

# FEMINIST LAWMAKING ON-LINE: THE FIVERS DOMESTIC VIOLENCE LISTSERVE

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## INTRODUCTION

The FIVERS listserv<sup>1</sup> on domestic violence has been an important

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1. A listserv is an easy way to distribute email to a large number of people with similar interests. Individual members of the list merely send their messages to the listserv address and the message is then automatically distributed to all list members. Information on the FIVERS listserv can be found at <http://groups.yahoo.com/group/fivers/>. Anyone interested in subscribing should send a query to: [fivers-subscribe@yahoogroups.com](mailto:fivers-subscribe@yahoogroups.com). In response, you'll receive a

part of my life for more than six years. Practically every day it teaches me about feminism, advocacy, and the desperate struggles of battered women and their allies. Even though I was active in the battered women's movement for some fifteen years before FIVERS started, the list continues to educate me about domestic violence.

When I was asked to participate in the symposium on *Battered Women and Feminist Lawmaking* at the Washington College of Law, I immediately decided to write about the FIVERS experience.<sup>2</sup> I thought an international, feminist listserv on domestic violence might bring to life some of the central ideas in Elizabeth Schneider's book.

This Article will first provide a brief history of FIVERS and a description of my methodology. It will then examine a number of FIVERS posts and tie them in with some of the key themes in Liz's book.

#### I. A BRIEF HISTORY OF FIVERS AND THE AUTHOR'S BIAS

FIVERS arose from the debacle that was the Intimate Violence listserv ("INTIO-L"), run by Professor Richard Gelles, then at the *University of Rhode Island*.<sup>3</sup> INTIO-L collapsed in a horrible "flame war" in the spring of 1996, and Professor Gelles shut down the list.

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brief application. See *infra* note 7 and accompanying text (illustrating that experience with anti-feminists on INTIO-L email list led to FIVERS application process).

Throughout this Article, citations to FIVERS posts will slightly alter the format listed in THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (Columbia Law Review Ass'n et al. eds., 17th ed. 2000). For the sake of preserving confidentiality, postings to the listserv will be cited in the following manner: Posting of M###, to fivers@yahogroups.com (Month Date, Year) (copy on file with FIVERS archive). Thus, Message number 899, sent on February 2, 2001, would be cited as Posting of M899, to fivers@yahogroups.com (Feb. 2, 2001) (copy on file with FIVERS archive). FIVERS archives are available to FIVERS list members only. Some of these posters, and their children, still face danger from their abusers. Those who are advocates might face reprisals from "the system" (judges, law enforcement, etc.) if their identities were revealed. I have therefore at times changed names and changed or omitted certain identifying information. Other posters gave permission for the use of their real names. In accordance with FIVERS confidentiality policy, I have received permission from all people quoted. Posts have been corrected for obvious typos and grammatical mistakes. Occasionally, I have edited sentences that were hard to understand. In order to retain the informal and conversational character of FIVERS, I have resisted any impulse to make the posts "law review perfect" through heavy editing. Additionally, in order to improve readability, edited content is not indicated by brackets or ellipses.

2. ELIZABETH M. SCHNEIDER, *BATTERED WOMEN & FEMINIST LAWMAKING* (2000).

3. Professor Gelles is now the Dean of the School of Social Work at the University of Pennsylvania and holds The Joanne and Raymond Welsh Chair of Child Welfare and Family Violence. He is also a professor in the Sociology Department at the university.

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I hope that some day the full story of the last months of INTIO-L can be told. So far, I have been unable to locate any source for INTIO-L posts. Here is the short version, as the founders of FIVERS would tell it: (1) The INTIO-L list had existed peacefully for a few months. Members were drawn from academia, various professions, including people working at battered women's shelters, and survivors. Members exchanged information and research. (2) In early spring, 1996, the INTIO-L list started to receive anti-feminist posts, claiming things like "men and women are equally violent." (3) Various feminists on the list—who became the core of what would become FIVERS—fought against the anti-feminists. (4) Things got very nasty very quickly. (5) Professor Gelles adopted a neutral stance and demanded that all list members "behave."<sup>4</sup> (6) Professor Gelles shut down the list.

Soon after the INTIO-L flame war erupted, some of the feminists started to email each other privately to strategize and to vent.<sup>5</sup> It was a very intense experience, as the anti-feminist posters were both fierce and prolific.

After INTIO-L was shut down, some of us feminist "survivors"<sup>6</sup> of INTIO-L decided to form a list of our own. The idea of FIVERS<sup>7</sup> was

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4. As I recall, Professor Gelles also demanded that survivors and their allies stop telling personal stories about victimization. The reason given was along the lines of "this is a professional and academic list and personal stories have no place on it." I remember writing a post describing why the personal/professional dichotomy was false and why I, as an academic, found personal stories so valuable. See *infra* notes 14-16 and accompanying text (illustrating the importance of narrative in feminist responses to battering).

5. This process is now known as "backchanneling." I was a relative latecomer to the backchanneling process. I can still remember vividly working on an email to a woman, (still an active FIVERS member) whom I perceived as an ally in the INTIO-L war. Back then, it felt bizarre to be sending an email to a total stranger. I remember working very hard on my phrasing, and saying that I hoped she would not be offended by my contacting her personally. I also asked that she not hold it against me if she did not agree with my concerns about what the anti-feminists were doing to the list. I remember my hands trembling and my heart pounding as I debated whether to hit the send button. (For those who do not know me, I am most definitely not a timid soul. Today I would send a similar email with much less hesitation, but these were pioneering days when everyone was still adjusting to a world where you had to guess about someone's beliefs and personality from a few written gleanings.) Luckily, my foray into backchanneling was quickly rewarded. This feminist ally responded immediately. She complimented me about the posts I had already sent to the list, and welcomed me to the feminist backchanneling group that had already been established. This was my introduction to the core of what became FIVERS.

6. Some readers may be offended by my use of the word "survivor" to describe those who endured this long-distance war of words. I can only say that I do not use this word lightly. I do not remember the details of the anti-feminist posts, but they were truly sickening and infuriating.

7. For information on FIVERS visit <http://groups.yahoo.com/group/fivers/>. The description on Yahoo! Groups gives some information about the FIVERS name: "FIVERS stands for: Feminists against Intimate Violence through Empowerment,

formed.

Because of the INTIO-L experience, we realized that we needed to think long and hard about who would be on our listserve, what kinds of posts would be appropriate, and how we might screen members to prevent a repeat of the INTIO-L experience.<sup>8</sup> We decided to require potential members to fill out an application. Among other things, applicants must certify that they subscribe to a feminist analysis of intimate violence. In addition, the FIVERS list guidelines state that all posts are confidential and can be forwarded only with the sender's permission.

From the beginning, there have been three "Co-Coordinator" who administer the list's policies and deal with any problems. In the beginning, the Coordinators conferred with one another almost every day, including numerous conference calls. Another hero during the early days was Richard Blum, a kind and gentle man who handled innumerable technical problems with grace and humor.

The decision to work out list policies in advance was a wise one. The FIVERS guidelines and application process have stood the test of time, and have changed little in the six years since the list was founded. There have been occasional problems on the list, but the Coordinators have always acted swiftly and decisively. Consequently, the list's existence and goodwill have never been seriously threatened, nor has the list ever had to call a "time out," as has happened on other lists when disagreements have turned into flame wars.

The INTIO-L experience continues to operate as a race memory for the FIVERS list. Sometimes, when less experienced members question confidentiality rules or the sense of "group think" that sometimes operates on the list, they may be told about the INTIO-L

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Energizing, Education, Exchange; Resources, Resistance, Research; *and* Support."

While INTIO-L was still operating, the feminist backchannelers started calling ourselves "La Résistance." (This was partly in honor of several French Canadians who were active in the resistance to the anti-feminists on INTIO-L.) When we decided to form our own group, it was suggested that we needed a more proactive name. "La Résistance" suggested that the group would only fight against abusers and their allies. We hoped that our list would also provide positive solutions for abused women and their children. Several clever wordsmiths among the group toyed with various possibilities and someone—no one remembers who anymore—first came up with the acronym of FIVER which quickly became FIVERS.

Some newcomers probably assume that the list had five founders. However, there were many more than that. Even though the list's name has nothing to do with the number five, list members sometimes put a large, colorful "5" on their badges at domestic violence conferences, so that they can identify each other.

8. The process of drafting procedures for the FIVERS list was long and difficult. I was only tangentially involved.

experience. Still, just like soldiers who did not go through war together, newcomers cannot possibly absorb the depth of feeling from those who were “there at the creation.”<sup>9</sup>

Even this brief history of FIVERS suggests an important bias in this Article: I am not a mere observer of FIVERS. As one of its founders and a frequent participant, my viewpoint is necessarily different from a list newcomer or an uninvolved outside observer. Further, I have ties to certain group members that are important to me not just professionally, but personally. It is fair to say that FIVERS is a kind of family to me, and we all observe our families in idiosyncratic and biased ways.

## II. METHODOLOGY AND CAVEATS

Posts to FIVERS from 1996 to December 2000 are, for practical purposes, lost. As is typical of the early years of the Internet and listserves, the participants did not view their activities as historical or worth preserving. FIVERS has no centralized archive for this period.<sup>10</sup> In December 2000 the FIVERS listserv moved from a private server to Yahoo! Groups, and all posts since December 2000 are archived on the Yahoo server and accessible to list members.

Because the listserv averages more than fifteen messages a day, more than 8500 messages have been generated from December 2000 to July 2002, the starting date for the research for this Article. This overwhelming tide of words made a review of every message impractical. Therefore, in preparing this Article, I looked at every post from selected months.<sup>11</sup>

The principles of statistics suggest that this sample of FIVERS messages is large enough to accurately reflect the list dialogue. From my personal viewpoint, the messages seem very much in keeping with typical FIVERS traffic.

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9. In the recent HBO series *Band of Brothers*, several of the veterans who fought and survived together from D-Day through V-E Day spoke of how replacement soldiers never quite became full members of the “Band of Brothers.”

10. Perhaps with enough time and a large enough travel budget, the posts before December 2000 could be recreated. No list member is still using the same computer as in 1996. A few may have older computers in storage that may contain some of the pre-Yahoo postings. Unlike paper and pencil information, stored away in a trunk, these computers will no doubt be thrown away and never exhumed by future generations. And even if they were ever exhumed, who knows if future generations could even read the information on the computers.

11. The months were selected to span the last two years. I read every post from: December 2000 and January 2001 (M38 - M860); April 2001 (M1922 - M2298); August 2001 (M3499 - M4063); December 2001 (M5623 - M5962); and March 2002 (M7224 - M7642).

### III. FIVERS POSTS AND KEY THEMES FROM BATTERED WOMEN & FEMINIST LAWMAKING

As I read through Liz's book, I was startled to realize how many of her key themes are reflected in the FIVERS dialogue and process. In this Part, I take some recurring types of FIVERS posts and show how they illuminate a number of Liz's core ideas.

#### A. *Survivors' Narratives: Building a Battered Women's Movement on the Experience of Survivors*

Liz emphasizes, "[f]eminist lawmaking on battering has built on the experiences of battered women and has sought to transform law in light of this experience."<sup>12</sup> Later, she notes the importance of "narrative": "The move within feminist legal practice to incorporate women's experiences [is] fundamental to feminist legal theory. . . ."<sup>13</sup> In addition to "mak[ing] it possible for [women's] voices to be heard," feminist lawmaking must also acknowledge "the complexities of voice" and the many "different voices" of women.<sup>14</sup>

Without question, narrative is something that FIVERS does well. Some of the survivors on FIVERS are gifted writers and storytellers. The following posts give just a flavor of the power of these narratives.<sup>15</sup> I know it is tempting to glaze over indented law review

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12. SCHNEIDER, *supra* note 2, at 34.

13. *Id.* at 101.

14. *Id.* at 102-03.

15. I have chosen to present a few stories at length rather than more stories, but with less detail. Consequently, some of the variety of experience among FIVERS members is lost. I hope this decision is in keeping with Liz's emphasis on the importance of particularity in feminist analysis. See *id.* at 59 (noting how feminist analysis paradoxically emphasizes both particularity—"documenting the experiences of women who are battered by men"—and generality—domestic violence as "a facet of women's subordination in society [and one that] is linked to larger problems of societal violence.") Speaking for myself, I know that these narratives—and especially their detail—have greatly enhanced my understanding of general feminist theory. FIVERS members often emphasize the importance of narrative. Once, when a poster apologized for a lengthy story, Anne O'Dell responded, "No no, do more of it..I love real life stories..they are always more bizarre than the truth! [sic]" Posting of M3582, to fivers@yahoogroups.com (Aug. 7, 2001) (copy on file with FIVERS archive). See *supra* note 1 for an explanation of the citation format for FIVERS messages. Anne is a retired sergeant with the San Diego Police Department. She is an outstanding domestic violence trainer and conducts trainings around the world. She can be reached via her web site [www.stopdv.com](http://www.stopdv.com).

Anne's response shows the problem with the speed of email responses. I've checked with her, and indeed she meant to say that real life stories are more bizarre than the numerous urban legends about men who abduct women from mall parking lots and gas stations. Email from Anne O'Dell to Kathleen Waits, author (Nov. 27, 2002, 13:15 EST) (on file with author). Accord Posting of Bonnie, a long time advocate, M3583, to fivers@yahoogroups.com (Aug. 7, 2001) (copy on file with FIVERS archive) ("I truly have learned more from victims than all the research and studies,

passages; I have been known to do it myself. However, I urge the reader not to skip over these stories.

The following narratives focus on life with the batterer—both while residing with him and after leaving. For those who think that feminists only complain and whine, note that there are heroes in these stories as well as villains—people who helped and empowered women in need, as well as those who re-victimized them.

Jan Russell is, in my opinion, one of the most valuable FIVERS members. She is a gifted storyteller, as well as one of the list's keenest analytical minds.<sup>16</sup> She is a lawyer in Chicago and has worked for many years fighting for battered women. Here she tells of the ongoing effects of abuse from years ago:

In May, it will 20 years since I was badly beaten by my husband, 9 months after I fled because of the violence. At the time, my diagnosis included a hemorrhaged eye, a partially detached retina, an orbital floor fracture, a significant head injury, and tissue damage that took more than a year to heal.

When I first joined FIVERS, I posted about the horrible treatment I received in the ER, included being forced to give insurance information as cerebral fluid leaked out of my brain and on to the countertop. They merely gave me paper towels to wipe up after myself. The only time I saw the doctor was when she talked to me briefly as I lay on a gurney in the hallway and told me that I was being discharged and to take Tylenol for the pain.

Last year, a CT scan showed that the sinus cavity next to the orbital floor fracture was, in my non-medical terms, smashed. I went to see a specialist today as a follow up. The exam today showed that not only is one of my sinus cavities compressed to the point where it barely functions, one bone is almost 1/2 inch out of place and the orbital floor fracture, which the hospital said was non-displaced, was actually severely displaced and is bulging into a second sinus cavity, partially blocking it. This blockage also results in fluid building up behind my ear drum.

Before this beating, if I had allergies they were not significant enough to notice. Afterward, I not only had allergies, they were severe. Particularly for the past 4 years, I have had a constant struggle with bronchitis caused by postnasal drip, sinus infections, and infections in my right ear caused by the fluid build up. On my best days, I take 4 medications a day to keep my allergies/asthma under control. At other times, add additional inhalers, steroids and

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etc. REAL life stories bring me back to why I started this work in the first place. The injustice of it all.”).

16. As this Article turned out, I did not select any of Jan's analytical posts.

antibiotics. The year before last, I was on antibiotics most of ten months, trying to get these infections under control. I've also been taking allergy shots for 3 1/2 years. All of this had led me to fear what I want most—quitting my job to run my own business.

Today I learned that all of these problems are due to the injuries received in that beating. I will have to have one sinus rebuilt and the other unblocked, have a bone moved and have the orbital floor displacement repaired. The latter carries a risk of reopening the leak between my brain and the sinus which could lead to an infection in my brain if a second surgery isn't done immediately to correct it.

The surgeon believes that after the surgery all of the infections will be a thing of the past. He also believes that it is likely that virtually all of my allergy symptoms will disappear and that I will not have to take daily medication anymore. Since my asthma is mostly allergy-triggered, without allergies the asthma will be easily controlled.

I talked to my old therapist today and she asked me how I felt about all of this. I told her that it was hard to sort out just what it is that is making me feel so sick to get this news. Included is finding out that not only did not I have to go through the initial pain for over a year (and having my son abducted immediately after the attack) but that I've been suffering with these problems for all of these years because of what this a\*\*hole did to me. I'm also feeling sick about how the hospital mistreated me solely because it was dv and did not adequately investigate my injuries. When I left the ER that night, I had a severe headache from the head injury, was going in and out of consciousness, and was still leaking cerebral fluid, which could have had devastating results. I'm also upset that I've suffered all this time and disrupted my life goals unnecessarily because if I'd only known, I could have gotten the surgery years ago.

Of course, I'm happy to know that after I've suffered through the surgery, life will be so much better and I will be less concerned about my future. But all day, and still right now, I feel sick to my stomach to be dealing with this all again.

And there is a moral to this post too. When you are working with a battered woman who has recurring sinus or ear infections and was beaten about the head, tell her to go to a specialist to see if there are internal injuries responsible for it.

Wednesday morning I am going out to a friend's farm for a few days. My therapist and I devised a ritual for telling off all of the people who did me wrong (including the responding officer, whose first words to me were "Wow, what did you do to cause all of this?") and then burning a card with their names or status and their transgressions while saying a chant. Good thing I'll be in the

country where no one will hear my screams.<sup>17</sup>

In a later post, Jan told more about her hospital experience from long ago:

After making me do an insurance interview while I leaked cerebral

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17. Posting of M7175, to fivers@yahoogroups.com (Feb. 26, 2002) (copy on file with FIVERS archive).

In an earlier post, Jan had talked about doing a training for lawyers in which she had shared her story of abuse and its effect on her (now grown) son. Powerful legal authorities had resisted Jan's efforts to educate through narrative, and Jan feared she would be punished in her professional life for her truth-telling. This resistance illustrates Liz's statement about the "many obstacles . . . [women face in] having their voices heard in society and, by implication, in law." SCHNEIDER, *supra* note 2, at 102. It also supports Liz's assertion that women like Jan "do speak up and resist" the forces that work to silence them. *Id.* at 104. Jan wrote:

Today I did the presentation for the lawyers who are eligible to be appointed as attorneys for children in contested custody cases, telling the story of how my son was impacted by his father using him against me and by witnessing dv. Since I [last wrote to FIVERS] about this presentation, a powerful person in the local bar [I'll call him Mr. Stone] tried to bully us (me and the planning committee) to drop this presentation because he didn't think it was appropriate.

I was a nervous wreck all week. Stone's disapproval was added to my existing concern that this info might be held against me by these lawyers I practice with. I was especially worried that I wouldn't get appointments as a child rep when I finally got on the list myself. I didn't sleep much last night as my brain continued to review my dv experience all night. Before I started the presentation, I was sick to my stomach.

At the end of the story, I told them that there was one thing I wanted them to take away from it. Understanding now that children don't have to be direct targets of abuse to be seriously harmed by it, I asked them to understand that they had an ethical and a moral obligation to stop not just the physical abuse but also the abuser's manipulations and harassment now while they have the power of the court behind them and to remember [her son's] story to remind them of the damage they will allow happen to their client if they do not.

It appears that the presentation was a success. I talked to a lawyer this afternoon who said that afterwards there was much discussion in the hallway with lawyers talking about the impact it had on them to hear the story. One lawyer walked up to a friend of mine and said "I've known her for a dozen years but I had no idea that she went through all of that, but now I feel like I can see the complete picture. No wonder she has such passion for her work."

I haven't yet had the opportunity to talk to Mr. Stone (who was acting irritated with me beforehand for going through with it) but after my presentation he gave me the "ok" sign. You'll also be interested to know that George [the incoming chair of the state bar association's Family Law Committee, who had consistently resisted Jan's efforts to give adequate coverage to domestic violence issues] was never looking at me at any time I looked at him during the presentation and he did not acknowledge me in any way afterward, even when he came up to talk to other presenters. Oh, well, can't reach them all.

Posting of M3754, to fivers@yahoogroups.com (Aug. 16, 2001) (copy on file with FIVERS archive). After reading Jan's description of the impact of her presentation, a shelter director halfway across the country wrote, "I have a presentation to the marriage and family lawyers for our local bar next week. I am rethinking what I will say." Posting of M3760, to fivers@yahoogroups.com (Aug. 17, 2001) (copy on file with FIVERS archive).

fluid and was going in and out of consciousness, they took me to a room where the nurse and the cop gossiped with each other while I sat there. Finally, the nurse turned to me and asked "Weren't you in here last week?" I said, "Excuse me?" She said, "Didn't he beat you last week?" I then felt like I had to justify why I deserved medical attention by explaining that I had left him. The prevailing attitude of most of the staff was that I was misusing their precious resources.

Then they put me in a room and left me for about 1/2 hour, still wearing a sweater saturated with blood and with blood all over my arms and legs. A nurse's aide came in and was appalled. She cleaned me up. After she cleaned me up, she asked if I wanted her to call someone for me. No one had asked me that yet and I'd been there for 1 1/2 hours.<sup>18</sup>

Many FIVERS responded with their prayers and support. One FIVER, Sarah, works in a hospital. She asked if she could use Jan's post in individual and group training she does with hospital personnel, noting "personal experiences go a lot further than random articles."<sup>19</sup> Sarah also noted, "I wish it was a story that was ONLY true 20 years ago, but, unfortunately, I continue to hear these things today."<sup>20</sup>

Others talked about their own experiences, including how their own victimization informs their advocacy for other women. From Pam, a survivor who has long done domestic violence work:

Those of us that have suffered the atrocities from our perps, then again from the systems we turned to for protection and help, bring a clarity and urgency to this work that is so essential. This clarity and urgency is what keeps us focused on the victim's view of the reality of living with the knowledge that death is eminent and our support systems frequently become part of the condemnation parade. Our view keeps us from becoming bogged down in the rhetoric and theoretical posturing that some non-survivor

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18. Posting of M7280, to [fivers@yahoo.com](mailto:fivers@yahoo.com) (Mar. 5, 2002) (copy on file with FIVERS archive). Jan noted that she had never named the hospital (a major one in Chicago) "because I figured that they should be light years better now." *Id.* Jan's statement that the nurse made her feel "like I had to justify why I deserved medical attention" is an example of Liz's observation (derived from Kim Scheppele) that violence is treated as "normatively unexpected" rather than the opposite. Consequently, victims like Jan "have to explain why the violence happened to them." SCHNEIDER, *supra* note 2, at 107. See also Kim Scheppele, *Just the Facts, Ma'am: Sexualized Violence, Evidentiary Habits and the Revision of Truth*, 37 N.Y.L. SCH. L. REV. 123, 141 (1992).

19. Posting of M7188, to [fivers@yahoo.com](mailto:fivers@yahoo.com) (Feb. 26, 2002) (copy on file with FIVERS archive). Sarah offered Jan anonymity, but Jan said it was all right to use her real name.

20. Posting of M7299, to [fivers@yahoo.com](mailto:fivers@yahoo.com) (Mar. 6, 2002) (copy on file with FIVERS archive).

administrators bring to the issue, in lieu of the reality of women and children dying.

That said, we are still only as effective as we are healthy. Take care of yourself, for it is essential to your well being and your well being is essential to those lives you are going to touch. Every time we have some part of our abuse history raised to surface, as in the ongoing health issues, it reminds us that we are on the lifetime plan of healing. This also gives us the insight to help other victims with this unveiling process and horror that comes with the knowledge that process does not have an end.

Embrace your anger, massage your soul gently, and know that you are your own best advocate in the lifetime healing plan.<sup>21</sup>

From Barbara, another survivor and DV advocate:

[Your post] caused me to think about the injuries I have received in beatings by my ex and the relationship to my allergies and asthma.

He perforated my eardrum, causing me to have a three-hour surgery, which didn't really repair it. I'll probably, as I age, go partially or completely deaf. And he smashed my nose, so I am sure the sinus problems I have are related to that, even though they were repaired as well as able all those years ago. I wonder how many other women walk around with permanent injuries and suffering connected to beatings received by husbands and ex-husbands. It is so wrong and gets practically no air-time—it is not reported in the news.<sup>22</sup>

Yet another survivor, Alicia, pointed out an important, hidden lesson in Jan's story:

I would like to remind everyone that minimal brain damage is a very strong possibility for any woman who has been repeatedly hit in the head. It is seldom screened for, but can have devastating consequences for women as they try to recover from their abuse. It can cause subtle symptoms that engender a lack of respect when women struggle with memory problems or difficulty making decisions. I would always try to arrange, if financially possible, a screening by a neuropsychiatrist for these issues.<sup>23</sup>

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21. Posting of M7186, to fivers@yahoogroups.com (Feb. 26, 2002) (copy on file with FIVERS archive). Note how this post touches indirectly on the importance of "praxis: the unity of theory and action." SCHNEIDER, *supra* note 2, at 34. Pam indicates how non-survivors sometimes lose sight of reality by becoming "bogged down in the rhetoric and theoretical posturing." Posting of M7186, to fivers@yahoogroups.com (Feb. 26, 2002) (copy on file with FIVERS archive). See Klare, *infra* note 67 and accompanying text.

22. Posting of M7246, to fivers@yahoogroups.com (Mar. 2, 2002) (copy on file with FIVERS archive).

23. Posting of M7190, to fivers@yahoogroups.com (Feb. 26, 2002) (copy on file

Jan, the original narrator, strongly agreed with Alicia's comment about brain injuries in abused women, and expanded on her own story:

I'd like prosecutors to understand that a person with a head injury may remember some parts of the incident well and not remember other parts at all. It doesn't mean she's lying. My medical record from the ER, as pitiful as it was, would have made it difficult at trial because the info was all wrong.

The beating started right after I called the police because he refused to leave. When I was asked in the ER what my husband hit me with, I said "the telephone." That was the last memory I had—seeing him standing there with the phone. Later, when my family asked me what happened, I started to explain and I remembered that he hung the phone up first and that he hit me with his fists.

During the beating, I couldn't see anything, still don't know why. I was thinking "how am I going to protect myself if I can't see." I remembered a story I heard about a woman who was being raped by a man twice her size who started biting his nose until he got off of her. She then got away. Somehow I got his finger in my mouth and chomped down for a while. I didn't remember this at all. Five weeks later, when he found out he was wanted for simple battery and not attempted murder, as he expected, he called and started threatening me again. He then said "you didn't have to bite me." As soon as he said it, this whole piece came back in a flash. But if I had been asked by the police or a prosecutor if I had touched him at all, I would have said no. Hell, I would have testified under oath that I didn't do a thing to him.

When I was asked if I'd lost consciousness, I said no, even though I was having black outs in the ER. I was very, very confused. It was later when I tried to piece the time together from calling 911 until he left, I realized there was a pretty big gap, that I was in a different position than when my head hit the stove, and that my husband had put his coat on and my son's coat and shoes. This would have been a big discrepancy.<sup>24</sup>

Narrative can also focus us on new aspects of abuse. For instance, lawyers and law teachers tend to focus on how the legal system fails to shield women from abuse. But, in fact, the situation is even worse

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with FIVERS archive).

24. Posting of M7280, to [fivers@yahoogroups.com](mailto:fivers@yahoogroups.com) (Mar. 5, 2002) (copy on file with FIVERS archive). In more than twenty years of doing domestic violence work, I had never thought about—or heard anyone mention—the issue of how a victim's head injury could affect her testimony and credibility. I now make this point in both my Domestic Violence course and in trainings for lawyers and others. *See also infra* notes 29-30 and accompanying text (illustrating how FIVERS discussion furthered my understanding of the use of suicide and suicide threats by abusers).

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than that—abusers often succeed in using the legal system as a *sword*: using delay, frivolous motions, expense and other means to maintain control over women and children long after separation and divorce.<sup>25</sup>

Myra's story illuminates this point:

I am a domestic violence survivor and first year law student. My kids were abused by their father. After a restraining order and two years of supervised only visits, my children now visit their father without supervision. So far, they have not experienced any physical violence, although they do report that psychological abuse continues.

Now their father, after 6 months of unsupervised visits, has sued for parenting time that would amount to de facto joint custody, although I have sole legal and physical custody. Every few months this guy files a new motion, over parenting time, child support, getting a guardian ad litem, subpoenaing my grades at school and so on. Although our lives are much improved now, I feel perpetually under siege. Every time I start to relax into our new lives, there is a new subpoena at the door. The whole thing is financially costly and emotionally exhausting. I am afraid this guy will hurt my kids in retaliation if he can't get his control needs met through the courts, so I fear antagonizing the guy, but it is important for me and the kids to hold my ground and in the current case especially, not allow him to disrupt their lives further. They have stability now and I want to protect that.<sup>26</sup>

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25. See SCHNEIDER, *supra* note 2, at 168-69 (briefly discussing this phenomenon in the context of custody).

26. Posting of M2005, to fivers@yahoogroups.com (Apr. 9, 2001) (copy on file with FIVERS archive). Myra then asked: "What can I do about an abusive ex who now gets to continue his abuse through excessive litigation?" *Id.* She did not get a lot of responses. However, Alicia wrote: "If he was the one who started using the phrase 'parenting time,' he is likely getting his ideas from the fathers' rights movement. You might want to research them and become familiar with their tactics so that you can use the appropriate countermeasures." Posting of M2039, to fivers@yahoogroups.com (Apr. 11, 2001). Jennifer, a lawyer who works for a domestic violence shelter, responded:

When I am working with a survivor experiencing what you have described, I see if I can speak with her attorney about how to begin demonstrating to the court how the batterer is using the legal system to continue to abuse his partner—do you have an attorney to represent you? There is some great language in the ABA publication: *When Will They Ever Learn? Educating To End Domestic Violence, A Law School Report* [about how batterers abuse the litigation process through] "filing numerous court motions, violating existing court orders, or harassing victims during length[y] court proceedings. This struggle to maintain control can result in protracted custody battles, or false allegations of criminal conduct or child abuse against victims."

When I can point to this source, the lawyer I am attempting to educate is less likely to resort to the belief that I am just "spouting feminist man-hating b.s."

Posting of M2048, to fivers@yahoogroups.com (Apr. 11, 2002) (copy on file with FIVERS archive). See also Deborah Goelman et al., *When Will they Ever Learn? Educating tot End Domestic Violence, Law School Report* 15 pdf (last visited Feb. 5, 2003),

Nearly a year and a half later, Myra described her experience trying to get lawyers and judges to take seriously her batterers' use of the post-divorce litigation process to continue their control and oppression toward victims:

Post-decree litigation is a very widespread problem and it is horrible to think about how often domestic relations lawyers collude with batterers to continue their abuse. I am a survivor, too, and have experienced years of abusive litigation. My first attorney (for the first two years) just folded and was completely bullied (but still expensive). The opposing attorney did everything from scorched earth discovery to simply tying up my lawyer's copying machine. I finally fired this lawyer when she asked me how I could have stayed so long with my abuser and "done that" to my kids. My second attorney recognized the opponent's tactics immediately, but it still took him two years to get the judge to thump my ex. We hope we're done for a while. There is a woman in one of my [law school] classes who has been dealing with abusive litigation now for seven years, and she's had four attorneys.<sup>27</sup>

available at <http://www.ojp.usdoj.gov/ovc/publications/infores/etedv/etedvpdf>.

27. Posting of M10315, to [fivers@yahoo.com](mailto:fivers@yahoo.com) (Sept. 21, 2002) (copy on file with FIVERS archive). During Fall Semester 2002, Myra took Family Law. She shared with FIVERS the frustration that she and others in the class experienced:

During the last 20 minutes of family law class this morning the female prof began our "discussion" by announcing that men are battered, too, but there aren't many options for them, naming as an example an NBA player who was "battered." I tried to hold myself together emotionally while countering what she said. Then the discussion turned to what kind of options an attorney should suggest to a battered woman. Several folks in the class were knowledgeable about restraining order processes and what shelters provide, but most everyone was focusing on what few options there really are and how the legal options don't really work that well. After I mentioned the gun provision in the VAWA, the prof said, "Wasn't the VAWA declared unconstitutional?" We were all shaking our heads and saying no while she was chiding us for not reading our supplemental material. Finally, the prof got around to the point she wanted to make, which was killing the batterer is not an option. Well, as my 10 year old often says, "duh."

Later I visited the prof to talk about my concerns and she explained that we really don't have time to discuss what she sees as policy issues in a family law class. She said the domestic relations attorney is just not going to have to deal with battered women that often. [Myra added sarcastically:] Ok.

Posting of M10229, to [fivers@yahoo.com](mailto:fivers@yahoo.com) (Sept. 17, 2002) (copy on file with FIVERS archive). See *United States v. Morrison*, 529 U.S. 598 (2000) (declaring unconstitutional the civil rights remedy of the Violence Against Women Act ("VAWA"), 42 U.S.C. § 13981, but leaving in tact all other parts of the law, including provisions requiring full faith and credit for protection orders, 18 U.S.C. § 2265, and protections for battered immigrant women, 8 U.S.C. § 1154(a)(1)(A)(iii)).

When Myra mentioned the "gun provision in VAWA," she was probably referring to a later law, the Lautenberg Amendment of 1996, 18 U.S.C. § 922(g)(9) (Supp. 1997), which prohibits gun possession by people who have been convicted of a misdemeanor crime of domestic violence.

A couple of weeks later, Myra reported that she and others at her law school had organized a series of DV presentations on campus and that several professors

Another common control tactic are batterers' threats of suicide. Even before recent studies showed that suicide threats are a key indicator of lethality,<sup>28</sup> survivors on FIVERS helped me understand this. Alicia said:

When my ex was being his most threatening to me (almost daily threats to kill me), he also was threatening to harm himself (and even had a tentative plan), so I stayed with him a year longer than I intended to because I was very concerned that he might carry out his threat. Whenever my clients tell me that their abuser has threatened suicide I let them know that their danger level is quite severe. After all, if one has lost hope then there is nothing to lose by taking others with him and a great deal of satisfaction for those who are vengeful.<sup>29</sup>

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(obviously *not* including this family law professor) had expressed interested in teaching a seminar on domestic violence. The academic dean was also expressing support. On behalf of the interested professors, Myra then asked for syllabi from law school domestic violence courses. Posting of M10519, to [fivers@yahoo.com](mailto:fivers@yahoo.com) (Oct. 3, 2002) (copy on file with FIVERS archive).

Several FIVERS, including me, sent her syllabi, and with her permission I forwarded her request to the DVClinic listserv. In response, Myra and the professors received even more syllabi. This is consistent with the incredible generosity that is, in my experience, a hallmark of most feminist listserves.

In a later email, Myra told me that her school's Women's Law Caucus would be presenting a series of six weekly presentations, three on domestic violence and three on sexual assault. Email from Myra to Kathleen Waits, author (Nov. 29, 2002, 13:47 EST) (on file with author). She noted that two of the speakers are FIVERS members. *Id.* She and other students planned to present a petition to her school's curriculum committee, as evidence that there was adequate student interest in courses on both domestic violence and sexual assault. *Id.* The students were also demanding that these topics be adequately covered in other courses like Criminal Law. *Id.* Myra also said, "As a footnote, I would like you to know that I've gained invaluable experience—first volunteering and now have a consulting job—having to do with supervised visitation—all thanks to [another FIVERS member in Myra's city]." *Id.* See *infra* Part III.E (FIVERS as cybercommunity).

28. Studies showing that an abuser's threats of suicide indicate a heightened degree of risk to *the victim* as well as to himself. See Carolyn Rebecca Block et al., *The Chicago Women's Health Risk Study Risk of Serious Injury or Death in Intimate Violence: A Collaborative Research Project New Report* 190 (last visited Apr. 19, 2003), available at <http://www.icjia.state.il.us/public/pdf/cwhrs/cwhrs.pdf>. "Whether or not [an abuser] had 'ever' threatened or attempted to commit suicide was significantly related to whether or not the woman had experienced at least one incident in the past year that involved being beaten up, choked, or worse." *Id.*

29. Posting of M5655, to [fivers@yahoo.com](mailto:fivers@yahoo.com) (Dec. 2, 2001) (copy on file with FIVERS archive). A few months after this exchange, I was giving a training session and mentioned threats of suicide as an important risk factor, noting that abusers sometimes *do* kill themselves, and that sometimes they do so without killing others. In working with a victim whose abuser is threatening suicide, an advocate must not only acknowledge that the victim is facing increased risk. The advocate must also help the victim realize that she is not responsible for his life—that no one can prevent someone else from killing himself. At the next break in the training, an experienced domestic violence advocate thanked me for mentioning the possibility that batterers may commit suicide. Her own batterer had killed himself in front of her, in a way that still haunted her more than a decade later. She said that trainings often discuss murder-suicide, but that she had never before heard a trainer mention

Survivors' narratives on FIVERS are examples of the "broad' descriptions of battering" mentioned in Liz's book. They are "descriptions that attempt to capture interrelated aspects of coercion, power and control and are not limited to physical abuse."<sup>30</sup>

### *B. Advocates' Narratives*

Many FIVERS participants, including several of its most active members, advocate for battered women every day. Their posts show the progress that has been made by the battered women's movement and how far we still have to go. These posts illuminate many of Liz's central themes. In this Part I first present a group of posts and then tie them together with Liz's ideas.

The following post was sent by Helen, a survivor and passionate domestic violence ("DV") advocate, at 12:01 in the morning, under the heading "Good Vibes Needed":

Later today, one of my most serious cases goes to trial. I'm sleepless because I'm worried about the judge hearing the case. If the defendant were anyone other than a cop, I wouldn't be worried at all.<sup>31</sup> Here's the story:

The woman, I'll call her Lee, decided to end her relationship with her cop boyfriend, I'll call him Bob. Bob is unhappy. Bob comes to Lee's apartment in the middle of the night and begins to shoot into her windows. He shoots at least two bullets in each window and shoots into three different windows.

Lee wakes up and begins to run around the apartment trying to figure out why glass is breaking all around her, not understanding that shots are being fired. She runs to the front door and opens it. Bob is standing there with his gun out. He later tells Lee that it had jammed and would not fire anymore. We don't know what he might have done if the gun was working. Lee doesn't report this because he is a cop and has previously worked in her district.

For several weeks, she tries to get Bob to see that it's better if they break up. Bob just keeps on like she hadn't said a thing. Finally, she tells him again that it's over. But then she tells him that she kept the shell casings from the night he shot up her house and she will give them to the police if he doesn't leave her alone.

A few nights later, she comes home to find out that her apartment has been torched. Her 80 year old landlady who lived above her was home asleep at the time. Lee's sister and nephew were also

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the possibility of a perpetrator's stand-alone suicide.

30. SCHNEIDER, *supra* note 2, at 46.

31. It's a sign of progress that Helen says she wouldn't be worried if the perpetrator hadn't been a police officer.

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home in the apartment above that. They got out safely, no thanks to the arsonist. Virtually everything is destroyed. The shell casings were in a little basket on her dresser. It is one of the few things not burned up in the fire. The shell casing are not only missing, the arson investigator sifted through the debris and didn't find melted metal either. Hmmm.

The police were not able to place Bob at the scene of the arson. Not even I can suggest that they had enough to arrest Bob on the arson.

However, when they ask Lee who would have done this to her apartment, she names Bob and tells them about the shooting. Ultimately, the police are able to dig slugs out of the wall and they are a ballistics match to Bob's duty weapon!! Bob is charged with a very serious felony, aggravated discharge of a firearm, which is basically firing a weapon into an occupied building.

The shooting case is a great case evidence-wise. Not only do they have her testimony and her sister's (she looked out the window when she heard gunfire and saw Bob in front of the house, although she didn't see the gun), there is also the testimony of the owner of the gun shop where Bob took the gun to be repaired the next day. The arson investigator is great and he really wants to nail Bob.

So why am I worried? Because I know from experience that this judge never finds cops guilty of criminal DV, no matter how good the evidence. Many times, I've seen him issue orders of protection. He once told a prosecutor, who then told me, that he thought it was unfair for a cop to lose his job over dv. He felt that he was doing right by the victim to give her an order of protection. In his mind, justice was done.

In this case, he has made a few remarks that have worried the prosecutor. Particularly that early in the case the defense asked for the restriction on Bob possessing a gun be lifted so that he could go back on pay status with the dept. and the judge agreed to lift the restriction—on a felony case involving the use of the very same weapon! His comments had to do with Bob not having been convicted yet so why should he be deprived of his living. Fortunately, we had gotten an order of protection in civil court to get his guns taken away before the criminal case was filed. The civil court judge refused to let Bob have his guns back.

If Bob is convicted, he will not only lose his job and never be able to work as a cop again, he will lose his pension as well. This fact has been mentioned by the judge too.

DV cases involving cops are so hard because there are always judges (and others) who want to protect them. Most of the time, I remind myself that success means that our clients are safer and better

informed, not that the abuser was convicted or whatever another program might look to as signs of success.<sup>32</sup>

Three days later, Helen wrote:

We've gotten through the state's case, which was very strong. The physical evidence is clear. The confusion in the case is due to the victim not reporting it, but as she testified, she was afraid to call the police because he is the police. The defense also harped on the fact that she had sex with him after the shooting, with her stating that she did it to calm him down. The defense couldn't seem to understand the difference between her statement to the police that he didn't force her (i.e., didn't threaten her or take her by force) and her statement that she didn't want to do it.

The cross was brutal. The worse question asked: "When was the last time you had sex with a man you were afraid of." The judge sustained that without the prosecutor objecting. But that gives you a clue how the defense attorney was acting. The cop was married while she was dating him and the defense lawyer even had the nerve to ask her what she was expecting from the relationship. The whole thing was sleazy.

The best moment came after the defense was trying to suggest that she had fired the shots in the building herself in some kind of blackmail plot. He kept harping on the fact that she had applied to be a cop prior to this incident. He asked her if she knew how to handle a gun, she said no. Then he asked sarcastically, "Well, how did you think you were going to be a police officer if you don't know how to shoot a gun." The poor terrified woman looked puzzled and said "well. . . .I thought the department would teach me how to fire a gun."

This defense attorney is very experienced but he seemed to be quite rattled and made many mistakes that would seriously cost him in front of another judge. One of the many mistakes he made was to raise the history of violence prior to the shooting and then to imply that she was suing him in civil court for big bucks, when all that is pending is an order of protection proceeding, in which we are seeking reimbursement for the fire damage.

Unfortunately for him, he opened the door to many things, including the fact that the cop has several times offered to pay the victim \$18,000 reimbursement (the amount she figures she lost in the fire) if she would drop the charges. The defense attorney was livid when she testified to this on re-direct. On re-cross he asked who she had told this to and she said that she had reported it to me, which is true. The attorney started yelling about this discovery

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32. Posting of M5284, to fivers@yahoo.com (Nov. 8, 2001) (copy on file with FIVERS archive).

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violation, etc. etc., demanding that I produce my records. This didn't go far, of course, thanks to confidentiality [between battered women and their advocates] but it made for some interesting moments in the courtroom with the judge glaring at me.

Now what worries me is that the judge allowed the defense's request for a [one month delay] so that Bob's lawyer could get the transcript on the victim's testimony to "perfect impeachment." The judge said there was "enough there." I think this is incredibly unfair. Other than the testimony about the \$18K bribe offer, she didn't testify to anything he didn't already know. This deck is definitely stacked against us. It will be some time before we know the outcome of this case.<sup>33</sup>

A little more than a month later, under the heading, "Big surprise in court today," Helen wrote:

Today the trial resumed and the defense put on the abuser's wife who testified that she was the one who fired the gun!!!!

She testified that she found out her husband was having an affair. One night she drove to the girlfriend's house and took her husband's service weapon with her because it was dark and a bad neighborhood. She didn't see her husband's car or Lee's car. She got out of the car and started to walk around the building. While in the driveway at the side of the house, she was startled by a big rat and started to fire the gun. She doesn't know what she fired at or how many bullets were fired, or any other specific question, because she just snapped and doesn't remember anything after the gun fired.

Two of the more interesting points in this perjured testimony: 1) she didn't testify to any fact that would allow her to be charged with the offense her husband is charged with, the elements including intent and knowledge that someone was home. Pretty slick. 2) The testimony does not fit the physical evidence at all, since the police testified about the trajectory of the bullets which showed that the gun had been fired into 3 different windows.

The judge will make his ruling tomorrow morning. We are

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33. Posting of M5339, to fivers@yahoogroups.com (Nov. 11, 2001) (copy on file with FIVERS archive). Later that same day, Helen explained why the month's delay was so unfair. Lawyers are well aware of the unfairness of nit-picking inconsistencies, but I suspect some of the non-lawyers on FIVERS learned from this post:

The [defense] attorney will have an opportunity to go through [the transcript of the victim's testimony] line by line and see if he can find a discrepancy between her testimony and any statements she made to the police. It is giving the defense a very unfair advantage because people, even when telling the truth, don't usually tell the story exactly the same way every time.

Posting of M5376, to fivers@yahoogroups.com (Nov. 13 2001) (copy on file with FIVERS archive).

encouraged that he wanted time to think about it. I'll let you know tomorrow night what the outcome was.<sup>34</sup>

Two days later came "The Verdict":

Completely ignoring the physical evidence (bullet fragments imbedded in the walls that match the cop's gun, testimony from the owner of a gun shop where the defendant took his gun to be repaired the day after), the judge found the defendant not guilty.

He said that he did not believe the wife's story that she was the one who fired the shots. He spent a lot of time talking about what scum the defendant was, a cheat and liar, and said that he didn't deserve to be a police officer (to the amusement of the other [non-police] defendants waiting in court for their own cases).

But he said that he didn't find the victim's testimony to be compelling due to her untimely reporting of the incident and that fact that she did not immediately tell the police about the shooting when she discovered that her apartment had been set on fire. Absolutely nothing he said about the victim's testimony would make anyone on [FIVERS] question her credibility. But the judge didn't get it at all, even though he paid lip service to the closing argument of the prosecutor who attempted to explain the victim's behavior.

The fight isn't over yet. Two more battles are left to be fought. We still have an order of protection case pending in civil court. That order prohibits him from possessing a gun, which makes it impossible for him to work as a cop. Sometime in January, we will go to hearing on that case, with a preponderance burden of proof, seeking to continue the order with the gun remedy and to get reimbursement for the contents of her gutted apartment. We will, in essence, retry the same case with the addition of presenting the arson evidence. Then he will face a Police Board, because the dept. is trying to fire him.

I am so tired.<sup>35</sup>

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34. Posting of M5851, to fivers@yahoogroups.com (Dec. 19, 2001) (copy on file with FIVERS archive).

35. Posting of M5869, to fivers@yahoogroups.com (Dec. 21, 2001) (copy on file with FIVERS archive).

Helen is licensed as an attorney, even though she works primarily as a non-lawyer advocate. She has shared with FIVERS stories like this one, where justice did prevail:

Guy is caught breaking into his ex-girlfriend's apartment, carrying a briefcase. In it he had cut lengths of phone cord, duct tape, a vibrator and a wrench. Now what do you think he had in mind for her? In case you are wondering what the wrench was for, apparently for use as a bludgeon. When the police tried to arrest him, he hit one of them on the head with it.

I was working for the State's Attorney's Office at the time. The guy had been charged with numerous offenses during the night, including battery of a police officer, and given a ridiculously low bond by night court judge who

Helen received several messages of support and sympathy. Jennifer, a lawyer who works for a shelter, called the judge's refusal to believe the victim "[a]nother example of how a survivor must be 'the perfect victim' in order to 'deserve' justice."<sup>36</sup> Bonnie, another advocate, wrote, "I see *some* progress in the courts so that makes me an advocate for judicial intervention. I do waffle at times though, with all the *bad* decisions I hear."<sup>37</sup>

So many of Liz's themes come to life in Helen's story and the responses to it. The outrageous not-guilty verdict illustrates the sexism and raw injustice of the legal system in which battered women must operate. Lee was one of "[t]hose women who delay in telling their stories of abuse" and are therefore "likely to be disbelieved and discredited."<sup>38</sup> Certainly the judge's belief that no police officer should lose his job because of domestic violence illustrates that "[n]arrative strategies and problems of proof [in battered women's cases] must . . . be understood as the result of social and cultural forces that are larger than any particular woman's case."<sup>39</sup>

Note too Lee's decision to have sex with Bob to calm him down after he had fired shots into her apartment.<sup>40</sup> This is a classic example of a case where a woman

seeks to extricate herself from . . . an abusive relationship. . . . The ways in which women respond to these challenges often constitute a form of self-direction or an effort to negotiate gender-based obstacles in order to achieve these larger goals. These responses, however, do not always involve explicit confrontation; therefore they are not always recognized as forms of resistance or manifestations of agency.<sup>41</sup>

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cared zip about dv. We had him in dv court the next morning, already out on bond, and wanted to get him back in custody but couldn't revisit the offenses for which he had already bonded out.

Being the creative sort, I wrote up a complaint for unlawful use of a weapon [UUW] for the use of the wrench on the cop. You should have seen the judge's face when we read the complaint to him. But then we got to explain *all* of the circumstances and the judge gave him a ridiculously high bond for a UUW and he went back to jail.

Posting of M3578, to fivers@yahoogroups.com (Aug. 6, 2000) (copy on file with FIVERS archive).

36. Posting of M5878, to fivers@yahoogroups.com (Dec. 21, 2001) (copy on file with FIVERS archive).

37. Posting of M5923, to fivers@yahoogroups.com (Dec. 26, 2001) (copy on file with FIVERS archive).

38. SCHNEIDER, *supra* note 2, at 106.

39. *Id.* at 108.

40. See *supra* notes 31-32 and accompanying text.

41. SCHNEIDER, *supra* note 2, at 85 (quoting Kathryn Abrams, *From Autonomy to Agency: Feminist Perspectives on Self-Direction*, 40 WM. & MARY L. REV. 805, 832-33

In keeping with limited, male-oriented approaches to agency, the defense attorney—and perhaps the judge—could not understand how Lee could feel that the sex was not “forced” while at the same time testifying that she did not really want it. Helen, in sharing Lee’s story, helped all FIVERS members to “reject simple dichotomies and accept contradiction and ambiguity in women’s lives.”<sup>42</sup>

Helen and other advocates work every day “to describe the experience of woman battering accurately and simultaneously to be able to translate it to the courts.”<sup>43</sup> They are engaged in legal reform “on the ground” by taking a feminist understanding of battering and using it “in everyday cases involving legal representation of battered women.”<sup>44</sup> They sometimes get very “tired” when time and again—despite all their work and despite the enormous courage of battered women like Lee—men like Bob are acquitted.<sup>45</sup> Bob is acquitted because the judge saw Lee’s testimony “through the lens of [his] own common assumptions.”<sup>46</sup> The judge somehow thought he understood Lee, when in fact his interpretation of her behavior bore “little if any relation to the complex realities” of her life.<sup>47</sup>

Bonnie’s response to Helen—articulating her ambivalence about judicial intervention—mirrors Liz’s extensive discussion of the difficulties in engagement with the state.<sup>48</sup> FIVERS participants constantly struggle with what Liz calls, “the murky middle ground between total rejection and total endorsement of working with the state.”<sup>49</sup>

Finally, there is the sense from Helen and the responders that FIVERS are in it for the long haul. They fully realize the “long-term nature of feminist legal work . . . [the difficulty of] seeing women

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(1999)).

42. *Id.* at 84.

43. *Id.* at 71.

44. *Id.* at 101.

45. Precisely because our society and legal system remain patriarchal, battered women like Lee encounter rank injustice all the time. In doing this work, I’m often reminded of Edna St. Vincent Millay’s quip: “It’s not true that life is one damn thing after another; it is one damn thing over and over.” Letter to Arthur Davison Ficke (Oct. 24, 1930), available at [http://www.quotegeek.com/Literature/Millay\\_Edna\\_St\\_Vincent/](http://www.quotegeek.com/Literature/Millay_Edna_St_Vincent/).

46. SCHNEIDER, *supra* note 2, at 109. Liz’s words are actually in the context of how judges interpret (or misinterpret) expert testimony on battered women’s experiences. I’m confident that Liz would agree that judges also distort victims’ own testimony.

47. *Id.*

48. *Id.* at 181-98. See *infra* Part III.C (discussing engagement with the state/capitalism and fundraising).

49. *Id.* at 196.

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[like Lee] as reasonable.”<sup>50</sup> Helen is tired, but she keeps going partly because she can turn to other FIVERS for support and affirmation. She also trudges on, hoping that she and Lee may yet succeed in getting Bob, the abuser, fired from his job as a cop, or kept away from guns by the civil protective order system.

The next series of posts are examples of one type of FIVERS dialogue—spirited, insightful and sometimes hilarious.<sup>51</sup> The first post was sent at 3:16 p.m. on a Friday afternoon. The author, Donna, is a longtime and active FIVERS member who is the Executive Director of a large shelter. The context of the first paragraph is an earlier post indicating that anyone who wrote an article for *Domestic Violence Report*<sup>52</sup> would receive a free one-year subscription in return. Donna writes:

But will they [Domestic Violence Report] accept this as an article?:  
Male violence bad. Women together good. Fight back now.

At the (possible) end of a very, very interesting week, I am too fried to think more beyond this.

Jennifer (my head legal advocate)<sup>53</sup> and I get to stand in the schoolhouse door around subpoena of our records. Jennifer wants to go to jail, but I told her she can't go that I'm going first. We've had two subpoenas recently. People keep trying to be supportive and say they will bail us out, and I have to explain that you can't get bailed out when you're in for [civil coercive] contempt of court. I started to cry yesterday (yes, difficult week) when another advocate, who had actually been subpoenaed, arrived at my door to say, *she* was very willing to go to jail, too. Very inspirational. Jennifer found an attorney to file what we call [in jest] a motion to squash.

I got to tell an attorney for the assailant (in one of these cases) that she would get records over my dead body (that was fun).

We had a batterer call demanding services as the real victim—he wanted our help with emergency custody (over our collective dead bodies), and when told no stated he would come over here because he has done some cable repairs at the shelter. So, I call the company and yes he has done cable repairs, so I ask them to keep him away from us, they comply. Meanwhile our amazing intrepid legal advocates managed to assure that he would be arrested for

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50. *Id.* at 83.

51. See *infra* Part III.F (FIVERS humor).

52. *Domestic Violence Report* is a superb newsletter, edited by the incomparable Joan Zorza. Subscription information can be found at the web site of the publisher, the Civic Research Institute, at <http://civicresearchinstitute.com/vi2.html> (last visited Apr. 19, 2003).

53. This is the same Jennifer cited *supra* note 26, who is herself active on FIVERS.

[domestic violence]. Yay!

Survivors are walking in the door even as I speak (seeking services for the first time) and I just got off the phone with an obvious assailant who said that he was calling United Way because we were rude to him.

I met with non-white colleagues today to talk about racism and the good news is that I'm not depressed, I'm pissed.

Let's see, our City Council has said that the United Way can conduct a campaign with city employees even though the United Way funds the Boy Scouts. The director of United Way is a well-intentioned nice guy, but I could hear him blanch when I told him I was a lesbian (he must be the only person in our county who did not know), and told him that they should stop funding the Boy Scouts. That was an interesting conversation.

My son David came home (he just turned 4) and said he "kissed Ashley on the lips" (Ashley also just turned four). My first question was: was that okay with Ashley? Oh, yes, said David, we are very good friends. Well, I'll have to interview Ashley privately to ensure that this kiss was totally and completely voluntary on her part.<sup>54</sup>

Here are some of the responses, in the order sent to the list:

[4:57 p.m.] "Isn't a 'motion to squash' what you do with cockroaches? Sheesh what a week."<sup>55</sup>

[7:08 p.m., from Lydia Walker,<sup>56</sup> who is unquestionably the funniest person on the list, responding to the "motion to squash":] "Isn't that

54. Posting of M3936, to fivers@yahoogroups.com (Aug. 24, 2001) (copy on file with FIVERS archive).

The first response, sent just eight minutes later, said: "((((Donna)))) illegitimi non carborundum." Posting of M3937, to fivers@yahoogroups.com (Aug. 24, 2001) (copy on file with FIVERS archive). For those not familiar with email lingo, the brackets represent a "cyberhug." The author of this post, Michael, has worked in batterers' intervention programs and has become a close personal friend of Donna's through the INTIO-L and FIVERS experience. The Latin phrase means "don't let the bastards get you down."

55. Posting of M3939, to fivers@yahoogroups.com (Aug. 24, 2001) (copy on file with FIVERS archive). This post was from Louise Armstrong, a distinguished feminist author. Louise has written extensively on both incest and how the so-called child welfare system hurts women and children. Her books include: LOUISE ARMSTRONG, *KISS DADDY GOODNIGHT: A SPEAK-OUT ON INCEST* (1978); LOUISE ARMSTRONG, *ROCKING THE CRADLE OF SEXUAL POLITICS: WHAT HAPPENED WHEN WOMEN SAID INCEST* (1994); and LOUISE ARMSTRONG, *OF 'SLUTS' AND 'BASTARDS': A FEMINIST DECODES THE CHILD WELFARE* (1995).

56. Lydia is a nationally known trainer and consultant on domestic violence. She is an expert on a wide variety of domestic violence topics and is absolutely fabulous. In person she is just like her FIVERS persona: insightful, engaging, funny, practical and "right on." I would urge anyone looking for a top-rank DV trainer to engage her. She can be reached at 479-750-7322. Interestingly, Lydia asked that I provide her phone number rather than her email address because she is "afraid of viruses and pranks; I've really pissed off a few battering lawyers in my time." Email from Lydia Walker to Kathleen Waits (Nov. 30, 2002, 23:13 EST).

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what you're doing when you reach across the mashed potatoes?"<sup>57</sup>

[7:19 p.m., Jennifer, the legal advocate who works with Donna and shared this week from hell, about the proposed: "Male violence bad. Women together good. Fight back now" article for "Domestic Violence Report":] "Add a bit of percussion, some harmony, and you have a hit."<sup>58</sup>

[7:26 p.m., again Jennifer:]

I have to tell all of you how much I love this list. Reading everyone's recent postings made me laugh til I cried. And I was so grateful, because I just got off the phone from calling a survivor to let her know that her former partner/assailant had been found dead today. A difficult week, capped by having to call her from out of the blue and drop a very mixed bunch of news on her.

Thank you all for being out there.<sup>59</sup>

[12:54 a.m., from Joan, a frequent FIVERS contributor who lives in Florida, on the "motion to squash" and cockroaches:] "I'll supply fresh FL roaches . . . only we call them high faluttin names like Palmetto bugs (translation: BIG honking roaches)."<sup>60</sup>

[Now the next day at 8:21 a.m., a domestic violence advocate living 1000 miles away from Donna] "Donna, keep fighting. Sending a hug. My thoughts are with you."<sup>61</sup>

[The next day, 2:46 p.m., from Martha, an experienced advocate. Twice in her career she has had to tell women that their batterers were dead. The first time, the victim responded in a very funny "gallows humor" way.<sup>62</sup>] "Now the other time was awful. No matter how it went for you, all my empathy for your stress."<sup>63</sup>

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57. Posting of M3945, to fivers@yahoogroups.com (Aug. 24, 2001) (copy on file with FIVERS archive).

58. Posting of M3946, to fivers@yahoogroups.com (Aug. 24, 2001) (copy on file with FIVERS archive).

59. Posting of M3947, to fivers@yahoogroups.com (Aug. 24, 2001) (copy on file with FIVERS archive).

60. Posting of M3953, to fivers@yahoogroups.com (Aug. 24, 2001) (copy on file with FIVERS archive).

61. Posting of M3957, to fivers@yahoogroups.com (Aug. 25, 2001) (copy on file with FIVERS archive).

62. When I asked Martha's permission to share the details of this story, her response showed her deep compassion and ethics. She checked with the woman who had uttered the humorous punch line. The woman felt deeply ambivalent about having the quote used. Finally, she told Martha that she trusted her to do what was right. Martha then denied permission for use of the story, not only because of the survivor's ambivalence but because Martha knows "[abused] women are under such pressure to always agree to what their advocate asks them to do." E-mail to Kathleen Waits (Dec. 1, 2002, 11:12 EST) (on file with author).

63. Posting of M3960, to fivers@yahoogroups.com (Aug. 25, 2001) (copy on file with FIVERS archive).

Consider first Donna's lobbying for her local United Way to stop funding the Boy Scouts, and her meeting with non-white staff. These show her broad feminist understanding and her recognition of the links between sexism, racism, and homophobia.<sup>64</sup> But her commitment is more than theoretical. She is committed to "praxis: the unity of theory and action . . . action-in-belief and belief-in-action,"<sup>65</sup> extending this to her parenting as well.

Donna and Jennifer's resistance to a subpoena for the shelter's records is an example of "rights on the ground."<sup>66</sup> In their state, battered women's records have strong legal protection, yet advocates must constantly fight to preserve victims' confidentiality. The shelter workers' courage and determination is admirable, and Donna's shelter won this legal battle.<sup>67</sup> Still, the constant battles with law enforcement authorities and batterers' lawyers make battered women's confidentiality less than it appears on paper.

Martha's examples of how different women react to their batterers' deaths is a great example of the importance of "particularity" in dealing with battering.<sup>68</sup> The "gallows humor" response is dramatically different from cases where a woman is devastated by her batterer's death. Stories like these can help people understand that there is no such thing as a "typical" battered woman.<sup>69</sup>

The exchange also provides a small glimpse at the toll exacted

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64. Liz touches on these connections. See, e.g., SCHNEIDER, *supra* note 2, at 63 (discussing how racism affects battered women of color); *id.* at 68-70 (discussing gay and lesbian battering and the lesbian baiting that is used to attack the shelter movement); see *infra* Part III.D (illustrating the FIVERS broad feminist viewpoint).

65. SCHNEIDER, *supra* note 2, at 34 (quoting Karl Klare, *Law Making as Praxis*, 40 *TELOS* 124 n. 5 (1979)). See *infra* notes 88-89 and accompanying text (dialectic process and FIVERS) and Part III.D (FIVERS as a community sharing diverse experiences).

66. SCHNEIDER, *supra* note 2, at 49-53.

67. Jennifer confirmed that their shelter had never lost a confidentiality battle. E-mail to Kathleen Waits (Nov. 29, 2002, 14:19 EST) (on file with author).

68. See *supra* note 15 (noting the importance of particularity).

69. See, e.g., Kathleen Waits, *Battered Women and Their Children: Lessons from One Woman's Story*, 35 *HOUS. L. REV.* 29 (1998). In this article, I tell in detail the story of one battered woman, whom I call "Mary." Later in the article, I ask whether Mary is a "typical" battered woman. The response:

There is no such thing as a 'typical' battered woman. They come from all socioeconomic, racial and religious backgrounds. Some had happy childhoods, some did not. Some, like Mary, work outside the home, others do not. Some are women who subscribe to traditional gender roles; others have strong feminist beliefs. Some are straight, some are lesbians, some are bisexual. They are, in short, a cross-section of all women. Equally important, battered women do not react to the abuse—and society's condemnation of it—uniformly.

*Id.* at 94.

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from those who fight for battered women. Secondary or vicarious trauma is very real,<sup>70</sup> and so is the relief of laughter provided by Lydia Walker and others.<sup>71</sup>

*C. Engagement with the State—and with Mainstream Society and Funders*

FIVERS members do not just rage against law enforcement, lawyers and perpetrators. Sometimes members vent against the domestic violence system itself. Sarah, the hospital domestic violence advocate, wrote:

WHY CAN'T WE FIND SHELTER WHEN WE NEED IT?????

Just got a call from City [Social Services Department], which is (amazingly) frantically trying to find shelter for a woman, no kids with her (she dropped them off at her mom's in another state)—this woman fled her abuser in yet another state, then her car broke down in our city, as she continued her fleeing. Cops brought her to [the Social Services Department], she now has no car, no money, no anything and—surprise surprise, no shelter.

The worker called everywhere. I get so frustrated. I tried to get someone into shelter last Thursday. Left for the day thinking I'd turned it over to the [hospital's] Psych social workers who were working on admission so I could come back to it the next day (give her a night's rest in a safe environment) only to find when I arrived the next a.m. that she was discharged at midnight the night before. Once again, shelter failure.

I don't know what to tell people anymore. I say use family & friends [first] because it's so hard to get shelter. Then when that's gone, the shelters say, "not in immediate danger". ARGH.

It's not all shelters and it's not all the time. I know this. But it happens often enough to really get to me. Especially when I see good advocates doing their best and nothing appears.

That's all. Going back to work to do my "stats" for the funders.<sup>72</sup>

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70. See generally KAREN W. SAAKVITNE & LAURIE ANNE PEARLMAN, *TRANSFORMING THE PAIN: A WORKBOOK ON VICARIOUS TRAUMATIZATION* (1996).

71. See *infra* Part III.F (illustrating FIVERS humor). I suspect the reader may find the "motion to squash/mashed potatoes/add some percussion/Florida roaches" exchange mildly amusing at best. I can only say that, like Jennifer, I laughed out loud when these posts came across my computer screen. Much like foxhole humor, there's a special camaraderie among those who combat and witness danger, injustice and courage.

72. Posting of M5657, to [fivers@yahoo.com](mailto:fivers@yahoo.com) (Dec. 3, 2001) (copy on file with FIVERS archive).

Another recurring rant is the lousy pay for this incredibly demanding work. In case anyone thinks that people are getting rich from running battered women's shelters, consider this exchange:

[From an Executive Director]

Inadequate shelter space comes from inadequate funding. Since governments provide critical funding for shelters, funding is one way that “engagement with the state” is a complex issue for feminism and battered women’s lawmaking.<sup>73</sup>

I am in a rural area and we cover 7 counties with a staff of 13 full and part time people. Since I have been on board at this agency, I have managed to increase the budget by 50%, gotten everyone dual Sexual Assault/DV trained, and have opened 3 satellite offices. I am a very active member of the [state] DV coalition, and have just joined the [national board of an important violence against women group]. In addition, I do a lot of training, and am POST certified to provide law enforcement training. I have been in the movement for 9 years, with 8 of that being in admin/direct service. We have 24-hour on-call to 3 hospitals and I am a very active participant in on-call and other direct service work in addition to all admin duties. (I have been on-call for 8 years.)

I would like info on areas that are least somewhat similar to mine.

And since I am asking, I will share my info first. I am making [in the mid-30’s] as the ED. We have 6 holidays, 1/2 personal day per month, no retirement/401K or any other type of benefit. The board just voted to pay up to 1500 per year per person toward their individual health insurance since we do not at this time qualify for group insurance. We earn 2 weeks (10 days) vacation at 1 year and it never increases.

And I have been pushing to increase holidays and vacation time . . . the personnel committee just notified me that they are recommending moving to three weeks of vacation at 7 years. To say I am feeling totally devalued is an understatement.

Anyway—I would like to know what other EDs and advocates in similar agencies have as far as salary and benefits.

(Would also be interested in knowing about job openings in my area of the country <grin>)

Posting of M7353, to fivers@yahoo.com (Mar. 10, 2002) (copy on file with FIVERS archive). One of the responses was from an Executive Director who now runs a much larger shelter in a much larger city. She offered to talk on the phone with the poster with suggestions of what she might say to her board, etc. The poster accepted this offer.

A response from Erin, another shelter director, said that she faced a similar—and even worse—situation, “Useless board (“ladies who lunch”), no support there. My salary is abysmal, far worse than yours. Minimal benefits, no retirement, etc.” Posting of M7355, to fivers@yahoo.com (Mar. 11, 2002) (copy on file with FIVERS archive). But Erin went on:

However, I would encourage you to not feel undervalued—what we do and who we are has an impact on people’s lives that goes far beyond any dollar value. Yes, I would like to be bringing home a decent paycheck, since I’m widowed, have my elderly parents living w/me along w/my oldest daughter and her infant daughter. But job satisfaction is of paramount importance to me—I guess I’m just an old hippie who believed from a very early age that making a difference was all that mattered. Your contribution to the people you serve has immeasurable value, and you have changed people’s lives. I don’t think there are many dv/sa agencies who are able to provide the level of salary and benefits to any of their staff that would be commensurate with those in the for-profit sector—although I know that most do better than mine and, apparently, yours. But we are saving and changing lives—and that may be the only “payoff” we get!

*Id.*

73. See SCHNEIDER, *supra* note 2, at 182-84 (discussing the relationship between state governments and the battered women’s movement).

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But the problem goes beyond entanglement with government. It also raises feminist concerns about dependence on patriarchal institutions in both the public and private sectors. One of the most interesting list conversations during the period I examined concerned funding of shelters and domestic violence advocacy programs. The discussion started with a post from a volunteer advocate named Karen. She stated that a well-known national corporation (which I will call X Corp.)<sup>74</sup> was touting its funding of domestic violence shelters when it in fact was doing virtually nothing.

Kimberly, a FIVERS member from Alberta, Canada broadened the issue:

I think the problem is bigger than [this particular corporation]. Let's face it, the majority of us are doing work that is underfunded by our governments, even though keeping women and children safe is their responsibility. So many organizations have to seek funding from less than desirable sources, thinking that at least we can help a few more women this way. (I refer you to two excellent articles in the November 2001 issues of "Off our Backs": *Paying for It* and *Polishing Its Image or Preventing Domestic Violence - What's Philip Morris Really Doing?*.) Even those funding pots are getting smaller: just last week, the [government in Alberta announced it was cutting funding that came from lotteries]. Not that the lottery boards were "safe" and "untainted" funding, but at least they had fewer strings attached than a partnership with Talisman!<sup>75</sup> So now we (and others) are going to have to decide whether to give up a few more of our principles to get funding elsewhere or ???

It's really ironic that all this is happening as I am trying to write up guidelines/policies around funding, corporate involvement and donations for our agency.<sup>76</sup>

Rita Smith, the Executive Director of the National Coalition Against Domestic Violence ("NCADV"), responded:

NCADV has struggled with this issue since our inception in 1978.

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74. Posting of M7495, to fivers@yahoogroups.com (Mar. 23, 2002) (copy on file with FIVERS archive). I am being purposefully vague, because Karen works for X Corp. and made clear in a later post that she could be fired if it were known that she was "blowing the whistle" on the company's bogus support of shelters.

75. When I asked Kimberly to explain the Talisman reference, she wrote:

Talisman is an oil company in Calgary that (until recently) funded part of its operation through oil projects in Sudan. There was a concerted effort to get them to leave Sudan because their projects were impacting the government, and the government was repressing the people. We succeeded in getting them out of Sudan.

E-mail to Kathleen Waits (Nov. 29, 2002, 14:11 EST) (on file with author).

76. Posting of M7524, to fivers@yahoogroups.com (Mar. 26, 2002) (copy on file with FIVERS archive).

The questions are not easy, and the answers come even harder. It seems to me that there is very little money available for philanthropy that isn't tainted in some fashion. The government is certainly not a great funding partner, they have rules that make me cringe about how we can use their money, what we can print, who we can train and what we train them on. As a result, NCADV doesn't seek funding from the federal government, even with the huge pots of money coming from VAWA since 1994.

I don't know how to continue to expand and grow, to meet the needs of battered women and programs/coalitions serving them, without taking someone else's money. We work very hard to use some source of filter, to try and glean out the worst offenders of corporate greed or disregard for human rights, but at some point we have to find ways to fund our existence.

We use material created by the Council on Economic Priorities [CEP], who survey major corporations on issues like advancement of women and minorities, contracts with dept. of defense, product testing on animals, etc. They have about 12 categories they use to determine if the corporation works to reduce the negative impact of their production on people, employees and the environment.

Outside looking at that filter, we try to determine if the partnership will benefit NCADV and our constituents. We have developed several other criteria we use once they rate well in the CEP material. I'm just not sure what else to do, short of closing up shop and going home.<sup>77</sup>

Karen, the woman who first wrote the alert about X Corp., replied to Rita:

Hi Rita. I didn't mean to call into question any of your decisions regarding any funding you receive. If I came across that way, I apologize. It was not my intent. I absolutely advocate that you take whatever steps you deem necessary to continue your organizations success.

Funding is difficult to gain and if X Corp. does in fact deliver financial aid or other resources to your organization I am the first one to support that and to be appreciative. The intent of my post was only to put out the message to be wary of the X Corp's claims because some of them aren't accurate as the company represents them.<sup>78</sup>

Susan McGee, the shelter director of SAFE House in Ann Arbor, Michigan, wrote:

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77. Posting of M7526, to fivers@yahoogroups.com (Mar. 26, 2002) (copy on file with FIVERS archive).

78. Posting of M7528, to fivers@yahoogroups.com (Mar. 26, 2002) (copy on file with FIVERS archive).

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Thank you, Karen for a nice post. I believe that it is critical for us to be able to discuss these issues passionately, yet respectfully. Our shelter does take government money, and has served hundreds more women than we used to without it. But it comes with a big price. I'm struggling about Philip Morris money [Philip Morris has done some funding of domestic violence, and has widely advertised that support, presumably in an effort to rehabilitate its image. Many advocates, like Donna, have qualms about taking money from a tobacco manufacturer. So far, Donna's shelter has not accepted Philip Morris money.] I keep seeing very, very large billboards with our crisis line.<sup>79</sup>

Rita Smith of the NCADV, replied to Karen:

This discussion is critical to NCADV holding true to its mission, and so you can question our decisions all you like. I understand you didn't have that intention in this particular case, but I don't want anyone to not speak out when they feel NCADV has gotten off the mark. I work really hard to not take this kind of feedback personally, and when it's given respectfully, that's not terribly difficult. It does become harder when the feedback takes on a more personal and accusing tone, but even then I realize the position NCADV holds for this movement and want to have an open dialogue about how we do our work.

I have hopes that our relationship with X Corp. will actually bring some changes in their corporate process with employees. [There had been discussion about some policies of X Corp. that had a potential adverse affect on female employees.] I wanted them to know that if they began a public partnership with us, that we had members and supporters who may let them know if they aren't happy with a policy or practice. The person from X Corp. appreciated my bringing it up, and the two of us decided to move ahead.

If you have some points you'd like to make with the corporation, I think it would be good for them to hear from you. Corporations need to be held accountable for the policies and practices they use, especially when it contradicts the public image they present to existing and potential consumers of their product. As with Congress, with businesses we vote with our dollars, and that holds a good bit of power when we build coalitions to make changes in the world.

Thanks for your support and willingness to share, it does matter to me.<sup>80</sup>

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79. Posting of M7531, to fivers@yahoogroups.com (Mar. 26, 2002) (copy on file with FIVERS archive).

80. Posting of M7536, to fivers@yahoogroups.com (Mar. 27, 2002) (copy on file

And in a later email, Rita said:

I can give X Corp. the information [about corporate policy that is bad for women and] is so contradictory to the image they present, and ask them to help me understand how this makes sense. Since most of our job is to challenge people's thinking about how we do things as a society, I can comfortably engage corporations in this kind of dialogue. Maybe we make a difference, maybe we don't, but I think it is imperative that NCADV carry the question to the powers that be.

I'll keep working with them on this, and they are certainly not the only corporation we work with that we have to do awareness work with.<sup>81</sup>

Erin, a rural shelter director who had recently experienced terrible budget cuts, wrote:

It is a struggle and I, like the rest of us, am suffering very mixed emotions. *But*, with the funding cuts we've suffered already last year and the much-needed expansion of programs we offer, I just can't see any way other than to take whatever we can get, from whoever will give it to us. I suppose I justify it to myself by concentrating on the work we do and the services we provide that aren't available from anyone else in the county . . . if we weren't here, there'd be nobody to help these women and children.<sup>82</sup>

This dialogue on fundraising obviously implicates engagement with the state, as well as engagement with the patriarchal, capitalistic, status-quo entities like X Corp. and Philip Morris. Government support for shelters is a "mixed blessing."<sup>83</sup> This funding legitimized the shelter movement, but also moved advocates away from radical feminist ideas and challenges to the state.<sup>84</sup>

Yet the FIVERS discussion retains at least some of the outsider, grassroots and radical ideas of the battered women's movement of thirty years ago.<sup>85</sup> FIVERS members continue to embrace the feminist label and feminist analysis. They reject gender-neutral approaches. Perhaps most importantly, they understand the catch-22 of funding:

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with FIVERS archive).

81. Posting of M7541, to fivers@yahoogroups.com (Mar. 27, 2002) (copy on file with FIVERS archive).

82. Posting of M7532, to fivers@yahoogroups.com (Mar. 27, 2002) (copy on file with FIVERS archive).

83. See SCHNEIDER, *supra* note 2, at 183 (noting how government funding for battered women's shelters legitimized the shelters yet undermined their initial focus on empowering battered women).

84. *Id.*

85. See *id.* at 182 (commenting on the grassroots, "outsider" origins behind the creation of the battered woman's movement in the 1960s).

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either accepting *or* rejecting money threatens feminist domestic violence work.

I think this dialogue also shows the concept of dialectics at work. As Liz writes,

Dialectical approaches emphasize the idea of process—the process, connection and opposition of dualities—and look for subsequent change and transcendence. One ‘moment’ gives rise to its own negation. . . . [A]n idea may be both what it appears to be and something else at the same time. . . . The dialectical process is not a mechanical confrontation of an opposite from outside, but an organic emergence and development of opposition and change from within the ‘moment’ or idea itself.<sup>86</sup>

All participants in the fundraising dialogue are intensely aware of the complexity and contradiction in their position. There are no easy answers or stark dualities offered here. Everyone understands that accepting money from government and/or corporations is simultaneously necessary and problematic. They hope that they can accept money from patriarchal institutions while continuing to challenge those very institutions. They fear their radical feminist vision is being co-opted. Yet they can’t completely turn their backs on sources of money that could save the lives of women and children. They respectfully challenge each other to remain faithful to feminist visions.

Clearly, FIVERS members still consider themselves feminist activists. Unlike many people working in the DV field, they refuse to define their work as only individualized and service-oriented.<sup>87</sup>

*D. The Broader Feminist Vision, Recognition of Multiple Oppressions and Calls to Feminist Action*

The remaining sections will be brief but simply could not be omitted. Liz expresses concern that battered women’s advocates have “insufficiently connected battered women’s experiences both to the larger and more general problems of women and to those of violence between intimates.”<sup>88</sup> She urges us to be aware that “a theoretical framework that recognizes the primacy of gender need not exclude other factors.”<sup>89</sup> Sexual orientation, race, class and age ought to be

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86. *See id.* at 35.

87. *See id.* at 97 (discussing how the battered women’s movement is conflicted between the public definition of domestic violence and the need for individual, privatized type solutions).

88. *Id.* at 72.

89. SCHNEIDER, *supra* note 2, at 68.

recognized as interconnected variables that affect both the perpetuation of violence and institutional and governmental responses.”<sup>90</sup>

First, FIVERS supports and encourages a broad definition of feminism. Domestic violence is continually connected to patriarchy and the oppression of women. FIVERS members are clear that “intimate violence, sexual abuse and rape [are] gendered.”<sup>91</sup> Consequently, all discussions and information about women anywhere in the world are considered on topic.<sup>92</sup> Discussions of other oppressions, such as homophobia, racism, poverty, and agism are also included. List discussions are far from abstract. Many posts are “calls to action” on a wide variety of issues, not just domestic violence, and not just women.

Just a few examples, presented chronologically, give a small sense of FIVERS rich feminist tapestry:

- Protests of Eminem’s appearance on the Grammy Awards<sup>93</sup>
- Fat as a feminist issue<sup>94</sup>
- Domestic violence services for women with disabilities<sup>95</sup>
- Protests of the nomination of John Ashcroft as Attorney General<sup>96</sup>
- Andrea Dworkin’s bringing together Holocaust denial and rape denial<sup>97</sup>
- Feminist critiques of John Gray (“Men Are From Mars”) and John Bradshaw (“Healing the Shame that Binds You” and other TV therapy shows and commercial products)<sup>98</sup>

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90. *Id.*

91. *Id.* at 197.

92. This naturally leads to very heavy traffic on the list. *See supra* note 11 and accompanying text. (FIVERS averages more than fifteen messages per day.) The heavy traffic is problematic; there are people who leave the list because the volume is overwhelming. Of those who stay, probably no one reads every word of every post; there’s just too much. But the heavy traffic is also a blessing. Those who stick it out on the list are constantly reminded of the wide range of feminist concerns.

93. Posting of M293, to [fivers@yahoogroups.com](mailto:fivers@yahoogroups.com) (Jan. 5, 2001) (copy on file with FIVERS archive).

94. Postings of M335, M338, M341, to [fivers@yahoogroups.com](mailto:fivers@yahoogroups.com) (Jan. 7, 2001) (copy on file with FIVERS archive).

95. Posting of M441, to [fivers@yahoogroups.com](mailto:fivers@yahoogroups.com) (Jan. 10, 2001) (copy on file with FIVERS archive).

96. *See, e.g.*, Posting of M461, to [fivers@yahoogroups.com](mailto:fivers@yahoogroups.com) (Jan. 12, 2001) (copy on file with FIVERS archive).

97. Posting of M481, to [fivers@yahoogroups.com](mailto:fivers@yahoogroups.com) (Jan. 13, 2001) (copy on file with FIVERS archive).

98. *See, e.g.*, Postings of M498, M499, M515, M516, to [fivers@yahoogroups.com](mailto:fivers@yahoogroups.com) (Jan. 14, 2001 and Jan. 15, 2001) (copy on file with FIVERS archive).

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- Information about international family planning<sup>99</sup> and President George W. Bush's anti-choice policies<sup>100</sup>
- Call to action to support including gays and lesbians in hate crime legislation<sup>101</sup>
- "Generation wars" in the feminist movement<sup>102</sup>
- Pornography,<sup>103</sup> including protesting Yahoo's involvement with cyber porn<sup>104</sup>
- Opposition to the death penalty<sup>105</sup>
- Problems of gay/lesbian/bisexual/transsexual youth<sup>106</sup>
- Ongoing problems with lack of women in medical trials<sup>107</sup>
- Comments on the Taliban and their oppression of Afghan women *before* September 11, 2001<sup>108</sup>
- Call for artwork by immigrant women<sup>109</sup>
- Request for arguments to address claim that posts challenging racism and white privilege were "off topic" on a listserve for lesbian mothers<sup>110</sup>
- Pleas to help gay/lesbian/bisexual/transsexual victims of

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99. Posting of M546, to fivers@yahoogroups.com (Jan. 16, 2001) (copy on file with FIVERS archive).

100. Posting of M697, to fivers@yahoogroups.com (Jan. 22, 2001) (copy on file with FIVERS archive).

101. Posting of M1961, to fivers@yahoogroups.com (Apr. 4, 2001) (copy on file with FIVERS archive).

102. Postings of M853, 857, 859, to fivers@yahoogroups.com (Jan. 31, 2001) (copies on file with FIVERS archive).

103. Posting of M1996, to fivers@yahoogroups.com (Apr. 8, 2001) (copy on file with FIVERS archive).

104. See Posting of M2045, to fivers@yahoogroups.com (Apr. 11, 2001) (copy on file with FIVERS archive); see also Posting of M2114, to fivers@yahoogroups.com (Apr. 13, 2001) (copy on file with FIVERS archive).

105. Posting of M2145, to fivers@yahoogroups.com (Apr. 16, 2001) (copy on file with FIVERS archive).

106. Posting of M2165, to fivers@yahoogroups.com (Apr. 18, 2001) (copy on file with FIVERS archive). This posting is a news story about Florida state legislator Allen Trovillion, who said, "God is going to destroy you," to a group of gay, lesbian, bisexual and transgendered teenagers who had come to lobby him about the harassment and violence they faced at school. *Id.*

107. Posting of M2174, to fivers@yahoogroups.com (Apr. 19, 2001) (copy on file with FIVERS archive).

108. Posting of M3970, to fivers@yahoogroups.com (Aug. 26, 2001) (copy on file with FIVERS archive).

109. Posting of M2182, to fivers@yahoogroups.com (Apr. 20, 2001) (copy on file with FIVERS archive).

110. See Posting of M3675, to fivers@yahoogroups.com (Aug. 14, 2001) (copy on file with FIVERS archive); see also Posting of M3710, to fivers@yahoogroups.com (Aug. 15, 2001) (copy on file with FIVERS archive).

September 11<sup>111</sup>

- Call to action from Parents Families and Friends of Lesbians and Gays (“PFLAG”) for boycott of Salvation Army Christmas fundraising, due to Salvation Army’s homophobic policies<sup>112</sup>
- Concern expressed that virtually all ads for webcams feature scantily clad women encourage voyeurism and stalking, as well as treating women as sex objects<sup>113</sup>
- Call for support of American Academy of Pediatrics’ stance endorsing adoption by gays and lesbians<sup>114</sup>
- News story about Saudi police stopping the fire rescue at an all-girls school, because some of the girls were not completely covered<sup>115</sup>
- Female victims overlooked in Catholic Church’s sex scandal<sup>116</sup>

*E. The Sharing of Diverse Expertise and the Creation of a Diverse Feminist Cyber Community*

Liz talks about the need to bridge the gap between academics and activists.<sup>117</sup> She talks about her Battered Women and the Law course at Harvard and what a wonderful experience it was for both her and her students.

FIVERS is, at its best, also a community of activists and scholars. And, unlike Liz’s experience, FIVERS reaches across vast geographical areas and far beyond lawyers. FIVERS encompasses not just lawyers and shelter workers, but community activists, academics and organizers. It includes people who’ve been doing this work for more than twenty years, and those who are just starting. And, most critically, it includes survivors.

The learning that goes on in such an environment can be, like Liz’s course, heady stuff. People do not have to reinvent the wheel—they can ask for the expertise of others. If one person is aware of a

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111. Posting of M5632, to fivers@yahoogroups.com (Dec. 1, 2001) (copy on file with FIVERS archive).

112. Posting of M5728, to fivers@yahoogroups.com (Dec. 7, 2001) (copy on file with FIVERS archive).

113. Posting of M7291, to fivers@yahoogroups.com (Mar. 6, 2002) (copy on file with FIVERS archive).

114. Posting of M7412, to fivers@yahoogroups.com (Mar. 17, 2002) (copy on file with FIVERS archive).

115. Posting of M7436, to fivers@yahoogroups.com (Mar. 19, 2002) (copy on file with FIVERS archive).

116. Posting of M7591, to fivers@yahoogroups.com (Mar. 25, 2002) (copy on file with FIVERS archive).

117. SCHNEIDER, *supra* note 2, at 212.

new report or outstanding web site, that knowledge is shared with the list and then with the list members' contacts. People can ask about the quality of proposed trainers, about whether there's a good shelter in a given location, or about contacts in a large U.S. city, so that a visit there improves the poster's knowledge about the latest in domestic violence and sexual assault work. List members also share mundane, but essential, information, like job openings and funding opportunities.

All this would be enough to create a sense of community. But FIVERS has chosen to allow members to be very personal and emotional, and not just about abuse-related subjects. Susan McGee, an Ann Arbor shelter director, waxes eloquent about posting during the spring season.<sup>118</sup> Yet another FIVER shares a weepy story about daffodils.<sup>119</sup> Another writes us that her mother is dying.<sup>120</sup> After receiving many messages of love and support,<sup>121</sup> she writes, "Thank you all so much for all your wonderful wishes, prayers, thoughts and good vibes coming our way. I am not sure if all of you know what a gift you are to me."<sup>122</sup> When she informs the list that her mother has died, she received further condolences over the period of several days.<sup>123</sup> Some of these people know each other. Indeed, some have struggled for decades in the battered women's movement. But others have never met, or only meet after they've shared feelings and experiences.<sup>124</sup> And still all are invited to listen in.

#### F. 'Tis to Laugh

This final Part is not tied to anything I saw in Liz's book. Because

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118. Posting of M1994, to fivers@yahoogroups.com (Apr. 8, 2001) (copy on file with FIVERS archive).

119. Posting of M2008, to fivers@yahoogroups.com (Apr. 9, 2001) (copy on file with FIVERS archive).

120. Posting of M7549, to fivers@yahoogroups.com (Mar. 27, 2002) (copy on file with FIVERS archive).

121. See, e.g., Postings of M7470, M7480, M7509, to fivers@yahoogroups.com (Mar. 21, 2002, Mar. 22, 2002, Mar. 24, 2002) (copy on file with FIVERS archive).

122. Posting of M7549, to fivers@yahoogroups.com (Mar. 27, 2002) (copy on file with FIVERS archive).

123. Posting of M7890, to fivers@yahoogroups.com (Apr. 19, 2002) (copy on file with FIVERS archive) (mother's death). Postings of M7890, M7893, M7898, M7906, M7919, to fivers@yahoogroups.com (Apr. 19, 2002, Apr. 20, 2002, Apr. 22, 2002) (copy on file with FIVERS archive).

124. Just about every domestic violence convention now has a FIVERS social get-together. I was privileged to attend an early, large FIVERS gathering at the Millennium Domestic Violence conference, held in Chicago, in September 1999. What can I say: we laughed; we cried; it was marvelous. I get so jealous when other FIVERS plan gatherings at meetings I cannot attend.

of the nature of her book, she did not include a discussion of “domestic violence advocates as fun,” although Liz herself is a fun person.

I included this section because laughter is integral to the FIVERS experience, and a central feature of the FIVERS cyber community. Sometimes the jokes are “on topic,” while other posts are completely off-topic and even wacky.<sup>125</sup> The text of this section focuses on the domestic violence-related humor.

Humor is so personal and contextual I can’t predict whether the reader will find these posts funny. Further, I’m not sure how many of these posts are funny “on paper.” I suspect some of these messages provoked laughter from me because I know the poster personally, and can imagine her voice, body language, etc. as she delivers the joke.<sup>126</sup>

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125. Probably the wackiest off-topic humor revolves around (not surprisingly) Lydia Walker. Lydia collects pictures of big things, mostly ridiculous, huge roadside oddities. So from time to time, FIVERS is treated with new discoveries. Frankly, I have been amazed at how many “big things” there are in the United States. See, e.g., Posting of M8806, to [fivers@yahoo.com](mailto:fivers@yahoo.com) (Jul. 1, 2002) (copy on file with FIVERS archive) (showing a huge Jesus hot air balloon, displayed at <http://www.ship-of-fools.com/Gadgets/Witnessing050.html> (last visited Apr. 20, 2003)). There is even a government-sponsored collection of roadside attractions at <http://www.cr.nps.gov/NR/twhp/wwwlps/lessons/6roadside/6roadside.htm> (last visited Apr. 20, 2003), as the list was told in Posting of M8817, to [fivers@yahoo.com](mailto:fivers@yahoo.com) (Jul. 2, 2002) (copy on file with FIVERS archive).

After being told about the Jesus hot air balloon, Lydia wrote: “it also goes along with another collection i have . . . tacky religious items, certainly not picking on any one faith; my latest addition to this grouping is an extremely tasteless goddess figurine that is green and a toilet plunger. what are people thinking?” Posting of M8813, to [fivers@yahoo.com](mailto:fivers@yahoo.com) (Jul. 1, 2002) (copy on file with FIVERS archive).

As Lydia herself commented on the value of this off-topic nuttiness, “if people want to discuss dv, they can skip this train of off topics—but, is this not really a discussion of ways we cope to avoid burn out and PTSD [Post Traumatic Stress Disorder] from the work?” Posting of M8920, to [fivers@yahoo.com](mailto:fivers@yahoo.com) (Jul. 9, 2002) (copy on file with FIVERS archive).

126. Lydia Walker shared an encouraging story under the subject heading “Ozarks diversity and anti-racism”: Lydia and some friends went to a “Jubilee” in the remote hills of Missouri. As Lydia told us:

it was like driving into a time capsule to 1920—the roads, the farms . . . and the singing hall, once a church, now with a big hand painted sign on the side declaring the golden jubilee singing. bathrooms his and her outhouses. no charge, of course . . . women had made pies that were sold at concession to cover the electricity i suppose (“coffee free to all musicians just ask”). All locals, men mostly in overalls. Most folks over 50. Youngest fiddler 8, oldest performer 86 . . . it’s like a Norman Rockwell painting inside this place . . . so, up on the stage is a large hand painted sign. . . . it says “All jokes and stories must be CLEAN. No Sexist, no Religious, no Racist.” I want to go back and take a picture and scan it into my diversity trainings . . . if backwoods Ozark hillbillies can figure this out . . . well, it just pleased me so.

Posting of M11170, to [fivers@yahoo.com](mailto:fivers@yahoo.com) (Nov. 12, 2002) (copy on file with FIVERS archive).

Another FIVER, who’d recently attended one of Lydia’s trainings for the first time,

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Some readers may be offended by the concept that domestic violence can produce funny stories. I can only say that such humor is, in my opinion, not just common but *essential* when people face tragedy and injustice.<sup>127</sup> FIVERS members understand that everyone on the list is intensely dedicated to the cause of battered women and their children. We would not tell these stories to people who did not share that commitment. We trust each other. We trust each other to understand that our humor helps us cope. Our humor allows us to release our frustration and anger. Our humor allows us to vent. Our humor helps us connect with each other. Our humor helps us keep things in perspective.<sup>128</sup> Our humor helps us acknowledge how hard the fight is, and how difficult both the system and victims can be.<sup>129</sup> And sometimes our humor is the best way to teach a lesson.

The list was discussing how abused women are often surprised when experienced advocates accurately anticipate batterers' behaviors. Lydia Walker wrote:<sup>130</sup>

we sometimes seem so "in-the-know" because the batterers often use similar tactics. reminds me i knew a formerly battered woman one time who worked for one of those telephone psychic hotlines. no shit.

can you imagine after a few-well-placed questions [and] her predictions when she knew a woman was with a batterer. . . ." is he a jealous man? . . .moody? . . .has he ever threatened you? . . .hit

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responded: "ROFLMAO!!!! [Rolling on the floor laughing my ass off.] Oh lord, Lydia! Now that I have seen and heard you, there is so much more life in these here posts!" Posting of M11178, to fivers@yahoogroups.com (Nov. 12, 2002) (copy on file with FIVERS archive).

127. See, e.g., STEVE LIPMAN, LAUGHTER IN HELL: THE USE OF HUMOR DURING THE HOLOCAUST (1991) (relating jokes told by concentration camp Jews).

128. Many years ago, I heard a line that's become one of my favorites: "Show me someone who knows what's funny, and I'll show you someone who knows what's not." I thought the quote might be from Mark Twain, but have been unable to find the source.

129. When I started doing domestic violence work, more than twenty years ago, I was affiliated with SPARC, the domestic violence agency in Gainesville, Florida. The staff met every Friday afternoon for case review. One week the shelter residents were a particularly difficult group—difficult both individually and collectively. It was reported to me that one dedicated but exasperated staff member had said during case review, "If I hear one more woman say, 'Why—he has a Jeckyl and Hyde personality!' like she's the first person to have thought of this—I'm going to *scream!!!*" The staff collapsed in laughter. By sharing this inappropriate humor among themselves, the staff could make sure that they would *not* react improperly to the next woman who made this statement.

130. I recently asked Lydia why she doesn't capitalize. It turns out she has arthritis and so using the shift key on the computer is too wearing.

I find most emailers who don't capitalize irritating, but somehow in Lydia's case it just makes her funnier. (Perhaps because her spelling, grammar and punctuation are so good.)

you or put his hands on you in anger. . . . i perceive that over time the violence will become more frequent and more severe. . . . i see a person in uniform coming into your life. . . .this person will be good and helpful. . . .”<sup>131</sup>

Another very experienced advocate responded:

Re: psychic hotline stories. One night I was working quite late, around 11:00 PM at the Florida Coalition Against Domestic Violence, and answered the [Coalition’s] hotline. It was someone from the psychic hotline calling to get information on domestic violence. She said that she frequently got calls from women asking where their husbands had hidden the guns in the house and what his next moves would be. I see a whole new training opportunity. . . .<sup>132</sup>

We’d been talking about ways of sharing perpetrators’ names, so that women and their friends could check out whether men had abused previous partners. One woman said, “I have often envisioned posting “wanted” . . .or rather, “unwanted” . . . .posters on telephone poles in batterers’ neighborhoods. I seem to remember a thing somewhere where I think college students put stuff like that [avoid this man] up in the women’s bathrooms at school.”<sup>133</sup> Gloria, who is second only to Lydia Walker in her talents as a comic writer, responded with a story. Gloria lives a rural area where everyone knows everyone else’s business:

When I moved to my current home town, I was working as the director of a rape crisis center . . .

And about 3 days after I moved into my home, I found out that 2 doors up lived a very violent stranger/stalker/rapist who had been released from the Department of Corrections 2 months prior.

Within a couple of weeks, I found out that around the corner lived a rapist who had beaten the snot out of a female acquaintance then raped her while higher’n a kite on crack.

For the next 2 years, I watched these guys— they knew who I was & what I did, and that I was watching them and communicating with the police.

At some point, I found out that both of these men were dating the same woman, but perp #1 [very violent strangler and rapist] was actually *living* with her 2 doors up. Perp #2 [acquaintance rapist]

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131. Posting of M266, to fivers@yahoogroups.com (Jan. 4, 2001) (copy on file with FIVERS archive).

132. Posting of M277, to fivers@yahoogroups.com (Jan. 5, 2001) (copy on file with FIVERS archive).

133. Posting of M222, to fivers@yahoogroups.com (Jan. 3, 2001) (copy on file with FIVERS archive).

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had a toddler by this woman.

Much of the summer was spent listening to the police scanner as they kept getting called to break up fights between these 2 out in the alley behind our houses.

One cold winter night, my ex-husband came and picked up my kids shortly after dark. When I went out to say good bye, I saw perp #1 sitting in his car up the street just watching the goings on.

So I leaned up against the porch post and watched *him* watch the street . . .

Before too long, I saw perp #2 walking up the sidewalk across the street, stopping to nail something to the light pole. Pretty soon, perp #1 and I watched Perp #2 cross over to the pole right in front of my house . . . he stopped and nailed a posterboard thingie on the post . . . and, being the friendly sort that he was, stopped to “chat” with me.

While perp #1 watched, Perp #2 told me (while pointing to #1 sitting in his car) that that man was a RAPIST! And he went on to say that he was living with his son (the toddler) and the police wouldn't do anything about it.

I gave him a thumbs up and he walked off whistling.

Within 10 mins, the doorbell rang and there was a cop at the front door . . . and through the open door, I could see Perp #1 standing outside my door by a few feet looking in my front door.

After I let loose with a few choice words insisting the cop get this #@#\$%#@# perp off my front porch, the cop informed me that she was taking a report about Perp #2 harassing Perp #1 by hanging signs around the neighborhood and that perp #1 was naming me as a WITNESS!!!!

ROFLMAO [rolling on the floor laughing my ass off] . . . Oh lawdy.

Here we had one rapist calling another rapist a *rapist* to a rape crisis advocate!

The next day, I called the city attorney and let him know that I had been named as a witness between these two. The attorney laughed himself silly, nearly choking on his lunch!

FYI—Perp #2 was acquitted (jury couldn't buy the acquaintance rape thing), and Perp #1 is now serving 180 years for brutally raping and strangling a woman and leaving her for dead (she survived).<sup>134</sup>

The following post was composed by Susan McGee and her partner, Karen March. It was shared with Susan's staff at SAFE House

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134. Posting of M236, to fivers@yahoo.com (Jan. 3, 2001) (copy on file with FIVERS archive).

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in Ann Arbor, Michigan, and pokes fun at a variety of topics. There's a Dilbert touch here. One is not quite sure if some of this might have been taken from *actual* training manuals (not, of course, at SAFE House). Indeed, Friday's entry is taken from a real training seminar.<sup>135</sup>

APRIL 16-22 IS ORGANIZE YOUR FILES WEEK AT SAFE HOUSE!!! Stop procrastinating and clean up that mess.

SCHEDULE:

MONDAY IN THE LUNCHROOM:

Food: Cookies (Oreos) and Milk

Topic: The Vision: The perfect file. Participants will imagine and envision the perfect completed file. Guided meditation and visualization will assist staff in setting goals and outcome objectives for files.

TUESDAY IN THE SHELTER LIBRARY

Food: Berries and Celery

Topic: Are files another tool of the patriarchy? Participants will question, critically analyze and engage in dialogue about whether the male-dominated establishment wants us to spend our time filling out paperwork so that we will stop interfering with batterers and rapists.

WEDNESDAY IN THE COMPUTER ROOM

Food: None

Topics: Security and files; ethical dilemmas and files; logistic issues and files; file cabinets. Participants shall break down into groups. Questions to be answered: Should a file clerk be hired? Should this person be armed? Should files be color coded or is this discrimination against the color blind? Are we discriminating against those who cannot give their name by destroying crisis cards by Anonymous? Should service participants files be filed by last name or first name? Mother's maiden name? Should those staff with the worse files be put in the stocks or is this too brutal? What makes a beautiful file cabinet? Stickers? Cartoons? How far should file cabinet magnets be kept from the computer's hard drive?

THURSDAY IN THE EDUCATION CENTER. Noon-5 p.m.

Food: Lunch from the People's Food Coop

Topic: Deficient File Management Syndrome (DFMS). 1-3 p.m. Are you afraid of your files? Do you have dreams that you are covered in piles of paper? Do you have fear of filing? Does paper

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135. The post was given the subject heading "Promising Practices/files," which is funny because the domestic violence field is replete with serious attempts to develop and publicize "promising practices."

accumulate in homeless areas of the environment—and, would you personally rather dig around for it, than to worry about it getting lost in a file cabinet's black hole? (See article in staff lunchroom entitled File Management). Do you have DFMS or just FAS..File Avoidance Syndrome? Take the quiz and find out. Help is available.

FRIDAY IN THE EDUCATION CENTER. 8 a.m.-3 p.m.

Keynote Address. Classification Technology for the Knowledge Workers. Information Technology has been severely handicapped by the lack of a classification standard. The workshop will examine Infologics white paper on Information Assets Management that emphasizes that the Uniform Subject Classification. USC is the solution to achieve uniformity across an enterprise. The seminar will examine the Infologics Electronic Records System which will result in a 20% improvement in productivity. Required for staff.<sup>136</sup>

In response to a *true* post about an American inventor who'd created a bra with a built-in gun holster,<sup>137</sup> Lydia Walker responded, "hmmmm. . . . somehow this reminds me of something i recently discovered. . . .after a certain age, you shouldn't iron naked."<sup>138</sup> Which brought the two responses: First, "Good advice, Lydia. By the way. . . .what's ironing?"<sup>139</sup> And then, from an Executive Director: "LOL [laugh out loud]—seriously—I had a staff person come in all bent over one morning . . . she had been ironing in the nude—late for work—and had caught her nipple under the iron!!! Oh—that poor woman! she had the same sage advice [don't iron while naked] after that!"<sup>140</sup>

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136. Posting of M2014, to [fivers@yahoogroups.com](mailto:fivers@yahoogroups.com) (Apr. 10, 2001) (copy on file with FIVERS archive).

Infologics is a real company that describes itself as a "Document and Records Management Consulting Firm." Visit their web site at <http://www.infologics.com/> (last visited Apr. 20, 2003). Infologics indeed features its "Uniform Subject Classification" and the web site includes a white paper on Information Assets Management, available at <http://www.infologics.com/whitepap.htm> (last visited Apr. 20, 2003).

137. Posting of M2232, to [fivers@yahoogroups.com](mailto:fivers@yahoogroups.com) (Apr. 26, 2001) (copy on file with FIVERS archive).

138. Posting of M2266, to [fivers@yahoogroups.com](mailto:fivers@yahoogroups.com) (Apr. 28, 2001) (copy on file with FIVERS archive).

139. Posting of M2267, to [fivers@yahoogroups.com](mailto:fivers@yahoogroups.com) (Apr. 28, 2001) (copy on file with FIVERS archive).

140. Posting of M2295, to [fivers@yahoogroups.com](mailto:fivers@yahoogroups.com) (Apr. 30, 2001) (copy on file with FIVERS archive). Lydia Walker hopes some day to collect all the amazing, hilarious (at least to us) shelter stories. She wrote:

[W]hen [I] worked at shelter [I] had actually started a collection with some pee in your pants laughing so hard stories from some women in [W]yoming—combined, of course, with some local ones. [W]orking title was "you can't even eat a biscuit"

## CONCLUSION

Liz reminds us of the core purposes of domestic violence work: to “save the lives of many battered women.”<sup>141</sup> She also writes: “[t]here has been a tremendous subversion of the fundamental vision of equality that generated” the battered women’s movement.<sup>142</sup> The members of FIVERS resist this subversion every day, and they support each other across the miles and even around the world. The list helps its members stay sane in the face of injustice from without and complicity from within the domestic violence movement. The FIVERS listserve—with nuance, passion, outrage, tenderness, and laughter—keeps alive the feminist vision of justice for abused women.

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[T]he title came from a running hell west and crooked day when someone had run out and brought back some pieces of chicken and some biscuits for people’s lunch— at some point after 5 p.m. someone asked how the day was going and holding up my biscuit [I] replied “it’s so damn busy you can’t even eat a biscuit.” [S]o, that became the descriptor for a really pumping day.

[I]’ve been laughing about doing this story collection for several years with people . . . a woman from a rural program in [W]isconsin had had the same idea. . . her working title was “do you keep the cows or the furniture” . . . the answer of course is the cows. . . worth a hell of a lot more than the furniture— but the phrase had become a descriptor for what advocacy was like up there in major dairyland.

Posting of M288, to [fivers@yahoogroups.com](mailto:fivers@yahoogroups.com) (Jan. 5, 2001) (copy on file with FIVERS archive).

141. SCHNEIDER, *supra* note 2, at 225.

142. *Id.* at 229.