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Violence Against Women Act (VAWA) Policy Analysis

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History of VAWA

The Violence Against Women Act (VAWA) was first introduced by Vice President Joe Biden in 1994. He was a senator for the state of Delaware at the time (“Fact Sheet: The Violence Against Women Act,” 2013, para. 1). It was the first form of federal legislation that acknowledged crimes of domestic violence and “provided federal resources to encourage community-coordinated responses to combating violence” (“Violence Against Women Act,” 2013, para. 3). It was renewed and updated in 2000, 2005, and 2013. The updates increased the legal services, authorized crisis centers, and endorsed more culturally competent resources. Changes also included harsher penalties for repeat offenders, eliminating the need for victims/survivors to pay a fee for a rape kit or an order of protection, made orders of protection enforceable throughout the US, and required annual training for police officers, judges, victim/survivor advocates and prosecutors (“Fact Sheet: The Violence Against Women Act,” 2013). They also provided specific resources for Native American, LGBT, and undocumented immigrant survivors of violence (“Violence Against Women Act,” 2013).

History of the Problem

Violence against women is a very prevalent and serious problem nationwide and worldwide. In the US, 1 in 6 women will experience an attempted or completed rape in their lifetime. When that statistic is broken down by race, women of color are more affected with Native American women making up the highest percentage of survivors at 34.1% (“Who are the Victims?” 2009). Regarding perpetrators of violence, about 97% will never serve more than a day in jail (“Who are the Victims?” 2009). There are many reasons why this problem exists in our society, a main one being overt and covert sexism, along with thoughts about sex and sexual violence. Sexism views women as less than men and therefore less deserving of certain rights
and privileges because of their gender alone. Certain forms of violence were not even recognized as crimes, but part of dating/marriage. For example, it was considered impossible to rape your wife because a part of being married meant that she was considered “property” of the man. Marital rape was eventually criminalized by the early 90s, but certain concepts of ownership are still prevalent in society today, an example being the wife taking the husband’s last name. Also during slavery, since Black women were considered property of the slave owner, they were not allowed to say no to sex with their slave owner. This concept is seen a lot in society with the concept of Black women being “unrapeable” because they are considered hypersexual.

There is also a lot of victim blaming/shaming that survivors still face when coming forward with incidents of sexual violence. Focus us placed more on the survivor than it is the perpetrator, which gives space for asking questions about what the woman was wearing, if she was out late at night, and/or if she was drinking at the time. If any of the answers to those questions do not match what society deems an “ideal, respectable woman” the survivor gets blamed for the incident, and shamed for coming forward. This long and intricate history shows this is not a situation that can easily be solved.

Policy Effects

People who benefit from VAWA are survivors of intimate partner violence, sexual assault, and stalking. Students in high school and college also benefit by receiving education about violence prevention work and resources for themselves and/or friends. Law enforcement benefits as well, by receiving training to improve protecting and serving their communities. Male survivors of violence could be harmed by VAWA because new resources will not be created to support them. Perpetrators will be harmed by VAWA; however, it is intentional that
perpetrators of violence are negatively affected to aid in decreasing the level of violence against women.

Overall Effectiveness

VAWA has been effective in some areas, and improvements can be made. Politically, representatives who have supported VAWA have been effective in getting support from women and other voters that support VAWA. The act is also effective by having inclusive language to represent more women. However, language use has also negatively impacted VAWA’s effectiveness. According to Bonner (2002), Republicans wanted malice as a requirement for pursuing federal charges against a perpetrator in order to call the incident a gender-based hate crime. With malice added, it had to be proven that the perpetrator hated all women, and that he used violence to express that hatred. Democrats wanted to use “disparate impact” so survivors would not have to prove the perpetrator’s intent, but instead prove that the incident impacted her life because she was a woman (Bonner, 2002, p. 1425). Republican language use could create more barriers for survivors to prove that their perpetrator hated all women. Democrat language use could bring more case work on the federal level since there are fewer restrictions.

Their compromise for the 1994 version of VAWA included malice, above the level of “disparate impact” and below levels of hatred against all women. Bonner (2002) stated “However, in the absence of clear legislative intent, interpretative language, and political consensus as to the meaning of animus [malice], such an expansive view of animus would not likely be adopted widely in federal courts” (p. 1425). Effectiveness is also hard to accomplish with a topic that has many explicit and implicit factors. It is possible that language use was hard to form with VAWA because parts of culture are ingrained with sexism. According to Hallock (1993) gender inequality is present in our language and everyday life. With language, the “rule
of thumb” has origins with husbands being allowed to beat their wives as long as they used something that was no wider than the diameter of their thumb. There is also the pay wage gap between men and women, and the additional responsibilities that women are encouraged to have in their households compared to men. In the spectrum of violence, these concepts negatively affect women and contribute to the perception that they are submissive and should be controlled by men. However, despite barriers with the written policy, in some ways the benefits may outweigh the cost. Having an act in place provides space for society to have more critical conversations about how and why violence against women is such a prevalent issue.

Unintended Consequences and Limitations

A main unintended consequence could be the difficulties with not having explicit language to properly address sexual violence. With each incident of violence, different factors are involved, and states are still left with determining how to prosecute the perpetrator if charges are pressed, and how to provide resources and education to survivors and the community. Another unintended consequence could be the amount of survivors that have come forward since the policy revisions, giving people at the state and federal level a larger workload with limited resources. The unintended consequences can also be seen as a limitation of the policy. Since, VAWA is inclusive in many aspects but not comprehensive, there are still gaps and loopholes that allow perpetrators to avoid charges, and leave survivors with a lack of resources and/or assistance. According to RAINN Statistics, only 3% of perpetrators will spend a day in jail (“Reporting Rates,” 2009).

Partner

A partner organization that is working with violence prevention is the True North Shelter in Columbia, Missouri. True North provides shelter to survivors of domestic violence and sexual
violence, has victim advocates that assist survivors, and counseling sessions. They also do outreach and awareness work in the community by hosting events and having discussions about violence prevention work (“Who are We?” 2013). They encourage the community to help by referrals, volunteering at the space, or hosting their own fundraiser to promote violence prevention.

Conclusion

Violence prevention work is a topic that needs comprehensive strategies to have an effective result on the rates of violence against women. Despite limitations, VAWA has made considerable improvements for a bill with close to 20 years of bipartisan support. Conversations and critical thinking about violence against women is beginning to shift from feminist discussion groups to the majority of society. Inclusivity is being utilized as well to help LGBT, Native American, and undocumented survivors. Some improvements for VAWA could be a shift to focusing on reducing overt sexism. For example, having the Equal Pay Act approved could have many positive effects for violence prevention work. If women can take care of themselves and children (if they have any) with their own salary, then issues of financial abuse in relationships would have less chance to occur.

In terms of education, there could also be policies in place that discuss sexuality and sex education in a comprehensive manner. A lot of conversations about sexual violence are framed around making sure students understand that “no means no.” However, those conversations could be supplemented with what people want and desire sexually from their partners, to promote healthy relationships and autonomy for women and men in their sex lives.
References


Policy Analysis Assessment

In the policy analysis assignment in our Social Policy course, I analyzed the Violence Against Women Act (VAWA) and researched a history of the policy, a history of the problem, and the overall effectiveness of the policy. Limitations were also discussed, along with conclusions and recommendations. The policy analysis met core competency 8: engage in policy practice to advance social and economic well-being and to deliver effective social work services. Primarily, the paper used practice-based evidence in advocating for more effective policies. In the unintended consequences and limitations sections of the paper, it was addressed that the policy was well intentioned, but some complications from it have been the federal demands that actions be taken to help prevent sexual violence and intimate partner violence, but no real guidance regarding what that entails for actual implementation.

My future educational plans are to have more concrete involvement with engagement in policy practice. Even though I am in the clinical concentration, I think it is extremely important to be able to have policy analysis skills, and to be able to use evidence-based practice and practice-based evidence. Since survivors of violence are one of my focus populations, I would like to have more involvement in the policy evaluation of Title IX policy on college campuses. Constant debate has happened between professors and university administrators regarding whether or not having Title IX implementation on campus will have positive or negative consequences for students and overall campus safety. To use evidence-based practice and practice-based evidence would help centers similar to the RSVP Center with how to navigate the Title IX process and ensure that clients are receiving the most effective services.