Beyond Retribution: Determining an Appropriate Remedy for Intimate Partner Violence

Maeve Botham, Political Science

McGill University, Montreal

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Table of Contents

Abstract

Intimate Partner Violence (IPV) is a significant social problem that affects a large part of society, especially women, and is an issue that has long been a subject of feminist concern. However, the current ways that society responds to IPV are largely insufficient. This thesis will endeavor to develop an appropriate response to IPV, drawing on the critical normative work of Iris Marion Young and Sally Haslanger. To do so, it will consider what is wrong about IPV, and knowing this, what constitutes an appropriate response. First, it will consider how IPV is often constructed as an individualized, depoliticized problem in both academic and popular discourses. Drawing on Jean Hampton's defense of retribution, I will critique the use of punishment as a response to IPV. In contrast, using Young's and Haslanger's respective theorizations of social structures, ideology and injustice, it will argue that IPV should be understood as a wrong that occurs on both interactional and structural levels. It is unjust that, in the context of a patriarchal social order, women occupy a social position in which they are vulnerable to the perpetration of IPV. Further, the occurrence of IPV as an interactional wrong is configured by the broader social structure that it is embedded in. As such, IPV should not only be thought of as a wrong of violence but also of domination. Given that IPV is a structural problem of domination, punishment is not an apt response, as it solely functions on an interactional level, and sustains the conditions that produce social positions of vulnerability. In the final section, I will consider alternative responses to IPV. On a structural level, responses to IPV should intervene on systems which reinforce patriarchal domination and sustain subordinate social positions. Interactionally, responses should collectively affirm the self-determination of victims, recognizing them as agents of equal moral worth.

La violence conjugale est un problème important sociale qui touche une grande partie de la population, principalement les femmes et c'est une question qui a longtemps été un sujet de préoccupation féministe. Cependant, les façons actuelles dont la société réagit à la violence conjugale sont largement insuffisantes. Cette thèse développera une réponse appropriée à la violence conjugale, en utilisant l'œuvre de Iris Marion Young et Sally Haslanger dans le domaine de la théorie normative critique. Pour ce faire, elle examinera ce qui est mauvais dans la violence conjugale et, sachant cela, ce qui constitue une réponse appropriée. Premièrement, il prendra en considération comment la violence conjugale est catégorisée comme un problème individualisé et dépolitisée même dans les discours académiques et populaires. En utilisant la défense de la punition par Jean Hampton, je vais faire une critique de punition comme une réponse pour la violence conjugale. Par contre, en utilisant les théorisations des structures sociales, l'idéologie et l'injustice par Young et Haslanger, soutiendra que la violence conjugale est un mal d'interaction et structurale. Il est injuste que, dans un ordre social patriarcal, les femmes occupent une position sociale dans laquelle ils sont vulnérables à la perpétration de la violence conjugale. De plus, l'occurrence de la violence conjugale, en tant que mal d'interaction est configurée par la structure sociale plus large dans laquelle elle s'inscrit. En tant que tel, la violence conjugale devrait être compris comme non seulement un problème de violence, mais aussi de domination. Étant donné que la violence conjugale est un problème de domination, la punition n'est pas une bonne réponse, parce qu'il fonctionne seulement sur le niveau d'interaction et soutient les conditions que produit les positions sociales de vulnérabilité. Dans la section finale, je vais considérer les réponses alternatives pour la violence conjugale. Sur le niveau structural, les réponses pour la violence conjugale devraient intervenir dans les systèmes qui renforcent la domination patriarcale et maintenir les positions sociales subordonnées. Sur le

niveau d'interaction, les réponses devraient reconnaitre la valeur des agents par l'affirmation

collectives de leur autodétermination.

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In part, this thesis was an attempt to think through questions about justice that first arose through my involvement in anti-sexual violence support work and activism. I am deeply grateful for the many co-workers and friends I have been privileged to work with and who I have learned from immensely, especially Gina, Bee and Robyn.

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Introduction

        Intimate partner violence has recently received widespread public attention, through celebrity trials, such as the legal proceedings between Amber Heard and Johnny Depp which ignited social media furor and a wave of misogynist hate speech against Heard, and the elevated number of murders of women by their partners since the start of the COVID-19 pandemic. These cases are embedded in the rise of the #Metoo movement which has brought wider societal attention to gender-based and sexualized violence, including intimate partner violence and longer standing crises, such as the ongoing murder and disappearance of Indigenous women, girls and two-spirit people. Intimate partner violence (IPV) is commonly understood as violence, including physical, emotional, sexual and economic violence, that takes place within an intimate relationship (Renzetti, Edleson, and Bergen 2018). It is conceived as patterns of control and coercion, that can be carried out through specific acts of violence but also through more mundane, everyday actions (Stark 2009; Gover, Richards, and Patterson 2018; Manne 2018). IPV is generally recognized as a form gendered violence, with an estimated 26% of women globally experiencing IPV in their lifetimes (World Health Organization 2021).

        These are not new problems. Intimate partner violence, and violence against women more generally, has long been a focus for feminist activism and scholarship. Second-wave feminism is credited with transforming the normalization and acceptance of sexual, emotional and physical abuse within intimate relationships, although the formation of feminist anti-violence politics has a much longer history (Gruber 2020).[1] Even though intimate partner violence is a widespread social problem that affects many people, predominately women, the primary manner which

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[1] In the context of scholarship on intimate relationships, the term *intimate relationships* refers to sexual and romantic partnerships, including marital and dating relationships. This is distinguished from familial or working relationships, or interactions between strangers.

society deals with it, through law enforcement and the criminal legal system, is insufficient to address it properly. The criminal legal system neither provides satisfactory options for victims and perpetrators, nor does it reduce the prevalence of IPV in society. The surface level failures of the contemporary justice system invite further analysis of the premises that support incarceration and retribution as the dominant response to intimate partner violence. Recognizing that there are clear deficiencies in the current response to intimate partner violence, this project will seek to construct a more appropriate response to intimate partner violence.

This thesis will ask, what is an appropriate response to IPV? How should we, as a society, collectively respond? What would constitute a just response? Given that feminist politics have long oriented themselves against gender-based violence, how should feminist politics and theory orient themselves on a collective scale? Devising a response to IPV, both on normative and practical levels has proved contentious within feminist theory and activism. For decades, some feminist activists and theorists have called for increased state involvement (MacKinnon 1989) and criminalization of gendered violence (Gruber 2020; Reinelt and Ferree 1995) as a way to demonstrate that these acts are unacceptable. Writing in response to feminist calls for state intervention, Wendy Brown (1995) argues that in seeking to respond to gender-based injustices through the extension of state apparatuses, feminists can precipitate and naturalize domination that they seek to address. This concern is supported by the reality that feminist anti-violence work has contributed both intentionally and unintentionally to the expansion of incarceration and has in fact heightened the vulnerability of many people who have experienced IPV (Gottschalk 2006; B. E. Richie 2012; Gruber 2020).[2] These critiques have dovetailed with broader

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[2] I will elaborate on the usage of descriptive or person-first language in reference to IPV in the Methodology section.

contemporary concerns about mass incarceration and state violence, generating scholarship that aligns itself with abolitionist politics and against so-called carceral feminism. As such, it is necessary to develop a positive account of the parameters of a response to IPV, that does not engender new forms of domination, or exacerbate the existing vulnerabilities to IPV.

To devise an appropriate response, I will draw on scholarship on critical normative theory, particularly that of Sally Haslanger and Iris Marion Young on social structures, ideology and injustice. I will use their respective articulations of the relationship between social structures and injustice to elaborate what is wrong about IPV and, using that knowledge, delineate the parameters of a just response to IPV. While IPV is frequently positioned as a depoliticized individualistic phenomenon, I argue that IPV can be identified as both a structural and interactional wrong. It is unjust that individuals who occupy subordinate social positions, such as women, are vulnerable to the perpetration of IPV, by virtue of the social position of vulnerability that they occupy within a patriarchal social structure. Second, the perpetration of IPV is an interaction wrong that is shaped by the social structures it is embedded in. IPV is wrong not only because it is an act of unjustified violence, but also because individuals who occupy subordinate social positions, such as women, are made vulnerable to IPV by relationships of domination. As such, responses should not reproduce the domination that undergirds IPV. An appropriate response should be generated using these normative premises as a foundation. IPV merits public, and more wide-ranging political responses than law enforcement and incarceration of perpetrators of IPV. Structural responses to IPV should intervene upon systems which perpetuate the structural domination and create positions of vulnerability, with the aim of transforming social relations into a non-dominating social order. Responses to the interactional harms of IPV should affirm victims as self-determining agents. These responses should be carried out through

collective action and agents who contribute to the social structures which perpetuate the occurrence of IPV have the responsibility to participate.

This project makes contributions to both feminist anti-violence scholarship, critical normative theory and feminist politics and activism more broadly. This thesis aims to intervene in contemporary debates within feminist anti-violence scholarship on the concept carceral feminism and feminist responses to intimate partner violence. While initially the concept of carceral feminism served as an important intervention into feminist anti-violence scholarship, its analysis has devolved into debates over its conceptual clarity, limiting progress within feminist theory. By approaching the response to IPV from a different vantage point, that of critical normative theory, this paper provides another way forward for feminist anti-violence scholarship. I will elaborate on this area within the literature review. Second, engaging in normative theorizing about IPV contributes to ongoing developments in socially grounded normative theory. By connecting empirical studies of IPV and normative theory, the work of this thesis responds to calls for a more granular study of structural injustice (Sankaran 2021) and the growing recognition of grounded normative theory as a theoretical and methodological orientation (B. Ackerly et al. 2021). I will discuss both of these points in more detail in the Methodology section. Lastly, this thesis aims to be relevant and contribute to contemporary feminist politics and activism. Within feminist politics, IPV and gender-based violence have continued to be high profile problems that have galvanized feminist organizing. This thesis will make a contribution by developing apt normative language and concepts to describe IPV. This is background work that can help feminists direct their energies towards action that serves the liberatory goals of feminism.

In the remainder of the introduction, I will outline my theoretical and methodological approach to the thesis. I will review feminist anti-violence literature, highlighting avenues for further development. In Section 2, I will outline how IPV is commonly constructed as an individual problem of violence in both academic and popular discourses. While not inaccurate, this framing delimits the types of responses that can be generated to IPV. This individualistic framing aligns with Jean Hampton's Kantian formulation of retribution. In Section 3, I will summarize Hampton's defense of punishment, and how it aligns with everyday understandings of justice for gender-based violence. In Section 4, drawing on the work of Iris Marion Young and Sally Haslanger, I will develop an alternate account of IPV as a structural *and* interactional problem of domination. The structurally vulnerable position that women occupy constitutes the conditions for the systemic occurrence of IPV. On an interactional level, the occurrence of IPV is shaped by patriarchal structures. Given that both the experience and perpetration of IPV are configured by patriarchal structures, responses to IPV must be equipped to respond beyond the interactional level. Retribution does not constitute an appropriate response to IPV because it only functions on an interactional level, and more importantly, in the non-ideal world, it functions to extend the domination that undergirds IPV. In Section 5, I will elaborate the parameters of an appropriate response to IPV. Responses to IPV should involve collective action to realize interactional remedies and structural interventions, contingent on the sociopolitical context that is embedded in and prefigurative of a different, non-dominating sociopolitical order and achieved through collective action. On an interactional level, responses should centre victims' self-determination while structural remedies should seek to disrupt patriarchal power structures that sustain positions of structural vulnerability. In the Conclusion, I will review the insights generated in the thesis.

1. Methodology and Theoretical Approach

Normative Theory and Social Criticism

In this section I will elaborate on my theoretical and methodological approach to this research. In writing this thesis, I aim to contribute to ongoing debates within feminist organizing and scholarship concerning the theorization of and response to gender-based violence. My interest in this issue is motivated by several years of anti-sexual violence support work and activism. I have used the process of writing this thesis to think through questions of justice and injustice that first arose in practical work I was doing with others to confront sexual violence in my community. This thesis does not draw empirically on those personal experiences; however, my thinking has been deeply shaped by them. This background aligns with grounded normative theory as a methodology and leads me to use the tools of critical normative theory to answer my research questions. Critical normative theory foregrounds theorization that comes from concrete social problems and work to address them (hooks 1991; Haslanger 2012, 23). This requires the use of socially situated analysis, which seeks to "[bring] about social justice in a particular time and place." (Haslanger 2012, 23). It has an implicitly transformative and liberatory goal, in which, "[norms] and ideals arise from the yearning that is an expression of freedom: it does not have to be this way, it could be otherwise," (Young 2011, 5). Brooke Ackerly (2018), in the tradition of theorists such as bell hooks (1991), argues that such theorizing must be empirically driven by the voices of those who experience injustice. Others, such as Young (2011) and Haslanger (2017), posit that critical normative theory is motivated by specific experiences of injustice, however it can use the more abstracted resources of social theories to construct analyses of injustice. My approach is aligned with the Young's and Haslanger's perspectives

because I am interested in the ways that the concept of structural injustice, social structures and ideology as analytical tools can help us understand the phenomenon of IPV.

As a methodology, grounded normative theory is distinguished by "shared commitments to incorporating original empirical data or analysis in a recursive process of theory development striving for accountability to persons in empirical contexts" (B. Ackerly et al. 2021, 3). It comprises four core principles: comprehensiveness, using empirical methods to collective and analyse data to expand the claims made in the articulation of normative arguments; recursivity, as normative claims are "developed and revised through ongoing and accountable engagement with empirical data"; attentiveness to epistemological inclusion, including the ways that certain viewpoints or knowledges are silenced by dominate epistemological structures of power and epistemological accountability, draw awareness to power imbalances that exist in the process of research (B. Ackerly et al. 2021, 5). I did not generate novel empirical data for this thesis, rather I relied on existing literature on intimate partner violence in the fields of sociology, public health, criminology and gender studies. In conducting a thorough review of these literatures, I revised my initial normative arguments. I do not draw on a single causal explanation of IPV to construct my normative claims, rather by reading across the literature, I gathered an understanding of the commonalities and differences in the way that IPV is understood, to conceptualize how it is constructed as a problem and how it is experienced by victims and perpetrators. This analysis was augmented and shaped by more theoretical writing on intimate partner violence, either by authors who had personally experienced IPV, such as bell hooks (2014) or who drew on personal accounts, such as Shatema Threadcraft (2016) and Beth Richie (1996; 2012). A critical analysis of the empirical literature on IPV is provided in Section 2. My

goal is not to generate a descriptive account of IPV that is irrefutable. Rather I am interested in *how* IPV is defined and how broader theoretical understandings can help us see differently.

Ultimately, the goal of the thesis is not to offer a novel or complete explanation of IPV but rather describe it as a phenomenon in a way that is plausible and will serve rigorous normative analysis. This approach is shaped by a commitment to think about how the most marginalized are affected, and in turn how theorizing should be measured by its ability to effectively attend to their experiences and concerns, as discussed in Section 4. As I am not generating novel empirical data, the issues of power and accountability raised by grounded normative theory are less relevant to this research. However, owing to my own personal experiences working to confront gender-based violence, I feel accountable to those who have experienced intimate partner violence, and gender-based violence more broadly, to create scholarship that does not replicate inaccurate or harmful narratives about IPV, that is relevant to the experience of IPV and to people working to address gender-based violence. This thesis runs counter to some calls to dispense with abstract theorizing when conceptualizing injustice (B. A. Ackerly 2018). While these critiques are well founded, I believe that a certain degree of abstraction can help make visible phenomenon, such as social structures, which are often difficult to see at the level of personal experience.

In this thesis, I will draw on critical normative theory to capture what is morally significant IPV. In this section, I will briefly outline some of the key normative concepts used in this thesis, and how they relate to social structural analysis. The 'normal' conception of justice generally draws on an interactional framework, in which morally blameworthy behaviour occurs between agents, whether they are individuals or corporate agents. To be considered culpable for

wrongdoing one generally should have intent and agency, where there is a causal relationship between one's actions and the morally blameworthy outcomes. In turn, interactional justice refers to settling accounts between agents for wrongful actions (Lu 2017). This includes determining who bears responsible for a wrong and what the appropriate measures are to settle accounts (Lu 2017). This frame captures many important, tangible wrongs.

However, if we only use interactional frames, we are unable to accurately describe injustice that results from complex, multi-agent processes. Theories which analyse social structures can help us name other kinds of wrongs. Contemporary structural accounts of injustice often use John Rawls' argument that the basic structure is the location of injustice as a starting point, whether as a basic framework or as an object of opposition. Rawls' (2005) argument provides an account of injustice as the unfair distribution of burdens and benefits through the basic structure. Iris Marion Young and Sally Haslanger, among others, have developed structural accounts of injustice which are attentive to injustices beyond problems of distribution and instead hinge on the problem of domination. Briefly, social structures can be understood to be processes in which agents are positioned in relation to each other and these positions condition the interactions of individuals (Young 2013). Structures are reproduced through social interaction, both enabling and constraining agents' actions (see Giddens 1979). In this sense, structural analysis attends to the interaction between agents and structures. As a method, it analyses not just collective action, but how broader structures shape behaviour and the interactions between people. This entails considering to how agents are both constrained and enabled, and in turn how agents collectively produce consequences that could not be attributed to the actions of a single agent (Haslanger 2016). Structural approaches allow for analysis and critique of the background conditions that shape and channel behaviour (Haslanger 2016). In this

sense, our normative lexicon expands, as it is possible to critique the moral quality of structural positions, not just blameworthy behaviour. In this thesis, I will employ Iris Marion Young and Sally Haslanger's theorizations of social structures to conceptualize the normative implications of IPV. I will draw on their respective bodies of work, across texts, including *Responsibility for Justice* (2013), and to a lesser extent *Justice and the Politics of Difference* (2011), as well as the book chapter "Two Concepts of Self-Determination" (2007) and the article "Gender as Seriality: Thinking about Women as a Social Collective" (1994) by Iris Marion Young and essays from *Resisting Reality: Social Construction and Social Critique* (2012), *Critical Theory and Practice* (2017), as well as selected articles by Sally Haslanger. This is not a comprehensive analysis of their bodies of work. Rather, I approached this research with a problem-solving mindset, and selected specific pieces which could help develop analyse IPV and develop a response.

In particular, I will engage with the concept of structural injustice and the normative framework that supports it, as articulated by Iris Marion Young *Responsibility for Justice* (2013). Young develops the concept of structural injustice to describe social processes that through no individual fault, oppress and dominate agents (Young 2013, 52). All agents who contribute to structural injustice have a responsibility to respond to these injustices. As *Responsibility for Justice* was published posthumously, the concept of structural injustice has been taken up by many scholars and further developed. Theorists have questioned and further developed the nature of responsibility (Hayward 2017; Sangiovanni 2018; Aragon and Jaggar 2018; Zheng 2019; Jugov and Ypi 2019) and connection (Marin 2017; Zheng 2018; McKeown 2018). The concept of structural injustice has been widely applied to diverse issues including international relations (Lu 2017), slavery (Bessone 2019), migration (Eckenwiler and Wild 2021; Dwyer 2020; Nuti 2019). In relation to gendered injustice, Nuti (2019) uses the concept of structural injustice to

consider how historical injustice persists overtime in relation to specific groups, namely women. Parekh (2011) and McLaren (2019) consider how structural injustice relates to international institutions responses to gender.

Sankaran (2021), suggests that the application of the concept of structural injustice is generative because it enables us to think about what creates injustice and how specific facets of the structure should be transformed. While there has been significant attention paid to certain aspects of Young's argument, the nature of structural injustice itself has received relatively little engagement (McKeown 2021). I am interested in using the concept of structural injustice because it allows for a different form of normative evaluation. *Responsibility for Justice* is forward looking, and emphases structural transformation. Although this is compelling, I am left wondering about cases whether there are both interactional and structural wrongs, and in particular, what is owed to victims. I am interested in connecting the concept of structural injustice with the phenomenon of IPV because it blurs the lines between interactional and structural wrongs, as well as blamelessness and overtly oppressive ideologies. As such, I will draw on the normative framework that Young provides to think about structural injustices and the responsibility to respond to them to conceptualize how we should respond to IPV, as an injustice that occurs on both structural and interactional levels. Doing so is a way to test the boundaries of the theory, by engaging a case that falls outside of the initial scope of the concept of structural injustice.

Drawing on both Young and Haslanger comes with both benefits and limitations. By engaging with both scholars, the depth in which I engage with their respective theories is more limited. However, I believe their theories are largely complementary and drawing on both can

serve to enrich normative analysis. They are not perfectly compatible, and it is not my goal to synthesize their arguments. Young writes with more explicit normative goals, as *Responsibility for Justice* intends to develop a specific theory of injustice. The normative implications of Haslanger's work are significant, however her explanations of social structures and ideology do not generate specific normative categories or theories of justice. Yet, Haslanger's manner of describing the social world helps us understand what is morally significant. Haslanger's discussion of the relationship between social structures and ideology is essential here to think about how structures like the patriarchy operate in relationship to IPV and how we can name normatively undesirable forms of organization. Ideology critique enables us to "[disrupt] conceptual dogmatism," and examine, "other representational tools, capacities, and culturally mediated patterns of response; [raising] questions about their aptness, what they capture and, importantly, what they leave out, distort, or obscure" (Haslanger 2012, 18). As Haslanger argues, the purpose of ideology critique is not to obviate ideology, as the schema and practices that underlie it are frameworks for agency. In her earlier work, Young engaged with ideology, however, some aspects of structural injustice suggest that contributing actions are largely blameless.[3] This ambiguity fits uneasily with the analysis of IPV, as it definitionally concerns morally blameworthy behaviours and is commonly understood to relate to oppressive beliefs. In sum, I will use both Young and Haslanger's theorization of social structures, ideology and injustice to assess the normatively significant features of IPV.

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[3] In her initial formulation of structural injustice in *Responsibility for Justice* (2013), Young initially builds her theory on largely neutral actions that nevertheless produce structural injustice, drawing on the example of homelessness and housing precarity (91-94). However, in other places in the text she discusses phenomenon, such as genocide that entail morally blameworthy actions (for further discussion of blame see: Lu 2017, 104; 2018; Atenasio 2019; McKeown 2021).

Feminism and Patriarchal Domination

As I aim to contribute to contemporary feminist scholarship, I will use gender as a category of analysis. In the thesis, I will focus on the particular social location of women, and how this engenders vulnerability to IPV. IPV, or gender-based violence more broadly, is not solely experienced by women or uniquely structured by patriarchy. Similar to Haslanger (2020), I do not think that patriarchy has primacy over other social structures, or that patriarchy can be isolated as a 'thing'. I agree with the many feminist theorists who have argued that structures of power, such as patriarchy, white supremacy and homophobia cannot be parsed from each other, and rather produce specific social locations (Lorde 1984; Crenshaw 1989). However, social structures are amorphous phenomena that can be difficult to grapple with concretely without a standpoint to provide a toehold. I take heed from Haslanger to analyse patriarchy "functionally by its effects" (Haslanger 2020, 8). Focusing on the social position of women provides an entry point to think about how patriarchal ideology and structures function. I will elaborate on how I conceptualize the category of women in Section 4.

I understand feminism to be political project which seeks to liberate people of all genders from patriarchal domination through the transformation of social, political and economic orders. In this struggle, I see non-domination as a central guiding commitment, and consequently is mutually interdependent with other struggles for liberation, such as anti-racism and anti-colonialism. Drawing on Young, I understand domination to be a set of relations that allow some agents to arbitrarily interfere with other agents (Young 2007, 48). This is contrasted with self-determination, which requires non-domination, in that agents are not arbitrarily interfered with and allows agents to realize relational autonomy, in that they are free to act yet remain connected to social relations (48). As such, freedom requires regulating relationships so that all people

know that their interests, opinions and desires are considered (48). It is not the goal of this thesis to develop a definition of the patriarchy, however, we can provisionally understand patriarchal domination to entail subordinate social positions, such as those occupied by women, in which occupants are subject to arbitrary interference which delimits their ability to pursue their own ends, in a broader web of social relations.

Describing Victims and Perpetrators

Language to describe intimate partner violence, and gender-based violence more broadly, is fraught. Over time, terms that are deemed appropriate have shifted. While previously activists and scholars referred to wife battering and domestic violence, intimate partner violence is now most common. Within normative theory, the term victim is generally used to describe the agent who was wronged, while perpetrator describes the wrongdoer. These terms have been the subject of debate within feminist organizing, as victim is often viewed as disempowering and static, while perpetrator is seen as a unidimensional and harsh label (Femifesto 2015). The binary opposition of these labels also requires complicating, as agents can simultaneously occupy both positions. The total innocence that is ascribed to victims and the total guilt that is ascribed perpetrators is often too demanding to apply to the lived experiences of many people, misrepresenting the experiences of agents. The term survivor has gained popularity on account of its empowering and forward-looking implications (Femifesto 2015; Rentschler et al. 2022). However, this is not a perfect replacement, as many people who have been wronged do feel like victims. More recently, neutral, descriptive language has gained traction, employing person first terms such as person who has experienced harm/IPV and person who has caused harm. In this thesis, I will use both this descriptive language and victim/perpetrator language. While critiques of victim/perpetrator dichotomies are well founded, the terms victim and perpetrator have merit

in conducting normative analysis. In the context of normative theory, the term victim supposes there is a normative problem at play, as it implies that there is an agent who has been wronged. The same follows for the term perpetrator in respect to wrongdoing. While in other contexts using normatively loaded language carries unwanted consequences, it is my aim in this thesis to make normative evaluations. It is my hope that in the sections that follow my theorization will not reinforce rigid victim/perpetrator binaries and will demonstrate the complexities of both these positions.

Literature Review

The focus of this literature review is feminist analysis of, and responses to gender-based and sexual violence. I will focus on the particular lineage of feminist scholarship stemming from the second wave feminism movement centred in the United States. Of course, feminist politics are not exclusive to the United States or Canada (Merry 2003; Krook and Sanín 2016; Htun and Weldon 2018), however given that I understand IPV to be shaped by its social context, it is necessary to limit the scope of investigation. In this literature review, I will discuss texts that relate to gender-based violence, which includes scholarship on IPV, along with rape, sexual assault and sexual harassment. While there are distinct aspects of the rise of the movement against what was known as wife battering, there is also significant cross over with anti-rape activism and scholarship, and as such I will include this broader range of scholarship in this review.

A key legacy of second-wave feminist politics and scholarship is the definition and politization of rape. In influential texts, authors such as Susan Brownmiller (1975) and Susan Griffin (1971), and later Andrea Dworkin (2001) tied the perpetration of rape to the larger patriarchal structure. Like many second wave feminists who gained canonical status, these early

texts centred white, heterosexual, middle class women in their theorizing. Contemporaneously, Black feminist scholar/activists such as Audre Lorde (1984) and Angela Davis (1978) were drawing attention to the particular experiences of Black women. Black feminist scholarship birthed an ongoing tradition of Black feminist sociology and criminology (B. Richie 1996; 1996; Hill Collins 1998; Crenshaw 1991; Potter 2006). In the context of growing debates about the place of sex in feminism through the 1980s, Catharine MacKinnon (1989) argued that the structure of male domination was not remedied by the principles of formal equality and rather to realize substantive equality, state intervention was required. MacKinnon's pro-statist position has been contentious; Wendy Brown (1993; 1995) argued that rather than alleviating women's oppression, state intervention would reinforce it. The role of the state continues to be hotly debated within feminist anti-violence scholarship, as evidenced by the profile of debates over carceral feminism.

A recurring challenge for feminist anti-violence scholarship is defining what violence against women, or IPV more specifically, refers to. This relates within larger debates within feminist scholarship concerning how violence should be understood (Marcus 1992; Mardorossian 2002). Mills (2009) has argued that feminist scholarship has overemphasized women as victims and men as perpetrators of domestic violence, to the effect of denying the agency of women and undermining the creation of ways to end dynamics of abuse. Alternately, Price (2012) argues that the scope of violence against women must be widened to include structural violence carried out against women by institutions such as the carceral system or border enforcement, reflecting frequent critiques levied in Black feminist scholarship.

Contemporary feminist scholarship has analysed the role of sexual violence in a variety of contexts, including colonialism (Razack 2000; Deer 2009; Lugones 2016; A. Simpson 2021),

slavery (A. Davis 1978; Hartman 2022) and the war on terror (Bhattacharyya 2008). The concept of carceral feminism in particular has gained significant attention over the two decades. Elizabeth Bernstein (2007; 2012) originated the term to describe the confluence of contemporary evangelical and secular feminist antitrafficking efforts in relation to sex work (Bernstein 2007, 143). Carceral feminism is, "the commitment of abolitionist feminist activists to a law and order agenda … and a drift from the welfare state to the carceral state as the enforcement apparatus for feminist goals." (Bernstein 2007, 143).[4] Carceral feminism has been taken up as an area of interest by feminist scholars to describe the growing alliances between anti-violence work and carceral institutions, straying from Bernstein's initial focus on anti-sex trafficking and anti-sex work agendas. The concept of carceral feminism has since been taken up and deployed in a variety of ways. In general, being 'carceral' is viewed negatively because in seeking to respond to violence implicating carceral institutions invariably reinforces the conditions that precipitated violence, cause other kinds of harms, and is largely inefficient as a remedy.

Bumiller (2008) argues that the carceral turn in anti-violence work can be explained by the larger neoliberal system, while Gruber (2020) and Gottschalk (2006) highlight both the intended and unintended contributions that social movements have made to the growth of the carceral state. Critiques of carceral feminism largely dovetail with abolitionist politics (see for example, Davis et al. 2022). For instance, historical and contemporary Black feminist and anti-racist critiques of the carceral system as a site of oppression for Black, Indigenous and racialized people intersect with anti-carceral feminism (Brewer and Heitzeg 2008). Some discussions of carceral feminism function as a form of ideology critique, revealing the carceral logic at the core

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[4] Here, Bernstein uses the term *abolitionist* feminists to refer to the abolition of sex trafficking which is depicted as modern-day slavery. This usage differs from other self-identified abolitionist feminists who support the abolition of the contemporary carceral system.

of ostensibly feminist anti-violence work, such as in gender responsive justice (Heiner and Tyson 2017), rape crisis centres, (Whalley and Hackett 2017), sexual offender registries (Levine 2017; Mansnerus 2017), and LBGT hate crime legislation (Lamble 2013). With the emergence of the #Metoo movement, numerous arguments against carceral feminism and in favour of abolitionist politics have emerged in response to the movement's focus on high-profile cases of violence (Law 2018). Central to this tension between carceral/non-carceral feminism is state involvement, with non-carceral/anti-carceral feminists generally advocating for community-based solutions. Many of these arguments draw on work within the field of transformative justice (Kim 2011; 2018; Kelly 2011; Armatta 2018). Transformative justice is a non-punitive response to harm that endeavours to change the conditions which allowed the harm to take place, rather than punish the wrongdoer (Kershnar et al. 2007). Conversely, responses to violence that implicate the state are read as carceral. This is apparent in the often-ambivalent treatment of contemporary restorative justice practices.

The form which anti-carceral feminist critique often takes – the analysis of an ostensibly neutral practice to reveal that it is in fact *carceral* could be read to generate a politics of purity. Although many scholars use the concept of carceral feminism as a force to be opposed, others argue against the treatment of anti-carceral feminism and carceral feminism as mutually exclusive political strategies and theoretical positions. Terwiel (2020) argues in favour of a 'spectrum of decarceration' rather than a binary of carceral/non-carceral feminism. Duff (2018) tries to find a middle ground between governance feminism's support of carceral institutions and the radical feminist critique of them. The debate over how to apply and conceptualize carceral feminism is amplified by the fact that it is not a stable category (Terwiel 2020). While it is the subject of heavy critique, anti-violence scholars do not generally identify themselves as pro-

carceral. Carceral feminism variably refers to theoretical positions on the normative desirability of incarceration, and political strategies and practical responses to harm. In summary, although the term is useful to name a concerning trend in feminist politics, its value as a tool by which to orient feminist praxis is undermined by its current conceptual ambiguity, as well as the carceral/anti-carceral and state/anti-state binaries that it is trapped in. This is an especially pressing concern, given the prominence that gender-based and sexual violence holds in contemporary feminist movements.

This thesis intervenes on feminist anti-violence scholarship and politics by considering the retributive justification that underlies carcerality. While anti-carceral critiques have received significant, well deserved attention, there is relatively little attention paid to the concept of punishment itself. Of course, the existence of incarceration and carceral institutions is not solely, or even predominately, as a result of the need to deliver justice. Incarceration is used to punish, rehabilitate, incapacitate or deter so-called criminals. Beyond responding to individual wrongdoing, carceral logic asserts that the best way to maintain social order is through criminalization (Heiner and Tyson 2017; Coyle and Nagel 2021).[5] Further, abolitionist critiques of the carceral system illuminate the complex relationship between incarceration and retribution, asserting that the contemporary criminal legal system is configured by broader systems of racial domination (Davis 2003; Gilmore 2007). Although incarceration could be understood as fulfilling a need to punish, widespread incarceration cannot only be explained by the prevalence of criminal acts or wrongdoing. However, to defend incarceration as a practice of justice, without

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[5] Carceral logic extends beyond the prison to the classroom, to social services and everyday practices (Ben-Moshe 2020). Brown and Schept (2017) argue that the concept of crime itself naturalizes carceral logic such that it is difficult imagine other ways of being. This concept borrows from Foucault's (1977) analysis of the replacement of corporal punishment with incarceration, which extended state power further across society. Crime can be understood as a socially constructed and flexible category that individuals can fall into, regardless of whether or not they actually committed what would be identified as a discrete wrong within theories of retributive justice.

relying on racist, colonial, ableist, anti-democratic or otherwise oppressive justifications, one generally turns to the necessity to punish wrongdoers. Punishment is justified as what is owed to victims, what is necessary to maintain a just society and as the way to change wrongdoers, or at least make them pay.

I will analyse the retributive justification that underlies carceral punishment and evaluate its aptness as a response to the wrong of IPV. To do so, I will analyse IPV as a structural phenomenon. This approach is not completely novel; as it revisits familiar critiques of patriarchal structures of power popular in the second wave feminist anti-rape and anti-battering work. In particular, my thinking on IPV has been particularly impacted by the theoretical approaches of Black feminist scholars who have analysed the overlapping gendered and racialized structures of power which render Black women vulnerable to IPV (Davis 1978; hooks 1991; Crenshaw 1989; Hill Collins 1998; Threadcraft 2016; Richie 1996). In this thesis, I will develop positive principles to ground responses to IPV which can concretely guide feminist politics and theory, by drawing on Iris Marion Young's and Sally Haslanger's work on normative critical theory. In this case, normative analysis allows us to move out of the carceral/anti-carceral and state/non-state binaries and beyond the ambiguity of carceral feminism as a concept, to generate principles that can help feminist anti-violence praxis orient itself in relation to the state, incarceration, and responses to intimate partner violence more broadly.

2. Defining Intimate Partner Violence as Individual Pathology

Development of Intimate Partner Violence as a Wrong

This section will construct an account of the mainstream view of intimate partner violence, by both experts and the general public. The goal of this section is to outline how IPV is constructed as a phenomenon. It is not a systematic analysis of a bounded set of texts, but rather draws on a variety of influential texts to illustrate features of the construction of IPV. This section will survey a wide variety of discourses, the goal of this analysis is not to discount the value or veracity of all texts discussed. There are many approaches discussed which make a meaningful contribution to confronting intimate partner violence. However, these discourses do contribute to an analytical frame of individualization which structures inappropriate responses to intimate partner violence. IPV is constructed within dominant discourses as being individualized, private, depoliticized and fungible. It is individualized in that it is framed as an interactional problem between individual agents. While it is defined as a problem that requires public intervention, it is depoliticized. It is fungible in that the violence is treated as if it can move between contexts without friction, unaffected by social meaning. This is not the exclusive way that IPV is defined, nor do all definitions have all of these features, however these are common features across contexts. I will first provide an overview of the construction of IPV within expert discourses, namely within academia and institutions and then within popular discourses.

Second-wave feminism is generally understood as having reshaped the way that intimate partner violence was understood. Prior to this, in the United States, violence against women was predominantly depicted as taking place outside of intimate, heteronormative, relationships (Gruber 2020). In this frame, the white, middle class woman was the normative object of concern, and racialized, especially Black, men were the archetypal perpetrator. Prior to the

1970s, violence that took place within intimate relationships was not understood in most cases as deviant. This is evidenced by the legal and social permissibility of marital rape in the United States, Canada, the United Kingdom, as well as in most other states' legal codes (Bennice and Resick 2003). Early feminist anti-violence scholarship was shaped by the ongoing women's movement and the burgeoning shelter movement. The 1970s saw the establishment of shelters for 'battered women' as an alternative to state institutions (Ferree and Martin 1995). These groups often formed of women who themselves were survivors of intimate partner violence and sought to build grassroots networks of support that emphasized solidarity and self-help, rather than foster reliance on existing institutions like the police. Mainstream feminist literature at this time sought to demonstrate that rather than being a normal aspect of relationships or a natural desire of men, rape within intimate relationships should be understood as a significant, abhorrent problem. They located the cause of IPV within patriarchal structures of domination.[6] Feminist activism and scholarship situated IPV as a public issue, both in the sense that it was a concern for the state and society at large and because it located the cause in a collective context.

Mirroring broader political trends in the 1980s and 1990s, responses to IPV shifted from self-help, grassroots approaches to a professional and institutionalized field. This shift was shaped by a variety of complex factors (see Gottschalk 2006; Gruber 2020), including with the rise of the neoliberalism (Bumiller 2008). Neoliberalism, as an ideology, centres the autonomous individual and the ethos of personal responsibility (see Brown 2009). This not only shapes the

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[6] While in some ways this was a significant shift in the ways that IPV was understood – feminist activism was not delinked from existing racialized frames of understanding around violence against women. For instance, an editorial published in the September/October 1974 issue of the magazine *Feminist Alliance Against Rape*, Jackie MacMillan and Freada Klein wrote, "In a society full of tension, rape and other abuses against women serve as a safety valve. Rape allows individual men to let off steam without threatening the status quo. Rape is a mechanism used to terrorize and subjugate women in much the same way that lynching has been used against blacks." (MacMillan and Klein 1974). This statement replicates a well-worn dichotomy, occluding Black women's experiences of violence, and particularly in this context, their experience of sexual violence (Crenshaw 1991; Hill Collins 1998).

epistemological foundations of research of IPV, but also the operation of service provision. Scholarship on violence against women grew from its political roots into a multidisciplinary field within public health and criminology as rape crisis centres and shelters professionalized and were integrated into the state (Ferree and Martin 1995; Markowitz and Tice 2002). Reliance on state funding has meant that these organizations have shifted to a model of medicalized and marketized service provision driven by quantifiable interventions (Ferree and Martin 1995; Messner 2016). These responses are largely shaped by public health approaches which recognize the necessity of structural change, yet continue to focus on individual interventions which are easier to coordinate and measure (Garcia-Moreno, Alessandra Guedes, and Knerr 2012). The transformation of rape crisis centres into professionalized, state-integrated organizations has led to these organizations shedding their initial political claims and allying themselves with public health models and other forms of government service provision (Bumiller 2008). Public health approaches themselves are depoliticized, instead "[mandating] intervention for the purposes of containing crises and managing harm, not to address women's systematic oppression." (Bumiller 2008, 13). These shifts have reinscribed a double, contradictory meaning to IPV. IPV continues to be constituted as a public problem, in that society and the state have a responsibility to respond to prevent and respond to IPV. However, IPV is treated as depoliticized, as it is uprooted from structures of power and rendered an interactional phenomenon, as it is a problem between individuals.

Empirical Approaches to Intimate Partner Violence

A core debate within the study of IPV is whether IPV is a gendered phenomenon, creating a cleavage between generalist and gendered, or feminist, approaches. There are two core strands within generalist accounts, those that rely on sociological factors and those which apply

an 'ecological model'. Sociological accounts employ explanations that are used to explain crime more broadly, like social learning and social norms (Capaldi et al. 2012; Jewkes 2002). The ecological model takes into account individual, relationship, community and society level factors to explain intimate partner violence, and as such incorporates some sociological and feminist explanations (Dutton 1994; Ali and Naylor 2013). The ecological model has also been taken up by public health and governmental organizations like the World Health Organization and the Center for Disease Control to analyze IPV (World Health Organization and London School of Hygiene and Tropical Medicine 2010). Gendered accounts of IPV are forwarded by feminist researchers who believe that patriarchal structures lead to the occurrence of IPV and women are more frequently victimized by IPV. This research bears the most resemblance to initial, feminist definitions of IPV. Under this paradigm, IPV was an extension of patriarchal violence which needed to be rooted out by confronting broader social structures (Dasgupta 2001).

Across research approaches, within sociological, psychological, criminological and public health research, IPV is framed as a unitary, interactional phenomenon that can be parsed from other experiences of violence. Across all of these approaches, the basic unit of analysis is a dyadic relationship between individuals. In the *Sourcebook on Violence Against Women,* IPV is defined as "a pattern of behaviors whereby one intimate partner attempts to gain power and control over the other partner through the use of threatened or actual violence or force." (Durfee 2018). Similarly, a report from the World Health Organization states, "Intimate partner violence is one of the most common forms of violence against women and includes physical, sexual, and emotional abuse and controlling behaviours by an intimate partner." (Garcia-Moreno, Alessandra Guedes, and Knerr 2012). This interactional frame is an accurate description of IPV; however, it is not the only way that it could be conceptualized.

The widespread use of quantitative methods which transform the experience of IPV into a variable replicates these tendencies. This is exemplified by the Conflict Tactics Scale (CTS), a widely used survey used to measure the frequency and severity of intimate partner violence. This tool has especially high uptake within generalist approaches to IPV, as some argue that it demonstrates gender parity in the perpetration of IPV. However, it has been widely criticized by feminist scholars for flattening variation in the severity of IPV across cases by solely measuring whether or not an act of violence has occurred (Johnson, Leone, and Xu 2014). Using the CTS, researchers conclude that more severe physical violence translates into what is considered a more severe form of IPV. Dasgupta (2001) has argued that this erases cultural differences, as some culturally specific acts may cause no or less serious physical harm, however they are experienced as being more harmful. Lastly, its framing within the home, within an intimate relationship, as it is generally situated, parses IPV from other forms of violence experienced by women and locates it as a discrete experience located primarily on an interactional plane.

The well-cited work of Donald Dutton exemplifies the ostensible fungibility of IPV across social contexts in his generalist claim that IPV is not a gendered phenomenon. Dutton (1994) argues that feminist approaches are methodologically flawed in their reliance on the patriarchy as a causal variable. To disprove this approach, he draws on statistics which suggest that intimate partner violence occurs at a higher rate in lesbian relationships than at the hands of men in heterosexual relationships (Dutton 1994). As such, women are shown to be as, if not more, violent than men. In this case, the violence perpetrated in these two dyads is assumed to necessarily have the same causal explanation. The respective social positions that women in heterosexual and homosexual relationships hold are irrelevant. The primacy of individualism can also be understood as a form of expediency. If researchers seek causal explanations, they are

much easier to explain through the traits of individuals, rather than complex structural forces that implicate an assembly of knowing and unknowing agents. For instance, to substantiate his critique of feminist methodologies, Dutton draws on survey data of both self-perceived men's acceptance of patriarchal norms and women's evaluations of their male partners acceptance of aspects of patriarchal ideology. These data show that there is a curvilinear relationship between holding patriarchal beliefs and rates of IPV. He argues that this demonstrates that there is no relationship between the patriarchy and IPV. Here, Dutton demonstrates an understanding of patriarchy as a collection of beliefs held by individuals, rather than as a structure of power. Although this article was written in the 1990s, it continues to be referenced in framing research into IPV.

Like any discipline, the research on IPV is not monolithic. Sociological and criminological approaches are perhaps the most individualistic, as they argue that the prevalence of IPV can be explained using the same theories as other forms of crime, in which individual features lead to criminality. For instance, Capaldi et al. (2012) find that, "risk factors for IPV showed many similarities to findings for risk factors for other problems that involve risky behavior in adolescence and adulthood, such as crime, substance use, and sexual risk behaviors, suggesting that IPV is theoretically and intra-individually akin to these behaviors" (25). The ecological model thinks beyond the individual, incorporating analysis of the relationship, community and society as well. However, these levels of analysis still run the risk of being condensed into features which mark an individual and their likelihood to commit or experience IPV. A more nuanced application of the ecological model can provide demonstrate how collective contexts provide resources and apply constraints to individuals, however do not explicitly discuss the concept of power or political concepts such as domination, oppression or

feminism (see for example World Health Organization and London School of Hygiene and Tropical Medicine 2010). While feminist approaches to IPV are theoretically grounded in the reality of patriarchal power structures, contemporary feminist theories of IPV maintain a focus on the causes of interactional harms. This includes Stark's (2009) theory of coercive control and Johnson's (1995) model of patriarchal terrorism, two prominent theories of intimate partner violence. While these have an explicitly political analysis, similar to generalist theories they are dyadic. In summary, across the literature, IPV is understood to be an individualized, private, depoliticized and fungible wrong.

Intimate Partner Violence in Popular Discourses
Popular ideas of IPV are similarly individualistic, however, are generally less informed by empirical analysis of IPV, but rather pre-existing durable stereotypes about victims and perpetrators. In a review of Canadian newspaper coverage of cases of intimate partner violence, Fairbairn and Dawson (2013) find that, "coverage continues to employ victim-blaming news frames and to portray intimate partner homicide as an individual event" (147). Victim blaming generally refers to blaming the person who was harmed for their own abuse, rather than assigning responsibility to the perpetrator or other agents who permitted the wrong to occur ("Victim Blaming" 2009). This is summarized by the familiar assertion that the victim was 'asking for it'. Aside from mistakenly assigning guilt to the person who was harmed, and rendering the perpetrator innocent, victim blaming contributes to an individualistic view of IPV, as it relies on the view that personal traits of the victim are the cause of their victimization. For instance, the idea of the strong Black woman underlies an idea that Black women cannot be victims, or that their victimization is as a result of characteristics that deviate from normative (white) womanhood (Taft et al. 2009). Alternately, racist stereotypes of the 'Indian squaw' frame

Indigenous women as sexually promiscuous and violence against them as inevitable or unsurprising (Razack 2000; Anderson and Robertson 2011). Their victimization is explained through personal (racialized) characteristics that they possess that lead to their victimization, rather than structures that place Black and Indigenous women in highly vulnerable positions. These representations situate IPV as a problem between individuals which results from their individual characteristics.

More recently, the #Metoo movement has contributed to the framing of intimate partner violence as a problem of individuals. Although the #Metoo movement has diffused across disparate contexts and is largely decentralized, high profile issues which sparked the movement, namely sexual violence within the film industry, remain focused on interactional wrongs. The extensive attention paid to the arrest and subsequent trial of movie mogul Harvey Weinstein exemplifies this framing. The majority of collective attention was focused on whether he would stand trial, and celebrated when he was incarcerated, rather than the systems that kept him in power or the plethora of lower profile individuals who committed similar wrongs in the film industry. Indeed, Time's Up, an organization leading the #Metoo movement in the film industry established a legal fund and has expanded beyond the film industry (Buckley 2018). However, I contend that the lasting impression in the public consciousness was not this 'behind the scenes' work, but rather the take down of prominent individuals who had caused harm. This trend is not exclusive to the entertainment industry, evident in the pre-#Metoo media furor surrounding the trial of college student Brook Turner (Phillips and Chagnon 2020), or in Canada, the trial of journalist and musician Jian Ghomeshi (McGuire 2014). This is not an indictment of the efficacy of the #Metoo movement, but rather a reflection on how the highest profile feminist movement in the last decade has shaped how many understand IPV as a wrong.

I have illustrated that individualism, as well as privatization, depoliticization and fungibility of IPV occurs across approaches to IPV and constitutes the mainstream view of the problem. Recognition of this trend does not discount the insights generated through research which exemplifies these qualities. I am not arguing that individual level analysis is useless or regressive. However, the dominance of this frame imperils other ways of thinking. If violence does not have social meaning, if it is not experienced differently across social positions, then analysis of social structural processes become irrelevant. In the next section, I will argue that the dominance of the individualist, interactional frame in the mainstream view of IPV naturalizes responses that solely reform the perpetrator and heal the victim.

3. Retributive Justice and Carceral Logic
Feminist Preoccupations with Punishment

If intimate partner violence is an individualistic phenomenon, in which violence is private, depoliticized and fungible, then it follows that an appropriate response would correspond with these characteristics. In this section, I will reflect on retribution as a response to intimate partner violence. There are a range of institutional responses to IPV, including the criminal legal system, incarceration and retributive justice, as well as forms of restorative justice in a more limited sense, medicalized interventions through social services and self-help approaches in some community organizations. We can also consider extra-institutional responses such as transformative justice movements and individualized vigilante justice. In many cases, there is an absence of response, seen in the obsfuscation and normalization of violence. These are not discrete but rather overlapping processes. Here, I will focus on retribution as a response. I will argue that the underlying logic aligns with the normal view of intimate partner violence. Second, retribution holds a prominent role in relation to IPV because of the 'epistemic occupation' with carcerality (Heiner and Tyson 2017). A critique of the retributive justice thus serves an important role in abolitionist arguments for sociopolitical transformation. Next, I will review Jean Hampton's defense of retribution. I contend that as an ideal theory, retributive justice may be able to affirm the equal moral value of all agents, however, in the non-ideal world, retributive justice is ill suited to the actual characteristics of IPV and actually serves to reinforce the violence that it seeks to remedy. As such, responses that are grounded in retributive logic are inappropriate for IPV. While the carceral justice system has been extensively critiqued as being oppressive, there is a reformist refrain that the carceral system could be effectively transformed to be expunged of oppressive elements. In the context of gender-based violence the often-rhetorical question 'what about the rapists' remains a durable defense of the criminal legal

system against abolitionist transformations. A critique of the appropriateness of retributive justice in response to intimate partner violence, and by extension gender-based violence, serves to demonstrate that even if the carceral system could be fundamentally transformed, it would still not be the right way to respond.

Punishment as a specific form of justice merits attention because it is often understood as the correct or normal way to respond to wrongdoing. Heiner and Tyson argue that carceral punishment maintains an 'epistemic occupation', in which state-centric punishment is the only "intelligible schema of accountability for violence" (2017, 2). Carceral logic is so deeply embedded within the contemporary social order that questioning it can be seen as strange or offensive. Given that the criminal legal system so prominently promotes carceral punishment, through criminal law, there is often a natural association between the carceral system and justice. Even though the majority of people who experience intimate partner violence do not make reports to police, there is a continued occupation with the carceral system as a response to gender based violence (Saxton et al. n.d.). Certain segments of the feminist movement either implicitly or explicitly promote the connections with punishment. Although the #Metoo movement is not solely focused on carceral punishment as a response to intimate partner violence, it has shaped public perceptions in favour of carceral punishment (Nodeland and Craig 2021). At the same time, there are other feminists who do not support carceral punishment, owing to abolitionist commitments, yet are in favour of punishment outside of carceral institutions. Within Canada, the growing support for the addition of femicide, which refers to the murder of women on account of their gender, to the criminal code evidences the embrace of carceral responses by some feminist organizations, such as the National Femicide Observatory (Anand 2022; Quenneville 2022; Ziafati 2022). The push to recognize femicide specifically fits into a longer

lineage of feminist scholarship which argued for the importance of criminalizing and punishing violence against women as a way to signify its seriousness as a wrong (see for example MacKinnon 1989). In the contemporary feminist movement, I think these examples are emblematic of a punitive impulse, an investment in the intrinsic value of punishment as a response or its acceptance in pursuit of other ends. I am interested in interrogating the logic that underlies this punitive impulse, and the implications that come from adopting this as a larger feminist political project in relation to gender-based violence.

Hampton's Retributive Ideal

Retributive justice is founded on the belief that punishment is the right response to wrongdoing. This is generally distinguished from acts of revenge or vigilante justice. Retribution is often defended on the basis of its intuitive appeal, expressed in the familiar adage 'an eye for an eye'. Retribution is often defended as a form of deterrence or moral education. In this thesis, I will draw on Jean Hampton's defense of retribution because she elaborates a theory of retribution which aligns with feminist approaches to violence against women. There is a shared recognition of the equal moral worth of all persons. Similar to feminists' commitment to politicizing domestic violence, Hampton believes that interpersonal wrongs merit public attention, as society has a responsibility to realize the equality of all persons. Empirically, Hampton's support of punishment aligns with the criminal legal system's approach to crime, including intimate partner violence. It also reflects that the widespread support that legal and extra-legal measures have for violence against women (Nodeland and Craig 2021, 850). I think that Hampton's portrayal of the process of punishment is what many people envision when they seek punishment for the ways that they have been wronged. On an individual level, the allure of punishment is unsurprising. Through retribution, it seems possible that the degradation victims have experienced could be

healed through the punishment of the person who wronged them. At its core, Hampton's argument advances the value of employing punishment, through the submission of wrongdoers, as a means of maintaining a just social order, where the equal worth of all individuals is recognized.

Hampton seeks to establish why, in an ideal world, retribution would be the right response to wrongdoing. Hampton begins her exploration of retribution by asking, "is there a justifiable reason…why a victim who purportedly experiences such hate wants to see the wrongdoer suffer?" (Murphy and Hampton 2002, 112). She finds it is insufficient to argue that is justified on the basis of its intuitive appeal, as J.L. Mackie does. Similarly, Hampton eschews Nozick's support of punishment as a form of moral education. For a theory of retribution to be correct, she argues it is necessary for it to, "connect retributive punishment with the immorality of the conduct being punished," (117). The remedy must align with the nature of the wrong in question. Hampton emphasizes that it is important to conceptualize retribution not as an emotional response but rather as a practice with specific goals (122). While Hampton specifically refers to crime, I understand that to mean a form of ostensibly interactional injustice carried out by an individual. She begins with the premise that crime expresses that victims hold less value than perpetrators (124). Writing from a Kantian perspective that considers each individual worthy of moral autonomy and equality, Hampton finds that this is a false claim, as perpetrators do not have greater value than victims. For Hampton, crimes are wrong because they assert a false hierarchy between the victim and the perpetrator.

To rectify this wrong, it is necessary to express the equal moral worth of the victim and the perpetrator. Punishment serves as an effective means to express 'moral truth' in the face of the lie that crimes express. By making the perpetrator experience suffering, punishment

"represents his submission to the punisher" (Murphy and Hampton 2002, 126). Hampton argues that punishment can negate, "the evidence of superiority implicit in the wrongdoer's original act" (131). As the perpetrator committed a wrong, it is their moral responsibility to submit to punishment. Punishment does not have to entail inflicting pain but it is the most effective means to enact defeat (126). Hampton is careful to emphasize that punishment is not about the intrinsic moral value of the perpetrator nor is it essentially oppositional (144). Rather, the perpetrator and victim are equals, and punishment is merited because crime misstates the relative positions of the two actors (127). Punishment thus has value as an expressive mechanism that asserts a return to just social order where all people have equal worth. A second, important function of punishment is that it expresses that society at large acknowledges the accurate value of victims. Thus, the failure to punish renders others as accomplices to the crime itself because, "we would be acquiescing in the message it sent about the victim's inferiority" (131). As such, Hampton is arguing at both an individual and collective level that retribution is not only the best way to respond to crime, but that not engaging in it would be blameworthy.

Hampton's argument in support of retribution relies on two key premises concerning the nature of injustice and society. First, Hampton presumes that a wrong between individuals is not shaped by external forces, rather exists on a purely interactional plane. If the wrong of crime can be rectified by accurately articulating the equal worth of victims and perpetrators by focusing of the wrongful deeds of the perpetrator, then it is implied that the wrong does not have structural features. This is evident in her argument that punishment is able to return the victim and the perpetrator to equal footing that they presumably held prior to the crime. If there were structural features to this wrong, then solely addressing the interactional nature of the harm would be insufficient. Second, Hampton presumes that it is possible for punishment to defeat perpetrators

while not degrading them. She stipulates that punishment is not intended to "implicitly deny for the criminal what it seeks to establish for the victim," and that it would be wrong to engage in punishment that does so (Murphy and Hampton 2002, 136). For this to hold, it must be possible to engage in punishment that is not degrading, while sending the message that one is deserving of harm. These premises align with the normal view of IPV as an individual, depoliticized, private and fungible form of violence. In this frame, actors are similarly envisioned on the same, flat plane. The meaning of the violence can be easily transferred between individuals without friction. This is an inaccurate depiction of intimate partner violence, and of gender-based violence more broadly. In the next section, I will argue that to accurately conceptualize IPV, it is essential to consider its structural features, and by doing so, the inappropriateness of punishment as a response to IPV becomes evident.

4. Conceptualizing Intimate Partner Violence as Structural Domination

Introduction

To devise a response to IPV, it is necessary to accurately define it as a wrong. IPV is usually framed as an individual problem, which limits the scope of normative evaluation. In this section, I will argue that IPV should be instead understood as both a structural and interactional wrong. It is unjust to occupy a social position where you are vulnerable to IPV. IPV also constitutes an interactional wrong, carried out by one agent against another. However, the occurrence of this wrong on the interactional scale is configured by the social structures which it is embedded in. These are not only wrongs of violence as is commonly understood, but also of domination. In a substantive sense, being socially positioned as a woman makes you structurally vulnerable to IPV. Similarly, the individual perpetration and experience of IPV is configured by patriarchal social structures. In this section, I will explain how patriarchal social structures function to shape agents' behaviour and create positions of vulnerability. I will focus on women and patriarchy as categories of analysis. It is my aim to construct an account which does not situate gender as the primal form of oppression or patriarchy as the most important structure of domination but rather is amenable to a polysemous meaning of IPV and the function of interlocking oppressions.

It is not a novel claim that the individual experience of IPV is specific to one's social position, which in turn is configured by larger structures of oppression and domination. In particular, theorists in the field of Black feminist thought (see Hill Collins 1986; 2009) have convincingly argued how Black women's experiences of intimate partner violence must be understood through their specific social location as Black women (Crenshaw 1991; Hill Collins 1998; hooks 2014; Potter 2006; Threadcraft 2016). These accounts challenge long standing

dichotomies between anti-Black violence, epitomized by the lynching of Black men, and rape, in which white women were the archetypical victims. Crenshaw illustrates how Black women's experience of workplace discrimination cannot be meaningfully captured solely by their position as women or as Black people (Crenshaw 1989, 141). Accounts of violence which look at racialized or patriarchal violence separately do not suffice. Rather, their marginalization is a product of their specific social location as Black women. Intersectionality gives us language for the specificity of lived experiences of marginalization, while social structural analysis illustrates what is going on 'behind the scenes' to produce these experiences.[7] Although informed by scholars writing in the tradition of Black feminist thought, my approach differs. I understand theorists like Hill Collins and Crenshaw to be working to conceptualize the specific social location of Black women, and in doing so, generate knowledge for how we should understand social organization more broadly. I am interested in how gender, which I contend implies a structure of patriarchal organization, is deployed across social positions.[8] Apart from being theoretically interesting, it is important to understand the internal mechanics of patriarchal social structures, because this knowledge should shape how we respond to IPV.

Social Structures and Gender

Social structures can be broadly understood as an array of social positions located in relation to one another by social practices. To occupy a structural position means to be situated in relation to other structural positions within a social structure. Structural positions are shaped

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[7] Perhaps this explanation is misleading, in suggesting that social structures are something that produce, when they themselves are produced by agents in social positions. I use this connection to make the concept of social positions more concrete for readers who are not as familiar with the theorization of social structures but likely have previously encountered Crenshaw's idea of intersectionality.

[8] In a visual sense, I see Black feminist thought working in a centripetal manner, generating knowledge from a marginalized position (epistemologically) moving out and towards the centre (towards social positions that are epistemically privileged), whereas I am interested in gender and how it cuts across social positions. I don't see generating knowledge about IPV through a focus on gender as centrifugal but rather as a line through other positions.

by both material realities, like the built environment, and ideology, such as ideas that constitute and normalize the sexual division of labour and enforced heterosexuality. Structures are not atemporal, they are configured by the sedimentation of past actions. Structures are produced through action and produce consequences that cannot be ascribed to the actions of a single agent (Young 2013, 55). We all contribute to social structures every day through our actions, whether or not we are aware of it. Structures constitute the context of action for agents; to be part of a structure means to be dually constrained and enabled by rules and resources (Giddens 1979). The rules that apply and the resources that are available are differently apportioned depending on an agent's structural position. While they are socially constructed, they are experienced as being 'objectively constraining', concretely shaping horizons of action (Young 2013, 9; Haslanger 2016). Beyond the tangible distribution of goods that social structures regulate; they also create incentive structures which mediate the actions of agents. The positions are relatively stable and exist across structures, meaning that they do not refer to individual subjective experiences (Young, 2013, 13). Importantly, structural positions, exist prior to individuals and exist beyond individual characteristics, conditioning "expectations and possibilities of interaction" (13)

Thinking about women as a group is a helpful entry point into conceptualizing positions in social structures. There are many different ways to think about what bounds the category of *woman*; whether it is by virtue of biology, self-identification or the performance of a gendered role, for instance. For the purposes of this argument, I will focus on materialist, social structural definitions of *woman.* Iris Marion Young (1994) understands the category of women to refer to a serial collective. *Woman* signifies, "a structural relation to material objects as they have been produced and organized by a prior history…*Women* are the individuals positioned as feminine by the activities surrounding those structures and objects" (Young 1994, 728). These structural

relations are configured around social objects, through processes of inclusion or exclusion, by things like enforced heterosexuality and the sexual division of labour (730). Gender is not about how one feels, but how one is positioned. Haslanger (2012) articulates a similar definition of gender, with the caveat that the gendered positions *man* and *woman* are hierarchal, with *woman* being subordinate.[9]

Patriarchal Ideology

Recall that the category of *woman* entails both a social position and ideology. Haslanger (2017) uses the concept of ideology to explain how social structures of domination and oppression come to be. Haslanger argues that social structures are governed by cultural techne, which serves to resolve coordination problems and mediate access to resources. Social practices, which are specific, collective solutions to problems, are constituted by interdependent schema and resources. Interdependent schemas are "clusters of culturally shared concepts, beliefs, and other attitudes that enable us to interpret and organize information and coordinate action, thought, and affect" (Haslanger, 2016, 126). Collectively, interdependent schemas constitute cultural techne. Ideology is a form of cultural techne which implies relationships of domination and oppression, or relationships to resources whose value is misconceived.

The contemporary social order is configured by patriarchal ideology. Patriarchal ideology devaluates (yet requires) feminine coded values, or "moral-cum-social goods and services" (Manne 2018, 107). Patriarchal ideology naturalizes domination – apparent in the implicit, and sometimes explicit understanding that it is right and natural to police and enforce gender roles, in

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[9] It is important to note that here Haslanger does not believe that only men and women exist in the world. Rather, the social world is structured such that people are expected to occupy one of these two roles. Haslanger further elaborates on gender roles in the chapter, "Gender and Race: (What) Are They? (What) Do We Want Them to Be?" In *Resisting Reality: Social Construction and Social Critique*. Oxford University Press. https://doi.org/10.1093/acprof:oso/9780199892631.003.0007.

which women are positioned as inferior (Manne 2018). Agents whose mental states shape and are shaped by these interdependent schemas cannot step outside of them. They may be able to reform them, but agents nonetheless rely on schemas as frameworks for action. Interdependent schemas operate at a cognitive level, and social structures more broadly shape the choice architecture which face agents in such a way that perpetuates domination and oppression. Agents' actions constitute the conditions of domination and oppression which women experience, but also which naturalize interpersonal domination. In this view, patriarchy is not a distinct causal force, and individuals need not have explicitly patriarchal beliefs to have their behaviour shaped by the patriarchal structure which they occupy. Rather they have a specific set of tools which are configured by a value system which positions masculinity as dominant (Haslanger 2018). Both the experience and perpetration of IPV are mediated by patriarchal ideology. From this perspective, we can think about the interdependent schemas that agents possess that channel their behaviour towards interpersonal domination, in the form of intimate partner violence.

Structural Vulnerability

Analyzing the structural conditions of IPV enables us to make different normative judgements than if we solely focused on interactions between agents. First, institutional patterns become legible to us and it becomes clear IPV is a problem of domination. Domination occurs when people are prevented from, "participating in determining their actions or the conditions of their actions" (Young 2011, 38). Structures of domination denote conditions in which other persons determine the conditions for one's action without reciprocation (38). This can be understood as the denial of self-determination. Although this violence takes place on an interpersonal level, it is systemic because it is directed at individuals by virtue of their group membership, and even when individuals do not experience direct violence, they live in fear of

the violence that could take place, as a result of their group membership (62). Violence is not only systemic because it is directed at individuals because of their group membership, but also because it is tolerated, rule bound and social (62). One's experience of domination may be specific to IPV or may be part of a broader range of experiences and social positioning. Understanding IPV as a feature of a structure of domination shifts the focus from trying to pin a set of personal features that cause an individual to perpetrate violence in intimate relationships. Instead, it looks to the structural features that constitute a realm of possibility for IPV to occur.

Naming domination also enables us to explicitly critique the conditions that constitute IPV in the realm of possibility as a social practice. From this vantage point, we can see that women occupy a structural position that renders them vulnerable to intimate partner violence. It is unjust that any person occupies this position, whether or not they themselves actually experience intimate partner violence. Young's concept of structural injustice encapsulates this category of wrong. Structural injustice describes, "social processes put large groups of persons under systematic threat of domination or deprivation of the means to develop and exercise their capacities, at the same time that these processes enable others to dominate or to have a wide range of opportunities for developing and exercising capacities available to them" (Young 2013, 53).

This shifts the parameters of response. We must not only be concerned with how to remedy relationships between individuals, but also with the perpetuation of patriarchal ideologies. Haslanger's conceptualization of social structures enable us to identify patriarchal ideology which shapes the social order in distinct ways. Knowing that social structures are constituted by overlapping social practices, it becomes clear how interdependent schema connect different social practices, and in turn evaluate those social practices. I will return to this point

when discussing the limitations of retributive justice. Further, we can evaluate how individual action is shaped, constrained and enabled. By drawing on a structural account, we can describe the institutional and systemic features beyond the intentional actions of individuals. In sum, when we are describing IPV, we are describing the outcome of structural processes and ideology of heteropatriarchy as articulated in relation to a specific social position. To occupy the position of *woman* is to be situated in a structural position of vulnerability to IPV. Further, heteropatriarchal ideology is oriented towards the domination of women, where the enforcement of social norms and hierarches through coercion, including violence is condoned and encouraged. Intimate partner violence is thus a wrong of domination both at the interactional and structural levels.

Problems of Retributive and Carceral Justice

If IPV is understood as a wrong that occurs both on the interactional and structural levels what are the implications for remedy? Knowing that IPV is a wrong that is shaped by structures, I will demonstrate that retributive justice is ill-equipped to serve as a remedy. For Hampton, the allure of retribution is that it is a way to return the victim and the perpetrator to equal footing. This relies on the premise that the victim and the perpetrator began this way. As a form of ideal theory, this may be appropriate, however these premises do not translate to non-ideal contexts.

My first concern with Hampton's defense of retribution is that it provides an interactional remedy to what we know is both a structural and interactional wrong. At best, this remedy is partial. This can be understood as a problem with the effects or outcome. Within structures, social positions are markedly unequal. The social positions of vulnerability, which exist prior to their interactions, are a central concern as IPV is both a structural and interactional problem. To return victims and perpetrators to their starting positions is an inadequate remedy as the very position of vulnerability that victims are situated in is unjust. However, it could be possible that

although the victim and perpetrator did not start from equal positions, the expressive function of punishment would be able to render equals moving forward. This is also flawed, as it only seeks to be an expression of the relative value of the two parties. It does not seek to change the underlying structures which foreground the initial wrong and generate these unequal positions. A sole focus on interactional wrongs delimits the ability to critique the social conditions that give rise to wrongful actions.

The incompleteness of retribution as a remedy does not, on its own, disqualify retribution as an appropriate punishment. It is not necessary that all responses serve as complete remedies to wrongs. However, there is a problem with the internal logic of retribution as a remedy, specifically its use of defeat to re-express social value and standing. The expressive function is fundamentally flawed because it uses the defeat of a perpetrator as a remedy for the defeat of the victim. To express the accurate value of the victim, the perpetrator must be defeated. The perpetrator must be made to submit, ideally through the suffering or pain of the perpetrator (Murphy and Hampton 2002, 127). Hampton qualifies that this punishment should not debase perpetrators to a level below humanity. While the agents should end as equals this is carried out through an act of mastery of the perpetrator. Hampton's defense of retribution treats social interactions as non-iterated games, as interactions between agents that are neither shaped by past actions nor shape future interactions. However, knowing that IPV is a structural problem, this logic rings false. Recall that the choice architecture that agents are presented with is configured by broader structures, constituted and reconstituted by the actions of other actors. Patriarchal ideology is constituted, in part, by interdependent schema in which the social order, configured by relationships of domination is naturalized. A core determinant for the perpetration of IPV is the persistence of norms which support male dominance and the shared knowledge that violence

and coercion are appropriate measures to enforce social order. Thus, punishment is not an appropriate remedy because its expressive mechanism reinforces the norms that constitute the conditions for the initial victimization. Further, punishment functions as a misdiagnosis of the initial injustice. Not only does punishment not address the injustice of victims' social positions which made them initially vulnerable to violence, it reproduces social norms which naturalize its use.

The implication of my critique of Hampton is not that retribution should never be used or could not possibility serve as a remedy for IPV. On an individual, decentralized level, it could serve as a partial remedy to IPV. Further, I am not arguing that it is wrong for individuals who have been harmed to desire to punish those who have harmed them or make them suffer. This is a common reaction for those who have experienced harm, and there is nothing inherently wrong with that response.[10] However, it is my contention that it is not appropriate on a collective scale, as it only serves to sustain relationships of domination that social movements informed by feminist politics should oppose. There are three key implications that follow. First, regarding reformist defences of carceral institutions, even if the excessive human rights violations of prisons and the carceral system more broadly could be remedied (which seems unlikely), the underlying mission of prisons as a means to punish wrongdoers does not serve as an appropriate remedy to the harms they ostensibly seek to respond to. Secondly, feminist anti-violence work should not only be wary of engagements with carceral systems, but also of non-state collective contexts that replicate practices of retributive justice. Anti-carceral feminists should be guided by a commitment to responses to IPV that seek to disrupt and dismantle relationships of domination.

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[10] Although these desires are often shaped by contemporary epistemic occupation with punishment, and the reality that many people see the only way that they can get justice is through punishment. So, it is difficult to separate individual desires from larger social processes.

Third, an appropriate remedy to IPV requires transformative action not only in relation to the heteropatriarchy, but also connected systems of domination, such as white supremacy, settler colonialism and capitalism, among others.

Avoiding Accountability

I see two sets of objections to the argument I have presented, the first concerning individual agency and responsibility, and the second concerning the primacy of patriarchal structures and the coherence of the category of women. Emphasizing the relevance of structural analysis could be read as an argument that either deprives agents of their agency and relives them of responsibility or renders individual characteristics meaningless. A corollary concern is that emphasis on the structural positions of women as eternal victims and by extension implies or requires that victims are completely innocent. However, recognizing that patriarchy places women in a position of structural vulnerability does not mean that women themselves cannot engage in blameworthy behaviour or that that they are the essential victim. Attending to structures does not mean that individual features do not matter. However, it does demonstrate that IPV does not *necessarily* occur as a result of explicitly malicious attitudes or pathologies, like anti-social behaviour, as some of the empirical literature suggests (Capaldi et al. 2012). It is still possible that individual pathologies, like a lack of impulse control, are common among those who perpetrate IPV. Yet the manifestation of IPV is shaped by social structures which channel behaviour through constraints and enablements. This does mean that it is not possible to act differently. For instance, Young writes, "[the] subjective experiential relation that each person has, and sometimes groups have, to the gender structure, are infinitely variable. In a heterosexist society, for example, everyone must deal with and act in relation to structures of enforced heterosexuality. But there are many attitudes a particular individual can take toward that necessity: she can internalize norms of feminism masochism, she can try to avoid sexual

interaction, she can affirmatively take up her sexual role as a tool for her own ends, and she can reject heterosexual requirements and love other women, to name just a few" (1994, 732). There are many different ways that actors can respond when faced with the same constraints. However, it can be challenging due to both material constraints (and incentives) and shared schemas that present the roadmaps for action. In a patriarchal social order, sexism positions women as lesser beings and misogyny serves to police this distinction (Manne 2018, 79). In the case of IPV, in a hierarchy of gendered domination, it means that men hold specific social resources to arbitrarily interfere with others. This does not preclude people who are not men from perpetrating IPV or those who are not women to experience IPV. In this model, agents are able to act under their own discretion and undertake a range of actions, however, there is more friction when acting outside of the dominant social scripts and they are frequently faced with material constraints to action.

A potential rejoinder to this critique of retribution is that it renders perpetrators of IPV free from moral responsibility. Not only that but adopting a structural analysis could reinforce a lack of accountability for perpetrators, which is itself a symptom of gendered inequality. Eschewing punishment could be a way of letting perpetrators off easy, downplaying the severity of their actions and the extent of their responsibility. Manne raises this concern in her discussion of "himpathy", where the male perpetrator of a crime receives more sympathy than the actual victim themselves (2018, 197). She argues that, "when our loyalties lie with the rapist, we add profound moral insult to the injuries he inflicts on his victims" (204). Similarly, Shklar outlines how within the 'normal model' of justice, the perpetrators of crimes are often understood as the real victims, obscuring who the actual victim is, and ultimately what it means to be a victim (1990, 28).

Acknowledging constraints is not a means to overly sympathize with perpetrators, but rather to conduct an accurate analysis of the state of affairs. Young summarizes the concept of legal or moral liability as requiring that one has a causal connection to the wrongful act, that they were acting voluntarily and that they had adequate knowledge (2013, 98). In cases of IPV, there is a clear causal connection between the actions of the perpetrator and the unjust outcome on an interactional level. In the case of male perpetrated IPV, while norms of male dominance shape the range of acceptable action; they are not being forced to enact violence. Similarly, it is reasonable to assume that acting in ways that are explicitly violent or coercive should be understood as wrong. Therefore, perpetrators of IPV are clearly liable for their actions. Although they are also contributing to structural injustice, they are importantly committing an interactional wrong for which they hold moral responsibility. They do not hold an attenuated form of guilt, such as the guilt that one may hold for being complicit in a wrong. Similarly, their responsibility should not be translated into something like political responsibility, as there is a direct causal connection. All interactional wrongs which one could be liable for take place in within broader social structures, therefore the mere presence of social structures cannot obviate their moral responsibility. However, agents who contribute to it through the reproduction of structures hold political responsibility. Knowing that this form of harm is partially structural means that remedies for this injustice cannot be premised on the qualities of purely interactional injustices.

It is important to not too readily dismiss the constraints that agents are acting under or to deny them any concern. For instance, Catherine Lu complicates the location of perpetrators and victims, arguing that within a structural account, the line between the two blurs and individuals often hold both roles simultaneously (2017, 130). The need to separate the two roles completely contributes to damaging binaries between victims and perpetrators which unfairly damn the latter

and sanctify the former. Hampton provides a salient reminder that "our familiarity with the desires and emotions at the base of their immoral actions enables us to see them not as mindless, evil monsters but as the human beings like ourselves, with serious problems that ignite feelings of compassion and benevolence" (2002, 150). Formulating an appropriate remedy should not rely on the premise that those who commit wrongs are monsters, and by extension are those who are inherently deserving of suffering. Acknowledging constraints is not a means to overly sympathize with perpetrators, but rather to conduct an accurate analysis of the state of affairs. Demanding punishment after it becomes evident that it does not actually remedy the wrong that was perpetrated does a disservice to both victims and perpetrators.

Clarifications on Structures

There are two significant issues that my structural account of IPV could raise. The first is that it treats patriarchy as the only, or the most important, structure of power that configures the perpetration and experience of IPV. The second related concern is that this account naturalizes the category of woman in a manner that is artificial or exclusionary. Second-wave feminism has been heavily criticized for prioritizing gender as a category of analysis at the expense of race, class or sexuality, among other identities. Similarly, references to the patriarchal oppression of women can treat them as a homogenous category and elide the significance of other identities women may hold and the other structures of power that shape their experiences. In this thesis, I have focused on patriarchy and gender as a category of analysis. This approach is helpful to consider the substantive elements of these social structures and their effects. However, this analytical approach does not preclude the interaction of multiple structures of power, or rather the polysemous ordering of social structures. While the contemporary social order can be described as patriarchal, or more precisely cis-heteropatriarchal, it can also be described as racist or capitalist (Haslanger 2020). Each of these descriptors can be used to draw attention to

different facets of the social structure which agents occupy. Rather than giving theoretical primacy to patriarchy, engaging in structural analysis is better suited to understand the significance of experiences of IPV in relation to particular social locations. I will turn to three examples to illustrate this.

Shatema Threadcraft (2016) identifies Black women's experiences of intimate partner violence as part of the broader phenomenon of intimate injustice. Threadcraft argues that racism and sexism have served to inhibit the intimate capacities of Black women and as such, corrective racial justice must take these conditions into account. From this perspective, "Justice requires that no one's intimate capacities be unduly constrained and that all live within contexts that support and enable equally the exercise of their intimate capacities, social contexts that provide equal opportunity to develop and exercise those capacities" (33). Realizing 'intimate justice', requires transformation across the intimate sphere, including in relation to sexuality, reproduction and caretaking (22). To meaningfully comprehend how the wrong of intimate partner violence is experienced by Black women, we must also conceptualize the broader context of violence that they experience as a result of both misogyny and racism.

Indigenous feminists have similarly drawn attention to how in the context of settler colonialism, violence against Indigenous women is closely tied with broader processes of colonization. Violence not only holds meaning as an act against an individual but as an attack on Indigenous sovereignty and nationhood. As women hold important roles in Indigenous nations, violence against women, including IPV, has functioned as part of colonial strategies to attack matrilineal governance and societies. Deer (2009; 2015) draws parallels between IPV as a violation of individuals' personal autonomy and integrity, and the settler colonial violations of the sovereignty of Indigenous nations. For Threadcraft, IPV must be understood in relation to the

broader issue of intimate injustice while Deer emphasizes the relationship between IPV and sovereignty. For these two authors, the practice of IPV is legible in both of these examples even though the meaning that is ascribed to IPV differs. In an interactional frame, the collective significance of IPV risk being lost. Through structural analysis, it becomes clear how patriarchy interacts with white supremacy and settler colonialism. By attending to structures, we are better able to get closer to the lived experience of IPV, as well as the larger political salience.

Gendered analysis is often used to conceptualize IPV carried out by men against women. This has the potential to naturalize women as victims of IPV, and men as perpetrators, and marginalize the experience of IPV outside of heterosexual; male-female dyads. In the empirical literature, lesbian relationships are often held up as a counter argument to patriarchal explanations of IPV (Ali and Naylor 2013; Dutton 1994). Although there is not the same woman-man dyad, the structural positions that lesbians occupy are still shaped by heteropatriarchal ideologies. The vulnerability that women in queer relationships face can similarly be attributed to these broader structures. Lesbian survivors of IPV frequently cite the lack of understanding of violence within queer relationships, due to the overrepresentation of heterosexual relationships and the invisibilization of queer experiences (see, for example, Chen, Dulani, and Piepzna-Samarasinha 2008). Similarly, the insularity of queer communities, shaped by the larger homophobic society, can make it more difficult to seek help when violence does occur. Similarly, heteropatriarchal ideology is deployed across groups, its articulation is not uniform. Rather than disproving the existence of a patriarchal ideology that shapes the perpetration of IPV, it demonstrates how different agents contend with social positions differently and how heteropatriarchal ideologies are deployed and dispersed. These examples demonstrate that

attending to the patriarchal qualities of social structures does not come at the expense of

understanding other structures of domination.

5. Remedies Beyond Crime and Punishment

Knowing that IPV is a wrong of domination that functions on interactional and structural levels, what constitutes and appropriate response? Recalling that IPV is a problem of domination, it is necessary that any response to IPV does serve not to reinforce domination, either on an interactional or structural level. For both types of response, knowing that the perpetration of IPV is shaped by the social structures it occurs in, the form that responses to IPV take should be contingent upon the specific socio-political context that they are embedded in, as well as the particular social location of perpetrators and victims. While the total transformation of the social conditions that precipitate vulnerability to and victimization by IPV cannot be easily realized, responses should be prefigurative of a different, non-dominating socio-political order. In this section, I will outline the parameters of responses to IPV on both interactional and structural levels. Briefly, structural responses should be transformative of the conditions that created positions of vulnerability. Interactional responses should affirm the self determination of victims, rather than deprive the perpetrator of theirs. I will illustrate these principles by providing potential sites of structural transformation and examining cases of interactional responses. I will conclude by reflecting on how these responses can be realized through collective action.

Structural Responses to Intimate Partner Violence

As IPV is a phenomenon relates to injustices on both the interactional and structural level, it is necessary that an appropriate remedy responds to both. While justice on an interactional level fits into everyday understandings of justice, you cannot settle accounts with a structure. Given the diffuse nature of social structures, in which agents frequently unknowingly contribute to structural injustices, justice for structural wrongs entails a different kind of approach. Responding to a structural injustice, such as the structural vulnerability of women, requires transforming the social structures such that it no longer creates positions of structural

vulnerability. This aligns with Iris Marion Young's social connection model, in which she proposes that agents are obligated "transform the structural processes to make their outcomes less unjust" (Young 2013, 96; Lu 2017). This is a largely forward-looking approach to justice, although the past is relevant in assessing how to move forward. Practically, this entails intervening on the material systems that contribute to positions of structural vulnerability. This goes beyond changing institutional arrangements which explicitly devalue or disempower women, such as the legal permissibility of marital rape, to those which may appear gender neutral but nevertheless structurally disempower women as a group and empower men.

For instance, the provision of low cost or no cost child-care by the state could serve as a structural response to IPV. Although not directly related to IPV, the high cost of childcare incentivises women, especially those in heterosexual relationships, to leave the workforce and engage in unpaid childcare. This in turn renders them financially dependent on partners. This places significant constraints on women who are trying to leave abusive relationships, entrenching their vulnerability. This is an example of a response that could be carried out by the state but could conceivably exist outside of the state within communities. Knowing that the patriarchal nature of social structures interlocks with other forms of domination to engender vulnerability, we can envision structural responses which do not explicitly relate to the differential positions of men and women but nevertheless reinforce women's structural vulnerability. As previously discussed, ongoing processes of settler colonialism render Indigenous women vulnerable sexual violence as well as intimate partner violence. In a political sense, the imposition of settler colonial control has had particularly deleterious effects on the social condition of Indigenous women. In the Canadian context, with the creation of the Indian Act in 1876 and the imposition of the band system, women were removed from positions of

political power that they held within many Indigenous governance systems. Further, Indigenous

women did not have the right to vote in Canada until 1960. Although Indigenous women are not

disenfranchised, the continued suppression of traditional governance systems paired with the

ongoing colonial occupation of Indigenous lands undermines the important roles which women

hold within Indigenous political and social systems, entrenching them within a position of

structural subordination and vulnerability. As such, a response to the structural vulnerability of

Indigenous women could include processes of resurgence, which revitalize Indigenous ways of

knowing and being, as well as the repossession and return of traditional territories. Resurgence

and land back are practices outlined by Indigenous scholars and activists which serve to

strengthen Indigenous nationhood and sovereignty and function as part of a larger project of

decolonization (L. B. Simpson 2017; Corntassel 2018; King, Pasternak, and Yesno 2019).

Contesting settler colonial forms of domination which in turn render Indigenous women

structurally vulnerable to intimate partner violence constitutes a structural response to IPV. Both

these cases illustrate structural responses to IPV which intervene within systems which engender

social positions of vulnerability to IPV for women.

Interactional Responses

Jean Hampton (2002) notes that we should punish wrongdoing because punishment is a

means to reassert societal values and to correct the mistaken moral worth of victims and

perpetrators that crime expresses. While punishment is a flawed response to IPV, as the act of

mastery implicit in the expressive function of punishment reinforces larger structures of

domination, Hampton's reasons for punishment serve as useful guideposts to formulate an

alternative response to IPV. As previously discussed, Hampton's justifications for punishment

align with core feminist anti-violence commitments – that responses to IPV, and gender-based

violence more broadly, are important because they signal that committing IPV is not a normal

aspect of intimate relationships but rather is distinctly wrong. I contend that on an interactional

level, responses should affirm the self-determination of victims through collective action.

Collective affirmation of victims' self-determination expresses regard for and recognition of

victims as agents of equal moral worth, deserving of self-realization and self-determination. This

reformulates Hampton's argument that it is necessary to correctly state the value of victims by

society. This response is both forward and backwards looking. While it employs future-oriented

action, it is premised on the belief that something is owed to victims, on account of being

subjected to morally blameworthy behaviour. We cannot move outside of the patriarchal

ideologically mediated structure, but we can endeavour to transform it into cultural techne that

permits relationships of non-domination and anti-oppression to flourish. This reorients ideas

about victims and has the possibility of changing their material conditions. As previously

discussed, patriarchal ideology disfigures the value of things that are coded as feminine, treating

them as lesser (Manne 2018). On an interactional level, IPV is carried out through patterns of

control or coercion that deprive victims of their agency. The affirmation of a victim's self-

determination can be realized through collective action which upholds the victim's social worth,

their ability to make sense of their experience and voice it, and supports their material needs in

the wake of harm. I will draw on two examples to illustrate these principles.

Philly Stands Up (PSU) is a collective formed to confront sexual violence, including

intimate partner violence, in the anarchist/punk community in Philadelphia in 2004. They

initially formed alongside Philly's Pissed, a group of women working to support survivors of

sexual violence, following a series of sexual assaults. To discuss the work of PSU, I will be

drawing on literature the group itself has published between 2008-2011. The group is currently

inactive. PSU is a semi-closed collective of 4-8 organizers who "create community-based

responses to sexual assault through direct involvement with those who have caused harm in those situations" (Kelly 2011, 47). Their work complements Philly's Pissed, as they both seek to directly support survivors of sexual violence, by addressing both their immediate needs and helping them figure out how they want to move forward, including using accountability processes. Using lists of demands created by survivors, PSU meets directly with people who have caused harm and supports them in changing their behaviour and becoming accountable for their actions. Although the collective itself is small, they "[receive] support from concentric circles of ex-members, interns, and allies in the form of childcare, information technology, or direct work with people who have caused harm" (48). They aim for transformative action, both directly in the lives of survivors and perpetrators, and in the broader community, forging connections with organizations in the community and pursuing educational campaigns. For PSU, using a transformative justice framework means recognizing how systems of oppression, such as racism, patriarchy and capitalism create the conditions for sexual assault to occur (49). Their work is grounded in the belief that sexual assault harms both the individual victim/survivor and the larger community. As such, both need to heal. Their accountability processes contain five steps: connecting with those involved; designing a process that suits the needs of the situation; attending to the 'life structure' of participants, drawing on tools such as story-telling, writing, role-playing and learning; and closing a process with phasing-out meetings. The processes are flexible and seek to accommodate the needs of specific participants. The organization arose out of the needs of a specific community and have changed over time as needs have shifted and their knowledge has grown.

The Revolution Starts at Home: Confronting Abuse in Activist Communities is a zine created by Ching-in Chen, Dulani and Leah Lakshmi Piepzna-Samarasinha that features twenty-

two contributions. The zine, first published in 2008, includes first-hand accounts of writers' experiences of intimate partner violence, as well as resources from community-based organizations. In many of the chapters, the authors confront the misconceptions about IPV in queer relationships that are more difficult to seek support for. Given the insularity of many queer communities, they discuss the isolation that they experienced within their abusive relationships, and in some cases, the exclusion they faced after coming forward with their experiences. Many authors note the importance of having a place to tell their story, especially given that intimate partner violence often took this power away. Emily Stern writes, "This zine is an excellent example of how people are creating supportive spaces that soothe our wounds. Ultimately, my hope is that we have a community that has a language to respectfully and effectively deal with people's boundary and intimacy issues through a deep and compassionate examination of what motivates us. From there, we can create and share tools to deal with behavior patterns that are born of fear and abuse" (Chen, Dulani, and Piepzna-Samarasinha, 2008, 57). The zine was immensely popular, eventually being expanded and reprinted by AK Press.

These two projects differ, but they both exemplify the core features of an appropriate response. They both create spaces for the victim to tell their story and set the direction of their healing.[11] Although they centre individuals, they are projects that are coordinated collectively. While they deal with individual situations, they disrupt hegemonic power relations and conceptions of IPV. They seek to support healing for individuals, while also transforming the collective contexts that they are embedded in. While PSU works directly with perpetrators, the form of *The Revolution Starts at Home* precludes implicating perpetrators. This demonstrates that it is not necessary to implicate the perpetrator to devise an appropriate response. Recall that

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[11] This could be understood as a form of hermeneutical justice, as articulated by Miranda Fricker (2007).

perpetrators of IPV hold guilt. While perpetrators could discharge their guilt, in a normative

sense through participation in an interactional response, their participation is not necessary to

deliver justice. This is an important consideration in formulating the parameters of a response to

IPV because in many cases, it is difficult to engage perpetrators in accountability processes (see,

for example, Chen, Dulani, and Piepzna-Samarasinha 2008; Kelly 2011). Not requiring that the

perpetrator be held to account in response to wrongdoing may appear to run counter to the

purpose of justice itself. There is certainly value in holding the perpetrator to account, and in

ideal situations, it would be assumed that this is possible. However, in everyday life this is often

not possible, and I believe it is more important to render an account of justice which is grounded

in the real constraints that the world imposes.

Responsibility and Collective Action
A key aspect of an appropriate response to IPV is collective action. Given the coordination

challenges that come with systems transformation, corporate agents, such as the state are well

positioned to take responsibility.[12] However, responsibility for transformation extends much

farther. Recall that social structures that place victims in positions of vulnerability to deprivation

or expose them to actual deprivation are constituted through the actions of other agents. As such

in the social connection model, Young proposes that, "that all those who contribute by their

actions to structural processes with some unjust outcomes share responsibility for the injustice

(2013, 96). Agents hold responsibility whether or not their conduct was morally blameworthy.

Responsibility as a result of social connectedness is not bounded by an individual's membership

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[12] This statement may seem inconsistent, given that I draw on Wendy Brown's critique of feminist movements
which turn to the state. However, I understand her critique to be primarily directed at movements which seek to
entrench specific rights and which frame the state as a neutral arbiter, which among other things, signals a retreat to
individual punishment at the expense of political action and social transformation (Brown 1995). As such a turn
towards the state, in favour of the extension of the welfare state, is not *prima facie* in tension.

in a political community, but rather as a result of being part of a "system of interdependent processes of cooperation and competition" (105). It is not just that responses are most efficient when collectively discharged, but that agents who contribute to the continuation of patriarchal structures hold a responsibility to contribute to structural responses.[13] This web of responsibility extends to victims. Centring self-determination is premised on victims holding responsibility for and contributing to the pursuit of justice. This provision does not exist to place an undue burden on victims. Victims both have particular knowledge about the conditions of structural injustice and implicating outsiders may 'set reforms going in unproductive directions" (146). Further, by virtue of acting within social structures, they similarly contribute to the social structures which entrench their oppression. As such, they share a responsibility to create a more just future.

Stating that individuals have responsibility does not ensure that this responsibility will be discharged, however it does provide a framework to consider the form action could take. Given that structural relationships are often obscured, bringing awareness to the presence of structural relationships and associated responsibilities are a significant first step towards action. The immense and entrenched nature of structures and ideologies that produce relationships of domination is intimidating and any action can feel futile. However, agents' imbrication within structures enables them to transform them. Neither of the responses that I have developed are complete. They do not totally transform the structures or collective contexts that they are embedded in, completely heal the victim or totally transform the perpetrator. Requiring this

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[13] Young conceptualizes responsibility as open and flexible and provides four parameters through which it can be conceptualized. First, responsibility is configured by the power that an agent holds and their ability to influence structural processes. Second, privilege orients who will be able to change actions without suffering deprivation. Third, agent's responsibility is shaped by their own interest, or relationship to, injustice, with those who suffer from it holding a unique perspective and interests. Lastly, the collective ability of some agents enables them to carry out certain actions. Thus, an agent's social location configures both the form and share of responsibility.

would be too high of a standard to fulfill. Ultimately the pursuit of justice is ongoing and cannot be easily discharged. Similarly, it is unreasonable to set a standard for justice that seeks to erase the wrong from ever occurring. It is not possible to move backwards in time. However, this does not deny that it is possible to address the wrong that occurred and change the conditions that permitted it to occur.

Conclusion

In this thesis, I have worked to construct an account of IPV as a problem of structural domination and examined the implications of such a diagnosis for developing an appropriate response to IPV. Although IPV has long been an object of feminist concern, and more recently of state and public interest, we lack a just response to IPV. My analysis is guided by the understanding that to develop a response to IPV, it is necessary to conceptualize what is wrong about it. It was the aim of this thesis to develop an apt normative framework that could capture the socially and politically relevant aspects of IPV. In Section 2, I argued that IPV is often regarded as an individual, depoliticized problem of violence in both academic and popular discourses. While this captures many important features of the phenomenon, it limits our analysis of IPV as a phenomenon and the possible scope of normative inquiry. Retributive justice, generally carried out through carceral institutions, holds epistemic primacy as a response to IPV. In Section 3, I illustrated Jean Hampton's defense of retribution. For Hampton, wrongdoing devalues the moral value of victims. Society should punish perpetrators of wrongdoing because it is a manner to accurately state the equal moral worth. Hampton's defense of punishment generally parallels feminist calls for the punishment of perpetrators of IPV, to both hold them personally accountable, and to demonstrate that this behaviour is not accepted within society. I do not think this response is satisfactory, and by examining IPV through a structural lens I contend that other forms of response become visible. Engaging in structural analysis changes how we see IPV as a problem, not just because it makes the structural causes legible, but also because it changes how we interpret the interactional level. Drawing on the work of Sally Haslanger and Iris Marion Young, we can understand IPV as a wrong that occurs on two levels. We should consider it as a form of structural injustice, as patriarchal social structures render women vulnerable to IPV. Second, on an interactional level, patriarchal

ideology mediates and naturalizes the perpetration of IPV. IPV is generally understood to be wrong because it is violent. This is accurate, but by adopting a structural analysis, we can also understand it as a wrong of domination. On an interpersonal level, the patterns of control and coercion that shape IPV take the form of domination, which are entrenched by the position of structural vulnerability. Given these features of IPV, the punishment of perpetrators is not appropriate. First, punishment is unable to respond to the structural features of IPV. Second, and more importantly, the act of punishment is an act of mastery which replicates and entrenches schemas that naturalize domination. Hampton conceptualizes punishment as an expressive act and in the non-ideal world, punishment expresses that it is right to dominate others to maintain social order. As such, punishment reproduces the ideology that structures the positions of vulnerability to IPV, and schemas which naturalize and neutralize it. Wrongdoers are not rendered blameless, as it is clear that perpetrators hold guilt for their wrongdoing on an interactional level. Drawing on Iris Marion Young, I argue that the web of responsibility is extended, such that all who contribute to patriarchal structures have a responsibility to take action to address IPV in structural and interactional contexts. On a structural level, an appropriate response requires taking action to intervene on material systems in pursuit of transforming conditions that create positions of vulnerability to IPV. On an interactional level, responses should affirm the self determination of victims through collective action to uphold the victim's social worth, their ability to make sense of their experience and voice it, and supports their material needs in the wake of harm.

This argument has implications for how we should consider contemporary debates on carceral feminism. Feminist responses to intimate partner violence should be guided by both an overarching commitment to non-domination and liberation from gendered oppression. Second,

feminists should not only be wary of state carceral institutions (and quasi-carceral institutions) but also of feminist politics which centre punishment to respond to violence against women, as these practices also have the potential to further the domination of women. This analysis also has implications for how we understand structural injustice. By using the concept of structural injustice to conceptualize responses to IPV, we can see how the principles of structural injustice can also shape responses to ostensibly interactional wrongs.

Bibliography

Ackerly, Brooke. 2018. *Just Responsibility: A Human Rights Theory of Global Justice*. New York: Oxford University Press. https://doi.org/10.1093/oso/9780190662936.001.0001.

Ackerly, Brooke, Luis Cabrera, Fonna Forman, Genevieve Fuji Johnson, Chris Tenove, and Antje Wiener. 2021. "Unearthing Grounded Normative Theory: Practices and Commitments of Empirical Research in Political Theory." *Critical Review of International Social and Political Philosophy*, March, 1–27. https://doi.org/10.1080/13698230.2021.1894020.

Ali, Parveen Azam, and Paul B. Naylor. 2013. "Intimate Partner Violence: A Narrative Review of the Feminist, Social and Ecological Explanations for Its Causation." *Aggression and Violent Behavior* 18 (6): 611–19. https://doi.org/10.1016/j.avb.2013.07.009.

Anand, Avanthika. 2022. "Advocates Push to Include 'femicide' in Criminal Code after Anoka Street Murders." CBC. July 18, 2022. https://www.cbc.ca/news/canada/ottawa/murder-femicide-anoka-street-ottawa-1.6523681.

Anderson, Mark Cronlund, and Carmen Robertson. 2011. *Seeing Red: A History of Natives in Canadian Newspapers*. Winnipeg, Manitoba: University of Manitoba Press.

Aragon, Corwin, and Alison M. Jaggar. 2018. "Agency, Complicity, and the Responsibility to Resist Structural Injustice." *Journal of Social Philosophy* 49 (3): 439–60. https://doi.org/10.1111/josp.12251.

Armatta, Judith. 2018. "Ending Sexual Violence Through Transformative Justice." *Interdisciplinary Journal of Partnership Studies* 5 (1): 1–38. https://doi.org/10.24926/ijps.v5i1.915.

Atenasio, David. 2019. "Blameless Participation in Structural Injustice." *Social Theory & Practice* 45 (2): 149–77. https://doi.org/10.5840/soctheorpract201942655.

Ben-Moshe, Liat. 2020. *Decarcerating Disability: Deinstitutionalization and Prison Abolition*. Minneapolis: University of Minnesota Press. http://muse.jhu.edu/book/75175.

Bennice, Jennifer A., and Patricia A. Resick. 2003. "Marital Rape: History, Research, and Practice." *Trauma, Violence, & Abuse* 4 (3): 228–46. https://doi.org/10.1177/1524838003004003003.

Bernstein, E. 2007. "The Sexual Politics of the 'New Abolitionism.'" *Differences* 18 (3): 128–51. https://doi.org/10.1215/10407391-2007-013.

Bessone, Magali. 2019. "Colonial Slave Trade and Slavery and Structural Racial Injustice in France: Using Iris Young's Social Connection Model of Responsibility." *Critical Horizons* 20 (2): 161–77. https://doi.org/10.1080/14409917.2019.1596216.

Bhattacharyya, Gargi. 2008. *Dangerous Brown Men: Exploiting Sex, Violence and Feminism in the War on Terror*. New York: Zed Books.

Brewer, Rose M., and Nancy A. Heitzeg. 2008. "The Racialization of Crime and Punishment: Criminal Justice, Color-Blind Racism, and the Political Economy of the Prison Industrial Complex." *American Behavioral Scientist* 51 (5): 625–44. https://doi.org/10.1177/0002764207307745.

Brown, Wendy. 1993. "Wounded Attachments." *Political Theory* 21 (3): 390–410. https://doi.org/10.1177/0090591793021003003.

———. 1995. *States of Injury: Power and Freedom in Late Modernity*. Princeton: Princeton University Press. http://hdl.handle.net/2027/heb.32981.

———. 2009. *Edgework: Critical Essays on Knowledge and Politics*. *Edgework*. Princeton: Princeton University Press. https://doi.org/10.1515/9781400826872.

Brownmiller, Susan. 1975. *Against Our Will: Men, Women, and Rape*. New York: Simon and Schuster.

Buckley, Cara. 2018. "Powerful Hollywood Women Unveil Anti-Harassment Action Plan." *The New York Times*, January 1, 2018. https://www.nytimes.com/2018/01/01/movies/times-up-hollywood-women-sexual-harassment.html.

Bumiller, Kristin. 2008. *In an Abusive State: How Neoliberalism Appropriated the Feminist Movement against Sexual Violence*. Durham: Duke University Press.

Capaldi, Deborah M., Naomi B. Knoble, Joann Wu Shortt, and Hyoun K. Kim. 2012. "A Systematic Review of Risk Factors for Intimate Partner Violence." *Partner Abuse* 3 (2): 231–80. https://doi.org/10.1891/1946-6560.3.2.231.

Chen, Ching-In, Dulani, and Leah Lakshmi Piepzna-Samarasinha, eds. 2008. "The Revolution Starts at Home." https://criticalresistance.org/wp-content/uploads/2014/05/Revolution-starts-at-home-zine.pdf.

Corntassel, Jeff. 2018. "Re-Envisioning Resurgence: Indigenous Pathways to Decolonization and Sustainable Self-Determination." *Decolonization: Indigeneity, Education & Society* 1 (1): 85–101.

Coyle, Michael J., and Mechthild Nagel, eds. 2021. *Contesting Carceral Logic: Towards Abolitionist Futures*. London: Routledge. https://doi.org/10.4324/9781003161813.

Crenshaw, Kimberle. 1989. "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics." *University of Chicago Legal Forum* 1989: 139–68.

———. 1991. "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color." *Stanford Law Review* 43 (6): 1241–99. https://doi.org/10.2307/1229039.

Dasgupta, Shamita Das. 2001. "Towards an Understanding of Women's Use of Non-Lethal Violence in Intimate Heterosexual Relationships." VAWnet, a project of the National Resource Center on Domestic Violence/Pennsylvania CoalitionAgainst Domestic Violence. http://www.vawnet.org.

Davis, Angela. 1978. "Rape, Racism and the Capitalist Setting." *The Black Scholar* 9 (7): 24–30.

———. 2003. *Are Prisons Obsolete?* New York: Seven Stories Press.

Davis, Angela Y., Gina Dent, Erica R. Meiners, and Beth E. Richie. 2022. *Abolition. Feminism. Now.* Chicago, Illinois: Haymarket Books.

Deer, Sarah. 2009. "Decolonizing Rape Law: A Native Feminist Synthesis of Safety and Sovereignty." *Wicazo Sa Review* 24 (2): 149–67.

———. 2015. *The Beginning and End of Rape: Confronting Sexual Violence in Native America*. Minneapolis: University of Minnesota Press. https://doi.org/10.5749/minnesota/9780816696314.001.0001.

Duff, Koshka. 2018. "Feminism Against Crime Control: On Sexual Subordination and State Apologism." *Historical Materialism* 26 (2): 123–48. https://doi.org/10.1163/1569206X-00001649.

Durfee, Alesha. 2018. "Intimate Partner Violence." In *Sourcebook on Violence Against Women*, edited by Claire M. Renzetti, Jeffrey L. Edleson, and Raquel Kennedy Bergen, 109–42. Thousand Oaks, California: SAGE Publications. https://doi.org/10.4135/9781483399591.n7.

Dutton, Donald G. 1994. "Patriarchy and Wife Assault: The Ecological Fallacy." *Violence and Victims* 9 (2): 167–82. https://doi.org/10.1891/0886-6708.9.2.167.

Dworkin, Andrea. 2001. "I Want a 24 Hour Truce during Which There Is No Rape." In *An Anthology Of Women's Rhetoric(s)*, edited by Ronald Kate and Ritchie Joy, Pittsburg. University of Pittsburgh Press.

Dwyer, James. 2020. "Environmental Migrants, Structural Injustice, and Moral Responsibility." *Bioethics* 34 (6): 562–69. https://doi.org/10.1111/bioe.12738.

Eckenwiler, Lisa, and Verina Wild. 2021. "Refugees and Others Enduring Displacement: Structural Injustice, Health, and Ethical Placemaking." *Journal of Social Philosophy* 52 (2): 234–50. https://doi.org/10.1111/josp.12387.

Fairbairn, Jordan, and Myrna Dawson. 2013. "Canadian News Coverage of Intimate Partner Homicide: Analyzing Changes Over Time." *Feminist Criminology* 8 (3): 147–76. https://doi.org/10.1177/1557085113480824.

Femifesto. 2015. "Use the Right Words: Media Reporting on Sexual Violence in Canada." http://www.femifesto.ca/media-guide/use-the-right-words/.

Ferree, Myra Marx, and Patricia Yancey Martin, eds. 1995. *Feminist Organizations: Harvest of the New Women's Movement*. Philadelphia: Temple University Press.

Fricker, Miranda. 2007. *Epistemic Injustice: Power and the Ethics of Knowing*. Oxford ; New York: Oxford University Press.

Garcia-Moreno, Claudia, Alessandra Alessandra Guedes, and Wendy Knerr. 2012. "Understanding and Addressing Violence Against Women." World Health Organization.

Giddens, Anthony. 1979. *Central Problems in Social Theory: Action, Structure, and Contradiction in Social Analysis*. Berkeley: University of California Press.

Gilmore, Ruth Wilson. 2007. *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*.

Gottschalk, Marie. 2006. *The Prison and the Gallows: The Politics of Mass Incarceration in America*. Cambridge University Press. https://hdl.handle.net/2027/heb.07801.

Griffin, Susan. 1971. "Rape: The All-American Crime." *Ramparts Magazine*, September 1971. https://cdm16694.contentdm.oclc.org/digital/collection/p16694coll58/id/4725/.

Gruber, Aya. 2020. *The Feminist War on Crime: The Unexpected Role of Women's Liberation in Mass Incarceration*. Berkeley: University of California Press.

Hartman, Saidiya V. 2022. *Scenes of Subjection : Terror, Slavery, and Self-Making in Nineteenth-Century America*. 1 online resource. vols. New York: W. W. Norton & Company. https://www.overdrive.com/search?q=1BC46D7A-8435-4562-903C-106E9AAA9AF5.

Haslanger, Sally. 2012. *Resisting Reality: Social Construction and Social Critique*. Edited by Sally Haslanger. Oxford University Press. https://doi.org/10.1093/acprof:oso/9780199892631.003.0000.

———. 2016. "What Is a (Social) Structural Explanation?" *Philosophical Studies* 173 (1): 113–30. https://doi.org/10.1007/s11098-014-0434-5.

———. 2017. *Critical Theory and Practice*. Assen: Koninklijke Van Gorcum.

———. 2020. "Why I Don't Believe in Patriarchy: Comments on Kate Manne's Down Girl." *Philosophy and Phenomenological Research* 101 (1): 220–29. https://doi.org/10.1111/phpr.12697.

Hayward, Clarissa Rile. 2017. "Responsibility and Ignorance: On Dismantling Structural Injustice." *The Journal of Politics* 79 (2): 396–408. https://doi.org/10.1086/688355.

Heiner, Brady T., and Sarah K. Tyson. 2017. "Feminism and the Carceral State: Gender-Responsive Justice, Community Accountability, and the Epistemology of Antiviolence." *Feminist Philosophy Quarterly* 3 (1). https://doi.org/10.5206/fpq/2016.3.3.

Hill Collins, Patricia. 1986. "Learning from the Outsider Within: The Sociological Significance of Black Feminist Thought." *Social Problems* 33 (6): S14–32. https://doi.org/10.2307/800672.

———. 1998. "The Tie That Binds: Race, Gender and US Violence." *Ethnic and Racial Studies* 21 (5): 917–38. https://doi.org/10.1080/014198798329720.

———. 2009. *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*. http://www.vlebooks.com/vleweb/product/openreader?id=LeedsUni&isbn=97802039000 55&uid=none.

hooks, bell. 1991. "Theory as Liberatory Practice." *Yale Journal of Law and Feminism* 4 (1): 1–12.

———. 2014. *Feminism Is for Everybody*. 2nd ed. Routledge. https://doi.org/10.4324/9781315743189-11.

Htun, Mala, and S. Laurel Weldon. 2018. *The Logics of Gender Justice: State Action on Women's Rights Around the World*. Cambridge Studies in Gender and Politics. Cambridge: Cambridge University Press. https://doi.org/10.1017/9781108277891.

Jewkes, Rachel. 2002. "Intimate Partner Violence: Causes and Prevention." *The Lancet* 359 (9315): 1423–29. https://doi.org/10.1016/S0140-6736(02)08357-5.

Johnson, Michael P., Janel M. Leone, and Yili Xu. 2014. "Intimate Terrorism and Situational Couple Violence in General Surveys: Ex-Spouses Required." *Violence Against Women* 20 (2): 186–207. https://doi.org/10.1177/1077801214521324.

Jugov, Tamara, and Lea Ypi. 2019. "Structural Injustice, Epistemic Opacity, and the Responsibilities of the Oppressed." *Journal of Social Philosophy* 50 (1): 7–27. https://doi.org/10.1111/josp.12268.

Kelly, Esteban Lance. 2011. "Philly Stands Up: Inside the Politics and Poetics of Transformative Justice and Community Accountability in Sexual Assault Situations." *Social Justice* 37 (4 (122)): 44–57.

Kershnar, Sara, Staci Haines, Gillian Harkins, Alan Greig, Cindy Wiesner, Mich Levy, Palak Shah, Mimi Kim, and Jesse Carr. 2007. "Toward Transformative Justice: A Liberatory Approach to Child Sexual Abuse and Other Forms of Intimate and Community Violence." Generation FIVE.

Kim, Mimi E. 2011. "Moving Beyond Critique: Creative Interventions and Reconstructions of Community Accountability." *Social Justice* 37 (4 (122)): 14–35.

———. 2018. "From Carceral Feminism to Transformative Justice: Women-of-Color Feminism and Alternatives to Incarceration." *Journal of Ethnic & Cultural Diversity in Social Work* 27 (3): 219–33. https://doi.org/10.1080/15313204.2018.1474827.

King, Hayden, Shiri Pasternak, and Riley Yesno. 2019. "Land Back: A Yellowhead Institute Red Paper." Yellowhead Institute. https://redpaper.yellowheadinstitute.org/wp-content/uploads/2019/10/red-paper-report-final.pdf.

Krook, Mona Lena, and Juliana Restrepo Sanín. 2016. "Gender and Political Violence in Latin America," no. 1.

Lamble, Sarah. 2013. "Queer Necropolitics and the Expanding Carceral State: Interrogating Sexual Investments in Punishment." *Law and Critique* 24 (3): 229–53. https://doi.org/10.1007/s10978-013-9125-1.

Law, Victoria. 2018. "How Can We Reconcile Prison Abolition With #MeToo?" Truthout. October 13, 2018. https://truthout.org/articles/how-can-we-reconcile-prison-abolition-with-metoo/.

Levine, Judith. 2017. "Sympathy for the Devil: Why Progressives Haven't Helped the Sex Offender, Why They Should, and How They Can." In *The War on Sex*, edited by David M. Halperin and Trevor Hoppe, 126–73. Duke University Press. https://doi.org/10.1215/9780822373148-003.

Lorde, Audre Geraldine. 1984. *Sister Outsider*. Trumansburg, NY: Crossing Press. https://search.alexanderstreet.com/view/work/bibliographic_entity%7Cdocument%7C4401748.

Lu, Catherine. 2017. *Justice and Reconciliation in World Politics*. Cambridge: Cambridge University Press. https://doi.org/10.1017/CBO9781108329491.

———. 2018. "Responsibility, Structural Injustice, and Structural Transformation." *Ethics & Global Politics* 11 (1): 42–57. https://doi.org/10.1080/16544951.2018.1507388.

Lugones, Maria. 2016. "The Coloniality of Gender." In *The Palgrave Handbook of Gender and Development: Critical Engagements in Feminist Theory and Practice*, edited by Wendy Harcourt, 13–33. London: Palgrave Macmillan UK. https://doi.org/10.1007/978-1-137-38273-3_2.

MacKinnon, Catharine A. 1989. *Toward A Feminist Theory of the State*. Cambridge, Mass: Harvard University Press.

MacMillan, Jackie, and Freada Klein. 1974. "F.A.A.R. Editorial." Feminist Alliance Against Rape Newsletter.

Manne, Kate. 2018. *Down Girl: The Logic of Misogyny*. *Down Girl*. Oxford: Oxford University Press.

Mansnerus, Laura. 2017. "For What They Might Do: A Sex Offender Exception to the Constitution." In *The War on Sex*, edited by David M. Halperin and Trevor Hoppe, 268–88. Duke University Press. https://doi.org/10.1215/9780822373148-009.

Marcus, Sharon. 1992. "Fighting Bodies, Fighting Words: A Theory and Politics of Rape Prevention." In *Feminists Theorize the Political*, edited by Judith Butler and Joan W Scott. New York: Routledge.

Mardorossian, Carine M. 2002. "Toward a New Feminist Theory of Rape." *Signs: Journal of Women in Culture and Society* 27 (3): 743–75. https://doi.org/10.1086/337938.

Marin, Mara. 2017. *Connected by Commitment: Oppression and Our Responsibility to Undermine It*. https://doi.org/10.1093/oso/9780190498627.001.0001.

Markowitz, Lisa, and Karen W. Tice. 2002. "Paradoxes of Professionalization: Parallel Dilemmas in Women's Organizations in the Americas." *Gender & Society* 16 (6): 941–58. https://doi.org/10.1177/089124302237896.

McGuire, Patrick. 2014. "Jian Ghomeshi's Implosion Was Overdue." *Vice* (blog). November 3, 2014. https://www.vice.com/en/article/exm88w/jian-ghomeshis-implosion-was-overdue-903.

McKeown, Maeve. 2018. "Iris Marion Young's 'Social Connection Model' of Responsibility: Clarifying the Meaning of Connection." *Journal of Social Philosophy* 49 (3): 484–502. https://doi.org/10.1111/josp.12253.

———. 2021. "Structural Injustice." *Philosophy Compass* 16 (7): e12757.
    https://doi.org/10.1111/phc3.12757.

McLaren, Margaret A. 2019. "Global Gender Justice: Human Rights and Political
    Responsibility." *Critical Horizons* 20 (2): 127–44.
    https://doi.org/10.1080/14409917.2019.1596212.

Merry, Sally Engle. 2003. "Constructing a Global Law-Violence against Women and the Human
    Rights System." *Law & Social Inquiry* 28 (4): 941–77.

Messner, Michael A. 2016. "Bad Men, Good Men, Bystanders: Who Is the Rapist?" *Gender &
    Society* 30 (1): 57–66. https://doi.org/10.1177/0891243215608781.

Mills, Linda G. 2009. *Insult to Injury: Rethinking Our Responses to Intimate Abuse*. Princeton:
    Princeton University Press. http://muse.jhu.edu/book/29892.

Murphy, Jeffrie G., and Jean Hampton. 2002. *Forgiveness and Mercy*. Cambridge: Cambridge
    University Press.

Nodeland, Brooke, and Jessica Craig. 2021. "Perceptions of Legal and Extralegal Punishments
    for Sexual Harassment in the 'MeToo' Era." *Deviant Behavior* 42 (7): 850–61.
    https://doi.org/10.1080/01639625.2019.1702615.

Nuti, Alasia. 2019. *Injustice and the Reproduction of History: Structural Inequalities, Gender
    and Redress*. Cambridge: Cambridge University Press.
    https://doi.org/10.1017/9781108325592.

Parekh, Serena. 2011. "Getting to the Root of Gender Inequality: Structural Injustice and
    Political Responsibility." *Hypatia* 26 (4): 672–89. https://doi.org/10.1111/j.1527-
    2001.2010.01159.x.

Phillips, Nickie D., and Nicholas Chagnon. 2020. "'Six Months Is a Joke': Carceral Feminism
    and Penal Populism in the Wake of the Stanford Sexual Assault Case." *Feminist
    Criminology* 15 (1): 47–69. https://doi.org/10.1177/1557085118789782.

Potter, Hillary. 2006. "An Argument for Black Feminist Criminology: Understanding African
    American Women's Experiences With Intimate Partner Abuse Using an Integrated
    Approach." *Feminist Criminology* 1 (2): 106–24.
    https://doi.org/10.1177/1557085106286547.

Price, Joshua M. 2012. *Structural Violence: Hidden Brutality in the Lives of Women*. Albany:
    State University of New York Press.

Quenneville, Guy. 2022. "Jury at Triple-Homicide Inquest Makes 86 Recommendations to
    Prevent Intimate Partner Violence." CBC. June 28, 2022.
    https://www.cbc.ca/news/canada/ottawa/coroners-inquest-intimate-partner-violence-
    renfrew-probation-1.6503862.

Rawls, John. 2005. *A Theory of Justice*. Original ed. Cambridge, Mass: Belknap Press.

Razack, Sherene H. 2000. "Gendered Racial Violence and Spatialized Justice: The Murder
    Pamela George." *Canadian Journal of Law and Society* 15 (2): 91–130.
    https://doi.org/10.1017/S0829320100006384.

Rentschler, Carrie, Benjamin Nothwehr, Ayesha Vemuri, Arianne Kent, Nina Morena, and
    Emma Blackett. 2022. "Survivor-Centered Research: Guidelines, Principles, and
    Resources." Institute for Gender, Sexuality, and Feminist Studies, McGill University.
    https://www.mcgill.ca/definetheline/files/definetheline/survivor-
    centred_research_rentschler_et_al._2022.pdf.

Richie, Beth. 1996. *Compelled to Crime: The Gender Entrapment of Battered Black Women*.
    New York: Routledge. https://openlibrary.org/books/OL786093M/Compelled_to_crime.

Richie, Beth E. 2012. *Arrested Justice: Black Women, Violence, and America's Prison Nation*. *Arrested Justice*. New York University Press. https://doi.org/10.18574/9780814723913.

Sangiovanni, Andrea. 2018. "Structural Injustice and Individual Responsibility." *Journal of Social Philosophy* 49 (3): 461–83. https://doi.org/10.1111/josp.12250.

Sankaran, Kirun. 2021. "'Structural Injustice' as an Analytical Tool." *Philosophy Compass* 16 (10): e12780. https://doi.org/10.1111/phc3.12780.

Saxton, Michael, Laura Olszowy, Jennifer C.D. MacGregor, Barbara J. MacQuarrie, and Nadine Wathen. n.d. "Domestic Violence Victims' Experiences with Police and the Justice System in Canada." Canadian Domestic Homicide Prevention Initiative. Accessed January 23, 2023. http://cdhpi.ca/sites/cdhpi.ca/files/Police_Paper_Plain_Text.pdf.

Shklar, Judith N. 1990. *The Faces of Injustice. The Faces of Injustice*. New Haven: Yale University Press.

Simpson, Audra. 2021. "2 The State Is a Man: Theresa Spence, Loretta Saunders, and the Gender of Settler Sovereignty." Edited by Sunera Thobani. *Coloniality and Racial (In)Justice in the University*, December, 136–62. https://doi.org/10.3138/9781487532048-004.

Simpson, Leanne Betasamosake. 2017. *As We Have Always Done: Indigenous Freedom through Radical Resistance*. University of Minnesota Press. https://doi.org/10.5749/j.ctt1pwt77c.

Taft, Casey T., Thema Bryant-Davis, Halley E. Woodward, Shaquita Tillman, and Sandra E. Torres. 2009. "Intimate Partner Violence against African American Women: An Examination of the Socio-Cultural Context." *Aggression and Violent Behavior* 14 (1): 50–58. https://doi.org/10.1016/j.avb.2008.10.001.

Terwiel, Anna. 2020. "What Is Carceral Feminism?" *Political Theory* 48 (4): 421–42. https://doi.org/10.1177/0090591719889946.

Threadcraft, Shatema. 2016. *Intimate Justice: The Black Female Body and the Body Politic*. New York: Oxford University Press. https://doi.org/10.1093/acprof:oso/9780190251635.001.0001.

"Victim Blaming." 2009. Canadian Centre for Victims of Crime.

Whalley, Elizabeth, and Colleen Hackett. 2017. "Carceral Feminisms: The Abolitionist Project and Undoing Dominant Feminisms." *Contemporary Justice Review* 20 (4): 456–73. https://doi.org/10.1080/10282580.2017.1383762.

World Health Organization, and London School of Hygiene and Tropical Medicine. 2010. "Preventing Intimate Partner and Sexual Violence against Women: Taking Action and Generating Evidence." Geneva: World Health Organization.

Young, Iris Marion. 1994. "Gender as Seriality: Thinking about Women as a Social Collective." *Signs* 19 (3): 713–38.

———. 2007. *Global Challenges: War, Self Determination and Responsibility for Justice*. Cambridge ; Polity.

———. 2011. *Justice and the Politics of Difference*. Edited by Danielle S. Allen. Princeton: Princeton University Press.

———. 2013. *Responsibility for Justice. Responsibility for Justice*. Oxford: Oxford University Press.

Zheng, Robin. 2018. "What Is My Role in Changing the System? A New Model of Responsibility for Structural Injustice." *Ethical Theory and Moral Practice* 21 (4): 869–85. https://doi.org/10.1007/s10677-018-9892-8.

———. 2019. "What Kind of Responsibility Do We Have for Fighting Injustice? A Moral-Theoretic Perspective on the Social Connections Model." *Critical Horizons* 20 (2): 109–26. https://doi.org/10.1080/14409917.2019.1596202.

Ziafati, Noushin. 2022. "'This Is a Crisis': Ontario Police Board Wants Femicide Added to Criminal Code." The Toronto Star. July 19, 2022. https://www.thestar.com/news/canada/2022/07/19/this-is-a-crisis-ontario-police-board-wants-femicide-added-to-criminal-code.html.