March 2004

The Legal Production of Identities: A Narrative Analysis of Conversations with Battered Undocumented Women

Margot Mendelson

Follow this and additional works at: https://scholarship.law.berkeley.edu/bglj

Recommended Citation

Link to publisher version (DOI)
http://dx.doi.org/https://doi.org/10.15779/Z38B56D405

This Article is brought to you for free and open access by the Law Journals and Related Materials at Berkeley Law Scholarship Repository. It has been accepted for inclusion in Berkeley Journal of Gender, Law & Justice by an authorized administrator of Berkeley Law Scholarship Repository. For more information, please contact jcera@law.berkeley.edu.
The Legal Production of Identities:

A Narrative Analysis of Conversations with Battered Undocumented Women†

Margot Mendelson††

INTRODUCTION.................................................................139
CHAPTER 1: THE SOCIAL NETWORKS DISCOURSE, ITS CRITICS, AND THE
PROBLEM OF ESSENTIALIZATION..............................................150
CHAPTER 2: THE BATTERED WOMEN’S MOVEMENT: INCORPORATING
INSTITUTIONAL CRITIQUE.......................................................170
CHAPTER 3: IN THEIR OWN WORDS: DRIVER’S LICENSES AND “SAFETY” AS
LENSES....................................................................................189
CHAPTER 4: THE LEGAL CONSTRUCTION OF THE UNDOCUMENTED
IMMIGRANT..............................................................................202
CONCLUSION.............................................................................212

Copyright © 2004, The Regents of the University of California.
†. This article originally took the form of a social science piece and followed the corresponding
citation format. We have converted the author’s original citations to footnotes and, where
possible, have provided pincites in accordance with legal citation standards. Due to the arti-
cle’s original format, some of the citations do not conform entirely to the prescriptions of le-
gal citation.—Ed.
††. Margot Mendelson graduated magna cum laude from Harvard College in 2003 with a self-
designed degree in Peace and Conflict Studies. She is currently working with indigenous
women in the highlands of Guatemala and plans to return shortly to work in immigrant adv-
cocacy in the California Bay Area. She wishes to thank Kathy Coll and Susan Bowyer for
their immeasurable guidance and support, as well as her parents for their endless patience.
Margot also gratefully acknowledges Diane Rosenfeld at Harvard Law School and Jacque-
line Bhabha at the Kennedy School of Government for their feedback and encouragement, as
well as Kacey Kamrin and Stefani Delli Quadri at the Berkeley Women’s Law Journal for
their sensitive and thoughtful editing. Finally, Margot wishes to thank the nine women who
were honest and courageous enough to share their stories. This article is a testament to their
bravery and strength and is, above all, an attempt to amplify their voices and share their
valuable perspectives.
INTRODUCTION

Vicky arrived at the legal assistance office at where I was volunteering in our small Northern California town of Napa with visible anxiety. Sitting uneasily across the desk from me, she whispered her answers to the long list of questions for new clients seeking relief and recourse for domestic violence. About halfway through the long list of "yes or no" questions, I asked Vicky if she had ever called the police for protection from her abusive husband or if she had ever obtained a restraining order against him. Looking at me sadly, she replied simply, "No tengo papeles." I don't have papers.

Shortly after she informed me that she was an undocumented immigrant, Vicky explained cautiously that she had come to our office only after repeated assurances from her co-workers that she would not be deported for seeking our assistance. Not only had Vicky not called the police or gone to the courts, but ours was the first legal or public agency in which she had ever set foot in the several years she had lived in the United States. I still recall how terrified she was to be in that office, how she was at once extremely guarded and completely desperate for support.

Vicky was a Mexican immigrant who had come to the United States alone, without family and with few friends, and married a U.S. citizen who turned brutally violent. Her husband had refused to process the paperwork to regularize her immigration status. Vicky was acutely aware of her precarious legal status and of the constant threat of deportation, about which her abusive husband reminded her often as a technique to control and subdue her. Vicky seemed torn between her profound fear of U.S. legal agencies and her need for institutional support. She shared all the fears, anxieties, and needs of the many battered women I had seen walk through the office doors, but hers were compounded and exacerbated by her political and legal vulnerability as an undocumented immigrant.

Vicky is one of the many battered undocumented women for whom conventional legal and institutional processes are unavailable, alienating, and marginalizing. Her story reflects the way personal and political identities can intersect with the experience of intimate violence and how alienation and marginalization are experienced differently by women depending on their social and political identities.

This project is inspired by women like Vicky whose daily experiences, relationships, and life biographies are deeply shaped by their political and legal entitlements. This article analyzes the ways in which laws, political narratives, and social structures construct identities and shape the lives of individuals on whom those identities are conferred. The article is based on the narratives and life stories of nine battered undocumented Mexican immigrants in Northern California who self-petitioned for immigration regularization under the Violence Against
Women Act ("VAWA") and who volunteered to be interviewed. Drawing on these women's voices and narratives, I demonstrate the unexpected and myriad ways in which their social relationships and daily experiences have been, and continue to be, structured by the laws, institutions, and social discourses surrounding immigration and undocumented immigrants.

This article engages deeply and closely with the perspectives and reflections of the ten women I interviewed. I am interested in drawing out the women's narrative self-representations and setting a close reading of their voices into conversation with the literature on immigrants and battered women. By constructing a dialogue between theories and the women's firsthand reflections, this article points to the need for greater recognition of the multidimensional nature of identity and greater attention to legal processes, which produce and define identities and entitlements.

In many ways, this article seeks to complicate conceptualizations of "the woman" and "the immigrant" by viewing these women's actions, decisions, and relationships in the context of their social privileges and prohibitions. I argue that while these women exercise a great deal of agency and individuality, dominant depictions of their lives focus on agency at the expense of recognizing the complex interactions between personal identity and social context. By failing to recognize the way these women's lives are deeply influenced by legal narratives and social contexts, even the most sensitive theories and literatures tend to represent and define their subjects too narrowly, thereby "pathologizing" them and perpetuating their sense of "otherness." This thesis argues that only in the context of rigorous examinations of the law and its discursive power can a fairer depiction of these women emerge, one that recognizes their individual agency, their multiple identities, and the social construction of their subjectivities. More broadly, the thesis reflects on the multiplicity of personal identity and the complexity of these women as legal subjects and personal agents.

Setting

The nine women I interviewed were immigrants from Mexico who were, at one time, both undocumented immigrants and victims of domestic violence. Most of these women migrated from Mexico in the early 1990s, and they all came to the United States in the ten-year period between 1988 and 1998. Their stories about crossing the border and motivations for doing so varied, but the women all lived as undocumented immigrants in California for at least two years, and up to ten years.

These women's lives, relationships, and experiences have taken place in a specific temporal, political, and geographical setting. Each one of these women

2. See, e.g., Interview with Alba, in Napa, Cal. (Jan. 2003) (on file with author); Interview with Patricia, in Napa, Cal. (Jan. 2003) (on file with author).
3. See, e.g., Interview with Alba, supra note 2; Interview with Patricia, supra note 2;
experienced first-hand the dramatic shifts in California laws and public attitudes toward immigrants over the last decade and a half. Their migrations were acted out in the context of broad flows of Mexican undocumented immigrants and concerted political efforts in recent decades to restrict their movement across the borders.

Migration from Mexico has been a constant during California's history. During World War II, the U.S. government sponsored the "bracero program" to recruit seasonal and temporary migrations from Mexico in order to supply labor for U.S. agriculture. That era of liberalization of U.S. immigration policy was epitomized by the 1965 amendments to the Immigration and Nationality Act, which introduced family reunification as a central principle in immigration law and which effectively opened the door for greater flows of Latin American migration.

The contemporary context for these women's migrations is a far cry from those liberal policies of the past. The 1986 Immigration Reform and Control Act offered an avenue for legalization to millions of undocumented Mexicans, but it was essentially designed around restrictionist goals. The law established sanctions against employers who knowingly hired undocumented immigrants and, thus, "intended to curb Mexican undocumented immigration." In the last two decades during which these women migrated to California, the state has been at the forefront of a national crackdown on undocumented immigration. The most significant and visible of these legal restrictions was the passage of Proposition 187 under then-Governor Pete Wilson. Proposition 187 was a California state initiative adopted by the voters in 1994 that directly targeted undocumented immigrants and explicitly excluded them from public benefits and participation. The measure was designed to bar undocumented immigrants from receiving public assistance, health care, and public education. It included measures that required teachers, police officers, and other government employees to rigorously check the immigration papers of those seeking services or benefits. Although a majority of the law was declared unconstitutional by

---

6. Zolberg, supra note 4, at 79.
8. Zolberg, supra note 4, at 78.
11. Id.
12. Id.
13. Id. Throughout this discussion, I use the term "papers" to refer to the immigrants' legal immigration status. I choose this term in spite of its ambiguity because the women themselves use it. Most of these women had VAWA work authorization and were waiting for their green cards, but their use of the term "papers" for their work authorization cards and VAWA
the United States District Court for the Central District of California,\(^\text{14}\) Proposition 187 reflected and perpetuated a culture of xenophobia in the state and sent an important warning message to undocumented immigrants.\(^\text{15}\) The majority of women interviewed for this study lived in California during the passage and public debate surrounding Proposition 187;\(^\text{16}\) their feelings of security and acceptance have been conceived in this unique context.

Proposition 187\(^\text{17}\) was accompanied by a host of federal and state laws designed to punish and deter "illegal" immigrants. The 1996 Welfare Reform Bill was one of many bills that restricted undocumented immigrants, and even legal permanent residents, from access to social services.\(^\text{18}\) The Welfare Reform Bill excluded undocumented immigrants from federal social security benefits, food stamps, welfare, unemployment benefits, health benefits, and disability entitlements, as well as requiring immigration verification in virtually all public agencies and spaces.\(^\text{19}\) These women are also the products of the legal response to the narratives created in the wake of the September 11, 2001, terrorist attacks.

These women's stories are inextricably intertwined with the political and economic contexts for their emigration and the manner in which they are received in the United States. Although the forces driving Mexican migration are not a main focus of this article, it is nonetheless important to mention that important economic and global factors converged to propel contemporary emigration from Mexico and immigration into the U.S. Mexico has been mired in an economic crisis since the currency crisis of 1982, during which inflation rose to nearly one hundred percent.\(^\text{20}\) Hondagneu-Sotelo characterizes this economic crisis in terms of "harsh austerity measures, unemployment, and dramatic inflation" that cut real wages throughout the country and increased the country's spiraling wealth inequality.\(^\text{21}\) These women's stories of financial struggle and their decisions to migrate are connected to a larger phenomenon of narrowing economic opportunities in Mexico.

Their migrations also have taken place in the era of the North American Free Trade Agreement ("NAFTA"),\(^\text{22}\) in which labor displacements in Mexico

\(^{15}\) 1994 Cal. Legis. Serv. Prop. 187 (West). Xenophobia is, literally, the fear of foreigners and, more commonly, refers to anti-immigrant sentiment.
\(^{16}\) Id.
\(^{17}\) Id.
\(^{20}\) HONDAGNEU-SOTELO, supra note 9, at 31.
\(^{21}\) Id.
coincide with increased economic opportunities at the border. NAFTA has tended to drive workers out of traditional rural occupations by removing protective tariffs and subsidies and flooding the market with cheap U.S. surplus products like corn. Neoliberal austerity programs have increasingly cut away at the social safety net in Mexico, and huge factories, or maquiladoras, are ever expanding at the border. Many scholars have argued that this specific combination of a hostile Mexican domestic economy, rural displacement, and labor demand in the U.S. service sector have dramatically increased migration incentives in the last decade. In this sense it is important to recognize, as Saskia Sassen points out, that mass migrations do not just happen; they are produced and they are patterned. These women’s lives are inextricable from overarching political processes that have shaped the flows of migration, the laws about migration, and the ways in which migrants are received.

This project approaches these women with a specific focus on the social, political, and legal contexts in which they have migrated and settled. Insofar as their experiences have been structured by legal forces, this article is as much a study of the legal processes that underlie these women's stories and the legal identities imposed upon them as it is of the women themselves.

Methodology

As a modest step toward amplifying and inserting the perspectives of these women into the academic and political discourses surrounding their lives, this article offers genuine reflections on the experiences and attitudes of the women in question. The scopes of the project, however, was limited by time, resource, and linguistic constraints, among other things.

I met with each of the nine women I interviewed once, for interviews that generally lasted between one and two hours. With the exception of two of the women, whom I met at a community law center, I met all of the women in their homes and talked with them on their couches or at their kitchen tables. I asked

24. LEO R. CHAVEZ, SHADOWED LIVES: UNDOCUMENTED IMMIGRANTS IN AMERICAN SOCIETY 28 (2d ed. 1998). In their brief on structural adjustment policies (“SAPs”) for Foreign Policy in Focus, Carol Welch and Jason Oringer define SAPs in the following way: “Formulated as loan conditions by Northern governments and the International Financial Institutions . . . , SAPs mandate macroeconomic policy changes that obligate recipient nations to liberalize their trade and investment policies.” Carol Welch & Jason Oringer, Structural Adjustment Programs, 3 FOREIGN POL’Y IN FOCUS 1, 1 (1998). SAPs are generally loans from the International Monetary Fund and World Bank that impose various economic changes on national economic and social policy. Id. The conditions of the loans often require the recipient nation to open its borders to imports, cut labor and trade protections, devalue its currency, and implement “austerity measures,” which cut government spending on social welfare programs and hinder its ability to provide a social safety net for its citizens. Id.
25. See, e.g., SASSEN, supra note 25.
them a range of questions about their personal histories, their relationships with their husbands, their migration stories, their personal networks of friends and families, and their feelings about community and belonging.

The women I interviewed do not comprise a random sample of undocumented women. All the women are at some stage along the process of self-petitioning for immigration regularization under VAWA.\textsuperscript{27} VAWA is currently the only viable legal channel for regularization available to undocumented individuals who are married to abusive U.S. citizens or legal permanent residents, and who wish to escape the abusive relationships without increasing their legal vulnerability or forfeiting their access to legal immigration status. The law was passed in recognition that U.S. immigration law had previously given the documented spouse total discretion over the undocumented spouse's immigration status, and that many women depend on their husbands for the hope of eventual regularization.\textsuperscript{28} VAWA's immigration provisions were borne of the acknowledgement that immigration status can be a powerful weapon in an abusive relationship and that many women being forced to choose between staying in violent relationships and giving up their only chance of regularization.\textsuperscript{29}

Consequently, all of the women I interviewed had already presented themselves to the Immigration and Naturalization Service ("INS," now called U.S. Citizenship and Immigration Services) as undocumented residents of the United States. At the time of the interview, the women were at various stages of legalization. None of them yet were U.S. citizens or legal permanent residents (in possession of an Alien Registration Card, or "green card"). All of the women had already received work authorization under the provisions of VAWA, an intermediate step that allows them to work legally and to collect certain public benefits as they wait for the time when they can officially apply to be legal permanent residents.

I selected these women for several reasons. I preferred to interview women who had some experience talking about the abuse in their marriages and their migration experiences. Because the VAWA process demands a relatively high level of personal detail, I was confident, at least, that the women I interviewed had already gone through the experience of articulating their stories to people other than their friends and family. I declined to interview women who were currently undocumented, even when the referrals were available, because I was concerned about protecting the confidentiality and safety of women who were undocumented and whose presence in this country was unknown to the INS.

\textsuperscript{27} Violence Against Women Act §§ 40701-03, 8 U.S.C. 1182(a)(6)(A)(ii). Regularization refers to the process of changing one's immigration status from undocumented to legally documented. The term is intentionally broad and encompasses a whole range of processes through which an undocumented immigrant can gain legal recognition and permission to reside in the United States.

\textsuperscript{28} See id.

\textsuperscript{29} See id.; The Urban Institute, VIOLENCE AGAINST WOMEN ACT, at http://ncjrs.aspensys.com/vaw-chp1.htm (last visited Mar. 11, 2004).
Furthermore, I had only very limited access to women who had not already gone through the VAWA process. I identified the women I interviewed by calling VAWA service providers in the Bay Area with whom I have worked in the last few years. I had worked directly on some of these cases, but I had no previous interaction with most of the women I interviewed.

The consequences of interviewing only women who went through the VAWA process are multiple and complex. It could be argued that these women represent the more mobilized, more networked segment of the larger population of battered undocumented women because they found their way to legal assistance. It is possible, on the other hand, that only their deep desperation drove them to present themselves to legal agencies in spite of their lack of documented identity. Perhaps the most important distinction between VAWA applicants and the women who never find out about, choose not to use, or do not qualify for VAWA is that VAWA applicants are necessarily married to and suffering abuse by documented spouses.30

The interview process itself was limited by time, resources, and my language skills. I only met with the interviewees one time. A more extensive study would have demanded follow-up interviews, during which I could build a deeper relationship with the interviewees and contextualize interview data with a more comprehensive treatment of their lives. My use of a translator also represents a limitation in the interview process. Introducing a second unfamiliar face may have been daunting for the interviewees, as most had not worked with translators before. The use of a translator necessarily created some distance between the interviewees and myself because I was unable to detect on the subtleties of the language and cultural references.

I was referred to these women through their legal service providers and, although I explained numerous times that participation was voluntary and that our interviews had no bearing on their legal processes or their relationships with the providers, my association with the legal processes and institutions may have cued the women to assume the terminology, tone, and demeanor adopted in their legal interactions. Although they all expressed gratitude about VAWA and their service providers, all of the women had adversary experiences with U.S. law as undocumented migrants, and that ambivalence toward the law undoubtedly affected their views about the law, lawyers, and people they encountered through the legal process.

Conceptual Context

My article explores these women’s complex and layered identities by setting their voices in conversation with the dominant discourses in which they are the subjects. I have located the women I am studying at the intersection of the

30. It would be an interesting subject of further research to consider how the relationships differ when the women are documented and the men are undocumented, or when both parties are undocumented.
sociological literature on immigrant social networks and the literature of the battered women’s movement. I explore the contributions and limitations of these discourses in order to point to the need for more contextually sensitive portrayals and the importance of recognizing the intersectionality of identity.

I came to these two specific bodies of literature largely because of their important contributions, and also because of the nature of their claims, explicit and implicit. As shown in the following chapters, both the battered women’s literature and the discourse on immigrant social networks have made great strides in theorizing, capturing, and discussing the experiences of their subjects. The battered women’s movement has not only transformed battered women into subjects of critical attention, but also maintained a rigorous conversation in which the field evaluates its own biases, priorities, and goals. The literature has paved the way for a discussion about gender, violence, and rights, and it continues to direct that conversation toward important and inextricably linked issues of race, power, and privilege.

The sociological literature on immigrant social networks has made similarly important contributions to understanding the adaptation processes of new immigrants and studying their experiences. In contrast to traditional theories of assimilation, the social networks approach values immigrants for their cultural and personal resources and conceptualizes them as agents in their own actions and decisions. The literature is gradually beginning to study and theorize about immigrants on their own terms, as subjects in and of themselves.

Both literatures have strong prescriptive tones, which are underpinned by assumptions about the kinds of subjects about and for whom they are written. The literatures, even in their most theoretical and academic forms, are written in response to problems—the problem of domestic abuse, the problem of rocky immigrant adaptation and mobility. The consequence is that the literatures aim to evaluate and elicit certain responses, attitudes, and modes of action for their


32. See, e.g., HOOKS, supra note 31; WHITE, supra note 31; Crenshaw, supra note 31.


35. See, e.g., ALBERT R. ROBERTS, BATTERED WOMEN AND THEIR FAMILIES: INTERVENTION STRATEGIES AND TREATMENT PROGRAMS (2d ed. 1998); CHAVEZ, supra note 24.
subjects or on behalf of their subjects. The battered women’s literature, for example, is often directly written for the battered woman; the literature that does not target battered women directly is nonetheless overwhelmingly concerned with presenting modes of social and individual action to deal with the problem of intimate abuse.36

The same prescriptive tendency exists, although less explicitly, in the literature surrounding immigrant adaptation. There is a sense in which much of the sociological literature attempts to solve the problems plaguing immigrants in their adaptation and to prescribe a path for easier and more successful adaptation. Nicholas De Genova detected this tendency toward prescription in his annual review of literature on migration: “Indeed, much of the scholarship has been persistently prescriptive, either explicitly promulgating one or another purported ‘solution’ to the putative ‘problem,’ or simply deploying an entire arsenal of social scientific objectives in order to assess the presumed ‘successes’ or ‘failures’ . . . .”37

My project recognizes the important contributions of these two discourses and draws out the assumptions that underpin their respective prescriptions. I am interested in understanding what kind of subject is conceptualized as “the immigrant” and “the battered woman” and exploring the contributions and limitations of those images. I have found that a particularly successful and illuminating way to draw out those limitations has been to read the literatures against each other and in the context of the experiences of the women I interviewed. In other words, studying victims of abuse in the migration process reveals the degree to which the social networks theory has been written for and about families with certain kinds of idealized relationships and social ties. Reading the battered women’s theories against the experiences of undocumented women reveals the degree to which the battered women’s movement has been shaped by and written for women with specific social and political entitlements.

The approach of, viewing these women through the respective discourses owes much to Kimberlé Crenshaw’s foundational article, Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color.38 In her study of violence against women of color, Crenshaw locates the women she studies at the intersection of their experiences of racism and their experiences of sexism, and of the movements seek to address those systems of oppression.39 Crenshaw highlights the disjuncture between these movements and perspectives by capturing the specific experiences and challenges for women of color.40 Crenshaw concludes that the complexity and “intersectionality” of these

38. See Crenshaw, supra note 31.
39. Id.
40. Id.
women's identities creates their "erasure" in the dominant discourses: "... because of their intersectional identity as both women and of color within discourses shaped to respond to one or the other, women of color are marginalized within both."41

Although I explore a different set of subjects, I employ Crenshaw's technique of considering two elements of the women's identities to read against each other. In my case, I consider the women's immigrant identity and their identity as battered women because it captures two crucial—and, at times, disparate—elements of their experiences.42 Through this approach, I draw out the role of social and legal forces in complicating these women's identities, distancing them from mainstream prescriptions and shaping their opportunities and possibilities.

Road Map

The following chapters review the theoretical context in which this project was conceived and set my findings in conversation with those theories. Chapter 1 reviews the discourse about immigrant social networks in the sociological literature on that subject. Tracing the important contributions of social networks-based approaches to immigrant adaptation, this chapter considers the tendency of the social networks discourse to idealize immigrant social networks.43

Chapter 1 introduces important challenges to the dominant conceptualizations of immigrant social networks being leveled by scholars such as Cecilia Menjivar, Nazli Kibria, and Pierette Hondagneu-Sotelo.44 In this chapter, I follow in their footsteps by introducing the women I interviewed and considering their stories and experiences as they reflect upon the social networks discourse. The chapter demonstrates that the women's social and familial ties challenge the traditional conceptualization of a "network"—varying widely from sparse, loose social connections to more intense and proximate friendships and familial relations. By showing that the women's social relationships are simultaneously sources of emotional support and loci of abuse, I question the static depictions of social networks in the dominant discourse. The chapter argues that social relations are subject to change over time and underpinned by complex dynamics of

41. Id. at 358.
42. My decision to explore the subjects' immigrant identity and their identity as battered women is not meant to imply that these are the only two salient aspects of their personal identity. Among other things, this article does not explore the issues of sexuality or age in these women's lives. Another study might draw important insights from exploring other personal identifiers and the way they interact with legal institutions and patterns of social discrimination.
43. The term "adaptation" refers to the process in which immigrants adapt to their place of settlement. "Adaptation" is similar in meaning to the term "assimilation," but without the negative connotations taken on by the term assimilation. The sociological literature on immigration is broad, but this article focuses primarily on the sociological literature about immigrant adaptation.
44. HONDAGNEU-SOTETO, supra note 9; KIBRIA, supra note 34; CECILIA MENJIVAR, FRAGMENTED TIES: SALVADORAN IMMIGRANT NETWORKS IN AMERICA (2000).
Finally, I demonstrate that these social networks do not exist in vacuums and that idealized depictions often overlook both women’s agency and the important contextual determinants of their experiences. I argue that the diversity of these women’s social relationships is a powerful statement against the essentialization of the immigrant experience and that the only distinctive quality about their social arrangements lies in the way they are affected by immigration as a legal and political reality.

Chapter 2 looks to the literature of the battered women’s movement to sensitize and complicate the assumptions and conceptualizations of the sociological literature on immigrant social networks. In my review of battered women’s literature, I highlight the important contributions of the battered women’s movement in recognizing the family as a site of conflict and power distribution. Chapter 2 draws out the prescriptions and assumptions underlying the dominant discourse of the battered women’s movement and explores the degree to which that prescriptive discourse is applicable and available to undocumented women. Drawing on my interview material, I consider the ways in which the battered women’s movement has failed to recognize the public sphere as a place of privileged access and the particular limits this places on understanding undocumented immigrant women’s experiences of domestic violence.

Chapter 2 demonstrates that the battered women’s movement has taken great strides in recognizing the personal and relational aspects of battered women’s lives, but argues that, in doing so, it has tended to overlook the social and structural elements of their experiences. I suggest that these women’s experiences of abuse are inextricably tangled with their political identities and entitlements, and that considering those legal and structural forces allows for a more accurate, relevant, and empowering framing of the insights of the battered women’s movement.

Chapter 3 focuses directly on the interviewees’ priorities, concerns, and stories. Drawing on the women’s discussions of their driver’s licenses and their references to safety, I explore the importance of social entitlements and public identities to these women and suggest that existing discourses have failed to adequately recognize the constraints that are institutionally imposed upon the women.

Chapter 4 examines the role of the law and the political context in shaping the realities of these women’s lives. The chapter considers the way “undocumented” identities have been created and conferred through specific laws and how political and social discourses have filtered into the daily realities of these immigrants’ lives. I revisit both discourses to consider the way in which attention to legal and political processes could sensitize the depictions of the subject. Chapter 4 offers an analytic approach to these women’s lives that incorporates the distinct political dimensions of their experiences and also preserves the immigrants’ agency.

This article demonstrates the multidimensional nature of these women’s
identities and how broader conceptualizations of their identity and subjectivity are needed. It further argues for depictions that recognize the role of law, political discourses, and social contexts in these women's biographies. The article attempts to overcome the essentialization of immigrants and women and to engage their diverse personal and political experiences by arguing that these women's stories are unique only due to the specific legal structuring that they have undergone.

CHAPTER 1

THE SOCIAL NETWORKS DISCOURSE, ITS CRITICS AND THE PROBLEM OF ESSENTIALIZATION

My relatives didn't help. When we were staying with them, they expected us to do everything—all the cooking and cleaning and chores . . . . They didn't want us to find a place because they were taking advantage of us . . . [They] made my young son work in their meat store from 6 a.m. to 8 p.m. All day, every day. They never paid him anything. They made me work in their beauty salon from morning to night. And they never paid me anything. They said that we had to do that because we were staying there.

—Araceli, reflecting on her relationship with her relatives after migrating to the United States from Michoacan, Mexico in 1995

Araceli came to Northern California hoping to find work and send money back to her relatives working in the fields in Michoacan. Coming to the United States without papers and with eight children, Araceli found herself deeply dependent on the few clusters of family friends and distant relatives from Mexico who had settled in the area. Unable to find housing or work without papers, Araceli and her children moved in with distant relatives who had migrated from Michoacan several years earlier and began to work in their family-owned businesses.

Araceli's stories of disillusionment and family conflict, captured by the quote above, reveal the complexity, intensity, and uncertainties of social relationships for undocumented immigrants. Even aside from the domestic violence that she experienced shortly after leaving her relatives' home, Araceli’s experiences as an undocumented immigrant reflect her complex, layered identity as well as her vulnerable social status and its consequences for her social rela-

45. Interview with Araceli, in Napa, Cal. (Jan. 2003) (on file with author).
46. Id.
47. Id.
48. Id.
49. Id.
This chapter focuses on the voices and stories of women like Araceli as they reflect on their social networks and the relationships therein. The chapter sets their voices in conversation with the sociological theories about social networks and immigrant adaptation in order to draw out the strengths, limitations, and implications of the dominant representations of these women's lives.

This chapter introduces the literature on immigrant adaptation with a focus on its representations of immigrant social networks. The chapter considers the development of the discourse around immigrant social networks through a review of the shift from the neoclassical model of migration to the notion of segmented assimilation. The emergent social networks discourse on immigrant adaptation has taken important strides toward recognizing immigrants' resourcefulness and agency, but it has also advanced an idealized portrait of the immigrant social network.

This chapter reviews the challenges to that idealized portrayal posed by Cecilia Menjivar, Nazli Kibria, and Pierette Hondagneu-Sotelo and follows in their tradition of complicating the depiction of immigrant social networks. Drawing on the women's stories, the chapter demonstrates that gender, time, and social context factor into these women's intimate and familial relationships in complex ways that defy simple portraits of immigrant families.

Pointing to the enormous diversity of their lives, social arrangements, and personal relationships, this chapter further argues that these women's social networks are distinguished primarily by the legal process of immigration and its complex effects. In that sense, even the most sensitive critiques tend to essentialize immigrant families by viewing their relationships and dynamics without analyzing the ways in which the law and politics shape those realities. Finally, this chapter reviews the many contributions to and developments within the discourse on immigrant social networks and demonstrates its limitations by pointing out the tendency of these representations to pathologize immigrants by viewing them outside of their social and legal context.

The Rise of Social Networks in the Literature on Immigrant Adaptation

Throughout sociological literature on migration, social networks have been studied and celebrated as antidotes to the traditional views of migration and set-

---

50. Id.
51. See HONDAGNEU-SOTELO, supra note 9; KIBRIA, supra note 34; MENJIVAR, supra note 44.
52. "Essentialize" is a sociological term that describes the process by which academic and popular depictions reduce or simplify their subjects by characterizing them too narrowly or statically. In this context, "essentialistic" depictions are those that describe immigrants as a unitary group, defined solely by their immigrant experience, thereby overlooking the complex interactions of their personal identities and histories their experiences. This article resists that reductive tendency and seeks to construct more realistic, dynamic, and critical characterizations about immigrants and battered women.
tlement that have deprived immigrants of agency and internal resources. Without diminishing those contributions, this exploration seeks to expand and sensitize the discussion about social networks and to integrate more diverse identities and experiences into the conceptualization of social networks.

Immigrant social networks first came into the critical consciousness in response to the neoclassical model of migration proposed by economic models. Network theory arose as a reaction to traditional accounts of migration flows, which explained migration as a simple outcome of “push” and “pull” forces exerted on migrants. Focusing on the role of the social network as an engine for migration and a determinant of the direction and duration of migration, network theory envisions migration as a social product rather than simply as the aggregate result of forces exerted on individuals. Theorists such as Douglas Massey insist that immigration trends can not be explained without reference to the networks of information and social relationships that inform migration decisions and also cause self-perpetuation in migration flows.

This focus on the role of immigrant social networks in determining and perpetuating migrant flows allowed not only for more accurate accounts of the size and direction of migrations, but also offered a fairer depiction of immigrants as agents in their own decisions and movements. The consideration of social networks complicated and deepened existing theories of international migration by treating migrants as sociological actors rather than simply as economic entities, and by viewing their actions in the context of transnational personal relationships and networks of information. Simply put, the introduction of social networks into the literature on migration has led to the depiction of immigrants as individuals with more complex motivations than just a desire to maximize their economic utility.

In the context of refining neoclassical economic theory of migration, the introduction of social networks as a category of analysis has been crucial to the construction of a more accurate and sensitive portrait of immigration decisions and the immigrant subject. But it was not until the last decade or so that the network concept was adopted as a tool for explaining the experience of adapta-

55. Id.
56. Id. at 641-42.
58. See, e.g., Fawcett, supra note 53; Massey et al., supra note 57; Massey & Espinoza, supra note 57.
59. See generally KIBRIA, supra note 34.
60. See generally Boyd, supra note 53; Fawcett, supra note 53.
tion of immigrants. Again, social networks entered the debate as a critique of traditional suppositions about immigrant decisions and experiences.

“Segmented assimilation theory” is one such critique that has focused on social networks as a response to traditional notions of assimilation in which immigrants are depicted as assimilating into the American culture and labor force steadily through contact with mainstream America. Based on observations about the European immigration of the late 1800s and mid-1900s, those traditional theorists presented assimilation as a linear process in which individual immigrants merge into the cultural and economic mainstream through time and exposure to it. In the foundational article in which they introduce the concept of segmented assimilation, Alejandro Portes and Min Zhou summarize those traditional notions of immigrant assimilation in the following way: “As presented in innumerable academic and journalistic writings, the expectation is that the foreign-born and their offspring will first acculturate and then seek entry and acceptance among the native-born as a prerequisite for their social and economic advancement.” Mary Waters echoes this characterization of these “straight-line assimilation studies” and points out that “successful incorporation into society was taken to be more or less automatically associated with loss of ethnic, social and cultural attachments.”

The notion of segmented assimilation argues that traditional theories of assimilation are inapplicable to recent flows of non-European migrants in a changed U.S. economy and offers a new model of assimilation in which social networks play a central role. Pointing out that many immigrants and their offspring have failed to make it into the American middle class, and that they have been plagued with social, educational, and psychological problems as a result of sudden exposure to poor mainstream America, these scholars argue for a new theory of assimilation that emphasizes the ability of ethnic communities to facilitate the settlement process and shield immigrants from downward assimilation. According to Portes and Zhou, “Remaining securely ensconced in their coethnic community, under these circumstances, may not be a symptom of escapism but the best strategy for capitalizing on otherwise unavailable material and moral resources.” Waters, too, delineates the important benefits of ethnic and immigrant communities as “access to social networks with ties to jobs, social networks, and institutions that support parental authority over children and

64. See generally Duncan & Lieberson, supra note 63; Portes & Zhou, supra note 63.
65. Portes & Zhou, supra note 63, at 82.
67. Portes & Zhou, supra note 63.
68. Id.
69. Id. at 96.
protection from the stigmatized identity and discrimination directed towards native racial minorities.\textsuperscript{70}

Segmented assimilation theory is based on a recognition of contemporary realities of social stratification and economic segmentation.\textsuperscript{71} By highlighting the inapplicability of conventional narratives of linear assimilation to new waves of immigrants, the theory offers a new model of immigrant settlement that credits immigrants for their social resources and resourcefulness.\textsuperscript{72} This model complicates conventional models of immigrant adaptation in which immigrants’ relationships, cultural ties, and identifications are viewed as obstacles to their well-being, and instead embraces them as integral to and facilitators of successful immigrant settlement.\textsuperscript{73}

In that sense, segmented assimilation theory paved the way for a new understanding of the significance of social networks. These dual foci on the role of social networks in propelling migration flows and cushioning assimilation experiences have created a whole discourse in which immigrant social networks are recognized, studied, and celebrated. Immigrant social networks are now prominently featured in economic, sociological, and psychological studies of migration and migrants. Social networks have become a central tool for explaining, predicting, and theorizing immigrant settlement and acculturation patterns.\textsuperscript{74}

\textbf{Within the Social Networks Discourse}

For the most part, analyses of social networks have been so focused on the external interaction between the network and the larger economy that the internal dynamics and experiences of those networks have been overlooked. Prominent scholars such as Victor Nee, Greta Gilbertson, Jimy Sanders, and John Logan have established a whole sub-field of “ethnic enclave economics” that examines the role of social networks in providing jobs, benefits, and promotions for immigrants.\textsuperscript{75} “A key proposition in the theory of ethnic enclave economics is that the enclave opens for its members opportunities that are not easily accessible in the larger society.”\textsuperscript{76} These sociologists have established a hearty discourse about the interplay of ethnic ties, individual skills, and employment dynamics. The intent of ethnic enclave economics is to explore how and to what degree networks facilitate mobility in the U.S. economy. The field of ethnic enclave economics is, in many ways, the most vigorous and visible application of the social net-

\textsuperscript{70} WATERS, supra note 66, at 329.
\textsuperscript{71} Portes & Zhou, supra note 63.
\textsuperscript{72} Id.
\textsuperscript{73} Id.
\textsuperscript{74} Segmented assimilation theory is generally interested in studying the experiences of second generation immigrants. I am interested in the role segmented assimilation theory plays in creating and perpetuating a larger discourse about immigrant social networks.
\textsuperscript{75} See Gilbertson, supra note 33; Hagan, supra note 61; Sanders & Nee, Immigrant Self Employment, supra note 33; Sanders & Nee, Limits of Ethnic Solidarity, supra note 33; Zhou & Logan, supra note 33.
\textsuperscript{76} Zhou & Logan, supra note 33, at 809.
Without minimizing the importance of exploring immigrants' economic experiences, it is important also to recognize the extent to which those studies converge with a tendency in American immigration literature to study immigrants in terms of what they produce and to evaluate migration experiences primarily in terms of their economic outcomes and contributions. The concept of the "commodity identity" was first posed by Jorge Bustamante in his critique of the scholarly and political treatment of Mexican undocumented immigrants in the 1970s. Bustamante used the term to capture and critique the reduction of migrants to the price of their labor and their calculable contribution to the U.S. economy. There is an overwhelming focus on the external relations of social networks within the U.S. economy and the labor market and a tendency to consider these human relationships in terms of their exchange of calculable resources. This approach is consistent with the failure of scholarly literature on immigrants to consider or value the internal dynamics of social networks or the experiences of immigrants within those networks.

In fact, the economics-based perspective on kin relations, in which families are viewed as discrete "household units" interacting with external forces, can be traced throughout the social networks approach to immigrant adaptation. With a few important exceptions, the literature has simultaneously idealized and ignored the household as a site of resource distribution. The positive, harmonious, egalitarian nature of family and kin relationships has generally been taken for granted rather than investigated.

This tendency to idealize the home and the family is not limited to economic approaches. In noneconomic discourses about immigrants and immigration, social networks are generally viewed as coping mechanisms that function to ease the transition for new immigrants and create a sphere of comfort and familiarity. The theory is simple: "When entire kin groups or whole communities migrate, membership within such groups provides considerable support." The

78. Id.
79. See, e.g., id.
80. See, e.g., Bustamante, supra note 77; Sanders & Nee, Immigrant Self Employment, supra note 33; Sanders & Nee, Limits of Ethnic Solidarity, supra note 33; Gilbertson, supra note 33; Hagan, supra note 33; Zhou & Logan, supra note 33.
81. See, e.g., Bustamante, supra note 77; Sanders & Nee, Immigrant Self Employment, supra note 33; Sanders & Nee, Limits of Ethnic Solidarity, supra note 33; Gilbertson, supra note 33; Hagan, supra note 33; Zhou & Logan, supra note 33.
82. See, e.g., Bustamante, supra note 77; Sanders & Nee, Immigrant Self Employment, supra note 33; Sanders & Nee, Limits of Ethnic Solidarity, supra note 33; Gilbertson, supra note 33; Hagan, supra note 33; Zhou & Logan, supra note 33.
83. See generally J.T. Shuvall, Migration and Stress, 4 INTERDISC. PERSP. NEW IMMIGR. 54 (Marcelo Suarez-Orozco et al. eds., 2001); J.F. Smart & D. Smart, Acculturative Stress of Hispanics: Loss and Challenge, 4 INTERDISC. PERSP. ON THE NEW IMMIG. 64 (Marcelo Suarez-Orozco et al. eds., 2001).
84. Shuvall, supra note 83, at 54.
social network is depicted as "a place of retreat from abuses of the outside world." 85 Scholars argue that a woman’s “ability to ‘cope’” is a direct product of “the strength of her social network.” 86 Social networks are depicted as “protective” and as “safeguards” against abuse and danger. 87

Challenges to Idealized Images

Insofar as the analysis fails to consider the dynamics, distribution patterns, and relationships inside the household, the dominant discourse about immigrant social networks has tended to reinforce the notion of a household unit and, thus, perpetuate idealized notions of the family. 88 The tendency to view the family as a fixed identity interacting with larger economic and social forces has been recognized in feminist theories of kinship. Karen Sacks, for example, traces the concept of the bounded “household unit” to demonstrate that it is tied to the rise of private property and macroeconomic calculus. 89 Jane Collier and Sylvia Yanagisako demonstrate how the family has been naturalized and conceptualized in static, uncritical ways. 90 This project borrows from that literature insofar as it challenges the overly collectivist conceptualization of family networks and, instead, explores the way in which networks are differently experienced by individuals within them. 91

In this context, Cecilia Menjivar’s Fragmented Ties is distinct. 92 In her study of Salvadoran immigrant networks in Northern California, Menjivar challenges conventional conceptualizations of social networks. 93 Menjivar argues that previous work on social networks tends to lack dimension, overemphasize social solidarity, and employ “functionalistic” depictions of social networks. 94 That is, Menjivar finds that such characterizations overlook the complexity of social relations and consider the social network primarily in terms of its simple material outcomes. 95 Drawing on her field research, Menjivar points out that re-

85. Smart & Smart, supra note 83, at 64.
87. MENJIVAR, supra note 44, at 232.
89. See Sacks, supra note 88.
90. See Collier et al., supra note 88; Collier & Yanagisako, supra note 88.
91. See Collier et al., supra note 88; Collier & Yanagisako, supra note 88.
92. See MENJIVAR, supra note 44.
93. Id.
94. Id. at 29-36, 231-41.
95. Id.
sources are not evenly distributed throughout the family, that gender and generation affect the nature and yields of social networks, and that strained resources can create conflict within social networks.\textsuperscript{96} “Because immigrant networks have been widely acknowledged to provide new immigrants with financial, material and emotional assistance for resettlement, positive aspects have been emphasized. We end up with overly functionalistic arguments regarding the social organization of immigrant institution. . .\textsuperscript{97} Although Menjivar focuses largely on the distribution of material resources within networks, she offers a powerful and important argument that the sociological discourse surrounding immigrant social networks has taken those networks for granted, assumed their presence and strength in immigrants’ lives, and failed to consider the dynamics within them.\textsuperscript{98}

Nazli Kibria’s study of Vietnamese immigrants similarly contests the idealized unity of the kin group and argues that studies have “reified the household [by] simply assuming that it acts unitedly.”\textsuperscript{99} Kibria introduces family conflict as an element of network interactions and resource distribution.\textsuperscript{100} She argues that networks are prone to fissures across gender lines and explores the specific ways Vietnamese immigrant women interact in and benefit from social networks.\textsuperscript{101} Kibria specifically concludes that female kin and friendship networks are more reliable as sources of support and promote equitable distribution of resources, but her larger contribution is to complicate and challenge the idealized notion of the immigrant family and, thus, of immigrant social networks.\textsuperscript{102}

Pierette Hondagneu-Sotelo and Patricia Pessar have both made important strides in exploring the dynamics and experiences of gender inside immigrant social networks. Hondagneu-Sotelo explores the way gender roles are negotiated among undocumented Mexican immigrant families and how women’s roles and responsibilities shift through the migration process.\textsuperscript{103} She considers the way social networks change over time and how individuals within them are alternately empowered and oppressed by their social relationships.\textsuperscript{104} In that sense, Hondagneu-Sotelo’s book, \textit{Gendered Transitions}, directly deconstructs immigrant social networks and defies the tendency of the dominant discourses to idealize them and take them for granted.\textsuperscript{105} Pessar’s work has taken up the erasure of women in discussions of social networks and has argued for a reintegration of gender experiences and dynamics in the scholarship of immigrant adaptation.\textsuperscript{106}

\begin{itemize}
\item \textsuperscript{96} Id.
\item \textsuperscript{97} Id. at 33.
\item \textsuperscript{98} \textit{See generally id.}
\item \textsuperscript{99} \textit{KIBRIA, supra} note 34 at 107.
\item \textsuperscript{100} \textit{See id.}
\item \textsuperscript{101} Id.
\item \textsuperscript{102} Id.
\item \textsuperscript{103} \textit{HONDAGNEU-SOTELO, supra} note 9.
\item \textsuperscript{104} \textit{See id.}
\item \textsuperscript{105} Id.
\item \textsuperscript{106} Patricia Pessar, \textit{Role of Gender, Households and Social Networks}, in \textit{HANDBOOK FOR INTERNATIONAL MIGRATION} 53 (Charles Hirschman et al. eds., 1999).
\end{itemize}
Pessar has offered critical perspectives about the intersection of patriarchy and migration. 107

It is in the context of these concerns, debates, and contributions that my project attempts to consider the ways these women experience their social networks. The intent is to understand and complicate the dynamics within the social networks and to look beyond the distribution of tangible resources at the way networks are lived and experienced. These women’s stories are considered in an effort to forge a sensitive and realistic depiction of their social and intimate relationships. Their unifying experience of being abused by their husbands itself reflects the inaccuracy of the idealized notion of families as sites of “refuge” or “retreat from the abuses of the outside world,” but these women’s experiences are important and illuminative beyond their direct relationships with their husbands. 108 Their accounts of the role that their friends and families played in perpetuating, responding to, facilitating escape from, and otherwise dealing with the abuse in the women’s relationships affords a particular opportunity to explore a unique—and largely overlooked—range of experiences within the social network.

Findings

The interviews yielded such diversity of experiences, stories, and social relationships that as much can be concluded from the wide divergences among the women’s stories as from their commonalities. Their stories challenged, to various degrees, the very concept of the social network and its fundamental assumptions about the function of families and friends. Beyond their general contributions as immigrants in the settlement process, these individuals’ experiences as women, and specifically as battered women, afforded interesting insights about isolation, power, gender, and the centrality of social context. The women’s experiences reflect the impossibility of “gender-neutral” network analysis and also challenge many of the existing theories about gender relations within social networks. Above all, these women’s stories speak to the need for theories that are more sensitive to the dynamics of gender, personal agency, and context.

Beyond the Traditional Network Image

Perhaps the most startling conclusion to be drawn from the interviews is how deeply the women’s social relationships and arrangements challenge the very notion of the social network. Apparently absent from the critical literature is the basic idea that social networks might not be networks at all. Not all immigrants migrate with their families. Not all of those who do migrate have close relationships with those relatives. Not all immigrants live in “ethnic enclaves.” 109

107. Id.
108. See generally Chávez, supra note 24; see also Smart & Smart, supra note 3, at 64.
109. See, e.g., Gilbertson, supra note 33; Hagan, supra note 33; Sanders & Nee, Immigrant Self
Not all of those who do migrate forge relationships with their neighbors. The very use of the term “network” may be itself misleading, for, although some of the participants reported having small clusters of friends and relatives in nearby towns, almost as many said they had only a few friends or relatives and had only limited contact with those people. Very few, if any, of the women communicated a sense of a traditional “network” in which the participants have dense, interconnected relationships.

Leticia’s story is illustrative. Leticia is a young mother of two who came to California from Michoacan in her early twenties.10 Unmarried, she left her family in Mexico and traveled to Stockton, California in hopes of making money to send back to her relatives who work in the fields in Michoacan.11 Leticia crossed the border by herself, without papers, and waited in Los Angeles to be picked up by a woman who had been a friend in Mexico and had offered her lodging in Stockton in return for childcare and housework.12 For the first several years upon her arrival in California, Leticia knew no one but that woman, her children, and her roommate.13 As Leticia explained it, “I didn’t leave [my home]. . . . I always had to work. . . . I was afraid of la migra!”14 Leticia says that she was almost entirely isolated from social relationships.15 Her only contact outside the household and its four inhabitants was a brother who lived hours away and visited only occasionally.16 After a few years, Leticia told me, she gave birth to her daughters, who then comprised a significant portion of her “social network.”17

Leticia is not alone in this regard; Alba’s reflections on her friendships and kin relations similarly challenge the image of a social “network.” Alba is a thirty-three-year old mother of two who migrated from the northwestern region of Mexico seven years ago with her husband, when he decided to find work in the United States in order to make ends meet.18 Alba’s husband had a few relatives living in Texas, but the only person they knew in the area was Alba’s aunt, with whom the family lived when they first came to California.19 Like Leticia, Alba said that she went out rarely and made very few friends: “I stayed home most of the time. . . . I was taking counseling and that was my only contact outside my family. I would go out to the doctor or pick up my children from

---

Employment, supra note 33; Sanders & Nee, Limits of Ethnic Solidarity, supra note 33; Zhou & Logan, supra note 33 (defining and exploring the concept of “ethnic enclaves”).

10. Interview with Leticia, in Oakdale, Cal. (Jan. 2003) (on file with author).
11. Id.
12. Id.
13. Id.
14. Id. I chose not to translate the Spanish term “la migra” into the English words “INS” or “immigration services” because I find that my interviewees used the term to refer to a whole range of law enforcement officials, including but not limited to employees of the INS.
15. Id.
16. Id.
17. Id.
18. Interview with Alba, supra note 2.
19. Id.
school.\textsuperscript{120} With the exception of one neighbor she befriended, Alba’s contact with the outside world was extremely limited.\textsuperscript{121} Far from being ensconced in a network of social relationships, Alba reported a remarkable degree of anonymity and isolation.\textsuperscript{122}

The challenge to the conventional network image is not limited to women without family in the vicinity. For example, Margarita’s siblings were clustered in her small town of Napa and another nearby town.\textsuperscript{123} Margarita is a mother of three who sighed heavily throughout our interview and cringed when she remembered the abuse in her marriage and the challenges of her initial settlement in the United States. She left Mexico with her oldest son to join her husband, brothers, and sister who had come to Napa years before to work in the fields.\textsuperscript{124} For as long as she has been in the United States, all of Margarita’s brothers have lived in her small town, and her sister has lived in the next town over.\textsuperscript{125} When asked how often she saw her family, however, Margarita answered, “No, we don’t visit each other.”\textsuperscript{126} To the contrary, she explained, she did not spend much time with anyone: “I would go clean houses and come right home” to the house she shared with her children and her husband, who tended to come and go unexpectedly.\textsuperscript{127} Margarita’s experience defied the traditional network image not because she did not have kin relations, but because those kin relations did not take the form assumed in the dominant literature.

The other women’s social networks ranged widely—from Luisa’s fairly wide web of friends and relatives from Mexico to Alba’s sense of isolation, having only one relative to help her settle.\textsuperscript{128} In fact, in this wide range of social experiences and relationships, the only arrangement that seemed notably absent from the women’s lives was the “ethnic enclave” implied by the economists and sociologists in their discussion of big immigrant families, close-knit, ethnically homogeneous neighborhoods, and dense webs of mutually dependent friendships.\textsuperscript{129}

\section*{Support and Struggle Inside the Social Network}

Beyond challenging the size and content of the dominant image of social networks, these women’s experiences challenged the most basic assumptions

\begin{thebibliography}{99}
\bibitem{120} Id.
\bibitem{121} Id.
\bibitem{122} See id.
\bibitem{123} Interview with Margarita, in Napa, Cal. (Jan. 2003) (on file with author).
\bibitem{124} Id.
\bibitem{125} Id.
\bibitem{126} Id.
\bibitem{127} Id.
\bibitem{128} Interview with Alba, supra note 2; Interview with Luisa, in San Jose, Cal. (Jan. 2003) (on file with author).
\bibitem{129} See, e.g., Gilbertson, supra note 33; Hagan, supra note 33; Sanders & Nee, Immigrant Self Employment, supra note 33; Sanders & Nee, Limits of Ethnic Solidarity, supra note 33; Zhou & Logan, supra note 33 (defining and exploring the concept of “ethnic enclaves”).
\end{thebibliography}
about the role and function of those networks. Even outside the abuse they experienced in their marital relations, these women’s social relationships ranged from supportive and positive to deeply abusive and detrimental to their well-being. The stories of Leticia, Araceli, and Catalina demonstrate the ways in which networks can act as sources of oppression and conflict beyond marital abuse and discord. All three women described their familial and social networks as adversarial, manipulative, and generally against their well-being.  

In Leticia’s case, the source of oppression was the neighbor for whom she worked as a nanny. The neighbor had been a friend of the family in Mexico, who promised to help Leticia in her settlement process and general orientation in her new environment by offering her a job watching the children. The reality, however, was a far stretch from Leticia’s vision of support and friendship. Her neighbor took advantage of Leticia’s poverty and lack of legal status by charging her with total care of the children at all times. She forbade Leticia from dating and demanded that she take responsibility for all the household duties. When Leticia resisted or expressed her feelings of entrapment inside the house, the neighbor always reminded her “not to go out because immigration would pick [her] up.” The relationship ended when Leticia started dating her husband and the woman fired her because, according to Leticia, “When I was with him, I couldn’t devote myself totally to her children.” Leticia contends, “all I had was $150 and the woman stole them from me.” Without any relatives in the United States except a brother several hours away, Leticia had relied on the support of her neighbor, whom she found to be manipulative and controlling, intentionally deceiving Leticia and exploiting her legal insecurity.

This experience of manipulation and disempowerment within the social networks was shared by Araceli, a mother of eight. Araceli looked weathered as she recounted the way her relatives took advantage of her and her children during the settlement process. Upon moving to the United States, she and her children had been counting on support and guidance from relatives they had known in Mexico. The relatives had offered Araceli and her children work in their family-owned store in return for space in their home. The situation had seemed ideal to Araceli, who was desperate for work and well aware that finding

130. See, e.g., Interview with Araceli, supra note 45; Interview with Catalina, in San Jose, Cal. (Jan. 2003) (on file with author); Interview with Leticia, supra note 110.
131. Interview with Leticia, supra note 110.
132. Id.
133. Id.
134. Id.
135. Id.
136. Id.
137. Id.
138. Id.
139. Interview with Araceli, supra note 45.
140. Id.
141. Id.
employment for herself and her eight children without papers might otherwise be
difficult. 142

As recounted earlier, Araceli’s network turned out to be anything but support-
ive. To the contrary, the relatives with whom she lived overworked her and
her children and made unreasonable demands of them in the home and the work-
place. 143 Araceli began to view her relatives as adversaries and grew increasingly
derperate to find a better living situation for her and her children: “[M]y main
purpose in life was just to find a place where I could be with my children and not
have to live in my relatives’ house.” 144 The few friends Araceli had were unhelp-
ful and unsupportive. She recalls sadly that “[t]hey weren’t real friends” and
didn’t help at all in her time of need. 145 Again, the social network seemed to
capitalize on the woman’s relative powerlessness rather than empowering and
assisting her.

Catalina’s social network was even more remote from the idealized portrait
of immigrants’ social networks as coping mechanisms or places of retreat. Cata-
lina is a pretty young woman from Jalisco who works in a hair salon in San Jose,
California. 146 At one point in the interview, while fumbling to describe the way
her six brothers control and isolate her, Catalina pulled down her shirt and
pointed to a large bruise: “In fact, there is one thing that happened very recently
to me. One of my brothers hit me. I have some bruises . . . I have even more on
my body, but I am ashamed to show you.” 147 Catalina proceeded to explain, in
detail, the physical and emotional abuse she suffers from her family, who inten-
tionally isolate her and prevent her from cultivating and pursuing relationships
outside the family. 148 Catalina described her family network as extremely con-
trolling, possessive, and unsupportive: “[N]ot even then do I have any emotional
support at home.... [The people in my family] don’t consider my emotional
state.” 149 Although her relationships with her friends and extended family have
not been as intensely negative, Catalina assured me, with tears in her eyes, that
she had many stories of being manipulated, controlled, and misled by family and
friends. 150

Catalina’s story offers an important counterpoint to the fundamental argu-
ment that social networks offer reprieve for immigrants from the challenges,
abuses, and insecurities of the outside world. The entire premise of social net-
work theory has been that networks are, by nature, integrative and encouraging
of social participation. 151 But Catalina and others have found their social net-

142. Id.
143. Id.
144. Id.
145. Id.
146. Interview with Catalina, supra note 130.
147. Id.
148. Id.
149. Id.
150. Id.
151. See, e.g., Fawcett, supra note 53 (defining social networks theory); Massey et al., supra note
works not only to be sources of intense abuse and insecurity, but also causes of isolation and alienation.

"Intentional isolation" has been recognized as a tactic of abusive spouses, who seek to control their partners by cutting off their social interactions.\textsuperscript{152} The much-heralded "wheel of power and control," which depicts cycles of violence and contrition in abusive relationships, for example, features intentional isolation as a stage of abuse.\textsuperscript{153} For the women who experienced this direct form of imposed social isolation, the network became even more entrapping and oppressive. Luisa’s story captures that experience most directly. Of all the women I interviewed, Luisa had the strongest and most traditional social network and also one of the most profound experiences of isolation and loneliness. She left Guadalajara with friends because she “didn’t like it [there]” and came to the United States when she was twenty-nine.\textsuperscript{154} Luisa had aunts, cousins, and friends in the area who helped her settle and orient herself in San Jose, where she still lives with her eleven-year-old son Josue.\textsuperscript{155} Her sister-in-law helped her find work cleaning houses, and her friends helped her find her way to informal English courses.\textsuperscript{156} As Luisa explains it, “relatives and friends helped me find jobs, they helped me when I didn’t know how to get things at stores, when I was lost.”\textsuperscript{157}

In spite of this relatively vibrant social network, however, Luisa soon found herself deeply isolated and lonely. Her husband, a U.S. citizen whom she met through a mutual friend, quickly became abusive and possessive.\textsuperscript{158} Luisa was increasingly cut off from her personal relationships: “What happened is that as time passed and I lived with him longer, he didn’t want me to talk to anyone. He would kick [my friends and family] out of the house. He didn’t want me to have any friends.”\textsuperscript{159}

The isolation imposed upon Luisa certainly represents one important way in which battered women’s social networks defy the dominant conceptualization of support, equality, and community by introducing isolation, marginalization, and abuse. However, intentional isolation by batterers does not illustrate the full extent to which social networks can act as oppressive forces in the women’s lives. For many of these women, the feelings of isolation and powerlessness were not directly connected to, and certainly not confined to, the abuse in their marriages. Catalina, Leticia, and Araceli all felt restricted and alienated not only
by their spouses, but also by the direct actions of their friends or families.  

**Gender & Power**

Within the diverse range of social relationships and "network" structures, some social arrangements themselves exacerbate and perpetuate power inequities. Hondagneu-Sotelo's study demonstrates that kinship arrangements and obligations can, and often do, reinforce women's sense of servitude and powerlessness. "Traditional expectations that delegate domestic tasks to women were reinforced by kinship obligations . . . . [The] residential arrangements created new burdens for the women kin with whom these men stayed." The social pressures and economic realities of migration can place immigrant women in powerless and exploitative social and familial situations.

These experiences of burden and subordination are particularly evident in cases in which the women's social networks are disproportionately composed of relatives and friends their spouses'. Leticia, for example, found her network to be overwhelmingly composed of her husband's friends and relatives. She not only felt distant from her husband's friends, but believed that they heightened her experiences of alienation and oppression: "[His friends] would act as instigators. They would provoke the abuse. They would say, 'She doesn't let you out,' and 'she hits you.' They would humiliate him to provoke him." Leticia felt similarly controlled and manipulated by her husband's mother, who told her "that [she] had to stay with him [, t]o keep [her] mouth shut," and threatened to call the police and have her deported if she complained about the violence. Leticia's greatest adversity was experienced inside the social network, where she felt powerless, vulnerable, and attacked.

Individuals are not equally empowered, protected, or entitled within their social networks. Patricia, who spoke bitterly about the loneliness and friendlessness of her experiences in the United States, spent a lot of time with her sisters-in-law and relied heavily on them both socially and logistically. In spite of their important role in her social network, however, Patricia's sisters-in-law used to make her feel ashamed when she wanted her independence or to end the violence. Referring to one of her husband's sisters, Patricia said, "She told me to tell them I didn't want the restraining order anymore." The same was true of

160. Interview with Araceli, supra note 45; Interview with Catalina, supra note 130; Interview with Leticia, supra note 110.
161. HONDAGNEU-SOTELO, supra note 9, at 107.
162. Id.
163. Interview with Leticia, supra note 110.
164. Id.
165. Id.
166. Id.
167. Interview with Patricia, supra note 2.
168. Id.
169. Id.
their mother, who “wanted [her] to stay” although she was aware of the physical violence. For Patricia, defending her emotional and physical well-being and asserting her needs and limits meant challenging not only her husband, but the whole structure of the social network in which she was relegated to a subordinate role.

These stories raise the important point that gender does not affect social interactions in simple or static ways. Nazli Kibria’s idealized depiction of female networks seems remote from these women’s stories. Although female networks did, at times, provide information and support for the women interviewed, they also acted in some cases as barriers to the women’s well-being, integrity, and sense of basic entitlement. And for all the men like Leticia’s husband’s friends, who increased her sense of servitude and victimization, and Catalina’s brothers who hit her, there were also men like Patricia’s and Roberta’s brothers who provided support, protection, and relief. These women’s stories defy theories that posit gender as the primary predictor of experiences within the social network or that try to categorize networks primarily in terms of their gendered content. Experiences of abuse within the social network of these women, are too complex, subtle, and dynamic to be captured in terms of simple dichotomies.

This collection of stories, of course, does not imply that all family interactions for immigrant women are abusive or manipulative. To the contrary, several of the women described their relationships with their siblings to be their greatest source of support and comfort. A few of the women reported relying deeply on friends from Mexico and new friends they had made in California. In Luisa’s case, for example, the isolation her batterer imposed on her was particularly cruel because it cut her off from a body of social relationships that generally offered support, affection, and trust. Patricia told me that her brothers were the reason why “sometimes [she] d[id]n’t feel so bad” about her experiences and current situation.

Context Complicates the Theories

The supportive friendships and kin relations were nonetheless complex and dynamic. Social networks defied simplistic notions of support or coping for each of these women. In the complex interaction of domestic violence and “illeg-
gality,” the advice and attitudes of friends and family cannot be conceived of simply or in static ways.

Martha Mahoney argues lucidly that society simplistically associates battered women’s decisions to leave abusive spouses with self-respect and personal strength, and the decision to stay in abusive relationships with personal weakness and ignorance.\textsuperscript{178} Mahoney asserts that a more sensitive understanding of the emotional, economic, and practical consequences of leaving an abusive relationship are required to overcome these simplistic generalizations.\textsuperscript{179} In the case of battered, undocumented women, distinguishing supportive messages and attitudes of relatives and friends from unsupportive or adversarial ones is particularly complex.

Most of the women interviewed told stories of being discouraged from leaving their husbands by friends or family.\textsuperscript{180} The only person whom Leticia told about the abuse told her “[n]ot to leave him.”\textsuperscript{181} Her parents in Mexico, whom she later told about her husband’s violent behavior, “didn’t think it was right for [her] to separate.”\textsuperscript{182} Even after Ana told her mother about the abuse she “told [her] not to [leave him].”\textsuperscript{183} She explained that her parents “think it is very bad to get divorced. They believe that one should put up with the problems.”\textsuperscript{184} Ana’s friends were also hesitant to suggest that she leave her husband.\textsuperscript{185} Araceli’s father just “shook his head” when he witnessed the violence.\textsuperscript{186} Margarita said it took her years to muster up the courage to divorce her husband because she was scared her friends and family in her native town would find out, and she was sure “they wouldn’t support [her].”\textsuperscript{187} Catalina said her family thinks she is “the shame of the family” because she is divorced. “They accuse me. They say, ‘How did you do this?’ Even my mother, who knew about the abuse for all these years.”\textsuperscript{188}

Although these stories clearly show that social networks do not always support and encourage women to protect their physical and emotional safety, it is important to complicate the notions of well-being in these women’s lives and to

\textsuperscript{178.} See Mahoney, supra note 153.
\textsuperscript{179.} Id.
\textsuperscript{180.} See Interview with Ana, in Richmond, Cal. (Jan. 2003) (on file with author); Interview with Catalina, supra note 123; Interview with Leticia, supra note 110; Interview with Margarita, supra note 123; see also Mary Ann Dutton et al., Characteristics of Help-Seeking Behaviors, Resources and Service Needs of Battered Immigrant Latinas: Legal and Policy Implications, 7 GEO. J. ON POVERTY L. & POL’Y 245 (2000) (qualitatively supporting this concept by finding that many battered Latina women were specifically discouraged from leaving their abusive relationships by members of their social networks).
\textsuperscript{181.} Interview with Leticia, supra note 110.
\textsuperscript{182.} Id.
\textsuperscript{183.} Interview with Ana, supra note 180.
\textsuperscript{184.} Id.
\textsuperscript{185.} Id.
\textsuperscript{186.} Interview with Araceli, supra note 45
\textsuperscript{187.} Interview with Margarita, supra note 123.
\textsuperscript{188.} Interview with Catalina, supra note 130.
recognize the context in which advice is offered by friends and family. Understanding these women in the context of their political, economic, and social experiences demands a broader approach to these questions of staying or leaving the relationship. Leticia, for example, was advised not to leave her husband by a friend. Leticia explained, "[my friend] knew it was too difficult to further myself without being documented...[and] I didn’t know anything or anyone[,] I depended solely on him." Ana’s situation was similar; when asked what her friends advised her to do in response to the abuse, she said, "They wanted me to stay here in the U.S., so they understood I had a problem." Roberta told me that her family was sad when she left her abusive husband because they believed it would be too hard and too lonely for her to be single and undocumented.

Women with no legal or political identity, limited legal recourse, and virtually no entitlement to public and social benefits have to undertake a particular set of calculations about their own well-being and the well-being of their children when deciding whether to leave their abusive husbands. In this context, identifying supportive and unsupportive responses from the social network is particularly challenging. Parents, relatives, and friends may act to enable the abusive relationship out of genuine concerns about the woman’s economic sufficiency, legal vulnerability, and cultural literacy.

Beyond Static Depictions

Indictments, suggestions, and encouragements from the social network are always subject to change, growth, and even reversal in time. As Menjivar and Hondagneu-Sotelo have suggested, the dominant discourse on social networks includes no element of time and leaves no space for the ever-changing nature of human relationships. Many of the women told me about relatives, friends, and in-laws who criticized their desires to leave their husbands at one point, then came to support their decisions. When asked whether her aunt believed that Alba was having problems with her husband, Alba explained, "It was hard for people to believe. They didn’t want to believe it. Because my family has known his family for years." Eventually Alba’s aunt came to support Alba by allowing Alba to stay in her home.

This dynamism can be seen even in Catalina’s case, where her mother “kicked [her] out on the streets, with [her] children and without immigration papers” out of disgust for having divorced her husband. In time, Catalina said, her mother came around: “It wasn’t for a long time, until my mom really saw
what was going on, that she started to help me fill out the reports and every-
thing.  Patricia and Araceli's stories demonstrate similar dynamism; both
women were initially presented with a great deal of hostility from their sisters-in-
law for wanting to leave their abusive husbands. In both cases, the sisters ini-
tially threatened and emotionally harassed the women, but they eventually sup-
ported their decisions to leave.

Toward More Realistic Images of Immigrant Social Networks

The suggestion is not, of course, that all social relationships converge to-
ward their idealized depiction. Instead, these women's stories testify to the shifting,
dynamic nature of social relationships and the complex interweaving of per-
sonal history and social context. The sheer diversity of their social arrangements
and their experiences within their social networks are testaments to the inade-
quacy of existing models of immigrant social relationships. As Menjivar, Hon-
dagneu-Sotelo, and Kibria suggest, the dominant discourse about social networks
has overwhelmingly viewed immigrants as "immigrants" rather than engaging
their broader identities as individuals with gender, age, personal history, and the
capacity for change.

This analysis, in many ways, leads back to Crenshaw's insights about in-
tersectional identity. The failure of this discourse to recognize home as a site
of conflict is a symptom of a larger tendency to overlook the multiplicity of these
immigrant identities. These women's complex stories of friendship and abuse
are borne of their own multifaceted identities and are unintelligible without rec-
ognition of their multiple arenas of personal struggle. Their stories humanize,
complicate, and challenge the flat depictions of social networks by inserting the
individual as a more active agent in her biography and by considering multiple
aspects of identity.

Beyond Theory Deconstruction: The Missing Element

In the final analysis, the most striking conclusions from this examination
revolve around the incredible diversity of social arrangements and relationships
displayed by the women's stories and the difficulty of constructing generaliza-
tions from them. Rather than stopping the analysis at this deconstruction of the-
ory, it is useful to consider more deeply the implications of these diverse find-
ings.

The wide range of these findings, in many ways, reflects a limitation in the
very effort to essentialize the experiences of immigrants or their social networks.
The problem in the dominant social networks discourse on immigrant adaptation

196. Id.
197. Interview with Araceli, supra note 45; Interview with Patricia, supra note 2.
198. Interview with Araceli, supra note 45; Interview with Patricia, supra note 2.
199. See HONDAGNEU-SOTETO, supra note 9; KIBRIA, supra note 34; MENJIVAR, supra note 44.
200. See generally Crenshaw, supra note 31.
may not be limited to the nature of the qualitative generalization being made, but rather may reside in the very attempt to make qualitative statements about immigrants without considering immigration as a legal, social, and political process.

The social networks discourse about immigrant adaptation is, in some ways, formed around the general recognition of adversity for immigrants in the public sphere. The social networks model of adaptation was posed as an alternative to mainstream integration out of acknowledgement that the outside world and the larger society can act as sites of oppression, discrimination, and fear for immigrants. As important as this recognition of structural adversity has been for the construction of a realistic depiction of immigrants’ experiences, the dominant discourse has not gone far enough in recognizing the way in which macrostructural contexts filter into the daily realities of these women’s personal relationships and identities.

Simply put, immigrant families and networks may not be essentially different from any other families and networks. The only thing specific or essential about immigrant networks may be the immigration itself—the entitlements and identities that are created by the immigration process and the State. In fact, what distinguishes these undocumented immigrant women’s experiences and relationships, and what warrants specific attention, might not be anything essential about them as individuals, but rather the way they are influenced and constrained by the legal and social context in which they are set.

Their stories demonstrate powerfully that the social network is not experienced in a vacuum and that their public entitlements affect their social, familial, and intimate relationships. As seen in the examples of the advice women receive from their friends and family about their abusive marriages, expectations of friendship are fundamentally complicated by a social setting that limits these women’s social entitlements and public privileges. Abuse within the social network is all the worse when the alternative to the social network is a marginalizing and threatening public sphere.

The women’s interviews were replete with references to legality and illegality, entitlement and disentitlement. Their personal relationships with spouses, friends, and families were deeply shaped by the experience of immigration, the context in which they were received, and their identities before the law. These recognitions about the way immigration affects household and personal dynamics, however, are conspicuously absent from the dominant discourse about immigrant social networks.

In that sense, a fair treatment of these women’s experiences demands a consideration not only of the personal and relational aspects of their lives, but also the political, legal, and context of the larger society that shapes and strains their familial relationships, imposes their social isolation, and defines their options. Beyond all the specific critiques of networks discourses is a broader suggestion that qualitative network analysis itself perpetuates the categories it should be transcending. The more fundamental limitation in the social networks discourse about immigrant adaptation is that its analyses are overwhelmingly
ahistorical and fail to recognize the important contexts in which networks are formed and perpetuated. Even the critiques of the dominant discourse do not recognize, by and large, the way legality and deportability are constructed, imposed, and internalized in immigrant communities.

In moving toward a positive reformulation of these women’s lives, it is important to listen to their references to legality and illegality and to consider the ways their social context shapes their daily realities.

CHAPTER 2

The Battered Women’s Movement: Incorporating Institutional Critique

“The only time I left the house was to pick up [my employer’s] daughters, and [she] always told me not to go out because immigration would pick me up. She always said, ‘La migra would be here, there . . .’ I was scared to leave . . . I felt the doors were closed to me.”

—Leticia, recalling the intense fear of public spaces she felt for years as an undocumented immigrant.  

Leticia’s memories of being undocumented are painful. She recalled, with tears in her eyes, that her life before receiving immigration papers was characterized by constant fear. Living as an undocumented immigrant in the United States for eight years, Leticia’s anxiety about detection and deportation physically and emotionally immobilized her. A working mother of two, Leticia found herself afraid even to leave the house. When she was exploited by her employer, Leticia endured the abuse out of concern that her undocumented immigration status would prevent her from finding another job. When she was physically abused by her husband, she did not call the police out of fear that she would be arrested and deported. Leticia would not even attend a support group until she got her papers because she did not feel safe from INS detection there. In every way, Leticia’s immigration status transformed the public sphere into a place of intense risk and marginality.

This chapter considers the literature of the battered women’s movement, with a specific focus on drawing out its strengths and limitations as it applies to

201. Interview with Leticia, supra note 110.
202. Id.
203. Id.
204. Id.
205. Id.
206. Id.
207. Id.
the distinct experiences of undocumented women like Leticia. The chapter examines the prescriptions, assumptions, and ideas underpinning the battered women's movement and the contributions of anti-essentialist feminists like Angela Harris and Marlee Kline in challenging, deepening, and broadening the dominant discourse. In this chapter, I present the crucial accomplishments of the battered women's movement in deconstructing the household and studying the gender and power dynamics that manifest themselves in violence.

The chapter draws upon a range of scholarship in the battered women's movement to demonstrate that the movement is largely defined around a notion of the public sphere as emancipatory and the battered woman as a legally entitled individual. Using the interviewees' reflections about their fear of public spaces, their wariness of legal institutions and social service agencies, and their exploitation in the workplace, among other things, this chapter poses a challenge to the movement's basic prescriptive discourse and its assumptions about the public and private spheres. By recognizing the degree to which their experiences as women are bound up with their interactions as immigrants with the legal, political, and social structures of the larger society, this chapter paves the way for a positive reformulation of the women's experiences and identities.

Development, Concerns, and Priorities in the Battered Women's Movement

The literature of the battered women's movement is the obvious place to turn for a more sensitive and accurate theoretical location and depiction of the women in question. Whereas the networks approach to immigrant adaptation has not fully explored the dynamics of power within the household and the network, the literature of the battered women's movement is dedicated to understanding and exposing those inequities. The battered women's movement literature offers some promise for deconstructing the dichotomy drawn by the social networks discourse between the threatening larger society and the supportive, egalitarian private home.

The battered women's movement arose in response to the oversimplification and privatization of household relations demonstrated in much of the dominant discourse about immigrant social networks. The movement has aimed to deprivatize the home and the family and to acknowledge the power relationships and inequities inside the family. The movement has dedicated itself to identi-


209. See, e.g., WALKER, supra note 152; Mahoney, supra note 153.


211. See generally Elizabeth M. Schneider, The Violence of Privacy, in THE PUBLIC NATURE OF PRIVATE VIOLENCE 36 (Martha Albertson Fineman & Roxanna Mykitiuk eds., 1994).
fying and exposing the gender inequities that lead to and sanction violence against women in the home.\textsuperscript{212}

The battered women’s movement emerged in the 1960s as part of a larger feminist movement in the United States.\textsuperscript{213} The movement was borne of increasing awareness and concern about domestic violence and the lack of recourse and support for its victims.\textsuperscript{214} The goals of the early movement were twofold: first, to shift social attitudes and expectations about violence in the home, and second, to influence the laws and institutions that have upheld the privilege of men to abuse women.\textsuperscript{215} The movement has, in many ways, generated its own field of study, insisting that battered women are worthy of legal and social attention and thereby creating the battered woman as a subject with distinct experiences and entitlements.\textsuperscript{216} As Elizabeth Schneider argues, “the ‘problem’ of battering and the social and legal construct of the ‘battered woman’ did not exist in this country until the women’s movement named it.”\textsuperscript{217} From its inception, the battered women’s movement has struggled to define violence as a social problem connected to larger patterns of inequality and disenfranchisement.\textsuperscript{218}

In the four decades since its emergence, the battered women’s movement has taken up diverse topics and concerns. The literature has explored the cycles of violence and contrition that characterize abusive relationships, the demographics and predictors of both abusers and abused women, and the intergenerational nature of intimate abuse.\textsuperscript{219} Academics, activists and legal scholars have studied and critiqued the legal responses to domestic violence and considered the institutional hurdles to protecting women in their homes.\textsuperscript{220} The movement has

\begin{itemize}
  \item \textsuperscript{212} Dobash & Dobash, supra note 210.
  \item \textsuperscript{213} Id.
  \item \textsuperscript{214} Id.
  \item \textsuperscript{215} Id. It is important to recognize that the domestic violence movement has undergone many changes in recent years toward broadening its focus to all forms of domestic violence—not just that which men inflict on women, but also violence in same-sex couples and forms of violence that are perpetuated by women. This article primarily considers the battered women’s movement, a subset of the larger domestic violence movement, which specifically targets spousal abuse by men against women. See, e.g., An Abuse, Rape and Domestic Violence Aid and Resource Collection, Domestic Violence Statistics, at http://www.aardvarc.org/statistics.shtml (last visited Mar. 15, 2004); Lambda GLBT Community Services, Domestic Violence in Gay, Lesbian, and Bisexual Relationships, at http://www.lambda.org/DV_background.htm (last visited Mar. 15, 2004); Oakland County Coordinating Council Against Domestic Violence, Domestic Violence Handbook: Who Are the Victims?, at http://www.domesticviolence.org/who.html (last visited Mar. 15, 2004).
  \item \textsuperscript{216} Schneider, supra note 211, at 40-41.
  \item \textsuperscript{217} Id. at 40.
  \item \textsuperscript{218} Roberts, supra note 35; Mahoney, supra note 153.
  \item \textsuperscript{219} See generally Am. Psychological Ass’n, Violence and the Family: Report of the American Psychological Association Presidential Task Force on Violence and the Family (1996); Berry, supra note 36; Mary P. Koss, No Safe Haven: Male Violence Against Women At Home, At Work, and in the Community (1994); Roberts, supra note 35.
  \item \textsuperscript{220} See generally Ann Jones & Susan Schechter, When Love Goes Wrong (1992); Dutton et al., supra note 180; Jenny Rivera, Domestic Violence Against Latina by Latino Males, in
questioned and complicated the dynamics of leaving and staying in abusive relationships.\textsuperscript{221} The battered women's movement has strived to be more comprehensive in its study of domestic violence and to consider the possibilities for and importance of larger social change.\textsuperscript{222}

**Perspectives and Challenges from Anti-Essentialist Feminism**

As the battered women's movement has matured, it has challenged its own tenets, assumptions, and biases. It continues to be informed by and connected to the conversations, controversies, and insights of feminist scholarship and activism. In the thirty years since the emergence of the women's movement and the two decades since Catherine MacKinnon first wrote her groundbreaking article *Difference and Dominance*, a whole generation of feminists has begun to complicate, challenge and broaden the original arguments and premises of the women's movement.\textsuperscript{223} Claiming that the feminist movement has failed to fully capture or engage the complex dynamics of race, class, sexual orientation, and other aspects of social and personal identity, this new generation of "anti-essentialist" feminists has criticized its priorities, approaches and leadership.\textsuperscript{224} According to Marlee Kline, "women do not come from a shared social position. We are divided from each other by class, race, and other factors that affect our relative positions in the social hierarchy of our present society."\textsuperscript{225} These scholars and activists have argued that in emphasizing differences between men and women, the women's movement has essentialized women's experiences by overlooking crucial differences among them.\textsuperscript{226} The result, they argue, is that feminist consciousness often fails to capture the full realm of women's experiences and identities.\textsuperscript{227}

By depicting what Angela Harris calls the "monolithic 'women's experience,'" the women's movement has not only overlooked many women's experiences but has also incorporated and conformed to societal hierarchies and exclusions.\textsuperscript{228} As Kelly Weisberg points out, "[f]eminists have taken the experiences of white middle class women to be . . . the experiences of all women."\textsuperscript{229} As a result, the priorities, images, and prescriptions of the women's movement have been disproportionately dictated by and written for a class of women whose experiences are not representative of the multiplicity and complexity of female ex-

\textsuperscript{221} See generally Mahoney, *supra* note 153.

\textsuperscript{222} See generally DObash & Dobash, *supra* note 210.


\textsuperscript{224} Compare MACKINNON, *supra* note 223 with Kline, *supra* note 208.

\textsuperscript{225} Kline, *supra* note 208, at 378.

\textsuperscript{226} Compare MACKINNON, *supra* note 223 with Kline, *supra* note 208.

\textsuperscript{227} Compare MACKINNON, *supra* note 223 with Kline, *supra* note 208.

\textsuperscript{228} Harris, *supra* note 208, at 11.

periences of gender, oppression, and violence.\textsuperscript{230}

Insights from the new generation of feminist scholars have filtered into the battered women’s movement discourse. Scholars such as Kimberlé Crenshaw, Evelyn White, Jenny Rivera, and bell hooks have considered the limitations in the battered women’s discourse as it applies to women of color.\textsuperscript{231} My review of the prescriptive literature and discourse of the battered women’s movement follows in that tradition of identifying limitations in the movement and seeking to broaden it in order to encompass multiple and more complex identities and experiences.

**Dominant Prescriptions**

Considering the prescriptive discourse of the battered women’s movement in the context of these women’s lives and stories affords an opportunity to identify the subtle workings of power, hierarchy, and exclusion in the canon. The battered women’s movement has laid out a prescriptive path for the empowerment and liberation of battered women that, in many ways, repeats the same patterns of assumptions and exclusions evidenced in the social networks literature on immigrant adaptation. Rather than celebrating the home as a site of empowerment and harmony, the battered women’s movement has endorsed the public sphere as a great liberator and a realm of equal entitlement and privilege.\textsuperscript{232} Considering the stories and experiences of this group of battered undocumented women deepens the existing critiques and challenges some of the central premises and assumptions of the traditional battered women’s movement.

Underlying the scholarship and advocacy surrounding battered women is the ubiquitous message that the key to empowerment is public participation. Viewing domestic violence as part of a larger trend of female disenfranchise
tment, alienation and exclusion, activists and scholars have prescribed to battered women a path of social engagement and community participation.\textsuperscript{233} Guides, manuals and theories recommend that women get out of the house, enter the workforce, join community groups, utilize legal remedies, and publicly assert their own rights.\textsuperscript{234} Typical self-help books instruct women to build a support system by enrolling in school or finding a job and to become self-sufficient by

\begin{itemize}
  \item \textsuperscript{230} \textit{Id.}
  \item \textsuperscript{231} \textit{See generally HOOKS, supra note 31; WHITE, supra note 31; Crenshaw, supra note 31; Dutton et al., supra note 180; Valli Kanuha, Domestic Violence, Racism, and the Battered Women's Movement in the United States in FUTURE INTERVENTIONS FOR BATTERED WOMEN AND THEIR FAMILIES 34 (Zvi Eisikovits & Jeffrey Edleson eds., 1996); Rivera, supra note 220.}
  \item \textsuperscript{232} \textit{See Schneider, supra note 211.}
  \item \textsuperscript{233} \textit{See, e.g., BERRY, supra note 36, at 194-203.}
  \item \textsuperscript{234} \textit{See generally BERRY, supra note 36; MARY ANN DUTTON, EMPOWERING AND HEALING THE BATTERED WOMAN (1992); JONES & SCHECHTER, supra note 220 (1992); NANCY KILGORE, SOURCEBOOK FOR WORKING WITH BATTERED WOMEN (1993); Sally Merry, Gender Violence and Legally Engendered Selves, 2 IDENTITIES 49 (1995).}
\end{itemize}
hiring a lawyer, going to a shelter, and receiving public benefits.\textsuperscript{235} The message of social participation as a panacea for battered women is pervasive. Dawn Bradley Berry’s *Domestic Violence Sourcebook* has been lauded as a virtual encyclopedia of advice and information for battered women.\textsuperscript{236} The book directly calls upon victims of domestic violence to “begin thinking about what it will be like to live independently”; “look into job training programs, apprenticeships, classes in your community college or extension courses”; “go ahead and do things on your own”; “get a new job, make friends.”\textsuperscript{237} The prescription, it seems, is clear—get out of the house and into the public sphere! Sally Engels Merry detects the same discourse of empowerment through public integration and legal institutions in her reflections on a domestic violence program in Hawaii: “The women’s support group is organized around the trope of empowerment, in which women are encouraged to see the law as a source of help and support while they gather strength from others in the same position. They are encouraged to take responsibility for themselves.”\textsuperscript{238}

The connections among personal liberation, individual responsibility, and public participation have been drawn, in part, by concerns about women’s ability to fend for themselves and to live independently of their abusive relationships.\textsuperscript{239} However, beyond those very real concerns about female self-sufficiency is a deeper ideological argument about opening up the public sphere. There is a sense that civic participation is tantamount to, and necessary for, social and individual liberation.\textsuperscript{240}

**Challenging and Broadening Dominant Prescriptions**

Anti-essentialist feminists have begun to complicate and problematize this prescriptive canon; several have pointed out that public participation and legal remedies are not equally appealing or promising to all women.\textsuperscript{241} A handful of scholars have argued that social and political realities position women in different relationships to the public sphere based on their social status, identities, and experiences.\textsuperscript{242} Various scholars have argued that poverty and financial instability hinder women’s ability to be self-sufficient, and that cutbacks in federal services limit women’s ability to rely on or turn to the public sphere for support.\textsuperscript{243}

\begin{footnotes}
\item[235] See Berry, supra note 36; Jones & Schechter, supra note 220.
\item[236] See generally Berry, supra note 36.
\item[237] Berry, supra note 36, at 197, 199.
\item[238] Merry, supra note 234, at 59.
\item[239] See Berry, supra note 36, at 195-200.
\item[240] See generally Berry, supra note 36; Dutton, supra note 234; Jones & Schechter, supra note 220; Kilgore, supra note 234; Merry, supra note 234.
\item[241] See, e.g., Crenshaw, supra note 31; Rivera, supra note 220.
\item[242] See, e.g., Crenshaw, supra note 31; Rivera, supra note 220.
Race theorists have pointed out that discrimination in the job market, legal institutions, and judicial system has deterred women of color from engaging comfortably, or equally, in the public sphere. Evelyn White, for example, has argued in her books about African American women in abusive relationships that legacies of racism have made turning to the police and the legal system particularly daunting and unpleasant for battered women of color. In that sense, the recognition of gender essentialism in the women’s movement has begun to inform the specific recommendations and prescriptions of the battered women’s movement.

However, beyond those specific recommendations for and criticisms of the movement is a more fundamental consideration of assumptions of the battered women’s movement. The movement has defined itself around the goals of opening up public spaces and offering public identity as an antidote to the fear and isolation of the private realm. Women are inherently assumed to be fully entitled, fully welcomed, and on equal footing in the public arena. This is reflected, for example, in the theory and language of “learned helplessness” which argues that women who are abused by their intimate partners develop an inability to act independently or self-sufficiently. The assumption is that all women start out with the full entitlement to traverse the public sphere and to navigate social institutions and structures. The theory assumes that the only thing in the way of women’s full participation is their batterer. Under this framework, “helplessness” is learned, developed, and imposed by the battered, never institutionally or socially sanctioned or perpetuated.

The battered women’s movement is really about the creation of a political subject and the democratization of the public sphere. The movement is formed around certain assumptions about women as politically independent beings with social entitlements. Women are encouraged to define themselves outside of the private realm, as evidenced in Nancy Kilgore’s workbook for battered women, in which she asks women if they define themselves as something beyond somebody’s wife, mother, or girlfriend and encourages them to develop a separate identity. In the broader discourse, that “separate identity” implies an


244. WHITE, supra note 31, at 41.
245. See, e.g., Schneider, supra note 211.
246. See, e.g., WALKER, supra note 152.
248. See WALKER, supra note 152, at 116-18; see generally Gondolf, supra note 247.
249. See WALKER, supra note 152, at 116-18; see generally Gondolf, supra note 247.
250. See WALKER, supra note 152, at 116-18; see generally Gondolf, supra note 247.
251. See, e.g., Schneider, supra note 211, at 48-49
252. See KILGORE, supra note 234; Schneider, supra note 211.
253. See KILGORE, supra note 234.
adoption of public and legal institutions and more vigorous participation outside the home. The implication is that women are not only relationally defined, but are also defined by their citizenship, political participation, and social identity.254

Studying undocumented women is particularly illuminating because of the messages about citizenship and political participation that underlie the prescriptions of the battered women's movement. The goal of the interview process, then, was to draw out the ways in which the women's political identities and social locations affected their experiences of abuse and their relationships to the prescriptive discourse of the battered women's movement. More broadly, the interviews were designed to enable women to reflect on their own subjectivities, public entitlements, and political identities. The women's voices and stories illustrate, deepen, and complicate the battered women's movement's correlation between public integration and personal liberation. Their stories testify to their complex personal and social identities and point to their distinct and often overlooked subjectivities.

Findings

If one conclusion could be safely drawn from my interviews, it is the remarkable extent to which these women were aware of being undocumented and how their status placed them in a precarious location in the larger society. Reflecting back on their experiences before VAWA legalization, the women were extremely sensitive to their lack of legal identity and to the ways in which their involvement with the larger community was therefore circumscribed. Several of the women even described themselves as "illegals" and recalled their movements across the border as "coming illegally."255 The women were very articulate about their immigration status and its consequences for their daily lives. The fear they expressed about public participation has important consequences for their relationship to the dominant discourse about recovery from domestic violence.

The women described their experiences as undocumented immigrants vividly and characterized them, by and large, as marked by fear, intimidation and insecurity. For many of the women, any exposure outside the home was a cause of anxiety. Returning briefly to Leticia's story offers a vivid example. Leticia had received her work permit only three months before we met and had much to say about how obtaining her papers had changed her life.256 She proudly recounted her weekly routines—attending support groups, meeting with her counselor, eating dinners with friends, and participating in church groups and functions.257 But Leticia was quick to point out how different her life had been just a few months earlier: "My life changed completely once I received my work per-

254. See id.
255. See, e.g., Interview with Araceli, supra note 45.
256. See interview with Leticia, supra note 110.
257. Id.
The three years Leticia had lived in the United States without her papers, she explained, were terrifying and scarring. Looking back on those days, Leticia recalled that she rarely went outside for fear of being caught and deported. When asked why she had so little contact outside her home, she answered simply, “I was afraid of la migra.” Leticia said that she was constantly aware of her legal status; she felt like an outlaw and acutely recognized her own vulnerability. Before she received her papers, even a full year after she and her husband had separated, Leticia rarely attended church, had few friends, and was highly socially isolated. Leticia would not even venture outside the home to attend community support groups until she received the prima facie approval from her VAWA petition that she called “my paper that said I have rights.”

Many of the women, like Leticia, vividly remembered their fears of detection and deportation. Alba, who reported that she rarely left her home, said that her greatest concern was “that the INS would come and take [her].” Roberta said she was afraid “even to go outside because you hear people yell, ‘La migra! La migra!’” Margarita told me about the stories and rumors shared in her apartment complex about immigrants who had been deported:

I don’t know if you heard about it, but in the Laurel apartments, la migra went there and three of the guys were picked up and they took them to Mexico. So sometimes when [my friends who are still undocumented] want to go out for a walk, they are afraid that they might get picked up.

Ana expressed that same sense of pervasive fear in her story, offering insights about how the fear manifested itself in her decisions and relationships. Ana is a cheerful and friendly mother of four, who smiled widely as she introduced me to her children and showed me around her house in Richmond, California, a town east of San Francisco. One year after her VAWA approval, Ana is now an active member of her community. She has a regular job and is friendly with her neighbors. She has her driver’s license and visits her brother
and her friends who live in the area. When she was undocumented, however, Ana said she thought about her papers "all the time." More than anything else, Ana remembered the fear: "I was scared to be deported. . . . I was always scared." As a result, Ana intentionally avoided contact with the public sphere. Without her papers, she felt scared to get around, to drive, to attend community groups, or to utilize U.S. legal agencies. She said that with few friends and very limited opportunities to make friends, she was terribly lonely. Ana described feeling "trapped" by her problems inside the home and her fears of leaving.

Being undocumented was in no way peripheral to these women's experiences of abuse. To the contrary, the women expressed their experiences of physical abuse as bound up with their experiences of legal powerlessness and vulnerability. To them, the experiences of oppression were not distinct, but rather connected and interwoven. The women viewed their experiences of abuse in the context of being undocumented and the way in which that constrained and affected their options and possibilities.

Case in Point: Police Intervention

That the women viewed their abuse within the context of being undocumented was nowhere more evident than in the women's feelings about police intervention in their marital problems. The conventional canon about domestic violence prominently features law enforcement as a tool of empowerment and self-defense for women. Although concerns have been raised about the sensitivity of police officers and the quality of the legal response to battered women, the central function of law enforcement with respect to domestic violence issues is generally accepted to be the reinforcement of a woman's sense of protection, support, and public recourse.

For the women I interviewed, police and law enforcement were a consistent cause of anxiety, and the threat of their involvement was often a manipulative tool used by the batterers. Even when the abuse was most acute, most of the women believed that calling the police would put them at risk of being deported. Alba explained that, for her, calling the police was out of the question regardless of the severity of the abuse: "No, I didn't call the police. The last night when I left, . . . I didn't call the police. I was afraid because I had no papers . . . . I was

---

272. Id.
273. Id.
274. Id.
275. Id.
276. Id.
277. Id.
278. Id.
279. See, e.g., WHITE, supra note 231; Merry, supra note 234.
280. See, e.g., WHITE, supra note 231; Merry, supra note 234.
scared to call the police." Ana was even more direct about her own decision not to call the police or to seek legal remedies: "I couldn’t [call the police]... because I didn’t have papers and he did." About half of the women interviewed did have contact with the police in the context of the abuse—either because they eventually called out of desperation or because a friend, relative or neighbor called on their behalf. Interestingly, their actual interactions with the police ranged widely, but their initial anxieties about contacting the police were overwhelmingly similar. Roberta’s case is typical. One night during a particularly bad confrontation with her husband, Roberta’s niece called the police out of fear for Roberta’s safety. The police came and took Roberta’s husband to jail for domestic abuse. Although Roberta’s interaction with the police was fairly benign, she described the experience as terrifying and traumatic. Tears streamed down her face even remembering how terrified she was of being deported when the police showed up at the house.

Margarita’s experiences with the police, while not specifically negative, were similarly marked by intense anxiety. Her oldest son called the police late one night during a particularly bad attack on his mother and siblings. Margarita was too scared to face the police when they showed up, recalling, "I took my children’s hands and we all went barefoot outside... And finally I was together with my two boys hiding behind a house." Margarita’s husband was caught by the police that night, but Margarita “never came out of hiding.” Even when she returned and found that the police officers had taken the keys to the apartment when they left, Margarita preferred to break the window and crawl through it rather than confront the police. Margarita said she is not scared of the police now (except when she is driving and thinks she is going to get a ticket!) but that her experiences at that time were dominated by fear and insecurity.

Luisa’s adversarial interaction with the police captures the kinds of fears and experiences unique to undocumented women. Luisa called the police one night during a fight with her husband. When the police showed up, the officers

281. Interview with Alba, supra note 2.
282. Interview with Ana, supra note 183.
283. See, e.g., Interview with Margarita, supra note 123; interview with Roberta, supra note 173.
284. Interview with Roberta, supra note 173.
285. Id.
286. Id.
287. See interview with Margarita, supra note 123.
288. Id.
289. Id.
290. Id.
291. Id.
292. Id.
293. See Interview with Luisa, supra note 128.
294. Id.
refused to punish, restrain, or arrest her husband because they did not believe the abuse was severe enough to warrant a response.295 Even worse, recounted Luisa, the officers threatened to take her away.296 "They wouldn’t take him away. They just said, ‘If you call us again for the same reason, we’re going to take you both away.’"297 Luisa felt “angry” and “afraid” at having been misled by commercials she had seen on Spanish television urging women to call the police and promising that the police would arrest abusive husbands.298 Although Luisa was not taken away or reported to the INS, she perceived the officers’ warning as a threat that calling the police would lead to her deportation.299 The experience thereby confirmed her fears about turning to legal agencies.

Luisa’s experience captures the unique dynamics of this group of women, for whom the law exacerbates their disenfranchisement and increases their husbands’ relative empowerment. The women’s actual experiences with the law may have varied, but what is significant for understanding the degree to which these women regarded the law as a source of empowerment is the fear they faced in calling and interacting with the police. These stories reveal that the women do not see law enforcement as supportive or protective, but rather as adversarial and threatening.

Implications for Social Service and Public Support

The experiences of exclusion and intimidation were not limited to interactions with the police. Most of the women were concerned about contact with any public or legal agency.300 Turning even to a shelter or women’s group seemed dangerous. Without knowing who to trust or even whom she was calling, Leticia was “very” afraid to seek out support from women’s groups or agencies.301 Luisa said that her friend had to convince her to call East San Jose Community Law Center, where she learned about her VAWA options.302 “My friend kept insisting, she said, ‘Go. They won’t ask you anything. They will help you, so you should go.’”303 Only when she was satisfied that she would not be deported by the agency did Luisa make the phone call in search of support.304

The women had similar attitudes about the courts, which they unanimously viewed as a site of disempowerment. Almost every woman I interviewed said that their husbands had threatened to take their children from them through legal

---

295. Id.
296. Id.
297. Id.
298. Id.
299. Id.
300. See, e.g., Interview with Leticia, supra note 110; Interview with Luisa, supra note 128.
301. Interview with Leticia, supra note 110.
302. Interview with Luisa, supra note 128.
303. Id.
304. Id.
Their stories echo each other. Alba said, “He told me that they were going to give the children to him because I had no papers.” Patricia too believed that her papers were a prerequisite to any legal right of custody: “I wanted my papers so I could have my kids.” Luisa remembered how her husband used to threaten to steal her son away, even though he was not his biological father: “He kept saying that . . . he could fight in courts to keep [my son].” Catalina’s story was much the same: “He would always threaten me. In fact, when the abuse started, he threatened to take away my daughter.”

What is most remarkable about these stories, aside from the dynamics of power in the spousal relationship that they reveal, is that the women unanimously accepted their husbands’ threats to separate them from their children. Not a single woman I met said that she ignored, dismissed or rolled her eyes at her husband’s threats. They all regarded the courts and the custody laws as adversarial to their interests. They all considered legalization to be their only means of responding to or fighting against their husbands’ threats. The women shared an overriding sense of their own vulnerability in the legal setting. This finding has important consequences: these women’s fear of and exclusion from the public sphere distanced them from the battered women’s movement’s central argument that the public sphere is a place of liberation from abuse in the private sphere.

Social Location and the Consequences of “Illegality”

The women’s fear of the public sphere did not go unappreciated by the abusers, who often capitalized on their own legal status and their wives’ relative powerlessness. All these women’s husbands were legal permanent residents or U.S. citizens. Some were immigrants, and others were born in the United States. Either way, there was always a distinct power differential between the husband’s legal entitlement and his wife’s. Almost every woman told me that her husband threatened to report her to INS, to have her deported, or to have her children taken away because she was undocumented. In Araceli’s case, her vulnerable immigration status became a central tool of the abuse. “He refused [to fix our

305. See, e.g., Interview with Alba, supra note 2; Interview with Catalina, supra note 130; Interview with Luisa, supra note 128; Interview with Patricia, supra note 2.
306. Interview with Alba, supra note 2.
307. Interview with Patricia, supra note 2.
308. Interview with Luisa, supra note 128.
309. Interview with Catalina, supra note 130.
311. See, e.g., Interview with Alba, supra note 2; Interview with Araceli, supra note 45; Interview with Patricia, supra note 2.
312. Interview with Araceli, supra note 45.
papers] . . . That was his threat. All the time. 'I will deport you.' 'I will send you back to Mexico.' All the time. He threatened to report me to INS.\footnote{313} Araceli’s husband was sexually abusive, and her lack of immigration status became a tool to elicit her compliance and obedience: “Every time that I refused, he would say, ‘Then I will deport you. I will send you back to Mexico if you don’t do what I ask.’”\footnote{314} Even the spousal abuse itself was deeply tied to the social context of these women’s lives.

It is important to recognize that spousal abuse and social exclusion mutually inform one another in determining these women’s actual and perceived entitlements. In these women’s cases, it was not just the abuse itself that intimidated and inhibited them from public participation. Instead, it was often the multiple and complex effects of their immigration status on their opportunities and emotions that constrained them. For many of the women, their fear of and isolation from, the public realm kept them from developing the institutional and legal literacy that might have allowed them to assert themselves in spite of their immigration status.

Many of the women explained that not being able to speak English and being too afraid to enroll in school meant that they never felt comfortable dealing with people outside the home.\footnote{315} Other women explained that they just did not know how the laws in the United States worked or what they were and were not allowed to do.\footnote{316} Leticia explained, “I wasn’t familiar with the laws of this country. I didn’t think they could really help me . . . I didn’t speak English.”\footnote{317} Araceli poignantly expressed a similar sense of bewilderment in her sad reflections on her undocumented years: “But without speaking English, without knowing anyone, without knowing anything, it was the most difficult experience in the world.”\footnote{318}

Alba realized the multiple levels at which her legal status affected her life only after she obtained her papers.\footnote{319} It was not until she got her papers that she enrolled in school, started studying English, learned her way around the city, found a steady job, and made friends.\footnote{320} Each step, she explained, paved the way for the next: “I started getting out of the house, then driving, then going to school.”\footnote{321} In retrospect, she sees her immigration status as part of a larger situation that had constrained and disempowered her: “I was alone and I was in a strange environment where I didn’t speak the language and I didn’t know how to drive. I didn’t have anything.”\footnote{322}
In this sense, the manipulation of immigration status does not have to be a direct action by an empowered husband against his disempowered wife. Feminists have recognized that domestic abuse often revolves around a distinct power differential wherein men use violence to control, harass, and dominate their wives. For these women, however, the direct abuse only accounted for part of the intimidation and coercion. Their social and legal location in the society transformed the public sphere into a place of vulnerability and powerlessness in its own right.

Navigating the Workplace

These women’s immigration status located them in a place of complex and layered marginalization. Luisa, for example, said that her reluctance to call the police was not limited to direct concerns about her papers. Instead, she did not call the police for a whole host of reasons that kept her from feeling self-sufficient and in control of her life. “[I was afraid] of being alone. What was I supposed to do with my child? And because I didn’t have papers. And I wasn’t working then.” The same was true for Ana, who said she did not leave her husband until his death several years ago because “[she] was scared to leave him and be on the streets alone with [her] kids and without papers.”

These quotes reveal that economic insecurity and exploitation constitute an additional challenge to undocumented women forging an empowering public identity through social participation. Being undocumented had important economic consequences that often prevented these women from even conceiving of themselves as independent or self-sufficient. By its very definition, being undocumented implied that these women lacked some of the opportunities and entitlements of U.S. citizens and documented immigrant workers. The women were keenly aware of their limited economic options, and several spoke about their vulnerable position in the workplace. In fact, because they struggled to make ends meet without their papers, many of the women spoke about being undocumented primarily in terms of its economic impact.

Some of the women simply could not find jobs without their papers. Patricia, for example, struggled for years to find and maintain employment without her papers. For her, it was difficult to be undocumented “because we don’t

323. See, e.g., HOOKS, supra note 31, at 117-18 (citing to SUSAN SCHECHTER, WOMAN AND MALE VIOLENCE: THE VISIONS AND STRUGGLES OF THE BATTERED WOMEN’S MOVEMENT (1982)).
324. See Interview with Luisa, supra note 154.
325. See id.
326. Id.
327. Interview with Ana, supra note 183.
328. See, e.g., Interview with Leticia, supra note 110; Interview with Roberta, supra note 173.
329. See, e.g., Interview with Alba, supra note 118; Interview with Leticia, supra note 110; Interview with Roberta, supra note 173.
330. See, e.g., Interview with Patricia, supra note 167.
331. Interview with Patricia, supra note 167.
have the same opportunities for jobs. . . Because everywhere you go now, they ask you for your papers." Consequently, Patricia explained, her main impetus for undergoing the VAWA process was to find employment: "I realized that . . . if I got papers, I could easily find a job."

Many of the women who did find work struggled with inconsistent pay, irregular hours, and feelings of vulnerability. Luisa, who now has a regular job with decent pay as a bus driver, recalled her days working without papers with frustration: "They would pay me in cash. I had to work a lot to make just a little money." Ana reported difficulties finding employment because "they ask you for your social security number everywhere." Even finding work, she pointed out, did not mean an end to insecurity or anxiety. To illustrate the vulnerability of working without papers, Ana shared that her daughter was recently fired from her steady job when her employers found out she was undocumented.

Some degree of exploitation is built into the experience of working without papers. In many ways, the power dynamic between employer and employee mirrors the abusive spousal relationship as it revolves around immigration status. The women are constrained not only by their institutional illiteracy, linguistic limitations, and gender and race experiences, but also by their lack of institutional, legal, and public recourse. Exploitation in the workplace is a lens into the way that undocumented women are sanctioned and controlled within the public sphere.

Leticia and Araceli were both manipulated by their employers as a direct result of their immigration status. Leticia was trapped by her employer, an acquaintance from Mexico with whom she worked as a babysitter and housekeeper. The woman scared her with stories of la migra and overloaded her with housework and childcare duties. Leticia was unhappy and overworked but felt that change was unavailable to her because "the doors were closed" to her. Being undocumented meant that she could not protest her treatment or freely seek alternative employment.

In Araceli's case, her employers were her relatives, who made unreasonable labor demands on her and her children. They were worked "from morning to night" in the family-owned grocery store and salon. Working without

332. Id.
333. Id.
334. See, e.g., Interview with Ana, supra note 180; Interview with Luisa, supra note 128.
335. Interview with Luisa, supra note 128.
336. Interview with Ana, supra note 180.
337. Id.
338. Id.
339. Interview with Leticia, supra note 110.
340. Id.
341. Id.
342. Id.
343. Interview with Araceli, supra note 45.
344. Id.
proper papers not only meant that they could not find other work, but also that they could not complain. There was no institutional support and no way to appeal their unjust treatment.

Leticia’s and Araceli’s stories evoke Grace Chang’s description of undocumented workers as a “superexploitable” labor force. They also demonstrate the limitations of viewing the public sphere as equalizing or liberating. Their experiences reveal some of the many layers of insecurity and exploitation that distance these women from simple narratives of recovery and escape.

It is important to recognize that employment was significant for these women’s lives beyond its direct financial effects. Because most of them reported being lonely, lacking friends, and feeling isolated, work played an important role in either exacerbating or ameliorating those feelings of alienation. Araceli, for example, expressed her disappointment at being unable to find work primarily in terms of the way it compounded her boredom and loneliness. For Araceli, the equation between employment and immigration status was simple: “I couldn’t have a job because I didn’t have papers.” Not having a job meant long stretches of empty and lonely hours: “I thought I would die. I came home each day. My children were at school. Some were at work. There was no furniture in my house to clean.” The result, she said, was that she spent her days “just sitting around.”

Even the women who worked before they received their papers often found the work lonely and alienating. Being undocumented and female often translates into being confined to jobs that exacerbated isolation. Because larger, more institutional employment options tended to be closed to them, a large portion of the women worked in private homes as housecleaners and nannies. Like Leticia, Margarita found herself working long hours alone in other people’s homes. Aside from being “vulnerable to exceedingly low pay and [being] trapped in an exploitative relationship,” women doing paid housework also work completely alone in unfamiliar settings. As Hondagneu-Sotelo points out, “the

346. See Interview with Araceli, supra note 45; Interview with Leticia, supra note 110.
347. See Interview with Araceli, supra note 45; Interview with Leticia, supra note 110.
348. See, e.g., Interview with Araceli, supra note 45; Interview with Leticia, supra note 110; Interview with Margarita, supra note 123.
349. See, e.g., Interview with Araceli, supra note 45; Interview with Leticia, supra note 110; Interview with Margarita, supra note 123.
350. See Interview with Araceli, supra note 45.
351. Id.
352. Id.
353. Id.
354. See, e.g., Interview with Leticia, supra note 110; Interview with Margarita, supra note 123.
355. See, e.g., Interview with Leticia, supra note 110; Interview with Margarita, supra note 123.
356. See Interview with Leticia, supra note 110; Interview with Margarita, supra note 123.
357. HONDAGNEU-SOTEO, supra note 9, at 200.
work itself occurs in isolation.  

These stories and observations have important consequences for the argument advanced by the battered women’s movement that work is empowering and increases public participation. Although some women found solace, liberation, and friendship in their jobs after receiving their work permits, it is crucial to consider the nature of the work in determining its effects on public participation and well-being. The disjunction between Leticia’s story of being trapped inside the house at which she worked as a nanny and the battered women’s movement’s correlation between work as a form of public participation and empowerment reveals some of the limitations of the perspectives and assumptions that often inform the battered women’s movement. Understanding the full range of battered women’s experiences demands not only an acknowledgement of the whole spectrum of their jobs but also a critical analysis of the social and political structures that disproportionately confine certain classes of women to certain types of jobs.

The economic component of these women’s experiences was important not just because it constituted a daily reality with which they struggled, but also because it represented another way in which their political identities led to hardship in the public sphere. Economic exploitation and exclusion represented additional obstacles that complicated these women’s real lives and experiences, compared to the battered women’s movement’s idealized path to personal liberation through public participation.

These women’s reflections on their relationships with their employers and their lack of labor entitlements and protections challenge conventional studies of domestic violence that tend to consider intimate abuse as if it occurs in a vacuum. Their stories reflect the importance of considering interlocking systems of abuse and marginalization rather than overlooking certain loci of abuse or separating them from the experience of intimate abuse.

To this end, the anti-essentialist feminists offer important perspectives to the battered women’s movement. Feminist scholars like Angela Harris, Marlee Kline, and Martha Minow have argued against additive notions of identity, which simply “add in” the diverse experiences of women to existing frameworks. These feminists challenge the women’s movement to listen seriously to the experiences, observations, and insights of diverse groups of women and to incorporate those findings into existing theories and prescriptions.

---

358. Id.
359. See, e.g., BERRY, supra note 36, at 195-200.
360. See Interview with Leticia, supra note 110.
363. See generally Martha Minow, FEMINIST REASON: GETTING IT AND LOSING IT, in FEMINIST
The need to reconsider and revise existing prescriptions, theories, and narratives is particularly evident where the women's experiences challenge the very assumptions underlying those prescriptions. These women's stories reveal that immigration status is inextricably tangled with their experiences of intimate abuse, and it informs both the nature of the abuse and their options for responding. The women overwhelmingly reported feeling excluded from the public sphere, afraid of law enforcement and public agencies, and economically exploited and insecure. They were very aware of the many consequences of their immigration status for their daily lives and their possibilities for self-assertion and social empowerment.

In this sense, these women's stories call on the battered women's movement to question and complicate its own fundamental dichotomy between the oppressive household and the liberating public sphere. They also point to the crucial importance of social structures in shaping these women's relationships and their participation in the public sphere. The women's voices reveal the multiple personal, political, and social dimensions of abuse and marginalization that are at play in their lives.

The battered women's movement offers some important insights into the experiences of the women interviewed. The women's experiences, in many ways, confirm and illustrate how public participation can be liberating and empowering for battered women. Once these women finally found an avenue for legalization and gained their citizenship, they generally did participate more vigorously and comfortably in the public sphere, and many of them were able to begin rebuilding their lives. Their sense of cultural citizenship and their access to the public sphere, of course, continue to be marked by their race, linguistic ability, and past experiences of discrimination and exclusion. Nonetheless, it is important to recognize how going to school has increased Alba's sense of purpose and self-sufficiency, how attending a support group has decreased Leticia's feelings of alienation and hopelessness, and how obtaining a job as a bus driver has helped Luisa build her self-confidence and turn San Jose into a safe and peaceful home.

The battered women's movement captures some very important elements of the experience of abuse and the challenge of overcoming it for these women. The movement has succeeded in recognizing many of the personal,

---


364. See, e.g., Interview with Alba, supra note 2; Interview with Leticia, supra note 110; Interview with Luisa, supra note 128; Interview with Roberta, supra note 173.

365. See, e.g., Interview with Alba, supra note 2; Interview with Leticia, supra note 110; Interview with Luisa, supra note 128; Interview with Roberta, supra note 173.

366. Interview with Alba, supra note 118; Interview with Leticia, supra note 110; Interview with Luisa, supra note 154.

367. See, e.g., DOBASH & DOBASH, supra note 210; MACKINNON, supra note 223; Kline, supra note 208.
psychological, and relational dynamics of abusive relationships. In responding to those concerns, however, the movement has tended to overlook many of the contingencies, identities, and political experiences that characterize and inform women’s lives.

CHAPTER 3

IN THEIR OWN WORDS: DRIVER’S LICENSES AND “SAFETY” AS LENSES

The tendency to overlook the public, social, legal, and political dimensions of these women’s lives is not limited to the battered women’s movement. Consideration of structural components their lives is strikingly absent from both the battered women’s movement and the discourse about immigrant social networks. Each piece of literature offers important insights into these women’s experiences, but neither discourse listens attentively enough to their voices to recognize the ways in which law and politics have shaped and continue to shape their daily lives and experiences.

This chapter focuses narrowly on the voices and perspectives of the women I interviewed. Drawing on their reflections about their driver’s licenses and their notions of safety, the chapter reveals the depths to which these women are concerned about and affected by their social entitlements and legally constructed identities. The goal in this chapter is to reveal that a whole layer of legally shaped identity and entitlement underlies these women’s actions and relationships both in the home and in the public sphere.

Driver’s Licenses

One interesting way to capture the dimensions of public and social marginalization that are often omitted from discourses purporting to describe women’s lives is through their stories about their driver’s licenses. By exploring the women’s reflections on their driver’s licenses, I will try to draw out the importance of social identity and public entitlements to the women’s experiences and consciousness. Considering these women’s stories about their driver’s licenses against the discourse, tone, and terminology of the battered women’s movement offers insights into the limitations of the movement and its prescriptions. More broadly, it paves the way for a sensitive portrayal of these women’s lives that draws on the strengths of the battered women’s movement and the social networks discourse and also incorporates contextual and structural analysis.

I became aware of the importance of the driver’s license and its complex meanings only because the women I interviewed consistently referred to their

368. See, e.g., DOBASH & DOBASH, supra note 210; MACKINNON, supra note 223; Kline, supra note 208.
369. See, e.g., DOBASH & DOBASH, supra note 210; MACKINNON, supra note 223; Kline, supra note 208.
In fact, the women talked about their driver's licenses—obtaining them, wanting them, and the experience of not having them—in all but one interview. In most of those interviews, the women raised the topic independently in the context of explaining their experiences, desires, frustrations, and goals.

California law requires drivers to show proof of legal immigration status in order to qualify for driver's licenses. Driver's licenses were not always restricted to people with proof of their legal immigration status, but state law changed in 1993 to exclude undocumented immigrants. In fact, two of the women I interviewed came to the United States early enough to obtain their driver's licenses as undocumented immigrants before the laws changed.

More recently, laws surrounding driver's license eligibility have returned to the public spotlight. After twice vetoing a bill that would have allowed undocumented immigrants to obtain driver's licenses, Davis signed a similar bill into law in September 2003. The law had not yet taken effect when Governor Schwarzenegger took office and signed the repeal of the law less than two months later. Although Schwarzenegger has expressed his interest in working with Democrats to rewrite the bill with greater attention to national security concerns, undocumented immigrants in California continue to be ineligible for driver's licenses. As will be demonstrated, this political discourse and the laws

370. See, e.g., Interview with Alba, supra note 2; Interview with Ana, supra note 180; Interview with Araceli, supra note 45.
371. See, e.g., Interview with Alba, supra note 2; Interview with Ana, supra note 180; Interview with Araceli, supra note 45.
374. See Interview with Luisa, supra note 154; Interview with Margarita, supra note 123.
375. Less than a year after vetoing a similar bill, AB60, former Governor Gray Davis signed SB60 into law. SB60 was a bill sponsored by Los Angeles Senator Gil Cedillo and would have allowed undocumented immigrants to apply for driver's license and using Individual Taxpayer Identification Numbers in place of social security numbers, effectively overturning the restrictions put into place under Wilson's administration. Lydna Gledhill, Immigrant Driver License Repeal Passes, THE S.F. CHRON., Dec. 2, 2003, at A-4; see also Jim Sanders, California Governor Vetoes Immigrants' License Bill, SACRAMENTO BEE, Oct. 1, 2002, at 1.
377. Governor Schwarzenegger is reportedly in meetings with Senator Cedillo to discuss revisions to the driver's license eligibility bill. He has expressed an interest in including background checks for applicants to the law, but no timeline for release of a revised bill has been released. Jim Sanders Ed Fletcher, Drivers License Repeal Stalled, SACRAMENTO BEE (Nov. 19, 2003), http://www.sacbee.com/content/politics/ca/v-print/story/7812650p-8753556c.html (last visited Mar. 10, 2004); see also Andrew LaMar, Schwarzenegger Greets Loan Ruling
surrounding driver's license eligibility have powerful effects on these women's daily realities.

The Battered Women's Movement and Driving as Mobility

The battered women's movement does not appear to have addressed driver's licenses specifically, but the discourse of the movement has important implications for the way licenses might be conceptualized. As demonstrated, the battered women's movement engages in rigorous discussions about power, independence, and mobility. The discourse views the home as a site of isolation that exacerbates abuse: "The more isolated a woman becomes, the more abuse robs her of her strength." Accordingly, women are encouraged to take independent action and to make independent decisions: "Take back the power that you've surrendered . . . specifically the power to own and take charge of your own body, thoughts, feelings, choices, and actions.

Consequently, the battered women's movement would be likely to celebrate driver's licenses insofar as they confer upon women the ability to drive. From this perspective, the driver's license is significant because driving gives women independence, mobility, agency, and access to social support. Women who can drive have more control over their actions and movements; they are less dependent on their husbands. Women with driver's licenses can access resources such as shelters and legal assistance organizations that might otherwise be inaccessible. They also have a greater sense of their physical ability to escape from their husbands. Simply put, driving is empowering because it provides physical mobility in the absence of socialized transportation systems.

Certainly, the actual privilege of driving was crucially important to the women I interviewed. Driving gave them a sense of self-sufficiency and independence. Without being able to drive, they felt powerless and dependent on their husbands and other relatives. Most of these women lived in rural areas with virtually no public transportation. Many of them lived ten to fifteen miles outside larger towns or cities and had no reliable access to those cities except by

---

378. See, e.g., DOBASH & DOBASH, supra note 210; MACKINNON, supra note 223; Kline, supra note 208.

379. JONES & SCHECHTER, supra note 234, at 200.

380. Id.

381. See, e.g., Interview with Alba, supra note 2; Interview with Ana, supra note 180; Interview with Araceli, supra note 45.

382. See, e.g., Interview with Alba, supra note 2; Interview with Ana, supra note 180; Interview with Araceli, supra note 45.

383. See, e.g., Interview with Alba, supra note 2; Interview with Ana, supra note 180; Interview with Araceli, supra note 45.

384. See, e.g., Interview with Leticia, supra note 110; Interview with Margarita, supra note 123; Interview with Patricia, supra note 2.
Without subway systems or comprehensive bus service, the women overwhelmingly depended on cars to get around, even to go to the grocery store or to pick their children up from school.\footnote{385}{See, e.g., Interview with Leticia, supra note 110; Interview with Margarita, supra note 123; Interview with Patricia, supra note 2.}

Roberta, for example, recounted wearily that her only means of transportation before she had her papers was pilfering rides from her relatives: “I had to ask for rides all the time. From my brothers, from my in-laws.”\footnote{387}{Interview with Roberta, supra note 173.} In a town like Roberta’s, even a trip to the post office or grocery store required driving.\footnote{388}{Id.} The constant calculations about meeting her basic needs gave Roberta a strong sense of her own dependency.\footnote{389}{Id.}

Margarita did not experience the same anxiety over her driver’s license, but she was nonetheless aware of the importance of being able to drive for her own independence and well-being.\footnote{390}{Id.} Margarita came to Napa in 1988 and managed to get her driver’s license before the laws changed.\footnote{391}{Id.} She was very clear that having her own license gave her a sense of independence from her abusive spouse: “I got it right away because I needed to do things without my husband.”\footnote{392}{Id.}

The ability to drive translates in very real ways to access to resources and support structures. Leticia, for example, lives in a tiny town about twenty miles outside Modesto, California. Her town has a grocery store, a post office, and a few restaurants, but little else. All the shelters, legal agencies, and social service offices are in Modesto.\footnote{393}{Interview with Leticia, supra note 110.} Leticia spoke highly of her support group and her counselor, which were provided through a nonprofit Modesto-based family services organization.\footnote{394}{Id.} The services have made an important difference in her life, but accessing them has been completely contingent on her driver’s license.\footnote{395}{Id.} “It has been pretty difficult because I live here. . . . Everything is in Modesto.”\footnote{396}{Id.}

Patricia was among the most isolated of the women I encountered. She had few friends or relatives and felt overwhelmed by responsibilities of caring for her
three children. Patricia expressed that she felt beleaguered and unsupported, but support groups and counselors seemed out of the question for her. She had received her VAWA approval only shortly before our meeting and still had not obtained her driver’s license: “They told me about [support groups and counselors], but I told them I couldn’t do it because I don’t have a car and I find it very difficult to get around.”

For many of these women, the inability to drive contributed to a general sense of unease, disorientation, and dependence. Alba’s story reflected the strength of the battered women’s movement’s evaluation of the driver’s license. In her case, not being able to drive translated into feeling constantly vulnerable and disoriented. Gaining the privilege to drive made her feel empowered in relation to her husband and altered the gender and power dynamics to which she had become accustomed.

Recalling the days before she received her VAWA authorization and driver’s license, Alba remembered feeling generally overwhelmed and daunted by her surroundings. Although she drives “all the time” now, not being able to drive factored heavily into that previous sense of powerlessness.

For Alba, being able to drive fundamentally altered the way she related to her husband and the way she conceived of herself. She referred to obtaining her driver’s license as “the change” and presented it as the defining experience in her emergence from the hard times that characterized her early years in the United States. The ability to drive, she explained, had fundamental implications for the family power dynamic: “[I]t’s different in Mexico. If you have a car, [your husband] drives it. And my family was the same. My dad had a car, but my mom and I didn’t have it.” In that sense, being able to drive was, as suggested by theories, central to becoming more independent, self-directed, and empowered.

But the physical mobility represents only one aspect of the transformative effects of the driver’s license for these women. To view the driver’s license only in terms of its mainstream meaning is to overlook the complex interaction of identity and experience that takes place in these women’s lives. The driver’s license does not just confer the privilege of driving; it also offers security and a sense of entitlement in being acknowledged and granted a legal identity by the State. Being able to drive does allow women the physical mobility to defy the

397. See Interview with Patricia, supra note 2.
398. Id.
399. Id.
400. See, e.g., Interview with Leticia, supra note 110; Interview with Patricia, supra note 2.
401. Interview with Alba, supra note 2.
402. Id.
403. Id.
404. Id.
405. Id.
406. Id.
entrapped by their husbands, but obtaining a driver’s license also offers the women reprieve from the social exclusion, vulnerability, and marginalization that is imposed more consistently, broadly, and socially.

Licenses as Public Identity

The notion of the driver’s license as State recognition, as identification ("ID"), and as political identity was much more pervasive in my interviews than the more conventional definition of the driver’s license as a permit to drive. 408 The women couched their discussions of the license in terms of safety, security, and access.

Before obtaining their licenses, many of these women had no photo identification at all. 409 One woman, whom I helped with a VAWA petition several years ago, explained to me that, when crossing the border without papers or with false documents, the last thing she wanted was to be in possession of photo identification that revealed her nationality. As a consequence, many undocumented immigrants lack any form of identification that links their names to pictures. Roberta, for example, recalled that she did not have anything when she came from Mexico. 410 In Mexico, she elaborated, “you only got an ID . . . if you vote for the government. I only had a birth certificate.” 411 And although that was sufficient while she was in Mexico, Roberta explained, it caused significant problems for her life in the United States. 412

As these women pointed out, the lack of photo identification translates in many ways to the complete lack of public identity. 413 Previous clients of mine had endless stories about the difficulties of life without identification—the daily challenges posed by basic activities such as enrolling children in school, signing up for social programs, buying alcohol, writing checks, boarding trains or planes, and joining courses in English as a Second Language, among other things. For example, one woman with whom I worked at Legal Aid told me a story about taking a skirt to the dry cleaners. She had left the skirt at the dry cleaners with her name and phone number. When she went to pick it up, the dry cleaners insisted on seeing photo identification to verify that she was indeed the owner of the skirt. Unable to provide any evidence linking her face to her name, the client left the dry cleaners and never saw the skirt again.

Not having a driver’s license has more pervasive effects, of course. In describing the importance of having received her driver’s license, Araceli told me, with audible relief, “It is easier because before I couldn’t even have an account at the bank because they ask for an ID and social security number everywhere everywhere

408. See Interview with Leticia, supra note 110; see also Interview with Patricia, supra note 2.
409. See, e.g., Interview with Ana, supra note 180; Interview with Roberta, supra note 173.
410. Interview with Roberta, supra note 173.
411. Id.
412. Id.
413. See, e.g., Interview with Leticia, supra note 110; Interview with Patricia, supra note 2.
you go." Leticia echoed that concern when she reported that before she got her driver’s license, she could not even cash a check.

The sense of complete exclusion from the institutions and practices of society has important consequences for social participation and for any notion of cultural citizenship. For these women, not having an ID translates into constant scheming, worrying, and planning about contact with the public sphere. As Roberta pointed out, “You go with fear because you don’t know what is going to happen.”

Lacking an ID and the entitlements implied therein creates a constant sense of vulnerability outside the home.

**Interactions with the State**

The women’s reflections on their relationship with the police demonstrated a sense of precariousness and necessary deviance. Most of the women I interviewed reported that they had driven before they were licensed drivers. Basic necessity required them to drive, but the experience of doing so created a constant sense of deviance, lawlessness, and vulnerability. There was a sense of constant guilt, and an assumption that the police could stop them at any time. Patricia expressed this sense of fear and vulnerability: “I was worried before about the police because they always take your car away if you don’t have a license.” The term “always” is particularly significant in Patricia’s quote because it suggests a sense of constant vulnerability associated with being undocumented.

In fact, several of the women were caught driving without licenses by the police. Each woman sadly recounted her story, which, in every case, culminated in the loss of the woman’s car and a greater sense of her own “illegality.”

Patricia recounted a formative experience in which she was caught driving without a license: “The lady next door asked me once for a ride at 10 p.m. When I was driving, the light on the back was broken a bit. The police stopped me to tell me, but they found out I didn’t have a license, so they took my car away.” That was the last Patricia saw of her car because “it was $1000 to get it back, so I never got it back.” Ana had a similar experience and recalled feeling powerless for fear of deportation: “Once the police got me and took my car. I just

---

414. Interview with Araceli, supra note 45.
415. Interview with Leticia, supra note 110.
416. Interview with Roberta, supra note 173.
417. See, e.g., Interview with Leticia, supra note 110; Interview with Patricia, supra note 2.
418. See, e.g., Interview with Leticia, supra note 110; Interview with Patricia, supra note 2.
419. See, e.g., Interview with Leticia, supra note 110; Interview with Patricia, supra note 2.
420. Interview with Patricia, supra note 2.
421. See, e.g., Interview with Ana, supra note 180; Interview with Patricia, supra note 2.
422. See, e.g., Interview with Ana, supra note 180; Interview with Patricia, supra note 2.
423. Interview with Patricia, supra note 2.
424. Id.
came walking home. I was afraid of being sent back to Mexico. These experiences confirmed and deepened the women's feelings of marginalization, vulnerability, and illegality.

In this sense, the driver's license is about access and entitlement. Having a driver's license affirms an individual's legal existence and guarantees her basic rights to safety and public protection. At some level, the driver's license transforms the State and public sphere from adversaries into supporters and protectors. As these women have shown, the public sphere is dangerous and frightening without that simple proof of belonging, access, and privilege.

The women clearly articulated how not having an ID made them feel insecure. Recalling the days before she obtained her license, Ana said, "I had no license and no ID. I was always scared." For Luisa, the equation was very simple: "You feel afraid when you don't have a license or ID."

It is not surprising, then, that so many of the women I interviewed correlated their driver's licenses with feelings of happiness and security. Araceli, for example, described herself as fairly unhappy in her current situation, but nonetheless described her driver's license emotionally, in terms of its effects on her feelings and well-being: "I am happy in a way because now I have a license and ID." Ana, too, spoke emotionally about her driver's license: "I feel much more comfortable."

Leticia said that receiving her driver's license made her feel "much safer."

Understanding the importance of driver's licenses to these women's lives demands recognition of the central role they play in affirming the women's political identities. The significance of their driver's license is intricately connected to these women's complex experiences of vulnerability and exclusion in the public sphere. The conventional conceptualization of the driver's license overlooks its fundamental importance for these women because it focuses only on the direct abuse from the batterer and fails to recognize the women's multiple experiences of marginalization.

The driver's license example is particularly illuminating because it demonstrates that while the battered women's movement has taken important steps in acknowledging, affirming, and responding to the experiences of this group of abused women, the dominant discourse that has been advanced remains limited and incomplete. Mobility and access to resources are important to the lives and experiences of the women interviewed. But without recognizing the importance of a basic sense of identity, entitlement, and belonging, the discourse about mobility and access is inconsequential. In order to offer relevant and empower-

425. Interview with Ana, supra note 180.
426. Id.
427. Interview with Luisa, supra note 128.
428. Interview with Araceli, supra note 45.
429. Interview with Ana, supra note 180.
430. Interview with Leticia, supra note 110.
431. See, e.g., Interview with Alba, supra note 2; Interview with Araceli, supra note 45.
ing prescriptions to a more diverse range of battered women, the movement must consider the interlocking experiences of personal and social abuse that shape women’s options, possibilities, and daily realities. Until the movement recognizes the dynamics of privilege, exclusion, and risk within the public realm, it runs the risk of further marginalizing the very women it seeks to empower.

The current challenge for the battered women’s movement is to listen to and incorporate the experiences of women like the ones in this study into their prescriptive canons. The next step for the battered women’s movement may be to consider not only battering spouses, but also marginalizing and discriminatory social and legal institutions.

“Safety” as a Lens

This thesis creates a conversation between the battered women’s movement and the social networks discourse on immigrants’ adaptation because they have important implications and insights for one another. My aim is to integrate these women’s perspectives into the dialogue between the two central discourses and to draw out the limitations and possibilities for each discourse in order to offer a stronger depiction of the women’s realities.

One way to integrate these women’s perspectives into that dialogue is by exploring the disjuncture between the women’s ideas of safety and the ideas of safety advanced in the respective literatures. Focusing narrowly on the women’s references to comfort, safety, and security reveals both the important contributions of each literature to understanding the women’s concerns and experiences, and also the degree to which public entitlement and social identity is overlooked as a crucial element of safety in these women’s lives. In this manner, “safety” operates as a lens to examine how the women’s voices are both amplified and silenced in the battered women’s movement and the immigrant networks discourse.

Safety is a central concern and a prominent topic in the battered women’s movement. The movement has defined itself around its insistence that women have a basic entitlement to safety. The battered women’s movement is famous for slogans such as “Know Your Rights,” “You Have a Right to Safety,” and “Every Woman Is Entitled to Safety in her Home.” In many ways, the battered women’s movement is about encouraging women to assert their rights to safety and security and advocating for laws and institutions that support them in doing so. In this discourse, safety and security are defined as the absence of violence,


434. Id.
intimidation, and coercion. The battered women's movement views safety as safety from violence, from harassment, and from spousal abuse.

Insofar as the social networks discourse considers safety and security, it complicates and expands these conceptualizations. The discussion of safety as freedom from violence is one part of a larger understanding of safety in the social networks literature. Alejandro Portes and Ruben Rambaut discuss, for example, the way that social networks can provide physical safety from the dangers of the larger society. More generally, there is a notion implicit in the segmented assimilation discourse about safety as freedom from the ills of the larger society—social, moral, and physical.

But more important for this discussion is the concept advanced by the social networks discourse of safety as social and economic mobility. This notion is particularly prominent in ethnic enclave economics, in which safety implies relief from economic vulnerability and precariousness. The social network is valuable largely because it offers the social capital to facilitate faster and more enduring economic integration and assimilation. Safety is the sense of stability and integration that grows out of economic participation and progress. In this sense, security is achieved and reached. Unlike the battered women's movement's definition of safety as a default state, the social networks discourse views safety as a positive and active state.

From Their Perspectives

Safety is a central topic of concern and discussion for the women interviewed. They talked about feeling unsafe and insecure; they told stories about their experiences of fear and anxiety. Many of the women discussed the importance of feeling safe and of reaching a point where they finally felt secure and comfortable. Understanding the way these women defined and understood their personal safety reveals the complexities of what Crenshaw would call their "intersectional" identities. Through the lens of safety emerges a suggestion that social entitlement and public identity underlie these women's notions of

436. See generally Duncan & Lieberson, supra note 63; Portes & Zhou, supra note 63.
437. See, e.g., Gilbertson, supra note 33; Hagan, supra note 33; Sanders & Nee, Immigrant Self Employment, supra note 33; Sanders & Nee, Limits of Ethnic Solidarity, supra note 33; Zhou & Logan, supra note 33.
438. See, e.g., Gilbertson, supra note 33; Hagan, supra note 33; Sanders & Nee, Immigrant Self Employment, supra note 33; Sanders & Nee, Limits of Ethnic Solidarity, supra note 33; Zhou & Logan, supra note 33.
439. Zhou & Logan, supra note 33, at 809.
440. See generally Schechter, supra note 432.
441. See, e.g., Interview with Alba, supra note 118; Interview with Araceli, supra note 45.
442. See, e.g., Interview with Alba, supra note 118; Interview with Araceli, supra note 45.
443. See, e.g., Interview with Alba, supra note 118; Interview with Araceli, supra note 45.
444. See Crenshaw, supra note 31.
safety and that entitlement and identity are absent from conventional accounts of
the women’s lives and experiences.

These women use “safety” in ways that complicate and expand traditional
definitions of safety, as applied to both immigrants and battered women. Their
notion of safety does not exclude the definitions employed by the battered
women’s movement or the networks discourse, but instead extends beyond them.
As they employ the term, “safety” encompasses both freedom from violence, as
the domestic violence movement might suggest, and economic security, as the
networks literature employs. Above all, the women conceptualize their “safety”
as a state of stability that comes from a secure legal and political identity. Their
sense of safety is intricately tied to the political and legal structures, thereby add-
ing an important dimension to the discourse surrounding safety and security in
both immigrant communities and for survivors of domestic violence.

Interestingly, the women seldom discussed safety in the manner suggested
by the battered women’s movement. They talked about their “seguridad” and
feeling “segura” throughout their interviews, but they almost never raised the
topic of safety with regard to their relationships with their abusive
husbands.445 This is not to imply that the abuse did not form an important layer of the
women’s anxiety or feelings of insecurity. To the contrary, their stories clearly
demonstrated that the abuse from their husbands was inextricably tied to the
women’s feelings of entrapment and vulnerability. It is nonetheless interesting
and important that the women expressed their feelings of insecurity less in terms
of their intimate and social relationships, and more in regard to their structural
and social experiences.

The social networks discourse that offers the notion of safety as a positive
state of entitlement is certainly reflected in the women’s stories. When asked
about her feelings since receiving her papers, Luisa said she felt “much safer . . .
[b]ecause the attorney told me that I will now receive my residence.”446 Receiving
her legal permanent resident status, she explained, was crucial because it
meant that “[s]he can work.”447 Roberta, too, described eligibility to work and
earn money in terms of safety: “I feel safer leaving and now I am looking for a
job. I feel more freedom. I don’t feel that I will be turned away.”448 Roberta’s
comment demonstrates that the ability to work plays a significant role in her
sense of her own safety.

There is more to these women’s conceptualizations of their safety than just
a need for financial comfort or a desire for economic advancement. In many
ways, as important as economic security is for these women, it is best understood
as an outcome of addressing the underlying system of exclusion and the source
of anxiety. Underpinning all of these women’s discussions of safety is their fun-

---

445. See Interview with Araceli, supra note 45; see also Interview with Alba, supra note 2. The
    literal translation of segura is safe, and the literal translation of seguridad is safety.
446. Interview with Luisa, supra note 128.
447. Id.
448. Interview with Roberta, supra note 173.
damental need for political, legal, and social safety that is not implied in the definition of safety advanced by either discourse.

Catalina’s reflections revealed that the meanings of safety are too layered and intertwined for any single definition to suffice. Her discussion of her experiences reveals the degree to which her sense of security was entangled with her experiences of legality and social inclusion.

It helps so, so much to have my papers. It made a huge difference to me. It gave me the chance to go to school, to get a diploma, to work. The papers gave me a chance to give my children a roof over their heads and things to eat. And give them an environment that I never had, where nobody can touch them. 449

Catalina’s quote considers both physical and economic security and, interestingly, the degree to which she views them as interconnected. Making money, she explained, enabled her to create and maintain a zone of safety. 450 Catalina’s comment reveals how economic vulnerability can lead to and exacerbate physical insecurity. Throughout the interview, Catalina expressed her dedication to protecting her and her children’s physical safety through economic mobility and security. 451 Her story demonstrates that the meanings of safety in her life were too complex and interwoven for any single or static definition to suffice.

It is important to recognize that Catalina’s narrative of safety, economic or otherwise, was premised on obtaining her papers. She described finding work and creating a safe life for her and her daughters as completely contingent on acquiring her immigration papers and obtaining legal recognition from the state. 452 In fact, every mention of safety, security, and comfort throughout the interview process revolved around the women’s legal and political identities. 453 Experiences of feeling safe and unsafe were always raised in reference to legality and illegality, entitlement and exclusion. 454 At some level, all of the women’s discussions of safety extended beyond physical and economic concerns to issues of social entitlement, legal protection, and belonging. 455

The women’s stories of fear and insecurity almost exclusively revolved around their immigration status. Recall, for example, that Ana’s principle characterization of her life before VAWA authorization was in terms of the fear and vulnerability from the lack of immigration papers: “I had no license and no ID. I was always scared.” 456 Leticia, too, described her intense feelings of fear while living without immigration papers; describing the way people screamed, “La mi-

449. Interview with Catalina, supra note 130.
450. Id.
451. Id.
452. Id.
453. See, e.g., id.; Interview with Ana, supra note 180; Interview with Catalina, supra note 130.
454. See, e.g., id.; Interview with Ana, supra note 180; Interview with Catalina, supra note 130.
455. See, e.g., id.; Interview with Ana, supra note 180; Interview with Catalina, supra note 130.
456. Interview with Ana, supra note 180.
In the same way that their stories about insecurity are linked to social and structural experiences, the women’s references to safety were similarly tied to their legal entitlements and identities. Roberta, for example, talked about her own safety in terms of the comfort and freedom she achieved when she finally obtained her papers. Explaining the changes in her life since receiving VAWA authorization, Roberta said, “I feel safer leaving. . . . I feel more freedom.”

The women unanimously used words about safety and security to describe the experience of becoming legally recognized individuals. Leticia said she felt “much safer” after she received her papers because they enabled her to drive, carry photo ID, and exercise the basic privileges implied therein. When Ana said she felt “much more comfortable” once she had her immigration papers, she illustrated her comment with a story: “Once the police got me and took my car. I just came walking home. I was afraid of being sent back to Mexico.” That “comfort,” Ana’s statement suggested, was the result of no longer living with the kind of political powerlessness and vulnerability demonstrated in her interaction with the police.

From the women’s voices, stories, and opinions emerges a concept of safety that includes the battered women’s movement’s concerns about physical safety and the network discourse’s interest in economic security, but also adds a crucial dimension of political security and entitlement. This is a concept of safety not only from abuse and exploitation, but, importantly, safety to engage in the wider society without risk and marginalization. Safety, as these women used and discussed it, implies a set of political entitlements, guarantees, and protections.

In Sum

These women’s reflections about their driver’s licenses and their notions of safety point to a level of fundamental security and entitlement which underpins their relationships, their sense of their own possibilities, and their access to dominant prescriptions and discourses. Their intersectional identities as undocumented immigrants and battered women create a unique set of needs and priorities in which basic legal access and entitlement are fundamental.

It is that dimension of these women’s experiences, fears, and needs that is often excluded from the theories and prescriptions that claim to capture their experiences. By overlooking the political, social, and historical processes that shape these women’s identities and possibilities, the theories cannot capture an essential element of these women’s experiences as battered women and as immi-

---

457. Interview with Leticia, supra note 110.
458. Interview with Roberta, supra note 173.
459. Id.
460. Interview with Leticia, supra note 110.
461. Interview with Ana, supra note 180.
grants within their social networks. This limitation in existing discourses points to the need for more contextually sensitive frameworks of analysis and echoes the previous two chapters in calling for a more rigorous consideration of the role of laws and politics in these women’s lives and experiences.

CHAPTER 4

THE LEGAL CONSTRUCTION OF THE UNDOCUMENTED IMMIGRANT

Listening to the women’s reflections about their social entitlements reveals the important role of the law in shaping their experiences and identities. To take their specific set of possibilities and restrictions for granted is to participate in the reification of the political and legal systems that create and perpetuate those identities and (dis)entitlements.

This chapter considers some of the specific legal and political forces at work in these women’s lives and seeks to denaturalize their status and entitlements as “illegal” immigrants. This chapter considers the production of political identities through laws such as the 1986 Immigration Reform & Control Act, Proposition 187, California laws regarding driver’s license eligibility, the U.S.A. PATRIOT Act, and the Homeland Security Act. This chapter examines the ways in which these laws and the surrounding social attitudes and discourses shape the social meanings of “illegality” and the political entitlements of undocumented immigrants. By considering these women’s biographies in their legal and temporal context, this chapter draws out the specific ways in which legal narratives construct undocumented identities and the myriad and unexpected ways in which those legal macrostructures filter into the women’s daily realities.

“Illegality” and its Legal Construction

The concept of “illegal alien” or “undocumented immigrant” is a legal categorization created and made meaningful by U.S. immigration laws. Although these women’s stories reveal the very real experiences of “illegality” for immigrants, this categorization is neither inherent nor natural, but rather legal and political. In fact, in the long history of U.S. immigration laws, it was only in the last few decades that “illegal alien” became a distinct identity with powerful

consequences for the everyday interactions and experiences of the individuals who fall within that category.

The United States-Mexico border has not always been a place of conferred identities, and the individuals who cross it have not always been regarded as "illegal aliens." As discussed briefly in the introduction, the history of the United States-Mexico border is marked both by periods of remarkable openness and eras of extreme restriction. Hondagneu-Sotelo shares a telling quote from her fieldwork that emphasizes the historical specificity of the current border arrangement and this period of tremendous restriction: "It's not Mexicans but California that migrated to the United States." This quote refers to the fact that until 1848, much of the southwestern United States was part of Mexico, and thus recalls a time of drastically different immigration laws and identities.

The history of U.S. immigration policy toward Mexico includes shifting physical borders, eras of labor recruitment, encouraged migration such as under the "bracero program," as well as moments of extreme exclusion which are epitomized by recent initiatives such as San Diego's "Operation Gatekeeper," which has directed millions of dollars to increase border security. Recognizing this turbulent and changing history of the United States-Mexico border challenges the tendency to regularize the contemporary border situation and the current state of U.S. immigration law. Even the most cursory historical contextualization of immigration law and border politics highlights the degree to which these women are products of a specific historical and political moment.

In fact, the construction of the contemporary "illegal" identity can be traced largely to the passage of the 1986 Immigration Reform & Control Act ("IRCA"), which affirmed "illegal aliens" as a subordinate category by offering legalization to some undocumented immigrants while denying it to others. The Act simultaneously imposed employer sanctions designed to discourage the settlement of those immigrants who were not offered legal status.

---

467. See generally HONDAGNEU-SOTELO, supra note 9; De Genova, supra note 37.
468. See HONDAGNEU-SOTELO, supra note 9; De Genova, supra note 37.
469. HONDAGNEU-SOTELO, supra note 9, at 19.
470. Id.
describes the law as having three major provisions: "the establishment of employer sanctions against those who knowingly employed 'illegal' immigrants"; the creation of an "amnesty" program that offered immigrants who had been continuously present in the United States since January 1, 1982 an opportunity to apply for permanent resident status; and the establishment of three classes of immigrant agricultural workers eligible for legalization.474 Taken in sum, these provisions solidified the category of "illegal immigrant" as a distinct, outlawed, and marginalized social group.

All three of IRCA's major provisions were significant in constructing contemporary undocumented identities and, more specifically, in shaping the opportunities and experiences of the women interviewed. By legally excluding them from participation in the workforce, the law placed undocumented workers in a position of complete vulnerability and powerlessness in relation to their employers (who needed only to prove they had seen immigration papers, not that they had verified their authenticity).475 The imposition of sanctions also effectively deprived the undocumented workers of legal recourse and social support in instances of workplace exploitation, the results of which are well illustrated by Leticia and Araceli's stories of manipulation by their employers and their lack of institutional recourse in responding to the abuse.476

Beyond the economic exclusion and marginalization, IRCA's employer sanctions created a culture of "paper-checking."477 The consciousness of immigration status that had previously been confined to border patrols and check points began to infiltrate the rest of the country.478 IRCA was significant insofar as it demanded that immigration papers be produced for everyday activities within the nation-state.479 As De Genova points out: "The spatialized condition of 'illegality' reproduces the physical borders of nation-states in the everyday life of innumerable places throughout the interiors of migrant-receiving states."480 The stories of the women in this study certainly demonstrate the degree to which that consciousness of immigration status and the culture of "paper-checking" has spread beyond the national borders. Their words are testaments to the power of immigration law and its ability to create marginalized identities and a culture of fear even hundreds of miles north of the border.

The amnesty component of IRCA, which granted certain classes of migrants opportunities for legalization, had very real and tangible consequences for the women I interviewed. Of the six husbands in the study who were immi-

474. Chang, supra note 345, at 262-63.
475. See, e.g., id.; HONDAGNEU-SOTELÓ, supra note 9, at 26-27; De Genova, supra note 37.
476. Interview with Araceli, supra note 45; Interview with Leticia, supra note 110.
477. HONDAGNEU-SOTELÓ, supra note 9, at 26; see also DeGenova, supra note 37.
478. See De Genova, supra note 37.
479. Id.
480. Id. at 439.
grants, five had received their papers through the IRCA amnesty. Given the multitude of avenues for immigration status available under U.S. immigration law, it is important to note that such an overwhelming majority of the husbands obtained their papers through IRCA legalization.

Scholars have written about IRCA as a gendered law insofar as it resulted in gendered flows of migrants. The 2.7 million immigrants granted amnesty under IRCA were shortly followed by a huge wave of wives, girlfriends, and families migrating to the United States for family reunification. It is important also to recognize the degree to which access to IRCA was gendered. The specific IRCA provisions that offered legalization to various classes of agricultural workers clearly privileged male immigrants because agricultural workers are disproportionately male. No equivalent provision was available, for example, to nannies and housecleaners, or even to hotel workers and hospital aides, which are predominantly female positions.

But even the main amnesty provision, which was theoretically available to any immigrant who could prove his or her continuous residence in the United States for the previous six years, was gendered in access and outcome. The law’s documentary requirements placed the burden on immigrants to prove they had resided in the United States continuously for the necessary time period. Many immigrants fulfilled that requirement by collecting letters from their employers in the fields. Access to that kind of documentary proof was far less accessible to women, who may not have worked continuously due to childrearing, or who worked irregular jobs under individual employers. In fact, the very access to information about the IRCA process was gendered, as immigrants who work in isolation or spend more time in the home have less access to information, advice, and assistance from other immigrants undergoing the process. The legal provisions themselves, as well as the information and institutional ac-

---

481. See, e.g., Interview with Leticia, supra note 110; Interview with Margarita, supra note 123; Interview with Patricia, supra note 2.
482. See, e.g., HONDAGNEU-SOTELO, supra note 9; George J. Borjas, The Economic Impact of Mexican Immigration, in COMING TOGETHER? MEXICO-U.S. RELATIONS 155 (Barry P. Bosworth et al. eds., 1997).
483. Borjas, supra note 482; see also HONDAGNEU-SOTELO, supra note 9.
484. See generally HONDAGNEU-SOTELO, supra note 9; Borjas, supra note 482.
485. See generally HONDAGNEU-SOTELO, supra note 9; Borjas, supra note 482.
487. See HONDAGNEU-SOTELO, supra note 9; Borjas, supra note 482; Cobb-Clark & Koussoudji, supra note 486.
488. See HONDAGNEU-SOTELO, supra note 9; Borjas, supra note 482; Cobb-Clark & Koussoudji, supra note 486.
489. See HONDAGNEU-SOTELO, supra note 9; Borjas, supra note 482; Cobb-Clark & Koussoudji, supra note 486.
490. See HONDAGNEU-SOTELO, supra note 9; Borjas, supra note 482; Cobb-Clark & Koussoudji, supra note 486.
cess to utilize them, were less available to immigrant women than their male counterparts.\textsuperscript{491} The result was a law that disproportionately granted amnesty to men.\textsuperscript{492}

The consequences of IRCA's gender imbalance are illustrated in stark ways by the obvious disparity between the immigration status of the women in this study and that of their husbands.\textsuperscript{493} The very nature of the study, of course, is such that it includes only women who are themselves undocumented and whose husbands are not undocumented, but it is nonetheless important to consider the role of IRCA in creating that gender differential. Without implying that the differential in immigration status always manifests itself in violence or manipulation, these women's stories about their husbands' deliberate exploitation of their immigration status offer an important glimpse into the real emotional, physical, and social consequences of this set of political decisions and legal outcomes.\textsuperscript{494}

In this sense, law becomes a creative force, constructing and imposing identities and experiences. Jane Collier, Bill Maurer, and Liliana Suarez-Navaz write forcefully about the way legal systems imagine "new orders and identities" and how systems of power produce subjectivities.\textsuperscript{495} This is nowhere more evident than in the case of these immigrants' lives, where laws have quite literally "shaped the possibilities" of their subjects—drawing crucial life-changing distinctions around whether immigrants came to the United States in January or February of 1982.\textsuperscript{496} That process by which legal distinctions are drawn and manifested in immigrants' daily realities is what De Genova calls the "legal production of migrant 'illegality.'"\textsuperscript{497}

\textbf{The Politics of Identity Production}

Laws like IRCA do not just shape these women's legal identities, but also their relationships, entitlements, and opportunities. These women's stories are powerful reminders of the degree to which laws and political processes influence actual lives, possibilities, and experiences. Because of this influence, it is impossible to make sense of these women's lives without considering a whole range of laws and social structures that shape their actual entitlements and their perceptions thereof.

The role of the law in determining individuals' daily interactions and privi-

\textsuperscript{491} See HONDAGNEU-SOTELO, supra note 9; Borjas, supra note 482; Cobb-Clark & Koussoudji, supra note 486.

\textsuperscript{492} Cobb-Clark & Koussoudji, supra note 486.

\textsuperscript{493} See, e.g., Interview with Leticia, supra note 110; Interview with Roberta, supra note 173.

\textsuperscript{494} See, e.g., Interview with Leticia, supra note 110; Interview with Roberta, supra note 173.

\textsuperscript{495} Collier et al., supra note 88, at 1.

\textsuperscript{496} Id. at 18. IRCA legalization was available only to immigrants who could demonstrate, among other things, that they had lived in the United States continuously since January 1, 1982. JACK L. RUNYAN, U.S. DEP'T OF AGRIC., AGRIC. INFO. BULL.652, A SUMMARY OF FEDERAL LAWS AND REGULATIONS AFFECTING AGRICULTURAL EMPLOYERS, 16 (1992).

\textsuperscript{497} De Genova, supra note 37, at 430.
leges is well-captured by the consideration of laws surrounding driver’s license eligibility. The 1993 California state law that barred undocumented immigrants from qualifying for driver’s licenses manifested itself in the complex and crucial social exclusions previously discussed. As demonstrated by the women’s stories, being barred from access to driver’s licenses affected the women in multiple and complex ways—from their method of money storage to their options for escape from their abusive relationships. Luisa’s response when asked if she was uneasy about her immigration status revealed the myriad effects of the driver’s license laws on immigrants’ social entitlements and emotional experiences: “At first, no [I wasn’t uneasy about my immigration status]. But later when the laws about the driver’s license came out and the ID – all that stuff. Then I got worried.” State driver’s license laws imposed exclusions and restrictions on Luisa’s life and, thus, factored into her sense of vulnerability and safety.

Proposition 187, which was a strong xenophobic statement by California voters about undocumented immigrants, also had powerful social and psychological effects on these women. Proposition 187 specifically sought to deny undocumented immigrants basic services like education, health care, and public benefits. The law was aimed at deterring undocumented immigration and attempted to do so by completely dismantling the social safety net for undocumented immigrants and increasing their sense of “illegality.” In this sense, the political setting of these women’s lives, in which laws are specifically designed to disqualify them from public entitlements and participation, starkly contrasts with the battered women’s movement discourse that prescribes education, employment, social services, and legal support to victims of domestic violence.

Proposition 187 was just one of a whole host of laws designed to close down the public sphere to immigrants. The 1996 Welfare Reform Bill excluded undocumented immigrants from virtually all public benefits and social services. That same year, Congress passed a law that effectively barred most legal services attorneys from serving undocumented immigrants in any capacity and required legal service agencies to verify the immigration status of all potential clients. The law denied public funds to all attorneys who assisted clients without “legal” immigration status. These laws specifically restrict undocu-
mented women’s access to public support and assistance. By whittling away at the sources of legal and social support for undocumented immigrants, these laws mitigate the effects of more progressive laws like VAWA, which recognizes the plight of women like the ones I interviewed and offers them avenues for legalization.

The aforementioned laws played a central role in creating and confirming the women’s fears about turning to public service agencies, shelters, and community organizations. Indeed, there are structural realities behind Roberta’s comment that “you go with fear” to public and legal agencies. Specific policies like Proposition 187, the Welfare Reform Bill, and the Omnibus Consolidated Rescissions and Appropriations Act of 1996, which prohibited many legal agencies from acting as safe havens and support centers for undocumented immigrants, effectively shut these women out of the public sphere. Their fears are neither irrational nor unfounded, but rather the product of specific and powerful laws and the social discourses that surround them.

Beyond withdrawing social privileges, these restrictive and exclusionary laws have sent strong messages to undocumented immigrants about their vulnerability and risk in the public sector. Proposition 187, for example, specifically required public officials, such as teachers and police officers, to check the immigration status of individuals with whom they came in professional contact. Although Proposition 187 was declared unconstitutional before it took effect, the federal Immigration and Nationality Act imposed very similar requirements for...
THE LEGAL PRODUCTION OF IDENTITIES


513. See, e.g., Interview with Alba, supra note 2; Interview with Ana, supra note 180.

514. Interview with Ana, supra note 180.

515. Id.

516. Interview with Alba, supra note 2.
counted the story of trying to say goodbye to her dying father across the United States-Mexico border:

And then when I learned that he got cancer, it was after October [September] 11. I tried to talk to him, but the INS wouldn’t even let me go by the fence. . . . When that happened with my family, I was very frustrated. It is hard for me because I cannot even see them to say bye.  

Alba’s immigration status, even following her VAWA approval, does not enable her to return legally to Mexico under any circumstances; her father had no documentation to enter the United States. Alba felt strongly that before September 11 and its consequences for border enforcement, she would have been allowed to at least go to the fence to say her goodbyes. In the wake of 9/11, the U.S.A. PATRIOT Act, the Homeland Security Act, and the general hysteria about border security, however, Alba found that those personal and emotional entitlements had been altered by macro-structural and political factors. 

The post-September 11 immigration discourse continues to affect the entitlements and perceptions of undocumented immigrants in the U.S. Currently in Congressional subcommittee, the Clear Law Enforcement for Criminal Alien Removal Act (or the CLEAR Act of 2003) threatens to mitigate the positive effects of laws like VAWA by charging local and state law enforcement officials with the task of enforcing federal immigration laws. Along with raising the civil and criminal penalties for immigrants found to be illegally present in the country, the Act would authorize state and local law enforcement to “investigate, apprehend, or remove aliens in the United States” and to withdraw federal incar-

517. Id.
518. Id.
519. Id.

521. The Clear Law Enforcement for Criminal Alien Removal Act, or H.R. 2671, was introduced in the House of Representatives by Representative Charlie Norwood and, at the time of writing, was in the Subcommittee on Immigration, Border Security and Claims. H.R. Res. 2671, 108th Cong. (2003).
ceration assistance from states that do not comply. By requiring local police to investigate and enforce federal immigration law, the CLEAR Act would undercut the central message of laws like VAWA, which encourage victims of violence to turn to their local police for protection rather than enduring abuse out of fear of detection and deportation. This act, in many ways, echoes the anti-immigrant messages and techniques of Proposition 187 by specifically mobilizing local authorities against immigrants and, thus, positioning undocumented immigrants outside the protection of the law.

Progressive laws such as VAWA exist, along with partner provisions such as the "U" and "T" visas, created by the Victims of Trafficking and Violence Protection Act of 2000 to protect immigrant victims of violence, often set in a broader context of laws like the CLEAR Act and its accompanying anti-immigrant discourse. In this context, it is not hard to understand why Alba might consider herself the target of legal oppression and hostility. When, for example, Alba talked about feeling like a target, it is important to remember both the context in which she was encouraged to feel that way and the consequences of those feelings on her daily life. "I thought, 'The INS doesn't want people here. Why would they help me? They will be happy if I leave.'"

Those kinds of impressions and beliefs about their relationship to the public sphere are by no means peripheral to these women's experiences. To the contrary, they are central to determining the nature of these women's participation in and relationship to their social networks, their spousal relations, and the public sphere. As demonstrated, laws that close down the public sphere to immigrants not only affect these women's ability to follow traditional prescriptive paths, but they also filter into the women's basic interpersonal relationships.

The inability to seek support in public spaces and the danger associated with building relationships in the public sphere places heavy stresses and expectations on these women's social networks. The nature of the spousal abuse, the demands on the family relationships, and the pressure on friendships to provide basic survival information and resources are all deeply informed by the legal structures that bar these women from seeking support or independence in the public sphere.

The aforementioned laws do not comprise the full range of legal and social forces that shape these women's experiences and identities, of course, but they

522. Id.
525. Interview with Alba, supra note 118.
526. Id.
do offer a glimpse into the legal construction of subjectivity and the complex ways in which laws manifest themselves in relationships, emotions, and daily experiences.

CONCLUSION

Summary of Findings

In many ways, the previous chapters have constructed a recognition of the ways in which laws determine these women’s social entitlements and how those social entitlements, in turn, shape the women’s lives and relationships in personal, complex, and unexpected ways.

As the interviews demonstrate, these women’s identities, experiences, and social relationships are complex. They cannot be understood solely in terms of their “immigrant” identity or by defining them narrowly as “battered women.” If nothing else, this article reveals the need for greater recognition of the multidimensional nature of these women’s identities and experiences. Their stories reflect the need for broader understandings of their identities as individuals with gender, age, personal histories, changing attitudes, relationships, and specific entitlements before the law.

The women’s reflections and stories have called not only for more complex depictions of immigrants as individuals, but also for more complex portrayals of their social relationships. The diversity of social arrangements and personal relationships among the women interviewed attests to the fact that immigrant social relationships are not characterized by innate characteristics of immigrants as individuals, but rather by the common outcomes of socially imposed legal entitlements, political exclusions, and social attitudes. As such, there is a need for more critical and rigorous analysis of the social and political forces that shape immigrants’ lives.

To that end, this project has explored the way subjectivities are created through the law. By tracing major immigration laws from the books to the broader social discourse and into these women’s lives, this article has drawn attention to the construction of the undocumented identity and its myriad effects on the immigrants themselves. The complex effects of structural forces in these women’s biographies underscore the need to integrate more rigorous structural analysis into the approaches and prescriptions of existing theories.

Implications:

Legal Analysis as an Antidote to Essentialization

Understanding the legal construction of “illegality” paves the way for more sensitive and accurate portrayals of immigrants. By employing a narrative analysis of these women’s voices and critiquing the battered women’s movement and the immigrant social networks discourse, this article offers a positive ap-
proach that incorporates an analysis of the legal and political realities of these women’s lives into the insights of the existing movements. The result is a contextually sensitive approach that overcomes the tendency to essentialize immigrants.

As shown, the two major bodies of literature considered by this article generally fail to engage in rigorous contextual analysis, and they are characterized by pathologized depictions of their subjects. Both the dominant social networks approach and its critique have largely neglected the role of immigration laws and institutions in shaping these women’s household relations and experiences within their social networks. The social networks discourse on immigrant adaptation tends to make qualitative generalizations about the roles and relationships within immigrant social networks without recognizing or critiquing the ways in which laws affect household relations by constraining individual options and social entitlements. Without considering the ways in which identities have been conferred on the women by legal, political, and social structures, the discourse tends to essentialize immigrants as “other” and perpetuate the power of immigration law to define and impose identities. The battered women’s movement similarly overlooks the role of institutions in shaping its subjects’ experiences of abuse and possibilities for recovery. The battered women’s movement acknowledges battering spouses, but generally fails to recognize battering institutions.527

By erasing the role of the law, the discourses overpersonalize these immigrant women’s experiences. Coutin and Chock remark on this tendency in the media and the public discourse to depict immigrant experiences as personal, individual, and inherent without explaining the context in which they were shaped: “[I]migrants are caught in structures that force them to make choices. . . . [I]t is not their characters that lead them” to certain choices, behaviors and decisions.528 That tendency to overlook the social components of individual stories leads to a portrayal of immigrant struggles and circumstances as the result of essential characteristics, rather than specific structural and socially imposed processes.

The problem, in some sense, can be attributed to a tendency to focus on individual agency “at the expense of [social] structure.”529 Collier, Mauer, and Suarez-Navaz argue that social scientists have tended to overlook the fact that “preferences and wills are invented and experienced in social contexts.”530 In doing so, the discourses perpetuate “the idea that existing inequalities represent, not the outcome of economic and political discrimination, but differences in natural abilities and freely chosen preferences.”531 The migrants, as De Genova points out, are visible, but the laws responsible for their very “illegalization” are over-

527. See generally ROBERTS, supra note 35.
529. Collier et al., supra note 88, at 3.
530. Id.
531. Id. at 12.
looked and concealed by dominant depictions of immigrants.532

Coutin characterizes the situation aptly in her argument that immigration law is simultaneously powerful and hidden:

On one hand, U.S. immigration law is powerful in that it materially constitutes individuals within immigration categories. On the other hand, to the degree that immigration categories have become naturalized and that judging individuals' legal identities have become common social practices, the ways that immigration law shapes individuals' lives may be hidden.533

The result of the concealment of social forces that Coutin recognizes has been the essentialization of immigrants, through which social problems are characterized as individual and innate.534

In this sense, Menjivar offers an admirable model in her own project of examining the experiences of Salvadoran immigrants in the context of the political, social, and legal setting in which they were received.535 She concludes that the ability of immigrant social networks to distribute material resources is deeply connected to "extrapersonal factors such as immigration laws and the labor market" that "shape the structure of opportunities for immigrants."536 Her main contribution to this analysis is her argument that her subjects' experiences cannot be understood without serious attention to the "mighty influence" of "the broader context of [their] reception."537

Following Menjivar's lead allows for a more context-specific approach to theorizing individuals that acknowledges the power of the law both to create categories of human identity and entitlement, and to naturalize those categories. Acknowledging contextual realities and the way they shape individual decisions and behaviors combats the tendency of theoretical and public discourses to essentialize immigrants. Recognizing social problems as such, rather than individualizing them, also opens the door for a more realistic and feasible response to the problems in immigrants' lives.

Law as Formative

This article lays out an argument for a deeper recognition of the unexpected and indirect consequences of the law on its subjects. It has demonstrated, among other things, how IRCA created gender differentials in immigration status that have intensified these women's dependency on their husbands and played into the abuse in their marriages; how changes in federal funding regulations for

532. See De Genova, supra note 37, at 1.
534. Id. at 16-17.
535. See MENJIVAR, supra note 44.
536. Id. at 236.
537. Id. at 235.
legal services attorneys have deterred the women from following traditional prescriptive paths for surviving domestic violence; how employer sanctions have exacerbated the women's exploitation in the workplace by narrowing their options for recourse and their possibilities for alternative employment; how changing driver's license laws have hindered these women from conceiving of themselves as public actors and limited their possibilities of self-sufficiency; how social discourses surrounding Proposition 187 have trapped these women in abusive relationships with friends and relatives by increasing their sense of vulnerability and hindering their ability to independently traverse the public sphere; and even how national security measures have affected the experience of grieving for dying relatives. These women's stories testify to the complex ways in which legal, political, and social structures filter into personal experiences. Their stories reveal that the law and the social norms that it creates and reflects manifest themselves in power dynamics, social relationships, and individual subjectivities.

The intent of this article is not to deconstruct or to dismantle the law. In order to be faithful to these women's experiences and emotions, the law's progressive possibilities and its empowering consequences for these women must also be recognized and celebrated. Each woman reflected on the VAWA legalization process with deep gratitude for its liberating effects on her relationships, consciousnesses, and possibilities. The immigrant provisions of VAWA were established out of recognition that traditional immigration law disempowered undocumented spouses and shifted power dynamics in the family. In that sense, the immigrant provisions of VAWA were borne of the recognition of the law's complex personal and relational manifestations and, therefore, offer some promise for the creation of laws with greater recognition of their indirect effects.

This study focuses narrowly on nine women in Northern California who have gone through the VAWA process, but it shows how a whole range of laws and social discourses have affected their experiences. The entanglement of these women's biographies with such a diverse range of laws, policies, and social structures is further testament to the powerful and unexpected effects and interactions of the law with their lives.

Beyond all else, these women's voices and stories reveal that law is not just additive, but formative. It does not just constrain or empower its subjects; it also creates them. By fundamentally defining their entitlements, the law shapes their personal relationships and self-perceptions.

In Closing

This article finds itself, then, at a surprising juncture. In spite of the individuality of each woman, their diverse stories, and their distinctive voices, I have found myself compelled to tell the story of their commonalities. In spite of their powerful personalities and their strong personal decisions, the most important analysis revolves around their relative weakness against the power of U.S. im-
migration law that constrained, defined, and limited them.

I have presented these women's voices and their stories with a special effort to distinguish them from one another and to convey their individuality. At the same time, however, doing justice to their experiences demands a step away from the desire to recognize individual agency and toward acknowledgement of the legal and political structures that constrain and underpin that agency.

In some sense, these women offer an alternative notion of the relationship between structure and agency. Taking their stories seriously demands recognition of both their power as actors in their own lives and the way in which their realm of available actions is constrained.