

Why Would Anyone Oppose the Violence Against Women Act?

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22 Republican senators voted against reauthorizing the law Tuesday. Assuming they don't favor domestic violence, why would they take such a politically risky stand?



Associated Press

Today's GOP has a talent for gratuitously making itself look bad.

On Tuesday, a growing faction threatened to derail the reauthorization of the Violence Against Women Act, which [passed the Senate](#) with 22 dissenting

Republican votes. A couple of months ago, Senate Republicans [defeated a treaty](#) on disabilities -- rebuking their own party's war heroes, Bob Dole and John McCain, who spoke in support of the measure. One can imagine that for their next stunt, Republicans will oppose a bill to help the elderly across the street, or vote against a resolution honoring motherhood and apple pie.

Surely Republicans, whatever you may think of them, are not actually in favor of violence against women. But if they're going to absorb all this terrible publicity, they must have significant substantive objections to the legislation in question, right?

I set out to understand what the opposition to VAWA, as it's called, is really about. Despite its Senate passage Tuesday, it could face obstacles [in the House](#), which passed its own version of the legislation last year and refused to consider the Senate's bill. (Critics say the House version is watered down.) Conservative groups including the [Family Research Council](#), [Heritage Action](#), and [FreedomWorks](#) have all urged lawmakers to vote against the bill.

The objections can be grouped in two broadly ideological areas -- that the law is an unnecessary overreach by the federal government, and that it represents a "feminist" attack on family values. "The ideological foundations of the law are flawed and have led to an inability to help victims effectively," Christina Villegas, a visiting fellow at the conservative Independent Women's Forum and adjunct professor of political science at Cal State San Bernardino, told me.

VAWA, Villegas said, is premised on the theory that violence against women is a product of sexism and patriarchy -- "men's desire to keep women down" and the sexes' unequal social status. But research shows that such violence has many sources, from substance abuse to marital conflict, according to Villegas. "VAWA provides so much funding [based on this model] that could be so much more effective if it focused on the proven causes of violence," she said.

The act's grants have encouraged states to implement "mandatory-arrest" policies, under which police responding to domestic-violence calls are required to make an

arrest. These policies were intended to combat the too-common situation in which a victim is intimidated into recanting an abuse accusation, or officers defer to the "man of the house" and fail to take an abuse claim seriously. But Villegas and other critics say mandatory-arrest laws can backfire. A [2007 study](#) found that states with such laws saw increases in intimate-partner homicides -- perhaps because they made victims, who may have wanted the police to intervene without making an arrest, less likely to report abuse before it could escalate out of control. Villegas points to this as an example of VAWA funds being distributed in ways that are well-intentioned but not necessarily best for victims.

Critics also say VAWA has been subject to waste, fraud, and abuse because of insufficient oversight. For example, a [Department of Justice audit](#) found that out of 22 randomly selected VAWA grantees, 21 had violated the terms of their grants. Another controversy surrounds a provision in this year's reauthorization to give tribal governments criminal jurisdiction over non-Indians who commit crimes on reservations. Proponents of the bill say this closes a loophole that allows non-Native American men to abuse Indian women with impunity. But critics say the tribal courts are underresourced and have a history of failing to provide adequate legal protections to defendants.

Other controversial new proposals in reauthorizing the act have included a prohibition against discrimination on the basis of sexual orientation and an expansion of the visa program that grants permanent residency to immigrant victims of abuse. Villegas and others say this latter change opens the door to immigration fraud. In the Senate hearings on VAWA, an American woman testified that her Czech husband falsely accused her of spousal abuse in order to gain residency when they divorced. Because of the law's protections for "victims," [Julie Poner claimed](#), she had no recourse to rebut the allegations, and her children were taken from her and put in foster care. Proponents of the law say without the visas, immigrant spouses face deportation if they seek help in an abusive marriage. But in a concession to Republicans, Senate Democrats dropped the visa expansion from the latest version of the law.*

Villegas says she doesn't oppose the concept of a federal law protecting victims of abuse -- she just thinks VAWA needs to be improved. Politically, though, [Republicans are taking a beating](#) for their opposition to the bill -- all the complicated policy explanations in the world won't make "voted against the Violence Against Women Act" a winning argument with the female voters the GOP lost by an 11-point margin in November.

Given that the objections all seem relatively minor, I asked Villegas, was it really worth it for Republicans to oppose VAWA, however sincerely, and get depicted as anti-woman? She said the GOP could do a better job of talking about opposition to the bill as a matter of accountability and effectiveness. But, she added, "Having the courage to question various sections of this bill doesn't make you pro-abuse or anti-women. No bill should receive unconditional support because its intentions are noble or its title sounds beneficial."

** Correction: An earlier version of this post stated that the current version of VAWA would expand the visa program for immigrant abuse victims. We regret the error.*

ABOUT THE AUTHOR



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