

Insult to Injury: Rethinking Our Responses to Intimate Abuse

by Linda G. Mills

Princeton: Princeton University Press, 2003. Pp. 178.

I WAS DRAWN BY THE PROMISE of the second half of the title of this book (*Rethinking Our Responses to Intimate Abuse*) and confused by the lead half of the title (*Insult to Injury*).¹ So, it was with a mix of anticipation and apprehension that I started to read the book. My yearning for a new, more effective approach to the inexorable horror of “female partner abuse”² was quickly supplanted by concern for an approach premised on the belief that women are similarly and equally as abusive as men. This approach, promoted by Mills, focusses on meeting the needs of abused women who want to stay with their abusive partners, and posits forgiveness as a primary goal. I now understand the “insult to injury” in the title to refer to the spectrum of abuses that, according to Mills, make up “the dynamic of intimate abuse” in which both members of the couple participate. For Mills, our rethinking needs to start with ourselves and our own experiences of intimate violence through which we will come to be able to understand and address this dynamic of intimate abuse as experienced by others. Given her therapy-based approach, it is no surprise that the sole “solution” that she offers as a replacement for the criminal justice system is the use of Intimate Abuse Circles in which “both parties and a care community...participate in a process of recognition, responsibility, and change.”³

Ultimately, I found the book to be seriously problematic and deeply unsatisfying, which renders this review exceedingly difficult to write. We find out in the last chapter of the book that the author, Linda Mills, was herself in an abusive relationship and that this book is the culmination of her long self-interrogation and reflection on that experience, as well as her years of feminist activism. Mills is right that we need to listen to the women who are or have been in abusive relationships; she is also right that these women do not all want or say the same things, or even say the same thing consistently; that perspectives shift and change over time. While many of the issues and criticisms that Mills raises are important and warrant serious investigation and discussion, overall I do not find her particular take on them

1. Linda G. Mills, *Insult to Injury: Rethinking Our Responses to Intimate Abuse* (Princeton: Princeton University Press, 2003) [Mills].
2. *Ibid.* at 10 (Mills uses the term “intimate abuse” to “draw attention to the crucial fact that intimate violence is intimate, a product of intimacy and an expression of relationship.” She refers to “women in abusive relationships”, rather than to “abused women”, to reinforce the relationship point and to emphasize that women are also aggressors. I continue to refer to “female partner abuse” and “abused women” because I do not see these as relationships of mutual abuse, but continue to see gender and power as critical components of the analysis of the dynamic).
3. *Ibid.* at 13.

helpful. I cannot get past her tone of certainty, her inclination to dismiss rather than engage the critiques of the positions she promotes, her vehemence against "mainstream feminists" (as she calls them), her de-gendering, her oversimplification; I cannot get past that she seems to reproduce so much of what she trashes "mainstream feminists" for having done.

As a feminist legal academic who has been involved in issues of violence against women for over twenty years, I am acutely aware of our need to rethink our responses to female partner abuse. Feminists have put a lot of time, energy and thought into criminal justice strategies and reforms, but while there have been changes, one cannot say that the situation of battered women is better than it was twenty years ago. Mills is very critical of the recent law reforms relating to wife abuse, particularly mandatory arrest and prosecution policies, which she argues have been enacted at the behest of "mainstream feminists." There is much that I, and probably most feminists who work in this area,⁴ would agree with in Mills' critical assessment. These policies have generally not been effective. They have put some abused women in intolerable situations, have increased some women's vulnerability and have been disproportionately visited upon Aboriginal men and men of colour. We have tinkered with a fundamentally flawed system. According to Mills, "mainstream feminists' goal of reforming criminal justice practice at the systemic level was overly ambitious."⁵ She is right, but nonetheless, I see systemic reform as an essential and laudable goal, one not to be abandoned or dismissed because it is too difficult.

MILLS BLAMES "MAINSTREAM FEMINISTS," whom she describes as "people who self-identify as 'feminist' but adhere to a monolithic legal approach to domestic violence,"⁶ and "mainstream feminism," which she describes as "a collection of ideas that a powerful group of people, with shifting membership, adhere to and advocate for,"⁷ for the current conservative law and order, punishment and blame-focussed attitudes towards intimate abuse. Mills says she does not want to blame or attack, but throughout the book when something has been done wrong or inadequately, it is "mainstream feminists" who are behind it. Thus, it is "mainstream feminists" who are

4. See e.g., Kimberley Crosbie, *Re-Thinking Mandatory Charging Policies in Cases of Wife Battering: A Critical Look at a (White) Feminist Law Reform Strategy* (M.A. Thesis, Department of Law, Carleton University, 1995) [unpublished]; Diana Majury, "What Were We Thinking? Two Decades of Law Reform on the Issue of Violence Against Women" in Margrit Eichler, June Larkin & Sheila Neysmith, eds., *Feminist Utopias: Re-Visioning Our Future* (Toronto: Inanna Publications, 2002) 125; Sheila McIntyre, "Tracking and Resisting Backlash Against Equality Gains in Sexual Offence Law" (2000) 20:3 *Canadian Woman Studies/les cahiers de la femme* 72; and Elizabeth Sheehy, "From Women's Duty to Resist to Men's Duty to Ask: How Far Have We Come?" (2000) 20:3 *Canadian Woman Studies/les cahiers de la femme* 98.

5. Mills, *supra* note 1 at 35.

6. *Ibid.* at 4.

7. *Ibid.*

responsible for the way abused women are treated by the criminal justice system. The systemic sexism, classism and racism of the criminal justice system are barely mentioned in the attribution of responsibility for the current legal treatment of abused women. Instead, Mills perceives “mainstream feminists” as having been “overwhelmingly successful” in “shap[ing] both how we think about domestic violence and what we should do about it”⁸ and in bringing the criminal justice system in line with their narrow, punitive thinking. These “mainstream feminists” of course do not actually exist; they are straw feminists/feminisms that have been created to be blamed and disparaged. They are the rigid, vengeful, powerful, self-interested, stuck-in-outmoded-thinking, man-hating, insensitive to other forms of oppression, silencing of battered women stereotype of feminists/feminism. This is a familiar stereotype of feminists, but it is more complicated when it is being promoted by someone who self-identifies as a feminist.

Susan Schechter⁹ and Lenore Walker¹⁰ are the primary sources cited for the views attributed to “mainstream feminists.” These were groundbreaking and important books in their day—but that day was the late 1970s, early 80s. These were the early days of the battered women’s movement when police, Crowns and judges were just starting to respond to feminist advocacy on behalf of battered women trying to get the criminal law not to ignore “domestic abuse.” Even in their day, one could not describe Schechter, Walker or other battered women’s advocates as “adher[ing] to a monolithic legal approach to domestic violence;”¹¹ their primary interest and focus was abused women and their needs. But, Mills provides no historical context for her critique of “mainstream feminists” and of their push for criminal law reforms. None of us remain mired in the thinking and strategies of twenty years ago. Feminists have moved on; we have recognized that the shortcomings and limitations of the criminal justice system are so entrenched as to render it incapable of addressing the real concerns and needs of abused women; we have been and are extremely self-critical and self-reflective about legal reforms that we have advocated for and that have been advanced by feminists, in the name of battered women. Many of the feminists involved in the contemporary violence against women movement are actively and vehemently opposing the law and order agenda being promoted by right-wing governments, sometimes opportunistically in the name of abused women.¹²

But a critique of the criminal justice system is not a significant part of

8. *Ibid.* at 5.

9. Susan Schechter, *Women and Male Violence: The Visions and Struggles of the Battered Women’s Movement* (Boston: South End Press, 1982).

10. Lenore E. Walker, *The Battered Woman* (New York: Harper and Row, 1979), and *The Battered Woman Syndrome* (New York: Springer, 1984).

11. Mills, *supra* note 1 at 4.

12. See e.g., Lee Lakeman, “Why Law and Order Cannot End Violence Against Women and Why the Development of Women’s (Social, Economic and Political and Civil) Rights Might” (2000) 20:3 *Canadian Woman Studies/les cahiers de la femme* 24.

Mills' book—and rightly so, as the problems have already been extensively documented and analyzed by feminist activists and scholars. There was ongoing and heated feminist debate about all of these strategies; reforms were advocated with a keen awareness of the potential for backlash, uneven application, misuse and distortion. There was, however, an urgent feminist recognition that women and children could not continue to be abandoned to abusive partners—that society, through the state, had to take a stand against female partner abuse, to say clearly and unequivocally that such abuse is wrong and would not be tolerated. Criminal law is the vehicle through which state censure is most clearly and forcefully articulated yet it is here that Mills balks; it is here where she thinks “mainstream feminists” went wrong. She thinks censure and blame are misguided and inappropriate responses to intimate abuse. She rejects the practice of ascribing roles of perpetrator and victim in situations of intimate abuse. Instead she describes intimate abuse as “an expression of relationship...a mode, however failing, of communication.”¹³ She argues that we need to replace judgment with listening, shaming with understanding, and punishment with healing.

Mills' theory is that we need to go to the “ground zero of intimate abuse,”¹⁴ that is, to start with our own experiences of intimate abuse before we are ready to respond to other situations of intimate abuse. She focusses on the need to understand our own reactions to intimate abuse through theories of counter-transference and projection so that we can stop projecting onto men the aggression we reject in ourselves and stop treating women as pathetic and helpless victims. This process leads Mills, and she argues will inevitably lead anyone who does the self-reflective work she outlines, to recognize that women are also physically violent and play a significant role in the dynamic of violence so that it is inaccurate and misleading to address this as an issue of violence against women. Her “feminist paradigm of intimate abuse” would recognize “that all violence matters, physical and emotional, male and female, heterosexual and homosexual, parent and child.”¹⁵ While I would certainly agree that all violence does matter, I would not go the next step with Mills whereby she equates all forms of intimate abuse, treating them all unproblematically as parts of an undifferentiated whole. While gender, race, and lesbians and gays are mentioned, there is no investigation of the gender, race, sexuality, disability, class, or power dimensions of intimate abuse; there is no systemic or contextualized analysis, just the

13. Mills, *supra* note 1 at 10.

14. *Ibid.* at 19–20 (Mills refers to the “ground zero of intimate abuse” throughout the book; in fact it is the title of her first chapter. She also draws from what she describes as “a striking similarity between how we as a nation react to such mass violence as September 11 and how we individually and collectively respond to intimate abuse.” I assume the parallel she is drawing is between the racist hatred and blanket blame with which many Americans have responded to the September 11th attack and “mainstream feminists’” responses to male violence against women. I find this to be a disturbing analogy and the invocation of the ground zero terminology exploitive).

15. *Ibid.* at 12.

dynamic of intimate abuse in which we all participate.

In her chapter entitled “Are Women as Aggressive as Men?” Mills collapses violence into aggression, taking what she refers to as a holistic approach to aggression. The impression that one has from the data referred to in this chapter is that women are at least as, if not slightly more, aggressive toward their male partners than men are towards women and that women’s aggression is not a reaction to men’s aggression (to put the lie to the “mainstream feminist” ascription of much of women’s violence toward men as self-defence). These studies that assert gender symmetry in domestic abuse have been severely criticized with respect to both substance and methodology, leading some researchers to conclude that the evidence indicates that, “gender symmetry is largely a myth.”¹⁶ For example, Shamita Das Dasgupta explains that women and men’s assaultive behaviours can only be seen as the same when “contexts are obliterated.” Having reviewed the various strands of research in the field, she concludes: “that men’s and women’s violence toward their heterosexual partners is historically, culturally, motivationally and situationally dissimilar from each other. The consequences of these actions differ as well.”¹⁷ Mills discusses none of these factors and does not address the critiques of the studies she relies upon. There is a lot of inclusive language and slippage in terminology in Mills’ chapter on abusive women, which makes sense given her holistic approach and her undifferentiated focus on the full spectrum of abusive behaviours. This generalized and decontextualized talk of aggression is problematic for those of us who see a multitude of important distinctions among the different types of abuse. This is not to deny the violence that women commit nor the harms that women’s violence inflicts, but to argue that gender is an important piece of understanding that violence. For example, according to Michael Kimmel, a close examination of the data discloses that women tend to “...use violence as a tactic in family conflict...[while] men tend to use violence more instrumentally to control women’s lives.”¹⁸ These kinds of differences should matter in our understanding of the violence and in our responses to it.

THE RETHOUGHT RESPONSE that Mills proposes is a process of self-reflection and healing. Drawing from restorative justice models appropriated from Aboriginal justice models, she champions intimate abuse circles (IACs) as the way to shift out of the punishment-focussed criminal justice system and

16. Michael S. Kimmel, “Gender Symmetry in Domestic Violence: A Substantive and Methodological Research Review” (2002) 8 *Violence Against Women* 1332 at 1354.

17. Shamita Das Dasgupta, “A Framework for Understanding Women’s Use of Nonlethal Violence in Intimate Heterosexual Relationships” (2002) 8 *Violence Against Women* 1364 at 1377 (recognizing that same-sex partner abuse is distinct from heterosexual partner abuse, Dasgupta restricts her discussion to heterosexual partner abuse. Mills, on the other hand includes data on lesbian partner abuse in her discussion with no recognition of contextual differences. Instead she relies upon lesbian partner abuse as proof that women are abusive to their partners).

18. Kimmel, *supra* note 16 at 1355.

into a healing process. Mills outlines in a fair amount of detail the methods she claims to have developed “to fix the failures of past approaches.”¹⁹ These methods include an Intimate Abuse Assessment Team whose role is to determine the wishes of the party who filed the complaint and to determine whether the violence is lethal and/or escalating; to construct a “care community” of family, friends and helping professionals to participate in the circle “for the purpose of fostering healing within the violent couple;”²⁰ and to develop processes for the IAC premised on what Mills describes as a “relational cure.”²¹ The “relational cure” involves an affirming relationship between the “care community” and the abusing couple, and employs a method that combines narrative therapy with the participants’ awareness of their own potential counter-transference and projection reactions. This model that Mills proposes is one of decriminalization and privatisation with its attendant cost savings to government. Mills even talks about “deputizing” communities of care “to help perform these monitoring functions.”²² I shudder at this prospect. There may well be a place for healing circles and community support as alternatives to criminal prosecution for some abuse situations, but Mills proffers cases of extreme abuse—one where a woman was beaten with boxing gloves, choked with a rope, raped and forced to sleep beside her partner who had a gun under his pillow²³—as examples of situations that could benefit from the IAC approach. Mills’ criterion for considering these cases as appropriate for IAC intervention seems to be that the abused woman regretted the police intervention and wanted to stay with the abusive partner. This latter point is a key one for Mills throughout—“[w]e need to rethink our strategies in light of the important fact that people stay together even when their intimate relationships are violent.”²⁴

DESPITE HER INITIAL ASSERTION that “domestic violence does not lend itself to one solution,”²⁵ IACs are the one solution that she offers—and she does seem to proffer them as a solution. In a few sentences, Mills dismisses the critiques that have been made of attempts to employ restorative justice methods in cases of female partner abuse.²⁶ She refers to them as predictably based on “the standard mainstream feminist reasons”—too dangerous or unwarrant-

19. Mills, *supra* note 1 at 12.

20. *Ibid.* at 111.

21. *Ibid.* at 112.

22. *Ibid.* at 139.

23. *Ibid.* at 101–102.

24. *Ibid.* at 133.

25. *Ibid.* at 4.

26. See e.g. Mary Crnkovich, “Report on a Sentencing Circle in Nunavik” in *Inuit Women and Justice: Progress Report Number One* (Ottawa: Pauktuutit Inuit Women’s Association, 1995) 19, and Joceyln Proulx & Sharon Perrault eds., *No Place for Violence: Canadian Aboriginal Alternatives* (Halifax: Fernwood and RESOLVE, 2000) (the most powerful critiques of the application of healing circles to situations of female partner abuse come from aboriginal communities who provided the original model from which Mills’ approach borrows extensively).

ed—and as contradicting “evidence that these healing and restorative approaches may be an effective alternative.”²⁷ She does not address any of the concerns raised about gender power imbalances playing themselves out in the circle, about the absence of any base from which to draw a community of care in many urban settings, or about the impossibility of “healing” long-term damage through short-term group therapy sessions. If an IAC type approach is to have any hope of success, these problems need to be taken seriously and the limitations of healing circles need to be acknowledged. Otherwise, one is simply substituting one idealized approach for an earlier, failed idealized approach, while continuing to ignore the more systemically entrenched societal problems that female partner abuse reflects.

Mills feels vulnerable and at risk writing this book and taking the positions that she does; she feels that she is railing against “a hegemonic force in domestic violence practice and policy making.”²⁸ I understand these feelings; I think most feminists working in this area share similar feelings and fears. I find this really interesting given that the views perceived as risky and controversial are diametrically opposed. Whereas Mills believes that the hegemony lies with those who view intimate abuse as male violence and who argue that we need to hold abusive men accountable for their abuse, I believe the hegemony continues to lie with those who would deny or downplay the power and gender dimensions of the abuse, seeing it as a relational, family problem. The views that Mills expresses may be contentious among some feminists but they are extremely palatable to mainstream society, which initially might have been horrified when the extent and depth of female partner abuse began to surface, but has since retreated to the comfortable explanations of exaggeration, mutuality, dysfunctional families and sickness that Mills’ book reinforces. Mills has brought us back full circle to the days before the battered women’s movement when female partner abuse was considered a family problem, not a crime, and abused women were encouraged, often coerced, to stay with their abusive partners. We need new thinking that really tackles the systemic misogynistic roots of female partner abuse, not old thinking dressed up in new methods.

Diana Majury

Associate Professor, Department of Law,
Carleton University, Ottawa

27. Mills, *supra* note 1 at 103.

28. *Ibid.* at 144.