Vanishing Complainants: The Place of Violence in Family, Gender, Work, and Law

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ABSTRACT

Why is it that wherever and whenever scholars have looked in the English-speaking Caribbean, domestic violence complainants vanish from the courts? In pursuit of the answer to this question, I marshal two types of evidence. First, I review interdisciplinary research by scholars who have written about family, gender, and work in this region. I find that there is a place for violence in each of these categories. Next, I turn to a case history involving domestic violence from Trinidad. I examine the complex interactions between a victim and family members, neighbors, and legal officials, identifying their mutual participation in a *culture of reconciliation*. Cultures of reconciliation illuminate ideas about family, gender, work, and law that keep victims from pursuing legal remedies and buttress instead accommodation to everyday violence. I suggest that the concept of cultures of reconciliation is useful both: 1) as an analytical framework to capture how local ideas and practices coalesce into structural patterns that operate against the institutionalized forces of law; and 2) as a research tool for cross-cultural investigation and analysis. Identifying cultures of reconciliation can thus help us explain why domestic violence victims vanish from the courts.

Keywords: domestic violence, family, gender, work, law, courts

RESUMEN

¿Por qué cuando los científicos realizan investigaciones en el Caribe anglófono, los casos de violencia doméstica desaparecen de las cortes? En búsqueda de una respuesta, presento dos tipos de evidencia. Primero, reviso las investigaciones interdisciplinarias de los científicos sobre familia, género y trabajo en esta región. Encuentro que hay un lugar para la violencia en cada una de estas categorías. Luego, presto atención a un caso de violencia doméstica en Trinidad. Examino las complejas interacciones entre la víctima y su familia, vecinos y oficiales de la ley, identificando su participación mutua en la *cultura de reconciliación*. Las culturas de reconciliación explican las ideas de la familia, género, trabajo y ley que impiden a las víctimas a buscar recursos legales y refuerzan la costumbre a la violencia diaria. Sugiero que el concepto de las culturas de reconciliación resulta útil como marco

analítico que capta la forma en que las ideas y prácticas locales se unen en patrones estructurales que operan en contra de las fuerzas de ley institucionalizadas. Identificar las culturas de reconciliación permite comprender el por qué las víctimas de violencia doméstica desaparecen de las cortes.

Palabras clave: violencia doméstica, familia, género, trabajo, ley, cortes

RÉSUMÉ

Pourquoi quand les chercheurs font des recherches dans les Antilles anglophones, les cas de violence domestique disparaissent dans les cours de justice? Pour répondre à cette question, je présente deux types d'information. D'abord, je passe en revue différentes recherches réalisées sur la famille, le genre et le travail sur cette région. Dans chaque catégorie, j'ai trouvé un espace pour la violence. Ensuite, je mets l'accent sur un cas de violence domestique qui a eu lieu à Trinidad. J'examine les interactions complexes entre la victime et les membres de la famille, les voisins et les agents de l'ordre, en precisant leur participation mutuelle dans la *culture de réconciliation*. Les cultures de réconciliation éclairent des idées sur la famille, le genre, le travail et la loi qui acceptent la tradition de violence quotidienne. Puis, ces cultures interdissent aux victimes de faire appel aux processus légaux. Je propose que le concept des cultures de réconciliation soit valable comme une méthode qui fusionne les idées et les traditions locales en modèles structurels oeuvrant contre les lois des institutions. Ainsi, en identifiant les cultures de réconciliation,, nous pouvons comprendre pourquoi les cas de violence domestique ne font pas parti de l'agenda des cours de justice.

Mots-clés: violence domestique, famille, genre, travaux, loi, cours de justice

The problem is this: Wherever and whenever scholars have looked in the English-speaking Caribbean, the domestic violence complainant is an illusive figure. Most of the time she tells no one, or just a family member or close friend, about the violence in her life. Much more rarely she appears once or twice at a courthouse where she files a complaint about physical or emotional abuse. And then she vanishes. For example, in a sample of 8,297 applications for protection orders gathered from eleven magistrates' courts in Trinidad from the inception of the first Domestic Violence Act in Trinidad in August 1991 through April, 1993, Creque (1995:9) found an average of 39 percent of

those applications (3,248) resulted in some form of protection for the complainant. In a later sample of 3,397 applications filed in two magistrates' courts in Trinidad in 1997 and 1998, over 75 percent of cases were withdrawn or dismissed (Lazarus-Black and McCall 2006:145). These figures resemble closely data published in 2004 by the statistical unit of the judiciary of Trinidad and Tobago which found that between 1998 and 2003, the number of cases filed for domestic violence rose steadily, but the majority of cases, 75.5 percent, were dismissed and only 21.9 percent were granted protection orders (Trinidad and Tobago Coalition Against Domestic Violence 2005:30, 31).

I call this the *problem of the vanishing complainant.* By *vanishing complainant* I refer to the situation in which a litigant files a case for a protection order but leaves the legal process at some point after that without having secured the court order for which she originally filed. A complainant may vanish on her own accord, for personal, social, or economic reasons. Or, she may make the decision not to pursue the complaint as a result of negative encounters with legal officials or she may go to trial only to find the case dismissed for lack of evidence. In any case, the example of Trinidad is by no means unusual. While the numbers of victims who vanish from domestic violence courts vary, they are high throughout the region (e.g. Clarke 1997, 1998; Economic Commission for Latin America and the Caribbean 2001; Haniff 1998; Pargass and Clarke 2003; Pratt 2000; Reddock 1995; Spooner 2001, 2004; Thompson-Ahye 2004; Trinidad and Tobago Coalition Against Domestic Violence 2005). Scholars have yet to explain, however, why this same finding appears in so many jurisdictions in so many countries.

A second and related problem, then, is why do some litigants manage to secure protective orders? What happens in communities and in courts that causes most domestic violence victims to disappear and only a few to prevail?[1] I began tackling these questions in 1997-1998, when I embarked on a longitudinal ethnographic and archival study of the origin and implementation of Trinidad and Tobago's first (1991) Domestic Violence Act. I returned to study the impact of the subsequent (1999) Domestic Violence Act in 1999, 2002, and 2006.[2] My goal is to explain on the one hand, the problem of the vanishing complainant and, on the other, why some litigants don't vanish. My explanation resides in addressing issues of agency and structure in legal processes, and in interrogating the hegemonic categories of "family," "gender," and "work."

Let me begin with the concept of agency.[3] As I listened to women's stories of domestic violence abuse, and of their encounters with the legal system, I realized that it is too limited to think about agency in the legal process in terms of a solitary agent who is able to exercise rights without much resistance, a character taken for granted in mainstream social

science, politics, and the Anglo legal system. I learned instead that agency in legal processes is discursive, inherently unstable, and constantly negotiated. It is made and remade in peoples' encounters with police, courthouse staff, lawyers, probation officers, and judges. In legal processes, agency is fluid and dynamic, belonging less to any one actor than to the highly contextualized interactions between parties along a shared legal process (Lazarus-Black 2007:7). Understanding agency in this way challenges the categories of both "victim" and "survivor," categories against which women who have experienced domestic abuse, including those who pursue legal rights in court, constantly struggle.

Agency must be analyzed, of course, in relation to structure. At the courthouse, structural constraints include, among other variables, such practical issues as the contents of law, the location of the court and the hours it is open, and the number of clerks and police available to process and serve summons. They also include wider structural constraints of kinship, gender organization, and economy that shape whether a litigant can get to court, whether she is pressured to preserve the family honor by remaining silent, and whether she can risk losing child support as a result of her complaint. Structural constraints upon men and women who engage legal processes comprise a complex that I call *cultures of reconciliation* (Lazarus-Black 2007:8).

I coined the term *cultures of reconciliation* to identify local norms and practices separate and apart from law, but that influence profoundly the decisions people make about what to do about violence in their lives. The concept is useful both: 1) as an analytical framework to capture how local ideas and practices coalesce into structural patterns that operate against the institutionalized forces of law; and 2) as a research tool for cross-cultural investigation and analysis. More specifically, cultures of reconciliation reflect norms and practices intrinsic to "family," "gender," and "work" that intersect to keep men and women out of legal processes. Such norms and practices are learned, mostly early in life. I am not using cultures of reconciliation to depict a process of healing by individuals or social groups that have been through trauma, but rather as a way to identify patterns of inclusion and exclusion in law.

For example, in the culture of reconciliation in Trinidad, a key tenet is that family stability is very important, whether or not a couple is formally married.[4] Family troubles are considered private matters that don't belong in court. Mothers are responsible for the daily emotional and physical care of children, but fathers, even violent fathers, are considered essential to children's lives. Not surprisingly, the formal divorce rate is low (St. Bernard 1998:56).[5] Gender hierarchy seems "natural," and men are the "heads" of households when it comes to decisions of magnitude affecting all of the family. "Work" is a very important source of respect;

it is also differently conceptualized for men and women. "Work" is for money (as in paid employment) or for love (as in preparing meals), and sometimes both, and people typically work for others who may or may not reside with them. It is understood, for example, that men may contribute income to several households, and that they can withdraw those contributions at any time. Women often have fewer options; they are responsible for the home and everyday family needs—even if they work for cash. In combination, these ideas and their associated patterns of behavior are critical in determining whether people will choose law to redress their grievances, but also whether legal officials take seriously their complaints. In other words, cultures of reconciliation identify a structural complex that combines local understandings about family, gender, and work that operate against law's claim that individuals are separately entitled to protection without consideration of obligations and responsibilities to family members. In interview after interview with members of the community in Trinidad, these cultural precepts surfaced as a filtering process that dissuaded victims of violence from pursuing legal remedies.

In identifying these precepts of one local culture of reconciliation, I do not discount the history of colonialism, slavery, and indentureship that is so critical to understanding what it means to be Trinidadian.[6] Nor do I mean to essentialize or evaporate the critical influences that race, class, ethnicity, religion, gender or sexual identity play in determining how people respond to violence, or to disregard the agency of individuals, some of whom will be easily discouraged in their endeavors to seek protection and others of whom will show remarkable tenacity in pursuing legal remedies. For example, Trinidadian women belonging to different religious groups commonly seek the assistance of a minister, pundit, or imam to address violence in their relationships, usually before and sometimes instead of going to court. On the other hand, seeking the services of a psychologist, an expensive proposition, is possible only for members of a certain socio-economic class. Women who live in rural areas, enmeshed in extended kin groups, respond to violence differently than do women in urban centers who live alone or with small children. Nevertheless, as I will demonstrate, tenets of Trinidad's culture of reconciliation are widely identifiable in the historical and sociological literature of the English-speaking Caribbean and suggest that we think again about the traditional sociological categories of family, gender, and work.

Why are cultures of reconciliation so remarkably successful in keeping victims away from domestic violence courts? Using the Caribbean case as an example of what I believe is likely a more general phenomenon, I argue that domestic violence complainants vanish from the courts on two accounts. First, there is already a "place" reserved for "violence"

implicit within the hegemonic categories of "family," "gender," and "work," the categories that constitute a culture of reconciliation. Second, there is also a place for violence in the implementation of domestic violence law.

"Violence" can be defined in a great many ways and, of course, is differently defined in different societies and social groups. Recognizing this variability, I rely in this paper on an understanding of "violence" as including *at least* the long list of types of language and behaviors that have been deemed intolerable in the Trinidadian Domestic Violence Act (1999). Written by Trinidadian lawmakers, I assume the Act represents local consensus about what "violence" encompasses. The Act outlines several forms of abuse, which might inflict varying degrees of pain and suffering upon its victims. For example, "domestic violence includes physical, sexual, emotional or psychological or financial abuse committed by a person against a spouse, child, and any other person who is a member of the household or dependent." "Emotional or psychological abuse" refers to "a pattern of behaviour of any kind, the purpose of which is to undermine the emotional or mental well-being of a person..." The Act prohibits, too, "financial abuse," defined as "a pattern of behaviour of a kind, the purpose of which is to exercise coercive control over, or exploit or limit a person's access to financial resources so as to ensure financial dependence." "Physical abuse" is "any act or omission which causes physical injury." "Sexual abuse" involves "sexual contact of any kind that is coerced by force or threat of force." The Act disallows persistent intimidation of a person by abusive or threatening language, damaging property or depriving a person of the use of his property, following a person from place to place, watching or besetting of a person's residence, work place, or business, forced confinement, persistent telephoning, making unwelcome or intimidating contact with a child or elderly relative, and wilful or reckless neglect of a child or a dependent person (Laws of Trinidad and Tobago, 1999). As will become clear, examples of these myriad forms of violence can be identified in everyday practices that characterize gender, kinship, and work relationships. They go unnoticed most of the time, or they are euphemized, as when children experience violence as "discipline" that is "for their own good," or when the police tell an abused woman to "have a little patience."

Two kinds of evidence buttress my arguments about the seemingly natural place of violence in family, gender, and work. I begin with eclectic research by scholars who have written about these subjects in the Caribbean. In this interdisciplinary scholarship, I find multiple examples of words and acts of violence that are given other names. Next, to illustrate the place of violence in law, I present the life history of "Neela,"[7] a Trinidadian woman I interviewed during my fieldwork. Neela and her children

were victims of her husband's domestic violence. Her story portrays many of the characteristics of an abusive relationship, as well as characteristic responses to violence by family, neighbors, and legal officials. Neela's story instantiates the day-to-day injustices of life—the status quo of a culture of reconciliation. It demonstrates, too, that in the course of their official duties, legal officials tolerate varying degrees of violence—unless and until it is framed as a very specific kind of story. In other words, law accommodates the violence that is subsumed in ideas and practices that constitute "family," "gender," and "work," even as it is meant to serve as its deterrent. As we shall see, however, Neela's story also demonstrates the complex conditions of agency and structure that must coalesce for a complainant to win a protection order. My case study is situated in Trinidad, but my discussion of the place of violence in everyday life and law is of theoretical and practical interest to scholars and activists concerned with domestic violence research more generally.

The Place of Violence in Family, Gender, and Work

First, is there a place for violence in the category of "family" as it is described in the scholarly literature on Caribbean kinship? In her research among Indo-Guyanese families, Parsad alludes to this possibility. She refers to the "social script" of family violence "which has clear rules concerning who is permitted to use violence in a marriage and who is not. This script strongly condemns wife-to-husband violence but permits violence by mothers towards children, and tolerates violence by husbands towards wives" (Parsad 1999:50). Violence erupts when family norms are violated: wives are expected to prepare meals on time, to perform household chores in a satisfactory manner, to care for children, to perform sexually, and even to meet needs that are not vocalized. The idea that husbands have the right to "discipline" their wives finds broad consensus in the scholarship on West Indian families, both historically and in contemporary accounts, and across racial, ethnic, and religious lines (e.g. Babb 1997; Barrow 1996; Chevannes 2001; Clarke 1997, 1998; Danns and Parsad 1989; Gopaul and Cain 1996; Hadeed 2003; Haniff 1998; Lazarus-Black 1994, 2007; Mohammed 2002; Pargass and Clarke 2003; Rawlins 2000; Red Thread 2000; Senior 1991).

Violence in child-rearing practices in the Caribbean is commonplace (e.g. Danns and Parsad 1989; Handwerker 1997; Haniff 1998; Red Thread 2000; Senior 1991). Sukhu's recent study of men who battered their intimate partners, for example, is filled with references to the brutality these men suffered at the hands of their fathers, mothers, and grandmothers. For instance, in "Lionel's" case: "Discipline consisted of the use of a leather belt or the 'pants-ing' of the child where he or she was

stripped 'naked' so that they would be physically confined to the house and isolated from their friends and play activities outside of the house" (Sukhu 2006:111). "Allen" and his brothers were beaten by their father when he believed that they had not taken proper care of their chores: "Talk 'bout licks? [steups] It have a belt they call the donkey belt, one *big broad belt*. Is licks to we.... Man was *real mean* you know girl. He could beat real bad you know. My father was real mean" (Sukhu 2006:132, italics in original).

Moreover, for many young people "licks" are not confined to the home. In his installation art, Trinidadian Chris Cozier describes "how to take one's blows/strokes," the ritual of being whipped at school:

> ...Some boys would march to the rhythm of the strokes in a circle while looking forward rigidly, causing "Sir" to pivot so as to keep a good angle. Some boys would wriggle and fall to the floor like James Brown, twisting and falling and frustrating "Sir." Some would stand still, looking down at the ground with their jaws locked, then turn and return to their desk angrily, in a military manner, and others would "bounce"[8] as if "cool." However, if they appeared to be too defiant they would be recalled for a "second round/dose" (2004:411-412).

As Foucault (1979) taught us, of course, "discipline" and "punish" are theoretically and practically intertwined. In practice, they are often other names for violence against children.

The second component of the culture of reconciliation is gender, and I would argue that it too reserves a place for violence. Scholars have taught us that gender is relational; that masculinity is constituted in opposition to femininity, but also that these two categories, the masculine and the feminine, each encompass hierarchical domains that implicate differences in class, employment, education, sexuality, ethnicity, religion, disability, and citizenship (e.g. Lewis 2004; Mohammed 2002, 2004; de Moya 2004; Nurse 2004; Reddock 2004). Researchers commonly identify violence as integral to Caribbean masculinity (e.g. Babb 1997; Danns and Parsad 1989; Reddock 2004; Sukhu 2006), but in his discussion of "Masculinities in Transition," Nurse reminds us: "The pursuit of equality between the sexes has not been unproblematic....Women are now free to be as violent, aggressive and exploitative as men" (2004:29). In other words, it seems clear that there is a place for violence in the way gender gets rendered, whether we are talking about how men and women treat each other, how men treat other men, or how women interact. The signs of male on female violence are everywhere: in the statistics on rape, wife murder, and domestic violence, in "visits" to emergency rooms, in occupancy rates of shelters, and in applications for protection orders. In contrast, women's abuse of men is often emotional and verbal. Gender violence between men is blatant when a gang terrorizes a young man

on the street, when an effeminate youth in the first form is given "a little spanking" by his schoolmates (Parry 2004:176), and when a rum shop owner belittles a villager who cannot pay for drinks. Women inflict violence against other women when mothers punish harshly or banish pregnant daughters from their homes (Senior 1991:76), when teachers expel pregnant girls from school (Parry 2004:173), when mothers-in-law set young brides impossible household tasks and then condemn their inadequacy, or when a woman chooses not to get involved in the domestic violence perpetrated next door.

Cultures of reconciliation are also deeply influenced by practices and ideas about work. Some international research claims unemployment and underemployment are contributory factors in accounting for domestic violence (e.g. Bradley 1994; Danns and Parsad 1989; Reddock 1995), but what about the everyday violence of employment? For the most part, the existence of hostile work environments and the presence of sexual harassment in the work place and at school remain unrecognized in the Caribbean, although several scholars have argued about the need for these legal protections for Caribbean women (e.g. Pargass and Clarke 2003; Robinson 2000b). Let me provide two other examples of the ways in which violence is embedded in the routines of work.

First, Bolles described the phenomenon of "making do" as "an interconnecting set of social, cultural and economic practices that enabled working class women factory workers to manage, maneuver and manipulate their situations in the late '70s in Kingston at the height of implementation of structural adjustment policies" (2006:8). In more recent work, she examines how Comitas' notion of "occupational multiplicity," combined with the limited employment choices that exist in the tourist sector, have altered women's earning capacities in Negril (Bolles 2006:2). Bolles provides an example in the story of a hotel housekeeper who also shops and cooks for guests "on the side," and before and after she takes care of her own family's chores. My point is that "making do" and "occupational multiplicity" are unacknowledged euphemisms for the everyday violence of exhaustion and poverty that constitute "work."[9]

My second example of the violence of work is drawn from *Producing Power*, which describes social relations among Trinidadian factory workers. The book begins this way:

> The young woman said, "Nigel coming like a slave driver. And they say slavery days finished. He does say, 'If you stop work today, I have someone else here workin' for me tomorrow.' He knows people want to keep their jobs in these times" (Yelvington 1995:1).

In the factory, authority over the workers is maintained by outright, coercive tactics, as well as subtle rules. Power that derives from race,

class, gender, and age is exercised pervasively. Wages are so low that workers must also enter the informal economy to earn money just to get by. They are laid off in slow times and are pressed into overtime when business booms. Sexual harassment of young women is blatant. Production, Yelvington documents, is characterized by continuous instances and examples of pragmatic and symbolic violence (1995:2, 162, 172, 175).

To summarize my argument thus far, interdisciplinary research in the English-speaking Caribbean suggests that violence is embedded in the norms and practices that constitute the more general categories of "family," "gender," and "work." Many of the examples I have described in this section of the paper would constitute an offense under Trinidad's Domestic Violence Act (1999). For the most part, however, this violence is tolerated, euphemized, or ignored. By recognizing the presence of a culture of reconciliation, a structural complex that identifies precepts of family, gender, and work that allow a place for violence, we can understand better what keeps men and women out of legal processes.

The Place of Violence in Law: Neela's Story

I describe next the life history of "Neela," a woman from central Trinidad. I use the case to illustrate how the culture of reconciliation operates over the course of an individual's life, a life that is ordinary and recognizable in many ways at the same time that it is sometimes extraordinary—as I believe most lives are. As becomes clear, basic assumptions of the culture of reconciliation in Trinidad informed many of Neela's decisions about what to do about the violence in her life, as well as the reactions to that violence by members of her family and her neighbors. Her story demonstrates, too, that law mostly accommodates the culture of reconciliation. Agents of the state—the police, the justice of the peace, the courthouse clerk, and the magistrate—operated in ways that illustrate their own socialization into the culture of reconciliation. Yet Neela's story also supports my argument about the complex nature of agency in legal processes. To win a protection order, as Neela did, a complainant must negotiate successfully her position as an agent *vis à vis* the agency of other actors in the legal process and overcome the significant hurdles posed by the culture of reconciliation. Neela began her life history telling me about her father, the "head" of her family, so I shall begin there as well.

Neela's father, Basdeo, was born late in his parents' marriage. By the time he arrived, there were already too many mouths to feed. His parents therefore "gave" him to neighbors who had only two children of their own. By the time he was ten, Basdeo was working in the cane fields. He learned to speak and write Hindi at home; there was no time

for formal schooling. While he was still in his teens, his adopted family arranged for him to be wed to Neela's mother, Dita. She was sixteen. In the fashion of rural Indian families at that time, the couple met on the same day that they married.

Neela was born in 1963, the eldest of Basdeo's and Dita's four children. She describes their upbringing as "extremely strict." They attended the village school. During the week, Basdeo worked at manual labor for very low wages. His violence occurred principally over the weekends when he got paid, drank rum with companions, and then went home and beat his wife. Following the precepts that govern family relationships, Neela's mother suffered silently for years. She never told anyone, nor did she seek medical treatment for the blows that permanently damaged her jaw. Basdeo was sadistic. Sometimes he would force his wife to stand against a wall with her arms stretched outward and then swing an ice pick that would savage the wall right near her body. At other times he would shut off all the lights and demand complete silence. Bewildered by the chaos of her family life, Neela failed her Common Entrance Exam. Following the norm that a mother must protect and support her children, Dita went to school and begged Neela's teachers for help. People stepped in on Neela's behalf, and she was able to continue her education. Years later she would repeat this pattern by saving her own son from failing in school. Mothers are responsible for the physical and emotional well-being of their children.

Neela remembers that once Dita ran away to the "country" and hid from Basdeo. Believing the children were withholding their mother's location from him, Basdeo threatened to burn the house down with all of them in it. They escaped to a neighbor's house. The male head of that household at first refused to allow them to stay the night, but his wife pleaded their case—just for one night. No one would find their reaction strange; who wants to be involved in another family's "business"? In the morning, they were sent to their maternal grandmother. She located Dita and alerted her that the children were in danger.

Dita returned home to care for her children. She extracted from Basdeo a promise to give up drinking. Terrified that she would leave him permanently, Basdeo gave up alcohol. To be left by your wife is not an acceptable situation for an East Indian man, who must have a woman to cook, clean, wash, and take care of the children. Family stability must be preserved and men must be forgiven their transgressions for the sake of the children.[10] The union persisted.

Neela met her future husband, Rashid, at school. She was 17 years old. Their relationship progressed slowly. Neela worked in a shop after school and Rashid would stop by to talk to her. Following the rules prescribed for daughters, she asked permission for Rashid to come to

dinner so that her parents could meet him. Basdeo found Rashid less than impressive, coming as he did from a poor family, but he didn't explicitly forbid Neela from seeing him.

One day Neela skipped work to spend an afternoon with Rashid. Basdeo happened to go by the shop and saw that she was not there. When she got home, he beat her with a garden hose so severely that she still bears the marks on her back. Neela fled to Rashid's house, pleading for his family's protection. The parents held a meeting. Everyone agreed the couple should marry. (How else to get out of this embarrassing situation?) It was a simple ceremony, without a ring, because Rashid could not afford to buy one. As was customary for the times, the couple resided in a small house in the back of the yard of Rashid's extended family household. Neela got along well with her new mother-in-law, but not with Rashid's older sister, who constantly found fault with everything she did. Because of her sister-in-law's verbal and emotional abuse, Neela persuaded Rashid to move.

Their first child was born within a year of their marriage, and a second child followed soon after that. Following the norms that govern gender and work, Neela did all of the domestic labor and cared for the two babies. Rashid found occasional jobs for which he was paid; he adopted the masculine role of the "breadwinner." Without much education, however, it was difficult to find anything but manual and seasonal work. The couple struggled financially. When he became frustrated at the situation of their lives, Rashid verbally abused Neela and sometimes he hit her. She explained:

> At first when he hit me, I don't really take it on. [But]....he would get vexed for any old thing, he would get vexed. And he was ready to curse and quarrel and he would start hitting....I thought that was a way of life. Remember, that is what I was brought up in. So I sort of thought it was normal for your husband to beat you or to hit you.

Isolated from both of their families, Neela kept her troubles to herself. The neighbors heard the fights in their home, but they did not interfere. During her third pregnancy, she learned that Rashid was seeing another woman he met at work. Neela confronted that woman and they got into a physical fight, an example of one woman's physical violence against another. Rashid was outraged and embarrassed at having to pull them apart. His women were behaving badly. He threatened to leave Neela, but then his "outside" woman took up with another man and he returned to the family.

A period of long unemployment left Rashid depressed and more abusive. Neela told me that she began to believe Rashid's threats that he would kill her. He was violent to the children as well; he fractured

their son's hand in one act of "discipline."[11] Called to school to address the boy's bad grades, she confessed to a teacher some of the problems at home. She told me she thought constantly about the fact that her father had behaved this way to her mother. "Family" and "gender" enable husbands to enact violence against their wives and children. She was living her past in the present: both marked by the culture of reconciliation that accommodates violence.

On a few occasions, Neela tried to get help at the police station. She encountered humiliation from the police and resistance to her plight. One officer asked her: "You sure you didn't do something to get the man vexed?" Another one taunted: "A pretty woman like you, you sure you didn't give him a little horn?" [A suggestion that she was unfaithful.] In these examples, gender ideology locates blame for family troubles in women, in its victims. Note that the police officers allowed a place for violence in the marital relationship—despite the Domestic Violence Act.[12] The police did not make a formal record of Neela's complaints.

Finally, in complete despair, Neela called the number of a social worker her mother had given her. The social worker told Neela about a domestic violence shelter. Several weeks passed before she decided to go there. Since the shelter would not house her sons, she was forced to seek help from her parents. They agreed to keep the boys during the school week. Neela stayed at the shelter for six months. She regained her physical and emotional health, attended therapy sessions, took classes, and found housekeeping work at a nearby hotel.[13]

Neela's story is unusual not only because she went to the shelter, but also because in her attempts to reconcile her family situation she invoked the aid of the law and the magistrate's court. The circumstances were these. While she was at the shelter, her mother contacted her. Rashid was abusing their sons on the weekends. Alarmed about the children's safety, Neela called the social worker again. Together, they went to court to transfer temporarily the children's legal custody to her parents and to get a protection order to prevent Rashid from hitting them when he exercised his visitation rights. Note that what moved Neela to ask for protection, to become an agent in the legal process, was her fear for her *children's* safety.

Her encounter at the courthouse was not without its difficulties. As a number of scholars have noted (e.g. Merry 1990; Yngvesson 1988, 1993; Trinch 2003), courthouse "gatekeepers" are highly instrumental in determining the fate of applications for a variety of legal matters. In Neela's case, the justice of the peace, the "gatekeeper" at the magistrate's court, wanted to know "exactly" what Rashid had done and on what dates. Telling her story to this "stranger," as she called him, made Neela extremely uncomfortable. After that ordeal, a rude clerk's remarks were almost

enough to dissuade Neela from completing the required forms. The social worker convinced her to press on.

Rashid was of course shocked when he got the summons to appear in court and he pleaded with Neela to drop the case. With the social worker at her side, Neela remained steadfast. She was grateful when the magistrate agreed to clear the court before hearing the case. (Even so, the police who stayed smirked and made jokes while she gave her testimony.) She told the magistrate about Rashid's violent episodes, including the incident involving her son's broken hand. She made it clear that she had no intention of breaking up her family, and that she wanted help for her husband, and protection for her children. Her testimony also included these critical comments:

> ...She [the magistrate] asked where I am, whether I am at home with him, I told her no, I am at a Halfway House. She asked me if I was comfortable there. I said not really, but I am holding on....She asked me what I wanted. [I said] just put him to get counseling or something. I don't want to press charges. I don't want to put him in jail. Just let him leave me alone. I'm in a Halfway House. I don't have another man. I don't have anybody. I'm here just sorting out my life.

Neela's description of herself as someone who is "just sorting out my life" reminds us that many domestic violence researchers have written about the phenomenon of the "deserving victim" who is likely to find sympathy in court.[14] To the magistrate listening to the case, Neela was just such a victim in all of the following ways. First, she was undoubtedly abused or she would not have fled to a shelter. Second, she was uncomfortable in that shelter, but she stayed anyway. Third, her purpose in going to court was not motivated by revenge or a desire to disparage her husband's character for purposes of a future divorce settlement. Instead, she wanted her family to stay together, as families are supposed to. Fourth, she wanted help for her husband. Fifth, she was a woman of upstanding character; she "did not have another man." Sixth, because she was in the shelter, she could not herself take care of her sons or protect them from their father's abuse. Seventh, Neela had at her side the social worker, a third party of high status (see Baumgartner 1992). Finally, when the magistrate called upon Rashid to give his testimony he confessed that "he did all of those things," that he loved Neela and the children, and that he had harmed the people he loved because he was "just sick." He also provided a letter from a doctor stating that he should go to St. Ann's Hospital [the mental institution] for an evaluation. To this researcher, Neela was not just a deserving victim, she was someone who had negotiated agency throughout the legal process—again and again.

At the end of the trial, then, the magistrate had before her a deserving victim, supported by a respectable social worker, and a defendant

who confessed his violent acts. Not surprisingly, she transferred legal custody of the boys to Neela's parents and granted a protection order preventing Rashid from hitting them. These orders were to remain in effect for one year. Neela was relieved when the magistrate also directed Rashid to go to the hospital for a psychological examination. She was not surprised when he was hospitalized. On the one hand, legalities and therapies coalesce in the culture of reconciliation. On the other hand, law pushes through the dense filter of the culture of reconciliation when victims can muster precisely and in abundance the legal evidence that is needed to prove a level of unacceptable violence.

The story does not end there, nor does the impact of the culture of reconciliation. Six months later Neela went back to speak to the magistrate. Determined not to suffer again encounters with the nosy justice of the peace, the taunting police officers, or the rude clerk, she asked the social worker to arrange for her and Rashid to see the magistrate privately, in her chambers. Here is the excerpt from our interview in which she describes her rationale and that encounter:

> ...I am a person that believes in marriage. I believe in being faithful to my husband. I believe in commitment. And I want a family life....And I told the magistrate....I am leaving the shelter in a couple of days, and I am going back home with my husband and my children. But I want him to know from you, if ever, if ever he hit me or my children, I don't know what I will do!....And she [the magistrate] talked to him: "You hear what your wife said? The children....they want to go home! They want a father and they want a mother! Take your medication. Take whatever counseling you get and go back home. If something was to happen, I think we would have to put you in jail next time." And he said ok. And that was it.

Neela and Rashid reconciled in the presence of the magistrate; a pattern that is replicated everyday in courts across Trinidad—and in many other jurisdictions about which I have read.[15]

When I formally interviewed Neela again, about a year later, she caught me up to date. She explained that when the family first reunited they had survived for a while with the help of public assistance and charitable donations of groceries from an NGO. Then Rashid finally found a part time job as a lorry man, she worked occasionally on a "Ten Days" project [a government work program], and they were raising a few chickens whose eggs they sold for petty cash. In other words, they were engaged in the "occupational multiplicity" that allows people to eke out a living. Rashid took his medication and he was never violent. The couple had bought a piece of land in the country and, block by block, they were putting up a house.

Conclusion

In recent work, Morgan and Youssef argue: "All attempts to address family violence must take regard of the full spectrum of violence and the intricate web of cause-effect sequences between macro- and micro-levels in society. The nature of the beast is that it cannot be contained within the family, and hence cannot be resolved exclusively using measures which apply on a familial basis..." (2006:225). My review of Caribbean scholarship and ethnographic research in Trinidad helps explain better this spectrum of violence and its links within and between micro and macro structures. In addressing the problem of the vanishing domestic violence complainant, I discovered that there is a place reserved for violence in the ideologies and practices that constitute family, gender, and work, and that these coalesce to form local cultures of reconciliation that act as filters not only between, but also within, the community and the institutions of law and the state. Cultures of reconciliation persuade wives to accommodate to and to endure emotional abuse and beatings in silence, allow parents and schoolmasters to discipline children harshly, and keep neighbors from harboring children who have fled abuse in their homes. Cultures of reconciliation uphold hegemonic gender hierarchies that allow certain men to be violent to certain women, some men to be violent to some men, certain women to be violent against women, and some women to be violent towards men. Cultures of reconciliation are deeply influenced by, and influence, ideas and practices that constitute labor in homes and in formal and informal economies. As people "make do" and practice "occupational multiplicity," they experience words and actions that laws, including Trinidad's Domestic Violence Act, might categorize as physical, sexual, emotional, or financial abuse, but that are hardly ever named or treated as such in everyday encounters.

Cultures of reconciliation also affect profoundly agents of the state. As I demonstrated in Neela's case, the taken-for-granted quality of a culture of reconciliation enables police to poke fun at women who complain about violence or to blame them for their plight, empowers courthouse clerks to be rude and unsympathetic, and makes it likely that although a few applicants will get protection orders from magistrates, the vast majority will not. To win a protection order one has to negotiate agency in numerous encounters with legal officials, construct a sympathetic persona, and show evidence of a level and pattern of violence *beyond that which is acceptable in daily life*. As Trinch notes, the victim's language and the characterization of the violent events must be "institutionalized" (2003:121). Thus only a few domestic violence complainants refuse to vanish. Cultures of reconciliation mostly muffle the noise that is made about the violence of the everyday and reduce the possibility and shape

of its redress.

Finally, in this paper I drew examples of the characteristics of cultures of reconciliation from the art, history, anthropology, sociology, literature, and law of the English-speaking Caribbean. Domestic violence research in other settings, however, convinces me that cultures of reconciliation exist outside this region (Lazarus-Black 2007) and may constitute an ideal type (Weber 1949) that helps explain why domestic violence victims are so unlikely to pursue legal remedies.[16] For example, concern for family stability and privacy, gender hierarchy between men and women in intimate and parenting relationships, mothers' responsibility for the primary care of children, and gender differentiation in the realm of waged and unpaid work frequently combine in historical, anthropological, and sociological accounts of diverse societies. Although space precludes an extended discussion here, one can trace evidence of "American versions" of cultures of reconciliation among diverse social, ethnic, and religious groups in the United States including: South Asians (e.g. Abraham 2000, 2005); Puerto Ricans (Fine, Roberts and Weis 2005); Orthodox Jews (Horsburgh 2005); Native Hawaiians (Merry 2000, 2001); African-Americans (Richie 1996); Latinas (Trinch 2003); and rural Christian whites in Kentucky (Websdale 1998). It operates as well among Muslims in Chennai, India (Vatuk 2001) and in post-Soviet Kazakhstan (Snajdr 2007). To cite one last example, Adelman (1997, 2000) describes what are tenets of a culture of reconciliation in her work in the religious courts that govern family law in Israel. In short, as I survey studies of domestic violence across an array of communities, and in different nations, I find that cultures of reconciliation are ubiquitous, even as they vary locally. Each community, of course, differs in unique ways, shaped by the experiences of its own history, social, political, and economic organizations, and systems of meaning. Nevertheless, I suggest cultures of reconciliation likely constitute an ideal type, one that is useful for cross-cultural research and analysis—and one that helps explain why domestic violence complainants so often vanish from the courts.

Acknowledgments

the faculty, librarians, and students at UWI and the Hugh Wooding Law School who aided the research and made my sojourn in Trinidad both intellectually and personally rewarding. A Fellowship from the Institute for the Humanities at UIC allowed me to write in a sustained way. An earlier version of this paper was presented at the Caribbean Studies Association meeting in Salvador da Bahia, Brazil, May 28-June 1, 2007. I would also like to thank Bill Black, Greg Matoesian, and the anonymous reviewers for this journal for their insightful comments.

Notes

[1] I worked in north and central Trinidad and Port of Spain, and thus my findings do not account for how law operates in rural agricultural communities of the south or in Tobago. The first phase of this project in Trinidad began in August, 1997 and concluded in October, 1998. The second phase entailed shorter periods of follow-up research conducted in 1999, 2002, and 2006. I observed domestic violence cases in one court weekly for ten months, and visited for varying lengths of time three other magistrates' courts. I interviewed formally 8 magistrates, 22 attorneys, and 7 probation officers. I used the extended case method in anthropology to follow closely over time the cases of 16 litigants involved in domestic violence cases. I also interviewed formally and informally men and women from the community who represented different ages, racial, ethnic, and religious groups, educational and employment experiences, and social classes, including doctors, businessmen, religious leaders, students, homemakers, clerks, and a police officer. (Seventy-five formal interviews were completed.) Samples of domestic violence court cases were gathered by me and Raquel Sukhu for two courts, over a period of two years, and these were subsequently analyzed with the assistance of Dr. Patricia L. McCall. All of the samples of domestic violence court records from the English-speaking Caribbean that I was able to gather are limited both in the number of cases reported and in the time periods for which they were collected. Therefore, it is impossible to determine whether there has been any significant change over time in terms of the numbers of cases that receive protection orders.

[2] In 1991, Trinidad and Tobago became the first state in the English-speaking Caribbean to pass a comprehensive domestic violence law. In 1999, the first code was replaced by a more comprehensive statute. The current law offers protection to parties in intimate and formerly

intimate relationships, or who have a child together, and is unusual in the region in protecting persons in visiting unions (Robinson 2000a:116-117, 123). It also protects children and disabled dependents over the age of eighteen. A magistrate can issue a protection order to keep a batterer from being physically near a petitioner, from engaging in communication with that party, from using or destroying property, being on or near a certain premise, or some other appropriate action. In addition, the law allows magistrates to make ancillary orders with respect to residence, maintenance, payment for rent or mortgage, counseling, medical and dental expenses, or compensation for monetary loss as a result of the violence. A protection order can remain in effect for three years. Alternative case dispositions include warnings, interim orders, and "undertakings" [voluntary compliance to behave properly] to encourage future "good behavior." As an anonymous reviewer pointed out, the inclusion of the undertaking in the Domestic Violence Act can be seen as consistent with the logic of the culture of reconciliation. It emphasizes the need to protect and accommodate the needs of all of the family members. Elsewhere I describe the use of undertakings as a phenomenon I call "second chances," which gives an individual an opportunity to avoid a court order (Lazarus-Black 2007:111-112). Penalties for breach of a protection order include warnings, requiring a respondent "to enter into a bond of good behaviour for a period not exceeding six months," fines, and jail time. The 1999 Act also expanded the powers of the police with regard to domestic violence matters. The police must respond to all complaints of domestic violence, have authority to intervene without a warrant if they suspect violence is in progress, and complete reports collected for a national register (Laws of Trinidad and Tobago 1999).

3   My thinking about agency and structure has been most influenced by William H. Sewell, Jr. (1992). See Lazarus-Black (2007) for a more in-depth discussion than I can render here.

4   There is a well-documented kinship pattern among Afro-Caribbean peoples in which men and women live in "visiting" and "common law" relationships first and marry formally only later in life. Among Indo-Caribbean peoples, in contrast, the traditional pattern was one of early marriage. St. Bernard's national survey of family life in Trinidad, which included a sample of 4,624 respondents aged 15 years and over, found 34.2 percent of women and 41.6 of men were single, 40.9 percent of women and 42.9 percent of men were married, and 9.8 percent of women and 10.1 percent of men reported living in common law unions (1998:56, 58). In this study, younger

women, ages 25 – 44, were more likely to have entered a common law relationship when they began living with a partner, whether or not they were of Indian, African, or mixed origins (St. Bernard 1998: XXII). See Barrow (1996) for an excellent review of the history and sociology of Caribbean kinship.

5   St. Bernard found just 7.6 percent of men and 6.6 percent of women respondents had experienced divorce. Unfaithfulness and incompatibility were the two main reasons people cited for divorce, but abuse was another factor commonly cited by women (1998:56). The low divorce rate also reflects, of course, the low marriage rate.

6   Danns and Parsad (1989) suggested that domestic violence could be understood as part of a wider culture of violence that began in slavery, but as LeFranc and Rock point out: "This may be so, but as with those kinds of explanations there is another hanging and still unanswered question? It is: what explains its persistence in present-day society?" (2001:76). Moreover, domestic violence is pervasive cross-culturally (Levinson 1989), not only in formerly slave societies. LeFranc and Rock explore the "root causes" and "commonalities" of gender-based violence in the Caribbean and coin the term "the culture of tolerance and silence" that is caused by feelings of shame, fear of stigma, a sense of duty, a desire to conform, pressure from family, economic insecurities, lack of alternatives, love for a partner, and concern for children (2001:78-79). Like the point I develop later in this paper about "cultures of reconciliation," their "culture of tolerance and shame" is "not peculiar to the Caribbean region" (ibid., 78).

7   "Neela" is a pseudonym, as are the names I use for the other members of her family. In addition, I have changed some minor details of her life history to further protect the family's privacy. I interviewed Neela at length on tape in April, 1998 and June, 1999. I spoke with her on the telephone occasionally after that. Before leaving Trinidad, I had a pleasant lunch with her, Rashid, and two of their children. After that, we corresponded for several years.

8   Cozier defines "bounce" as: "A gesture between two persons where each touches the other's closed fist" (2004:416).

9   Comitas saw many limitations of "occupational multiplicity": "The disadvantages included competition for scarce strategic resources within a finite area that engendered tension and an emotionally disruptive atmosphere; social mobility was structurally hindered; capital accumulation was difficult; technological levels tended to

remain rudimentary and communication with other segments in the society was incomplete and imprecise" (cited in Bolles 2006:3).

[10] Women have a seemingly unlimited capacity to forgive. For example during Sukhu's research, "Helen" commented: "Walter on his good days, is a better father than a lot of people I know, right through the year." Sukhu found: "This sort of sentiment is echoed by the women participating in the Women's Support Group at National Family Services [in Trinidad] at the time of the interviews–they have an amazing ability to separate the man from his violence and see the good that he can be on some days, and wish that he would stop the violence that he performs on others. This is another reason that I believe we have socialized men into being abusers–that it is only a part of them and not an essential quality. It is a part of their masculinity and this is something that we can change" (2006:158).

[11] By this time, Rashid's violence had escalated. Neela told me: "He use to hit me. I couldn't take it because it was really getting out of hand. And he use to hit the children. He hit the big boy and he fractured his hand. I didn't tell anybody. I didn't want him to go to jail." Later in the interview she reported that he once sat the whole family on the couch and announced he would "chop off all of their necks and then kill himself." All of this behavior, of course, was unlawful according to Domestic Violence Act (1991), under which Neela took Rashid to court.

[12] Many researchers have noted the inappropriateness of police responses to domestic violence in the Caribbean (e.g. Hadeed 2003; Haniff 1998; Lazarus-Black 2007; Spooner 2001, 2004). Steps have been taken recently to institute police training workshops. See, for example, Economic Commission for Latin America and the Caribbean (2003) and Pargass and Clarke (2003).

[13] Neela entered the shelter in 1996. At that time, it housed twelve women and their children from all walks of life, including the wives of a police officer and a doctor. Her description of her life at the shelter is almost without criticism. She credits her time there with her ability to change her life: "I learned to be stronger there and I learned to be a survivor." The routines of her day at the shelter, however, seem Foucauldian in their discipline: residents were awakened at six a.m. and then participated in morning prayer, meals, chores, work, classes, and individual and group therapy. They had to be back at the shelter by 8:00 p.m. Residents were issued soap, toilet paper, deodorant, and pocket money. Calls were accepted only from other women. On occasion, petty theft or frustration provoked an argument. In the main, however, life at the shelter consisted of a

predictable round of chores, child care, work, and meals, punctuated by therapy. Most residents stayed three months or less. The Matron agreed to allow Neela to stay longer because she was especially helpful with the chores, gave lessons to the young children, took classes to improve her own education, and was successful in her job.

[14] This literature is vast; I have selected a few recent discussions. See, for example, Bograd 2005; Connell 1997; Hartley 2001; Lazarus-Black 2001, 2007; Loseke 1992; Mahoney 1991, 1994; Merry 2000; Ptacek 1999; and Trinch 2003.

[15] In earlier work, I describe two types of judicial styles used by the magistrates I observed in Trinidad. "No-nonsense" magistrates rapidly dispose of the cases before them. They listen quickly to the facts of a case and assess whether the Domestic Violence Act has been violated. In contrast, "mediating magistrates" prefer to give parties time to talk about their grievances and to reconcile their troubles so that the family can remain together (Lazarus-Black and McCall 2006). Spooner describes magistrates' preferences in Barbados and St. Kitts-Nevis for sending parties to counseling rather than for issuing restraining orders (2001, 2004).

[16] Reviewing Weber's concept of the "ideal type," Giddens explains: "An ideal type is constructed by the abstraction and combination of an indefinite number of elements which, although found in reality, are rarely or never discovered in this specific form....The creation of ideal types is in no sense an end in itself; the utility of a given ideal type can be assessed only in relation to a concrete problem or range of problems, and the only purpose of constructing it is to facilitate the analysis of empirical questions" (1971:141, 142). The empirical question my ideal type addresses, of course, is the problem of the vanishing complainant.

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