
Violence Against Women

The Congressional Response

Joseph R. Biden, Jr.

America as a nation has for too long failed to grasp either the scope or the seriousness of violence against women. In this article, Senator Biden describes his attempt to address this issue through federal legislation. The Violence Against Women Act, first introduced in 1990 and reported favorably out of committee in May of 1993, takes aim at the problem from four different perspectives: rectifying imbalances, helping survivors, providing education, and requiring equal treatment. Each of these aspects of the legislation is discussed.

Every day, every hour, indeed every minute, a woman in the United States suffers the pain and violence of a physical attack. Every six minutes, a woman is raped (Federal Bureau of Investigation [FBI], 1989). The former Surgeon General Antonia C. Novello announced in 1992 that domestic violence is the leading cause of injuries to women aged 15–44 (Novello, Rosenberg, Saltzman, & Shosky, 1992). Spouse abuse is more common than automobile accidents, muggings, and cancer deaths combined (U.S. Senate Judiciary Committee, 1992).

Yet, America as a nation has for too long failed to grasp either the scope or the seriousness of violence against women. If the leading newspapers were to announce tomorrow a new disease that, over the past year, had afflicted from 3 to 4 million citizens, few would fail to appreciate the seriousness of the illness. Yet, when it comes to the 3 to 4 million women who are victimized by violence each year, the alarms ring softly. We live in a nation that has three times as many animal shelters as battered women's shelters (McCarthy, 1991). We live in a nation where crimes against women are still perceived as anything but crime—as a family problem, as a private matter, as “sexual miscommunication.”

Since 1990, I have conducted a series of hearings in the Senate Judiciary Committee on violence against women, exploring the causes and effects of this violence. Prominent psychologists and psychiatrists have helped me, my colleagues, and the American public to understand this issue better. We have learned, for example, that public authorities have underestimated rape rates by as much as 10–15 times the actual rate (Koss, Dinero, Seibel, & Cox, 1988). We have learned that family violence is far from a trivial push or shove: One third of all such incidents, if reported, would be classified as felony rape, robbery, or aggravated assault; the remaining two thirds involve bodily injury at least as serious as the injury in-

flicted in 90% of all robberies and aggravated assaults (National Institute of Justice, 1990). Indeed, we now know that family violence accounts for a significant number of murders in this country; in 1990, one third of all female homicide victims died at the hands of a husband or boyfriend (FBI, 1990).

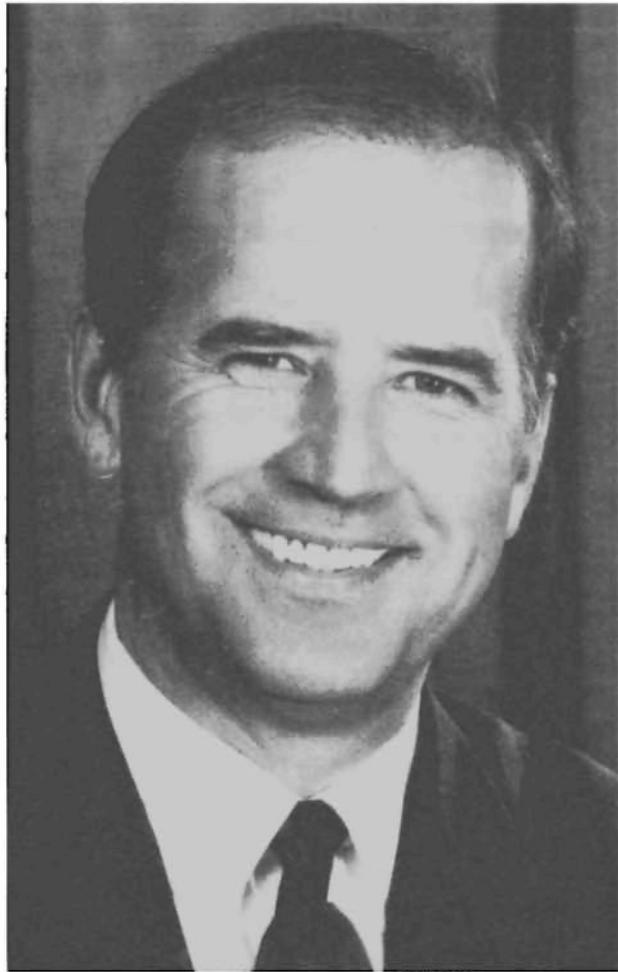
Through the hearings, we have come to understand the cost of violence against women. From survivors we have heard tragic accounts of the personal cost—necks broken and faces scarred, careers abandoned and college educations interrupted, suicides attempted and marriages broken (U.S. Senate Judiciary Committee, 1990). We have heard testimony about the societal cost: the billions of dollars lost to the economy, the lives left unfulfilled because of the fear of violence (U.S. Senate Judiciary Committee, 1990, 1991), and the children who must live with the terrifying memories of their mothers' battering.

Violence against women is far from the private matter those who minimize its importance would have us believe. It is a public tragedy of several dimensions. It is a serious public health problem: More than one million women a year seek medical assistance for injuries caused by violence at the hands of a male partner (Stark & Flitcraft, 1982). It is a serious education problem: Approximately a half million high school girls will be raped before they graduate (Warshaw, 1988). And it is a serious criminal justice problem: In some jurisdictions, prosecutors refuse to bring acquaintance rape cases to court because convictions are virtually impossible to obtain (Colorado

Editor's note. Joseph R. Biden, Jr., is in his fourth term as a Democratic senator from Delaware. He is chairman of the Senate Judiciary Committee and an active member of the Senate Foreign Relations Committee. A former trial lawyer, he was a principal architect of the major crime bills enacted in 1984 and 1990 and passed by the Senate in 1991, as well as major antidrug legislation enacted in 1986 and 1988. He is particularly interested in family issues and women's rights, especially gender-related abuse and violence. A graduate of University of Delaware and the Syracuse University College of Law, Senator Biden is an adjunct professor at the Widener University School of Law. He commutes to Washington from Wilmington, Delaware, where he lives with his wife and daughter. The Bidens have two sons in law school.

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Correspondence concerning this article should be addressed to Senator Joseph R. Biden, Jr., United States Senate, Committee on the Judiciary, Washington, DC 20510-6275.



Joseph R. Biden, Jr.

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Supreme Court Task Force on Gender Bias in the Courts, 1990; U.S. Senate Judiciary Committee, 1991).

I believe that one of the major reasons we have underestimated the scope and intensity of violence against women is that we have underestimated the staying power of subtle prejudices that blunt society's outrage. Such stereotypical expressions as "She asked for it," "No harm was done," and "She made it up" are frighteningly common. These stereotypes perpetuate a regime of silence, denial, and neglect—a regime in which survivors assume they will not be believed and outsiders continue to disbelieve. We cannot hope to respond effectively to violence against women unless we confront and condemn the attitudes that nurture the violence.

Legislation

Although legislation cannot hope to change these attitudes directly, the legislative process can help to alert the public. For this reason I introduced the Violence Against Women

Act in 1990 and have held hearings on this issue. The legislation's overarching aim is to telescope our vision, highlighting past obstacles, flushing out improper stereotypes, and recognizing the problem for what it is: a national tragedy played out every day in the lives of millions of American women at home, in the workplace, and on the street.

Over the past two decades, important legislation has addressed specific problems relating to violence against women. In the 1970s, Congress reformed federal rape laws to focus on the defendant's conduct, not the victim's past sexual history (Privacy Protection for Rape Victims Act of 1978). In the mid-1980s, Congress began to encourage and fund battered women's shelters (Family Violence Prevention and Services Act of 1984). It also created a special fund to compensate crime victims out of the fines paid by criminals, granting priority compensation to rape and domestic violence survivors (Victims of Crime Act of 1984).

These much-needed legislative efforts are each important in their own right, but none have sought to address the problem of violence against women as a whole. When I introduced the Violence Against Women Act, I aimed to address a more general problem shared by women victimized by violent behaviors—whether it be a beating in the home, a rape by a neighbor, or an assault on the street. I wanted to call this violence by a common name so that we could begin to understand that, although the particular acts may differ, the violence is a shared problem, shared by all women in America.

The Violence Against Women Act takes aim at the problem from four different perspectives: rectifying imbalances, helping survivors, providing education, and requiring equal treatment. First, the act provides leadership at the national level by strengthening and creating new laws for crimes—such as rape and domestic violence—that have traditionally received second-class status in state criminal justice systems. Second, it authorizes funds for service providers to give survivors the resources they need, giving priority funding for rape crisis centers and battered women's shelters. Third, it provides resources and training for education—education for participants in the criminal justice system, such as judges, police, prosecutors, and victim advocates, as well as education in our schools. Finally, it creates the first legal remedy for victims of violence motivated by gender discrimination, sending a powerful message that violence based on gender—like violence based on race or religion—assaults an ideal of equality shared by the entire nation.

On May 27, 1993, the Violence Against Women Act was reported favorably out of committee, clearing it to be voted on by the full Senate. The House companion bill, H.R. 1133, introduced by Representative Patricia Schroeder, remains in committee.

Members of the American Psychological Association have already contributed greatly to the public's understanding of this issue and have provided unparalleled assistance in understanding both the scope and the causes of violence against women. I commend them on their

efforts and urge them to continue to help us gain a greater and deeper understanding of this problem.

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