and gender-based stereotypes still infuse legal doctrine, system responses, and public discourse.³ Historically, the movement to end intimate partner and sexual violence's transformative power lay, in large part, in its roots in political anti-oppression organizing.⁴ Nevertheless, today's service delivery networks suffer critiques as mainstreamed, bureaucratized arms of the state.⁵ The dominant policy emphasis on criminal justice interventions has alienated communities, particularly along lines of race, immigration

² For example, a recent survey found that on average, twenty-four people per minute are victims of rape, physical violence, or stalking by an intimate partner in the United States. *Violence Prevention*, CENTERS FOR DISEASE CONTROL AND PREVENTION, available at www.cdc.gov/violenceprevention/nisvs/ (last visited Jan. 20, 2014). See also, e.g., Michele C. Black et al., *Nat'l Ctr. for Disease Control, Intimate Partner and Sexual Violence Survey* (2011), available at <http://www.cdc.gov/violenceprevention/nisvs/> (finding, *inter alia*, that nearly one in four women and one in seven men have experienced severe physical violence by a current or former partner and that one in five women and one in seventy-one men have been raped at some point in their lives). These statistics are likely to undercount the prevalence of both intimate partner and sexual violence as these crimes are often the most underreported. See CALLIE M. RENNISON, U.S. DEP'T JUSTICE, RAPE AND SEXUAL ASSAULT: REPORTING TO POLICE AND MEDICAL ATTENTION, 1992-2000 2 (2002), available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/rsarp00.pdf>.

³ See, e.g., MARTIN D. SCHWARTZ, POLICE INVESTIGATION OF RAPE—ROADBLOCKS AND SOLUTIONS 53-54 (2010) (finding, *inter alia*, that despite many years of training, many police officers maintain stereotypic attitudes towards complainants in rape cases); U.S. DEP'T OF JUSTICE, CIVIL RIGHTS DIVISION, INVESTIGATION OF THE NEW ORLEANS POLICE DEPARTMENT 46-48 (Mar. 16, 2011), available at www.justice.gov/crt/about/spl/nopd.php (detailing stereotyped responses to intimate partner and sexual violence complainants); Lynn H. Schafran, *Barriers to Credibility: Understanding and Countering Rape Myths*, available at: http://www.nationalguard.mil/Portals/31/Documents/J1/SAPR/SARCVATraining/Barriers_to_Credibility.pdf; Linda L. Ammons, *Mules, Madonnas, Babies, Bathwater, Racial Imagery and Stereotypes: The African-American Woman and the Battered Woman Syndrome*, 1995 WIS. L. REV. 1003 (1995); Naomi Cahn & Joan Meier, *Domestic Violence and Feminist Jurisprudence: Towards a New Agenda*, 4 B.U. PUB. INT. L.J. 339, 353-55 (1995); see also, e.g., BLACK WOMEN'S BLUEPRINT, available at <http://www.blackwomensblueprint.org/sexual-violence/> (last visited Oct. 14, 2013) (describing mass education campaign to eradicate stereotypes regarding black women's sexuality and other cultural norms that perpetuate sexual violence).

⁴ See, e.g., BETH E. RICHIE, ARRESTED JUSTICE: BLACK WOMEN, VIOLENCE, AND AMERICA'S PRISON NATION 68-69 (2012); SUSAN SCHECHTER, WOMEN AND MALE VIOLENCE: THE VISIONS AND STRUGGLES OF THE BATTERED WOMEN'S MOVEMENT 29-52 (1982); ELIZABETH M. SCHNEIDER, BATTERED WOMEN & FEMINIST LAWMAKING 11-23 (2000).

⁵ See, e.g., LISA A. GOODMAN & DEBORAH EPSTEIN, LISTENING TO BATTERED WOMEN: A SURVIVOR-CENTERED APPROACH TO ADVOCACY, MENTAL HEALTH, AND JUSTICE (2008); LEIGH GOODMARK, A TROUBLED MARRIAGE: DOMESTIC VIOLENCE AND THE LEGAL SYSTEM (2011); RICHIE, *supra* note 4, at 66-98; G. Kristian Miccio, *A House Divided: Mandatory Arrest, Domestic Violence, and the Conservatization of the Battered Women's Movement*, 42 HOUS. L. REV. 237, 276-77 (2005).

status, gender expression and other marginalized identities.⁶ As Beth Richie persuasively argues, feminists “won the mainstream but lost the movement.”⁷

This essay considers how we might draw from those critiques to best advance a movement that supports comprehensive and empowering services, and that aims to transform the cultural norms that continue to sanction gender violence.⁸ It revisits the now-common gender-specific frame “violence against women.” That frame was developed in service of feminist goals such as foregrounding and challenging gender bias and fostering more inclusive delivery of social and other services.⁹ It is by no means the only term used in connection with gender violence reforms, but it has become a standard description globally for laws, programs, and services addressing intimate partner and sexual violence, as well as for the violence itself.¹⁰ Although this terminology question is familiar, it

⁶ See, e.g., KRISTIN BUMILLER, IN AN ABUSIVE STATE: HOW NEOLIBERALISM APPROPRIATED THE FEMINIST MOVEMENT AGAINST SEXUAL VIOLENCE 1–15 (2008); GOODMARK, *supra* note 5; RICHIE, *supra* note 4, at 82–84, 97–124; Donna Coker, *Crime Control and Feminist Law Reform in Domestic Violence Law: A Critical Review*, 4 BUFF. CRIM. L. REV. 801 (2001); Angela P. Harris, *Heteropatriarchy Kills: Challenging Gender Violence in a Prison Nation*, 37 WASH. U. J. L. & POL’Y 13, 35–36 (2011); Andrea Smith et al., *The Color of Violence: Introduction*, in COLOR OF VIOLENCE: THE INCITE! ANTHOLOGY (2006); see generally, e.g., NATALIE J. SOKOLOFF WITH CHRISTINA PRATT, DOMESTIC VIOLENCE AT THE MARGINS: READINGS ON RACE, CLASS, GENDER, AND CULTURE (Natalie J. Sokoloff ed., 2005).

⁷ RICHIE, *supra* note 4, at 97.

⁸ For further discussion, see Goldscheid, *Gender Neutrality*, *supra* note *.

⁹ See, e.g., RICHIE, *supra* note 4, at 89–90 (explaining that the original construction of what she terms the “every-woman” analysis was an intentional and strategic move to avoid stereotyping those who use violence and the women who experience it, and to ensure that members of elite groups took the problem seriously).

¹⁰ In the United States, the federal Violence Against Women Act is perhaps the most prominent example. See, e.g., Violence Against Women Act of 2005, Pub. L. No. 109-162, 119 Stat. 2960 (2006) (codified in scattered sections of the U.S. Code, including §§ 8, 16, 18, 28, and 42); Violence Against Women Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464 (2000); Violence Against Women Act of 1994, Pub. L. No. 103-322, 108 Stat. 1902 (1994). For examples from global initiatives, see, e.g., Declaration on the Elimination of Violence Against Women, G.A. Res. 48/104, U.N. Doc. A/RES/48/104 (Dec. 20, 1993); Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, Preamble, May 11, 2011, C.E.T.S. No. 210; Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, “Convention of Belem do Para,” Jun. 9, 1994, O.A.S.T.S. No. A61, available at <http://www.oas.org/juridico/english/treaties/a-61.html>; Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 13 (entered into force Sept. 3, 1981) available at <http://treaties.un.org/doc/publication/UNTS/Volume%201249/v1249.pdf> (defining “gender-based violence” as a form of discrimination against women).

warrants revisiting as global initiatives gain prominence and the gender-specific language continues to be inscribed and codified.

This essay argues that on the whole, the gender-specific “violence against women” term no longer does the work feminists hoped it would do, and that its associated limitations outweigh its utility. I group those limitations into four categories and argue that the gender-specific “violence against women” frame is problematic empirically, theoretically, politically and legally, and practically. This essay will briefly elaborate those problems, and will draw on frame theory, a tool that has been used in analyzing social movements, to support the conclusion that we should shift from using the gender-specific “violence against women” frame as a default. Instead, we should default to gender-neutral terminology such as “gender violence” or descriptive terms such as “intimate partner violence,” or “sexual assault.” Terminology should be intentionally selected to advance the goals of the particular context in which the language is invoked, whether that is legislative, policy, or program-based. In consciously selecting terminology, we should recognize that gender-neutral terminology need not be politically neutral. Instead, our rhetoric and discourse should advance new and creative strategies to challenge the structural inequalities that continue to inform the experience and ramifications of gender violence and that advance the fundamental goal of ending gender violence in all its forms.

I. LIMITS TO THE FRAME

Advocates have lauded the gender-specific “violence against women” frame for its explicit focus on the disproportionate ways acts of violence, such as intimate partner violence and sexual assault, impact women.¹¹ The hope was that this express link would support advocacy, organizing, and reform that would frame the problem as a social and political concern, and as explicitly tied to historic and ongoing gender-based biases and discrimination.¹² By focusing directly on the impact on

¹¹ See, e.g., SCHECHTER, *supra* note 4, at 216–218; SCHNEIDER, *supra* note 4, at 11–28; Natalie J. Sokoloff & Ida Dupont, *Domestic Violence: Examining the Intersections of Race, Class, and Gender*, DOMESTIC VIOLENCE AT THE MARGINS: READINGS ON RACE, CLASS, GENDER, AND CULTURE 1, 2 (Natalie J. Sokoloff ed., 2005); see also, e.g., MOLLY DRAGIEWICZ, EQUALITY WITH A VENGEANCE: MEN’S RIGHTS GROUPS, BATTERED WOMEN, AND ANTIFEMINIST BACKLASH 8–10 (2011) (describing definitional debates); ALICE EDWARDS, VIOLENCE AGAINST WOMEN UNDER INTERNATIONAL HUMAN RIGHTS LAW 21 (2010) (also describing definitional debates).

¹² For discussion of the link between abuse and gender bias, see, e.g., DRAGIEWICZ, *supra* note 11, at 10–12; SCHECHTER, *supra* note 4, at 29–34, 217–218, 228–234; SCHNEIDER, *supra* note 4, at 12–13; Reva Siegel, “The Rule of Love:” *Wife Beating as Prerogative and Privacy*, 105 YALE L.J. 2117 (1996).

women, the frame would challenge those deep and discriminatory gendered social norms and would help ensure that gender was not erased from popular and policy understandings of and responses to the problem.¹³ Nevertheless, empirical, theoretical, political, legal, and practical challenges limit its power to advance those transformative goals.

A. *Empirical*

The question whether intimate partner and sexual violence is committed primarily by men against women is both well-settled and hotly contested; it is squarely posed by use of the gender-specific “violence against women” frame. At its core, the premise of the gender-specific lens rests on this empirical question about prevalence. Surveys consistently find intimate partner and sexual violence is committed overwhelmingly by men against women, both in the United States and internationally.¹⁴ Structural and cultural forces, such as patriarchy and the historic ordering of the institutions of marriage and the family, result in the phenomenon in which women are overwhelmingly the victims and men the perpetrators of abuse, and in which the abuse reflects and

¹³ See, e.g., Dianne Otto, *International Human Rights Law: Towards Rethinking Sex/Gender Dualism and Asymmetry*, in THE ASHGATE RESEARCH COMPANION TO FEMINIST LEGAL THEORY 197, 204 (Margaret Davies & Vanessa E. Munro eds., 2013), available at <http://ssrn.com/abstract=2178769>; Margaret (Peggy) Maisel, *Have Truth and Reconciliation Commissions Helped Remediate Human Rights Violations Against Women?: A Feminist Analysis of the Past and Formula for the Future*, 20 CARDOZO J. INT’L & COMP. L. 143 (2011).

¹⁴ See, e.g., Black, *supra* note 2, at 2 (finding that one in five women and one in seventy-one men have been raped or sexually assaulted and that three in ten women and one in ten men have experienced rape, physical violence, and/or stalking by an intimate partner); CALLIE M. RENNISON, BUREAU OF JUSTICE STATISTICS INTIMATE PARTNER VIOLENCE, 1993–2001, (NCJ-197838 Feb. 2003), available at <http://www.bjs.gov/content/pub/pdf/ipv01.pdf> (showing approximately 85% of victimizations by intimate partners in 2001 were against women); PATRICIA TJADEN & NANCY THOENNES, U.S. DEP’T OF JUSTICE, EXTENT, NATURE, AND CONSEQUENCES OF INTIMATE PARTNER VIOLENCE IV 17–24 (NCJ-181867 July 2000), available at <https://www.ncjrs.gov/pdffiles1/nij/210346.pdf> (nearly 25% of women and 7.6% of men surveyed said they had been raped and/or physically assaulted by a current or former spouse at some point in their lifetime; women experience more intimate partner violence than do men); see also, e.g., Walter S. DeKeseredy, *Feminist Contributions to Understanding Woman Abuse: Myths, Controversies, and Realities*, 16 AGGRESSION & VIOLENT BEHAV. 297, 297–98 (2011). For international statistics, see, e.g., World Health Organization, *Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence* (2013), available at <http://www.who.int/reproductivehealth/publications/violence/9789241564625/en/>.

reinforces traditional gender roles.¹⁵ This imbalance underscores the longstanding feminist insight that much intimate partner and sexual violence is a function of historic and enduring gender-based roles and stereotypes.¹⁶

Nevertheless, a vigorous debate dominates the empirical literature, in which some critique the data concluding that intimate partner violence is committed primarily by men against women¹⁷ and others forcefully refute those critiques.¹⁸ At least some of the differences between survey results reflect definitional issues; in other words, surveys produce different results because they measure different behaviors using different designs and methodologies.¹⁹ Beyond survey design itself, experts distinguish what has been termed “intimate terrorism,” or “battering” from what some term “situational violence,” or “resistive violence.”²⁰ Surveys that focus on the coercive and controlling behavior that may be termed “battering” or “intimate terrorism” may more accurately capture the gendered nature of the problem than do tallies that simply count instances of violent conduct.²¹

¹⁵ See, e.g., DeKeseredy, *supra* note 14, at 298; DRAGIEWICZ, *supra* note 11, at 81–102.

¹⁶ See *supra* note 12.

¹⁷ See, e.g., Donald G. Dutton et al., *The Gender Paradigm in Domestic Violence Research and Theory: Part 1—The Conflict of Theory and Data*, 10 AGGRESSION & VIOLENT BEH. 680 (2005) (citing studies and refuting “feminist” arguments about gender impact); Sherry Hamby, *The Gender Debate on Intimate Partner Violence: Solutions and Dead Ends*, 1 PSYCH. TRAUMA 24 (2009) (finding “moderate gender asymmetry” in intimate partner violence); Murray A. Straus, *Gender Symmetry and Mutuality in Perpetration of Clinical-Level Partner Violence: Empirical Evidence and Implications for Prevention and Treatment*, 16 AGGRESSION & VIOLENT BEHAV. 279 (2011) (reviewing studies and urging recognition of gender symmetry in intimate partner violence).

¹⁸ See, e.g., DRAGIEWICZ, *supra* note 11, at 81–101; Michael P. Johnson, *Gender and Types of Intimate Partner Violence: A Response to an Anti-feminist Literature Review*, 16 AGGRESSION & VIOLENT BEH. 289 (2011).

¹⁹ See Hamby, *supra* note 17, at 32–33 (discussing definitional issues and suggesting approaches to synthesize data).

²⁰ See, e.g., Ellen Pence & Shamita Das Dasgupta, Praxis Int’l., Inc., *Re-Examining ‘Battering’: Are All Act of Violence Against Intimate Partners the Same?* (June 20, 2006), available at <http://www.praxisinternational.org/files/praxis/files/ReexaminingBattering.pdf>; MICHAEL P. JOHNSON, *A TYPOLOGY OF DOMESTIC VIOLENCE* (2008); see also, e.g., Joan B. Kellyn & Michael P. Johnson, *Differentiation Among Types of Intimate Partner Violence: Research Update and Implications for Interventions*, 46 FAM. CT. REV. 476 (2008) (recommending differentiation between different types of intimate partner violence in range of family court contexts).

²¹ See, e.g., Jennifer Nixon & Cathy Humphreys, *Marshalling the Evidence: Using Intersectionality in the Domestic Violence Frame*, 17 SOC. POL.: INT’L STUD. IN GENDER, ST. & SOC’Y 137, 144 (2010); see also, e.g., Pence & Dasgupta, *supra* note 20; Kellyn & Johnson, *supra* note 20.

In addition to statistical problems, the gender-specific frame is empirically problematic in that it inaccurately suggests that men are never subjected to intimate partner abuse and sexual violence. To the contrary, studies consistently confirm the unremarkable fact that men are subject to intimate partner violence, although at far lower rates than women.²²

The erasure of violence against men poses a particular problem for gay and trans-identified men who are subjected to abuse. Studies indicate that gay men experience high rates of intimate partner violence, particularly when compared with men living with female partners.²³ Transgender people, including those who identify as male, also experience high rates of intimate partner violence, though data is sparse.²⁴ Heterosexual, gay, trans men and trans women are subjected to sexual assault as well as intimate partner violence at rates that are

²² See *supra* note 14. Of course, reported rates of abuse of men may be particularly under-inclusive since men may be reluctant to report abuse given dominant social roles deeming men to be the aggressor, not the victim. See, e.g., Bennett Capers, *Real Rape Too*, 99 CAL. L. REV. 1259, 1266, 1274–76 (2011); see also, e.g., RENNISON, *supra* note 2 (discussing under-reporting).

²³ Mikel L. Walters et al., *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Findings on Victimization by Sexual Orientation* 1, (Jan. 2013) available at http://www.cdc.gov/violenceprevention/pdf/nisvs_sofindings.pdf (reporting, *inter alia*, that lesbian woman and gay men reported levels of intimate partner violence and sexual violence equal to or higher than those of heterosexuals). Reports of rates of violence in LGBT relationships generally vary, though studies consistently show that LGBT individuals experience intimate partner violence at least at the same rates as heterosexual individuals. See, e.g., Adam J. Heintz & Rita M. Helendez, *Intimate Partner Violence and HIV/STD Risk Among Lesbian, Gay, Bisexual and Transgender Individuals*, 21 J. INTERPERSONAL VIOLENCE 193, 193 (2006) (LGBTQ people experience domestic violence at the same rate as the general population); Elaine Zahnd et al., *Nearly Four Million California Adults are Victims of Intimate Partner Violence*, in UCLA HEALTH POLICY RESEARCH BRIEF 5 (April 2010), available at http://www.healthpolicy.ucl.a.edu/pubs/files/IPV_PB_031810.pdf (bisexual, gay, lesbian or homosexual adults are almost twice as likely to experience intimate partner violence as heterosexual adults); see also Mitru Ciarlante & Kim Fountain, National Center for Victims of Crime & National Coalition of Anti-Violence Programs, *Why it Matters: Rethinking Victim Assistance for Lesbian, Gay, Bisexual, Transgender, and Queer Victims of Hate Violence & Intimate Partner Violence* 4-7 (2010) available at http://www.ncdsv.org/images/NCVC_WhyItMatters_LGBTQreport_3-2010.pdf (summarizing research) [hereinafter *Why it Matters*].

²⁴ See, e.g., National Coalition of Anti-Violence Programs, *Lesbian, Gay, Bisexual Transgender, Queer and HIV-Affected Intimate Partner Violence*, (2010), available at http://www.ncdsv.org/images/AVP_VoicesOfSurvivorsIPVNarratives_2010.pdf, (summarizing research) [hereinafter *NCAVP 2010 Report*]; Leigh Goodmark, *Transgender People, Intimate Partner Abuse, and the Legal System*, 48 HARV. C.R.-C.L. L. REV. 51, 54-55 & nn.22-24, (2013) (tracking studies); see also, e.g., National Coalition of Anti-Violence Programs, *Lesbian, Gay, Bisexual Transgender, Queer and HIV-Affected Intimate Partner Violence in 2012*, (2013), available at http://www.avp.org/storage/documents/ncavp_2012_ipv_report.final.pdf [hereinafter *NCAVP 2012 Report*].

difficult to quantify, though no doubt are higher than commonly recognized.²⁵ The woman-specific frame erases the experiences of these survivors and excludes them from services as well as from legal and other forms of redress.²⁶

B. Theoretical

The gender-specific frame has been a foundational component of feminist theory and advocacy seeking to challenge intimate partner and sexual violence as a manifestation of patriarchy.²⁷ But, it increasingly conflicts with theoretical perspectives with which many anti-violence advocates otherwise would agree. This section summarizes those tensions.²⁸

1. Queer and Gender Theory

Queer and gender theorists resist the gender-specific frame for a number of reasons. It inscribes an inaccurate and misleading binary view of gender.²⁹ The frame is inconsistent with many people's lived experiences as well as with contemporary medical technology and expertise, which confirm that "sex" is lived on a continuum, rather than through the limited categories of male and female.³⁰ It normalizes sex/gender hierarchies and stereotypes and prevents broader

²⁵ See Capers, *supra* note 22, at 1266-77 (detailing studies of male rape both inside and outside of prison); see also *NCAVP 2012 Report*, *supra* note 24, at 8 (reporting that gay men, LGBTQ communities of color, LGBTQ youth and young adults, and transgender communities experienced the most severe forms of intimate partner violence).

²⁶ See *infra* Part I.D.

²⁷ See, e.g., SCHNEIDER, *supra* note 4, at 22; Goodmark, *supra* note 24, at 90-92; Adele M. Morrison, *Queering Domestic Violence to "Straighten Out" Criminal Law: What Might Happen When Queer Theory and Practice Meet Criminal Law's Conventional Responses to Domestic Violence*, 13 S. CAL. REV. L. & WOMEN'S STUD. 81, 89 (2003); Emily J. Sack, *Battered Women and the State: the Struggle for the Future of Domestic Violence Policy*, 2004 WIS. L. REV. 1657, 1666 (2004).

²⁸ For further elaboration, see generally Goldscheid, *Gender Neutrality*, *supra* note *, at 635-41.

²⁹ See also, e.g., Nancy J. Knauer, *Same-Sex Domestic Violence: Claiming a Domestic Sphere While Risking Negative Stereotypes*, 8 TEMP. POL. & CIV. RTS. L. REV. 325, 350 (1999) (urging distinction between gender difference and other forms of privilege and power); Ruthann Robson, *Lavender Bruises: Intra-Lesbian Violence, Law and Lesbian Legal Theory*, 20 GOLDEN GATE U. L. REV. 567 (1990) (urging recognition of lesbian domestic violence); see generally, e.g., Capers, *supra* note 22; Otto, *supra* note 13; Morrison, *supra* note 27; Darren Rosenblum, *Unsex CEDAW, or What's Wrong with Women's Rights*, 20 COLUM. J. GENDER & L. 98 (2011); JUDITH BUTLER, *BODIES THAT MATTER* (1993).

³⁰ Rosenblum, *supra* note 29, at 134-36.

understandings of the manifold ways that sex and gender operate as technologies of power and oppression.³¹

Framing intimate partner and sexual violence as violence committed by men against women hides the reality of abuse in lesbian and gay relationships.³² It excludes the complexities of the experiences of lesbian, gay, and trans survivors, which may involve different dynamics of coercion and control,³³ and which may challenge dominant Western gender-role stereotypes, compounding barriers to obtaining services.³⁴

2. Anti-essentialism and Intersectionality

Critical race, intersectionality, and anti-essentialism theorists contribute to a critique of the gender-specific frame through scholarship surfacing the ways single-identity politics conflate or ignore multiple dimensions of identity.³⁵ Critics have challenged frames for intimate partner and sexual violence that use a single axis of identity, charging that the unitary focus on “women” amounts to a reference to white women.³⁶ This single axis of focus obscures the complexities of survivors’ experiences and fails to take into account the variability in survivors’ experiences of abuse based on structural factors other than gender, such as race, immigration status, class, and gender identity.³⁷ As

³¹ Otto, *supra* note 13, at 200.

³² See *supra* notes 23-24 and accompanying text.

³³ See, e.g., NAT’L COALITION OF ANTI-VIOLENCE PROGRAMS, LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER AND HIV-AFFECTED INTIMATE PARTNER VIOLENCE IN 2012 (2013), available at http://www.avp.org/storage/documents/ncavp_2012_ipvreport_final.pdf; see also, e.g., Goodmark, *supra* note 24 (detailing the experiences of trans victims of abuse).

³⁴ See Dena Hassouneh & Nancy Glass, *The Influence of Gender Role Stereotyping on Women’s Experiences of Female Same-Sex Intimate Partner Violence*, 14 VIOLENCE AGAINST WOMEN 310 (2008).

³⁵ See, e.g., Patricia H. Collins, *The Tie That Binds: Race, Gender and US Violence*, 21 ETHNIC & RACIAL STUD. 917 (1998); Kimberle Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241, 1242 (1991); Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581 (1990); Patricia J. Williams, *On Being the Object of Property*, 14 SIGNS 5 (1988).

³⁶ See, e.g., RICHIE, *supra* note 4, at 91–92; Crenshaw, *supra* note 35; Morrison, *supra* note 27, at 88; Rosenblum, *supra* note 29, at 102.

³⁷ See, e.g., Collins, *supra* note 35, at 918–19, 930–36 (focusing on the experiences of African-American women and other marginalized groups); Angela P. Harris, *Gender, Violence, Race, and Criminal Justice*, 52 STAN. L. REV. 777, 779–80 (2000) (arguing that feminists’ traditional focus on violence against women obscures the ways race and gender shape both violence and the criminal justice system’s response). For example, survivors in communities of color and in immigrant communities may prefer community-based, rather than criminal justice, interventions, due to the ways those communities have been adversely impacted by criminal justice responses. See, e.g., Nixon & Humphreys,

Beth Richie argues, the gender-specific rhetoric affirming that “every woman can be a victim” is “almost dangerous” in that it detracts from the possibility of developing a broader social justice analysis.³⁸ At a minimum, a continued adherence to the “violence against women” frame de-emphasizes the insights drawn from intersectionality theory and can be a barrier to cross-gender, race, and class alliances.³⁹

3. Anti-stereotyping

Notwithstanding the fact that the gender-specific lens grew out of feminist theory and advocacy, it nevertheless poses a tension with foundational feminist tenets. The woman-specific paradigm is difficult to reconcile with traditional feminist critiques of gender stereotypes. Theory and advocacy challenging traditional gender roles and stereotypes lie at the heart of legal and other feminist initiatives.⁴⁰ Accordingly, we would expect feminists to acknowledge that women have the capacity to be violent, instead of casting women reflexively in the role of (presumably non-violent) victim. It perpetuates a gender stereotype of its own to assume that women always are the targets rather than the perpetrators of violent aggression. Woman-specific framings reinforce gendered stereotypes by enshrining images of the weak female victim who cannot resist male aggression and who requires protections.⁴¹ As Dianne Otto argues, the focus on women as the victims of violence has led to protective representations of women that inscribe women’s vulnerability and deny women’s agency and autonomy.⁴² To the extent

supra note 21, at 150; *see also, e.g.*, Michele Bograd, *Strengthening Domestic Violence Theories: Intersections of Race, Class, Sexual Orientation, and Gender*, 25 J. MARITAL AND FAMILY THERAPY 275 (1999); SOKOLOFF, *supra* note 6, at 25 (discussing, *inter alia*, differences in the meaning of domestic violence across racial or ethnic lines, the impact of class differences, and the ways traditional depictions of domestic violence render gay and lesbian battering invisible); Crenshaw, *supra* note 35.

³⁸ RICHIE, *supra* note 4, at 91.

³⁹ *See, e.g.*, Michele Bograd, *supra* note 37; Beth E. Richie, *A Black Feminist Reflection on the Anti-Violence Movement*, 25 SIGNS 1133, 1135 (2000); Sokoloff & Dupont, *supra* note 11, at 2.

⁴⁰ *See, e.g.*, REBECCA J. COOK & SIMONE CUSACK, GENDER STEREOTYPING: TRANSNATIONAL LEGAL PERSPECTIVES (2010) (arguing that wrongful gender stereotypes must be eliminated to eliminate all forms of gender discrimination); *see also, e.g.*, Price Waterhouse v. Hopkins, 490 U.S. 228 (1988) (finding that gender stereotypes constituted impermissible sex discrimination).

⁴¹ Capers, *supra* note 22, at 1306-07; *see also, e.g.*, Laurie Kellman, *Democrats Raise Violence Against Women Act*, ASSOCIATED PRESS ONLINE, Mar. 15, 2012, available at <http://news.yahoo.com/democrats-raise-violence-against-women-act-195155112.html> (quoting Senator Patty Murray as arguing that “[p]rotecting women against violence should not be a partisan issue”) (emphasis added).

⁴² Otto, *supra* note 13, at 200.

that the woman-specific frame feeds images of women as victims, it runs counter to feminist theory and advocacy endorsing women's autonomy as paramount.⁴³

C. "Backlash" Politics and Legal Challenges

The gender-specific lens also has provided fodder for challenges by so-called "fathers' rights" groups and conservative feminists.⁴⁴ Fathers' rights groups often argue that feminists exaggerate the extent of violence perpetrated by men against women; they argue that feminists have succeeded in changing the justice system to focus solely on victimization of women with the result that the system instead victimizes men.⁴⁵

Both "fathers' rights" groups and conservative feminists critique the premise that intimate partner and sexual violence reflect male subordination of women and gender discrimination.⁴⁶ They argue that anti-domestic violence programs, particularly those that employ gender-specific terminology, constitute reverse discrimination and violate equal protection. Some critique batterers' intervention programs as discriminatory because the programs explicitly recognize that acts of intimate partner and sexual violence are deeply rooted in historic attitudes towards women.⁴⁷ They have brought legal challenges to legislation and regulations that codify the woman-specific lens.⁴⁸ Although those legal challenges generally have not and likely would not succeed substantively,⁴⁹ they divert scarce resources from advocacy and service organizations and skew the terms of debate.

The net effect of these challenges has not disturbed the nature or delivery of domestic violence services since there was no dispute that

⁴³ See, e.g., GOODMARK, *supra* note 5; see also, e.g., Martha R. Mahoney, *Legal Images of Battered Women: Redefining the Issue of Separation*, 90 MICH. L. REV. 1, 27–35 (1991).

⁴⁴ These conservative feminists also are referred to as "pseudofeminists." See, e.g., Sack, *supra* note 27, at 1699 n.197.

⁴⁵ For a fuller discussion of the role of the "men's rights" and "pseudofeminists" in anti-domestic violence law reform, see, e.g., DRAGIEWICZ, *supra* note 11; Sack, *supra* note 27, at 1699–1702.

⁴⁶ See, e.g., DRAGIEWICZ, *supra* note 22, at 13–18, 51–60 (detailing arguments).

⁴⁷ For descriptions of those programs, see, e.g., Kerry Healey et al., Nat'l Inst. of Justice, *Batterer Intervention: Program Approaches and Criminal Justice Strategies* 17–18 (1998), available at <http://www.ncjrs.gov/pdffiles/168638.pdf>.

⁴⁸ See, e.g., *Men & Women Against Discrimination v. Family Protection Servs. Bd.*, 725 S.E.2d 756, 758 (W. Va. 2011); *Woods v. Horton*, 84 Cal. Rptr. 3d 332, 339 (Cal. Ct. App. 2008) (emphasis added), *petition for review denied*, 2008 Cal. LEXIS 15055; *Blumhorst v. Jewish Family Servs. of Los Angeles*, Fam. Servs., 24 Cal. Rptr. 3d 474, 477–78 (Cal. Ct. App. 2005); *Booth v. Hvass*, 302 F.3d 849, 854 (8th Cir. 2002), *cert. denied*, 537 U.S. 1108 (2003).

⁴⁹ See, e.g., Goldscheid, *Gender Neutrality*, *supra* note *, at nn.111–130.

bona fide male survivors could seek services regardless of programmatic titles. No doubt, a gender-neutral frame may not have prevented these or other cases since the groups that brought these cases likely would challenge any reference to historic gender discrimination even if the program was framed and delivered in a gender-neutral manner. Nevertheless, gender-specific provisions provide fuel for efforts to discredit needed services and open the door to challenges that might otherwise be avoided. Absent those provisions, the debate might instead focus on substantive differences in opinion concerning, for example, whether intimate partner violence is fueled by gender discrimination or how to shift cultural norms to reduce and ultimately eliminate intimate partner and sexual violence.

D. Practical

The “violence against women” frame creates practical issues for lesbian, gay, bisexual, and transgender (“LGBT”) survivors of intimate partner and sexual violence and those who advocate on their behalf. The traditional gender frame identifying men as aggressors and women as survivors excludes male victims and female perpetrators of abuse in gay relationships from services and legal redress.⁵⁰ Gay and trans men may see themselves as ineligible for and may in fact be unable to access services; trans women may wonder whether they are “woman enough” to be considered a victim.⁵¹ The woman-specific focus may expose survivors to additional danger and may jeopardize the viability of needed programs and services for men and gender-non-conforming survivors.⁵² The frame is particularly problematic for transgender people who are subjected to suspicious and often hostile pre-screenings before they are assessed with respect to whether they are eligible for services.⁵³

From a service delivery perspective, the gender-specific lens uses the identity of “woman,” or a survivor’s presentation as a cis-female,⁵⁴ as a

⁵⁰ A recent case illustrates the perils of gender-specific definitions. A Swedish man was cleared of attempted rape after it turned out that the victim was a transsexual man, not a woman; the court concluded that the accused could not have committed rape because “he was attempting to rape a woman.” Sara Malm, *Man Cleared of Attempting Rape of Woman – After Female ‘Victim’ Turned Out to be Male*, MAIL ONLINE (July 4, 2012), available at <http://www.dailymail.co.uk/news/article-2168577/Man-cleared-attempting-rape-woman--female-victim-turned-male.html>.

⁵¹ Goodmark, *supra* note 24, at 69.

⁵² See *infra* note 56 and accompanying text.

⁵³ See, e.g., Goodmark, *supra* note 24, at 67–71 (describing shelter practices for admitting trans women).

⁵⁴ The term “cis-gender” refers to people whose gender identity is consistent with the sex to which they were assigned at birth. *Cisgender Definition*, OXFORDDICTIONARIES.

singular proxy for distinguishing victims from survivors. Shelters generally adopt the philosophy of “believing the woman” who is seeking services. That practice does not help discern which partner is the aggressor in lesbian, gay and trans domestic violence cases.⁵⁵ It may exacerbate danger if shelters allow a female abusive partner unquestioned access to her partner.

The gender-specific lens exacerbates the risk that lesbian, gay and trans survivors may be denied services and that needed programs may be denied funding. A growing body of data documents the challenges LGBT survivors face in obtaining services.⁵⁶ Problems include a lack of LGBT-specific services, a lack of culturally-specific outreach, untrained victim assistance providers, non-inclusive reporting forms, an absence of LGBT-specific policies and practices, a lack of collaboration between LGBT and “mainstream” victim service providers, and a lack of funding for LGBT-specific services. Abused gay men may not be able to access shelter, since most intimate partner violence shelters do not house men and few jurisdictions have LGBT-specific shelter beds available. At the same time, when LGBT programs and services are recognized, they may be cabined under the gender-specific frame, leading to the awkward result of programs providing services addressing violence against women, while reassuring that those programs are open to men.⁵⁷

II. PARSING THE FRAME

A. *Frame Theory*

The terms “violence against women,” “gender-based violence,” and the concepts of gender-specificity versus gender-neutrality can be thought of as alternate but related “frames” for the social movement to

COM, available at http://www.oxforddictionaries.com/us/definition/american_english/cis-gender (last visited Oct. 6, 2014).

⁵⁵ See, e.g., Mary Eaton, *Abuse by Any Other Name: Feminism, Difference, and Intralesbian Violence*, in MARTHA A. FINEMAN & ROXANNE MYKITIUK, *THE PUBLIC NATURE OF PRIVATE VIOLENCE* 195, 198 (1994).

⁵⁶ See, e.g., *NCAVP 2010 Report*, *supra* note 24; *Why it Matters*, *supra* note 23 (reporting results of community-based organizations and victim assistance providers). For additional examples, see JANICE L. RISTOCK, *INTIMATE PARTNER VIOLENCE IN LGBTQ LIVES* (2011), and CHING-INCHEN ET AL., *THE REVOLUTION STARTS AT HOME: CONFRONTING INTIMATE VIOLENCE WITHIN ACTIVIST COMMUNITIES* (Ching-In Chen et al. eds., 2011) (edited volume including accounts of violence within LGBT relationships).

⁵⁷ See, e.g., Jane Doe, Inc., *Violence Against Women*, available at http://www.janedoe.org/learn_more/what_is_vaw (describing programs addressing “violence against women” and explaining that people who are lesbian, gay, bisexual and transgender, including men, may also be subjected to gender-based violence).

end intimate partner and sexual violence. The concept of “framing” developed from Erving Goffman’s identification of the phrase⁵⁸ to denote “schemata of interpretation” that enable individuals “to locate, perceive, identify, and label” occurrences in daily life and in society.⁵⁹ The concept has been useful in social movement theory, which recognizes “framing” as a key aspect of political success.⁶⁰

Successful frames eventually become markers of the discourse and set the parameters and terms of the movement’s central issues or concerns. When effective, collective action frames mobilize potential movement participants and inspire and legitimate social movement campaigns.⁶¹ Sociologists have identified key concepts that inform a frame’s resonance, including empirical credibility, theoretical consistency, centrality and salience.⁶² In addition, the concept of realignment processes recognizes the ways social movements change in reaction to political and cultural shifts in order to remain useful.⁶³

A brief analysis of a few of these concepts as they apply to the gender-specific frame confirms the frame’s limitations.⁶⁴ For example, frame theory looks at whether the frame is consistent with corresponding empirical data. As the preceding discussion demonstrates, empirical data confirms the gender-specific frame’s limits in describing the gendered parameters of intimate partner and sexual violence. Consistency between the frame and a movement’s articulated beliefs, claims and actions is another measure of a frame’s strength. As detailed in previous sections of this essay, the gender-specific frame creates tensions with theoretical approaches, including gender and queer, intersectionality, and feminist theories. Centrality and salience are other measures of a frame’s power that consider how essential are beliefs, values, and ideas associated with

⁵⁸ ERVING GOFFMAN, *FRAME ANALYSIS: AN ESSAY ON THE ORGANIZATION OF EXPERIENCE* (1974).

⁵⁹ David A. Snow et al., *Frame Alignment Processes, Micromobilization, and Movement Participation*, 51 AM. SOC. REV. 464 (1986).

⁶⁰ See, e.g., Charlotte Ryan & William A. Gamson, *Are Frames Enough?*, in JEFF GOODWIN & JAMES M. JASPER, *THE SOCIAL MOVEMENTS READER: CASES AND CONCEPTS* 167 (2d ed. 2009); David A. Snow & Robert D. Benford, *Master Frames and Cycles of Protest*, in ALDON D. MORRIS & CAROL MCCLURG MUELLER, *FRONTIERS IN SOCIAL MOVEMENT THEORY* 133, 136 (1992).

⁶¹ Robert D. Benford & David A. Snow, *Framing Processes and Social Movements: An Overview and Assessment*, 26 ANN. REV. SOC. 611, 614 (2000).

⁶² See generally, e.g., Snow et al., *supra* note 59; Snow & Benford, *supra* note 60; Benford & Snow, *supra* note 61. For further discussion, see Goldscheid, *Gender Neutrality*, *supra* note *, at Part III.A.

⁶³ See, e.g., Snow et al., *supra* note 59, at 464–76.

⁶⁴ See Nixon & Humphreys, *supra* note 21, at 139 (critiquing the gender-specific frame and arguing that a more nuanced frame is now needed to reflect empirical evidence and survivors’ experiences).

movement frames to the lives of movement participants. In this regard, the gender-specific frame may be less central to movement participants' identity than it had been at earlier stages of the movement to end gender violence. Today, the frame, on its own, fails to encompass survivors' full experiences, which show that men as well as women may be survivors and that other forms of subordination also inform the experience of intimate partner and sexual violence. And the gender-specific frame may be less resonant with cultural narrations as popular identification with a "feminist" movement shifts form.⁶⁵

Frame theory's notion of "realignment processes" is particularly useful in that it recognizes framing as an ongoing, dynamic process. Shifts in the political and cultural context render the gender-specific frame less resonant now than it had been in the past. A number of factors, including the empirical issues discussed above, the increased recognition of the role of multiple identities in framing the experience of abuse, increased awareness of abuse in LGBT relationships, and the rise of the so-called "fathers' rights" movement, render the gender-specific frame less consistent with how survivors and allies see the issues. The frame grew out of a political movement borne of a particular moment in time. As the movement succeeded in raising awareness, reducing formal inequalities and supporting legal, policy, and programmatic change, it left in its wake an ongoing need for political discourse. A revised frame should both give voice to survivors from all social locations and cultural backgrounds and should emphasize a structural approach that recognizes the role of multiple sources of oppression and interlocking systems of power and dominance.⁶⁶ A shift to a broader frame holds potential to support coalition work and broader campaigns for reform.

III. CONTEXTUALIZED GENDER-NEUTRALITY

Notions of realignment processes teach that political and cultural changes can spur accompanying shifts in frames in order for them to remain useful. Gender-specific terminology initially represented a political frame for the anti-violence movement, focusing attention on the ways intimate partner violence reflected historic gender biases and disproportionately impacted women. In the United States, with several decades of advocacy behind us and with a changing landscape ahead, a

⁶⁵ See generally, e.g., JENNIFER BAUMGARDNER & AMY RICHARDS, *MANIFESTA: YOUNG WOMEN, FEMINISM AND THE FUTURE* (2000) (tracing changes in the meaning of feminism and the shape of feminist movements); Bridget J. Crawford, *Toward A Third-Wave Feminist legal Theory: Young Women, Pornography and the Praxis of Pleasure*, 14 MICH. J. GENDER & L. 99 (2007) (describing "third-wave feminism").

⁶⁶ Accord Nixon & Humphreys, *supra* note 21, at 150–51.

new approach would better capture the potential for progressive reform.

In 1982, scholar and activist Susan Schechter emphasized the importance of advocacy that focused on both services and politics.⁶⁷ Although those two directions are inextricably intertwined, they represent distinct perspectives. The anti-domestic violence movement has been marked by tensions between the two; for example, between those who focus on improving the availability and quality of services and those who believe in the primacy of building a liberation movement.⁶⁸ Re-framed terminology should advance these two distinct, but linked, trajectories.

I suggest a modest shift that meets both descriptive and transformative goals and that is sensitive to differences in context and usage. The default term “violence against women” would be replaced by a default to the term “gender-based violence” or “gender violence.” That switch produces a focus on the gendered impact of abuse without inscribing the problem as tied to women alone.⁶⁹ Those gendered, though neutral, terms are most useful when broadly describing a category of conduct, rather than a way to describe a particular act. For example, the term “gender violence” may be used broadly to reference a range of conduct, for example, intimate partner and sexual violence, in service of political advocacy, public discourse, and movement building.⁷⁰ Particularized and descriptive terms such as “intimate partner violence” or “sexual assault,” may be suited to legislation or descriptions of programs or services, given the need to distinguish between and among different types of gender violence.⁷¹ Even with “neutral” language, transformative goals can be advanced by modifying that language with phrases recognizing the underlying conduct’s social location. For example, terms such as “intimate partner violence” can be followed by a

⁶⁷ SCHECHTER, *supra* note 4, at 242.

⁶⁸ *Id.*

⁶⁹ Here I agree with Darren Rosenblum that categorical but neutral terms, such as “sex” or “gender,” which alternately are used in the context of general anti-discrimination initiatives, avoid the problems associated with using the identity-based term “woman.” See Rosenblum, *supra* note 29, at 150–58.

⁷⁰ See, e.g., EDWARDS, *supra* note 11, at 20–25 (discussing definitions). For examples of this approach, see, e.g., Dean Peacock & Andrew Levack, *The Men as Partners Program in South Africa: Reaching Men to End Gender-Based Violence and Promote Sexual and Reproductive Health*, 3 INT’L J. OF MEN’S HEALTH 173 (2004); World Health Organization, *Gender Based Violence*, <http://www.who.int/gender/violence/gbv/en/>; USAID, *Gender-based Violence*, <http://www.usaid.gov/gbv>.

⁷¹ See, e.g., Safe Horizon, <http://www.safehorizon.org> (victim services organization listing programs for survivors of, *inter alia*, domestic violence, rape and sexual assault, child abuse and incest, stalking, and trafficking).

phrase stating that it is “committed primarily by men against women,” to retain a focus on social context.

This proposal to default to the gender-neutral “gender violence” frame is not absolute; the ideal frame will depend on context. Gender-specific frames may be valuable in challenging legal frameworks that sanction gender violence through formal legal inequalities.⁷² They may be strategically useful in particular organizing campaigns.⁷³ What is key is that the frame is intentionally selected to ensure that, in context, it best advances the twin goals of supporting comprehensive services and challenging ongoing biases without unnecessarily reinscribing essentialist notions of gender and excluding gender-nonconforming survivors.

Regardless, the gender-neutral shift alone is not enough. To sustain and advance the political and transformative goals underlying the “gender-specific” frame, any shift in terminology must be accompanied by a reinvigorated commitment to challenging inequality and bias directly.⁷⁴ The last several decades of advocacy reveal that we cannot rely on the gender-specific frame, or any frame alone, to do that work. It goes without saying that a gender-neutral frame will not eliminate challenges from those who reject the notion that intimate partner and sexual violence is linked with sex discrimination. Instead, challenges to gender-based biases and stereotypes could focus debate on challenging those and related biases, rather than debating whether men are *bona fide* victims.

This proposal is modest in that many initiatives already use gender-neutral but contextualized formulations.⁷⁵ The proposal calls for a more self-conscious use of frame and a move away from reflexive use of the woman-specific frame to better support inclusive services and revived political advocacy. A shift away from the woman-specific frame requires acknowledging that men are sometimes victims and that intimate partner and sexual violence takes many forms, not all of which replicate the classic gendered narrative. It recognizes that violence in intimate relationships may not be entirely distinct from other forms of violence in our culture. Recognizing that not all cases fit the classic gender narrative

⁷² See, e.g., U.N. WOMEN, PROGRESS OF THE WORLD’S WOMEN 28–31 (2011–2012), available at <http://progress.unwomen.org/pdfs/EN-Report-Progress.pdf> (describing laws that explicitly discriminate against women).

⁷³ See, e.g., BLACK WOMEN’S BLUEPRINT, www.blackwomensblueprint.org.

⁷⁴ See Beth E. Richie, *Foreword to* NATALIE J. SOKOLOFF WITH CHRISTINA PRATT, DOMESTIC VIOLENCE AT THE MARGINS: READINGS ON RACE, CLASS, GENDER, AND CULTURE XV (Natalie J. Sokoloff ed., 2005).

⁷⁵ See, e.g., *supra* note 70; see also Goldscheid, *Gender Neutrality*, *supra* note *, at Parts I.B. and C.

need not minimize the value and importance of the gender lens. The nuanced realities instead reflect the complexity of the problem, which should be recognized rather than obscured.

Some may be concerned that a shift away from a woman-specific frame may result in the loss of that frame's expressive effect, and its power to shift the social meaning of abuse.⁷⁶ The frame "gender-violence" can convey the same symbolic meaning by drawing attention to the disproportionate impact intimate partner and sexual violence has on women. It has the advantage of doing so without implicitly suggesting that only women are adversely impacted as its victims.

In fact, a contextualized gender-neutral frame holds greater potential than a gender-specific frame to advance progressive reform. By emphasizing and challenging patterns of discrimination while not limiting the status of survivor to those of a particular identity category, a contextualized gender-neutral approach can best advance equality-oriented reforms.

IV. CONCLUSION

The issue of gender and violence illustrates how our increasing understanding of entrenched social issues requires us to embrace both general principles and the limits of those generalities.⁷⁷ If we track the core feminist principle of building policy based on lived experience, we should create opportunities to grapple with these seeming contradictions and complex realities. A contextualized gender-neutral approach can provide the frame to advance progressive reform.

⁷⁶ See, e.g., Cass Sunstein, *Law, Economics & Norms: On the Expressive Function of Law*, 144 U. PA. L. REV. 2021, 2043 (1996).

⁷⁷ See, e.g., Elizabeth M. Schneider, *Particularity and Generality: Challenges of Feminist Theory and Practice in Work on Woman-Abuse*, 67 N.Y.U. L. REV. 520 (1992).