



A Troubled Marriage: Domestic Violence and the Legal System

By Leigh Goodmark



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The development of a legal regime to combat domestic violence in the United States has been lauded as one of the feminist movement's greatest triumphs. But, Leigh Goodmark argues, the resulting system is deeply flawed in ways that prevent it from assisting many women subjected to abuse. The current legal response to domestic violence is excessively focused on physical violence; this narrow definition of abuse fails to provide protection from behaviors that are profoundly damaging, including psychological, economic, and reproductive abuse. The system uses mandatory policies that deny women subjected to abuse autonomy and agency, substituting the state's priorities for women's goals.

A Troubled Marriage is a provocative exploration of how the legal system's response to domestic violence developed, why that response is flawed, and what we should do to change it. Goodmark argues for an anti-essentialist system, which would define abuse and allocate power in a manner attentive to the experiences, goals, needs and priorities of individual women. Theoretically rich yet conversational, *A Troubled Marriage* imagines a legal system based on anti-essentialist principles and suggests ways to look beyond the system to help women find justice and economic stability, engage men in the struggle to end abuse, and develop community accountability for abuse.

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Editorial Review

Review

"Goodmark's synthetic, accessible, and critical account of the development, current condition, and possible futures of legal remedies for women subjected to abuse tracks the progress and perils of three decades of inspired feminist legal activism. Goodmark raises important questions about feminist theory and legal advocacy while engaging longstanding debates about strategies for social change and the limits and possibilities of the state as a terrain of feminists struggle."-Lisa D. Brush,*Tulsa Law Review*

"We all think we know what 'justice' is, what it looks like. But in this thoroughly researched and carefully argued book, Leigh Goodmark demonstrates that justice has multiple meanings, depending on who is doing the defining. She also makes clear that women who have been abused often find their ability to define and seek justice usurped by others who believe they know 'what's best.' Goodmark's analysis highlights the possibilities and limits of law for abused women seeking justice, and proposes extra-legal remedies that will undoubtedly spark debate, but ultimately may prove appealing to the true experts on domestic violence: women who have experienced abuse."

-Claire M. Renzetti, author of *Feminist Criminology*

"In this important book, Goodmark bravely exposes the range of feminist premises about violence in the home, steadfastly confronts the paradoxical reality of under- and over-enforcement of existing law, and calls for a wide new range of remedies far beyond the ken of dominance feminism's crabbed penal imagination. Respect for women's agency and women's strategies in and through sex and power animate this dramatic, comprehensive, immensely readable, completely new approach. Goodmark's anti-essentialist feminism is the voice of a new generation. It could change the program of legal feminism, vastly for the better."

-Janet Halley, author of *Split Decisions: How and Why to Take a Break from Feminism*

"[A] compelling reappraisal of domestic violence . . . outstanding for collections on women and the law, domestic violence, and victimization. Highly recommended."-D. Schultz,*CHOICE*

"*A Troubled Marriage* is powerful and spot-on in its challenges to those of us who have given over so much to the state through law and funding. It is a must read for everyone involved in crafting law, litigating for reforms, creating new services and assistance (which may or may not be what battered women would chose) and surrendering to the power of the state in so many ways. I urge activists to come together for conversation and debate about *A Troubled Marriage*."

-Barbara J. Hart, co-founder, National Coalition Against Domestic Violence

"Leigh Goodmark's book effectively explains why scholars and practitioners have reached this conclusion and makes inroads to setting a new direction. In her analysis, the root of the problem is linked to the influence of 'dominance' feminism on reform practices and the solution is found in developing responses to domestic violence 'beyond the law.'" -*Criminal Law Bulletin*

"She uses both theory and legal case studies to build her narrative: it is an effective strategy, one that makes

Goodmark's criticism of the current legal system convincing." -*Women's Studies Journal*

About the Author

Leigh Goodmark is Professor of Law, Director of Clinical Education, and Co-Director of the Center on Applied Feminism at the University of Baltimore School of Law.

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