

PLACE MATTERS:
DOMESTIC VIOLENCE AND RURAL DIFFERENCE

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This Article considers the phenomenon of domestic violence in relation to the rural-urban axis. It assesses the difference that rurality makes to the occurrence, investigation, prosecution, and judicial decision-making regarding this crime. Among the factors analyzed are spatial or geographic isolation, as well as the social isolation and lack of anonymity it fosters; severe economic disadvantage; the entrenched nature of rural patriarchy; and legal actors who are often ill-informed about domestic violence and constrained by limited resources. These rural differences are presented through the lens of critical geography, using space, place, and scale as analytical tools.

This Article thus provides an illustration of rurality as difference—difference from what has become the implicit urban norm in legal scholarship and in a great deal of law- and policy-making. It concludes by arguing for place-specific responses aimed at diminishing the obstacles to justice that confront rural victims of domestic violence. It further asserts that the solutions to this social problem must be multi-scalar (or multi-jurisdictional), using local know-how that is informed by universal norms that establish women's fundamental rights and dignity, including the right to be free from violence.

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I. INTRODUCTION

Rural places are commonly thought of as peaceful and safe,¹ idyllic settings where people get along and crime is rare.² In reality, the gap between rural and urban crime rates has narrowed in recent years, and rural arrest rates exceed those in urban areas for some offenses.³ Violent offenses against family members⁴ are among the crimes for which rural and small town arrest rates are greater than those in cities.⁵ Indeed, in 2003, arrests for crimes against family

1. See, e.g., Sonya Salamon, *From Hometown to Nontown: Rural Community Effects of Suburbanization*, 68 RURAL SOC. 1, 2 (2003) [hereinafter Salamon, *From Hometown to Nontown*] (citing J. HERBERS, *THE NEW HEARTLAND: AMERICA'S FLIGHT BEYOND THE SUBURBS AND HOW IT IS CHANGING OUR FUTURE* (1986)); Ann R. Tickamyer & Debra A. Henderson, *Rural Women: New Roles for the New Century?*, in CHALLENGES FOR RURAL AMERICA IN THE TWENTY-FIRST CENTURY 109, 112 (David L. Brown & Louis E. Swanson eds., 2003) [hereinafter Tickamyer & Henderson, *Rural Women*] (discussing rural communities' reputations as "wholesome, family-friendly environments that promote overall well-being").

2. See, e.g., Lisa R. Pruitt, *Rural Rhetoric*, 39 CONN. L. REV. 159, 168-71, 232-33 (2006) [hereinafter Pruitt, *Rural Rhetoric*]; W.K. KELLOGG FOUND., PERCEPTIONS OF RURAL AMERICA 6-8 (2004), available at <http://www.wkkgf.org/pubs/FoodRur/Pub2973.pdf> (discussing the "overwhelmingly positive view of the people, the values, and the culture of rural America," including associations with family); RALPH WEISHEIT ET AL., CRIME AND POLICING IN RURAL AND SMALL TOWN AMERICA 14-15 (3d ed. 2006) [hereinafter WEISHEIT].

3. WEISHEIT, *supra* note 2, at 58; Ralph A. Weisheit & Joseph Donnermeyer, *Change and Continuity in Crime in Rural America*, in 1 CRIMINAL JUSTICE 2000: THE NATURE OF CRIME: CONTINUITY AND CHANGE 309, 314 (Gary LaFree ed., 2000) [hereinafter Weisheit & Donnermeyer]; Joseph F. Donnermeyer & Walter DeKeseredy, *Toward a Rural Critical Criminology*, 23 SOUTHERN RURAL SOC. 4, 17 (2008) [hereinafter Donnermeyer & DeKeseredy, *Rural Critical Criminology*].

4. This article focuses on domestic violence between male aggressors and female victims, and the empirical studies cited herein focus exclusively on male-on-female intimate partner violence. However, women sometimes are aggressors in heterosexual relationships and intimate partner violence also occurs in same-sex relationships.

5. WEISHEIT, *supra* note 2, at 59 (reporting that another category of crime for which rural arrest rates are higher is DUI). The study that Weisheit et al. cite distinguishes among three types of places: large metropolitan places (greater than 250,000); small metropolitan places (50,000-99,999); small towns (under 10,000) and rural counties. *Id.* at 61 (citing FBI Uniform Crime Report 2003, Tbl. 31).

These statistics run directly counter to rural women's beliefs that they are raising their children in a safer place. See Cynthia B. Struthers & Janet L. Bokemeier, *Myths and Realities of Raising Children and Creating Family Life in a Rural County*, 21 J. FAM. ISSUES 17, 28-31 (2000) (finding that parents in rural areas associate cities with gangs, crime, and drugs). See also Salamon, *From Hometown to Nontown*, *supra* note 1, at 1, 2-3 (observing the "national ideology" that small towns are good places to raise children) (citing D.M. HUMMON, *COMMONPLACES: COMMUNITY IDEOLOGY AND IDENTITY IN AMERICAN CULTURE* (1990)).

members were four times higher in rural places than in the largest metropolitan areas.⁶

The overall picture regarding intimate partner violence⁷ in rural places is, in fact, unclear. Broad statements about similar rates of domestic abuse across urban, suburban, and rural locales were common in the literature in the 1980s and 1990s.⁸ Recently, more nuanced studies suggest that a number of factors distinguish between domestic violence in rural places and urban ones.

Place is, for example, a very strong predictor of intimate partner homicide. A 2004 study found that an inverse relationship exists between rurality, as measured by population density and distance from an urban area, and the percentage of homicides committed in which the killer was a family member or intimate partner of the victim.⁹ The Department of Justice reported similar findings in 2005: 18% of homicides in rural areas involved an intimate partner, compared to 6% in large cities.¹⁰

6. WEISHEIT, *supra* note 2, at 61 (reporting the rates per 100,000 residents of crimes against family/children for each of these areas were 16.7 (large metro); 37.5 (small metro); 42.9 (small town) and 67.1 (rural)).

7. The terms “domestic violence,” “domestic abuse,” “intimate abuse,” and “intimate partner violence” are used interchangeably in this article. The term “battered women” is also occasionally used, in particular to refer to the social movement that sought to raise awareness and achieve law reform regarding this phenomenon.

8. See R. Bachman & L. Saltzman, U.S. DEP’T OF JUST., VIOLENCE AGAINST WOMEN: ESTIMATES FROM THE REDESIGNED SURVEY 1, 4 (1995), available at <http://www.ojp.usdoj.gov/bjs/pub/pdf/femvied.pdf> (last visited Sept. 30, 2008); Neil Websdale & Byron Johnson, *The Policing of Domestic Violence in Rural and Urban Areas: The Voices of Battered Women in Kentucky*, 6 POLICING & SOC’Y 297, 297 (1997); WEISHEIT, *supra* note 2, at 59.

Some historical studies have noted the phenomenon of rural woman battering. See DEBORAH FINK, AGRARIAN WOMEN: WIVES AND MOTHERS IN RURAL NEBRASKA, 1880-1940 (1992); ELIZABETH PLECK, DOMESTIC TYRANNY: THE MAKING OF SOCIAL POLICY AGAINST FAMILY VIOLENCE FROM COLONIAL TIMES TO THE PRESENT (1987); ANN TAVES, RELIGION AND DOMESTIC VIOLENCE IN EARLY NEW ENGLAND: THE MEMOIRS OF ABIGAIL ABBOTT BAILEY (1989).

9. See ADRIA GALLUP-BLACK, RURAL AND URBAN TRENDS IN FAMILY AND INTIMATE PARTNER HOMICIDE: 1980-1999 xii (2004) [hereinafter GALLUP-BLACK, TRENDS], available at <http://www.ncjrs.gov/pdffiles1/nij/grants/208344.pdf> (last visited Sept. 30, 2008). Another significant predictor was population loss. *Id.* at 57. See also Adria Gallup-Black, *Twenty Years of Rural and Urban Trends in Family and Intimate Partner Homicide: Does Place Matter?*, 9 HOMICIDE STUDIES 149, 163-164 (2005) (finding that living close to a metropolitan area decreases one’s risk of intimate partner or family murder); Nancy Sinauer et al., *Comparisons among Female Homicides Occurring in Rural, Intermediate, and Urban Counties in North Carolina*, 3 HOMICIDE STUD. 107, 124-25 (1999) (finding women living in most rural counties faced an elevated risk of intimate homicide). Cf. Roberta K. Lee et al., *Intimate Partner Violence and Women of Color: A Call for Innovations*, 92 AM. J. PUB. HEALTH 530, 531 (2002) (reporting that the prevalence of domestic violence is similar between urban and rural women).

10. BUREAU OF JUST. STAT., U.S. DEP’T OF JUST., HOMICIDE TRENDS IN THE U.S.: PERCENT INTIMATE HOMICIDE VICTIMS BY LOCATION (2007), available at http://www.ojp.usdoj.gov/bjs/homicide/tables/int_urbtabs.htm (last visited Sept. 30, 2008).

Place is also a significant predictor of severity of injuries. A 2003 pilot study found that rural perpetrators of intimate abuse were nearly twice as likely as their urban counterparts to inflict severe physical injuries.¹¹ They were also more likely to use a weapon during their assaults.¹² Almost twice as many rural assailants threatened to kill their victims,¹³ and rural assailants were 2.5 times more likely than their urban counterparts to destroy property during the event.¹⁴ Finally, some studies indicate that rural women suffer a greater incidence of sexual assault in domestic violence incidents.¹⁵ Thus, while the incidence of

In 2000, the rate of all homicides involving intimates was more than 20% in rural areas and less than 10% in large cities. See also OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP'T OF JUST., 2006 BIENNIAL REPORT TO CONGRESS ON THE EFFECTIVENESS OF GRANT PROGRAMS UNDER THE VIOLENCE AGAINST WOMEN ACT 27 (2006) [hereinafter OVW EFFECTIVENESS REPORT], available at www.ovw.usdoj.gov/docs/ovw-measuring-effectiveness-report.pdf (last visited Apr. 17, 2008).

11. T.K. Logan et al., *Qualitative Differences Among Rural and Urban Intimate Violence Victimization Experiences and Consequences: A Pilot Study*, 18 J. FAM. VIOLENCE 83, 86 (2003) [hereinafter Logan, *Qualitative Differences*] (reporting that 50% of rural perpetrators inflicted severe violence while only 27% of urban perpetrators did; 38% of rural women were threatened with killing, while 20% of urban women were). This study surveyed twenty-three women who had applied for protective orders, fifteen from an urban area, eight from a rural community. *Id.* at 84. See also T.K. Logan et al., *Protective Orders in Rural and Urban Areas: A Multiple Perspective Study*, 11 VIOLENCE AGAINST WOMEN 876, 894-96 (tbl. 4) (2005) [hereinafter Logan, *Protective Orders*] (reporting, for example, that 17.6% of rural protection order seekers had suffered a broken bone, while 9.2% of their urban counterparts had); Lisa Shannon, TK Logan, Jennifer Cole & Karen Medley, *Help-Seeking and Coping Strategies for Intimate Partner Violence in Rural and Urban Women*, 21 VIOLENCE & VICTIMS 167, 172 (2006) (reporting that rural women are more likely than urban women to experience severe violence during the relationship).

12. See Logan, *Protective Orders*, *supra* note 11, at 896 (tbl. 4); see also Neil Websdale & Byron Johnson, *An Ethnostatistical Comparison of the Forms and Levels of Woman Battering in Urban and Rural Areas of Kentucky*, 23 CRIM. JUST. REV. 161, 180, 184 (1998) [hereinafter Websdale & Johnson, *An Ethnostatistical Comparison*] (reporting that rural women were more often shot at, tortured, or had their hair pulled by assailants than did urban women).

13. Logan, *Qualitative Differences*, *supra* note 11, at 86.

14. *Id.* Another study found that rural women were more likely, by a statistically significantly degree, to be deprived of sleep by their perpetrator than were urban women. Websdale & Johnson, *An Ethnostatistical Comparison*, *supra* note 12, at 184.

15. See Logan, *Protective Orders*, *supra* note 11, at 896 (tbl. 4) (reporting that 54.5% of rural perpetrators insisted on sex, while 38.8% of urban ones did; 13% of rural offenders "forced sexual things," while 5.2% of urban ones did); Logan, *Qualitative Differences*, *supra* note 11, at 87 (in a pilot study, half of the rural women reported being forced to have sexual intercourse, while only 7% of urban women did); TK Logan et al., *Relationship Characteristics and Protective Orders Among a Diverse Sample of Women*, 22 J. FAM. VIOLENCE 237, 241 (2007) [hereinafter Logan, *Relationship Characteristics*] (reporting that more rural women, all white in this sample, reported sexual insistence by their partners than did urban African American women; all three groups, including urban White women, experienced sexual assault at a rate of 20%). Cf. Websdale & Johnson, *An Ethnostatistical Comparison*, *supra* note 12, at 181-82 (reporting similar levels of forced vaginal and oral sex among rural and urban women in domestic violence shelters; rural women reported that they

intimate partner violence relative to the rural-urban axis is uncertain, recent studies correlate rural locales with more severe consequences, including death.¹⁶

While the available data are hardly comprehensive, rural victims of domestic violence often share characteristics that set them apart from their urban counterparts. Rural victims tend to be younger, less educated, and lower earning.¹⁷ Two recent studies suggest that they are more likely to be married to the batterer.¹⁸ Another indicates that rural victims are more likely to have been victims of childhood abuse.¹⁹

were more likely, by a statistically significant degree, to have sex in order to prevent violence).

16. See Logan, *Protective Orders*, *supra* note 11, at 894-96 (tbls. 3 & 4) (although rural and urban women reported similar incidences of psychological, physical, and sexual abuse, rural women reported more incidents that involved threats of death, trying to run over them, threatening to hit or throw something at them or actually doing so). Rural women in the 2003 pilot study reported more health complaints, including more sick days and more time in the emergency room and hospital. Logan, *Qualitative Differences*, *supra* note 11, at 88. *But see* Websdale & Johnson, *An Ethnostatistical Comparison*, *supra* note 12, at 161, 180-81, 183 (1998) (reporting similar levels of physical, emotional, and sexual abuse between women in rural and urban domestic violence shelters).

17. See Logan, *Protective Orders*, *supra* note 11, at 894, discussed *infra* at notes 162, 164-67 (reporting on population of women who had sought protective orders against intimates); Logan, *Relationship Characteristics*, *supra* note 15, at 239 (tbl. 1), 244 (reporting from a study of 371 rural White women, 254 urban White women, and 103 urban African American women, all of whom had sought protective orders against an intimate). *Cf.* Websdale & Johnson, *An Ethnostatistical Comparison*, *supra* note 12, at 173-74 (finding no statistically significant difference in the ages of women in rural shelters compared to those in urban shelters, but finding the rural women less well educated and “significantly poorer”).

18. Logan, *Protective Orders*, *supra* note 11, at 894, 895 (tbl. 3) (also reporting that urban women are more likely to co-habitate with the abusive partner); Logan, *Relationship Characteristics*, *supra* note 15, at 239-240 (tbls. 1 & 2), 244 (reporting that a higher percentage of the rural women reported being separated at the time of the interview for the study than did either group of urban women; in addition, more rural White women had children in common with the partner against whom they sought the protective order than was the case with either urban White women or urban African American women; the length of relationship with the partner was also significantly longer for the rural White women). *See also* Websdale & Johnson, *An Ethnostatistical Comparison*, *supra* note 12, at 174 (reporting on a 1992-1993 study of women in shelters and finding 60% of the rural women married compared to 40% of the urban women).

19. *See, e.g.*, Logan, *Qualitative Differences*, *supra* note 11, at 87. This pilot study, with a very small sample, revealed that 75% of rural women reported being sexually abused as a child, while only 27% of urban women did. The same percentages were reported by the two populations regarding childhood physical abuse. Twenty-five percent of the rural women reported that a parent or caretaker had used a knife or gun to threaten them, while no one in the urban sample reported such an event. *Id.* at 87. Eighty-eight percent of the rural women reported seeing their mothers abused, but only 27% of urban women did. *Id.* at 88.

That study also indicates that rural women experience the first incident of abuse in their relationship much earlier than urban women and were more likely to move in with the abuser after the first incident of abuse occurred. *Id.* at 87 (finding half of rural participants compared to none of the urban participants reported the first incident of abuse occurring within the first month of their relationship; 88% of rural women, compared to 40% of urban

Differences also are identifiable in how rural and urban social services, law enforcement, prosecutors, and judges respond to domestic violence. An array of services, from basic health care²⁰ to victim advocates,²¹ typically are scarce and difficult for rural residents to reach.²² Law enforcement and courts also may be less accessible. Field research suggests reluctance on the part of rural police to respond to family violence, as well as a lack of training informing rural police and prosecutors how to do so.²³ Finally, studies have

women, reported the first incident of abuse occurred in the first six months of dating that person; 63% of rural women moved in with their abusive partner after the first incident of abuse, compared to 23% of urban women).

20. See GALLUP-BLACK, *TRENDS*, *supra* note 9, at 8 (citing a study suggesting assaults in rural areas turn into murders because adequate medical care was not immediately available); Rhonda M. Johnson, U.S. DEP'T OF HEALTH AND HUMAN SERVICES, *Rural Health Response to Domestic Violence: Policy and Practice Issues; Emerging Public Policy Issues and Best Practices*, 5 (Aug. 30, 2000), <http://ruralhealth.hrsa.gov/pub/domviol.htm> (last visited Apr. 17, 2008) (collecting sources studying domestic violence in rural settings); TK Logan et al., *Rural and Urban Women's Perceptions of Barriers to Health, Mental Health, and Criminal Justice Services: Implications for Victim Services*, 19 *VIOLENCE & VICTIMS* 37, 37 (2004) [hereinafter Logan, *Rural and Urban Perceptions*].

21. See, e.g., Logan, *Qualitative Differences*, *supra* note 11, at 83; see also Carol K. Feyen, *Isolated Acts: Domestic Violence in a Rural Community*, in *THE HIDDEN AMERICA: SOCIAL PROBLEMS IN RURAL AMERICA FOR THE TWENTY-FIRST CENTURY* 101, 105 (Robert M. Moore III ed., 2001) (noting that many rural counties have no resources beyond law enforcement to respond to domestic violence).

22. See generally Niki R. Van Hightower & Joe Gorton, *A Case Study of Community-Based Responses to Rural Woman Battering*, 8 *VIOLENCE AGAINST WOMEN* 845 (2002) (arguing, based on a study of one micropolitan community, that "rural" communities have benefited less than urban ones from increased awareness of intimate abuse and service development in response to it); GALLUP-BLACK, *TRENDS*, *supra* note 9, at 4; Logan, *Qualitative Differences*, *supra* note 11, at 85; NEIL WEBSDALE, *RURAL WOMAN BATTERING AND THE JUSTICE SYSTEM: AN ETHNOGRAPHY* 44-45 (1998) [hereinafter WEBSDALE, *BATTERING*]; see also *infra* notes 61, 64, 70-71, Part II.D. iv; U.S. DEP'T OF JUST., *OVW FY 2008 RURAL DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING ASSISTANCE PROGRAM* 3 (2008), available at <http://www.ovw.usdoj.gov/docs/fy2008-ruralsolicitation.pdf>. [hereinafter *OVW FY 2008*] (recognizing that female victims of violence who live "in rural jurisdictions face unique barriers to receiving assistance" including lack of available services, and that the "socio-cultural, economic, and geographic barriers create difficulties for victim service providers and other social services professionals to identify and assist victims of these crimes").

23. See *infra* Part II.D.i; WEISHEIT, *supra* note 2, at 59, 87; Feyen, *supra* note 21, at 108, 109; Neil Websdale, *An Ethnographic Assessment of the Policing of Domestic Violence in Rural Eastern Kentucky*, 22 *SOC. JUST.* 102, 103 (1995) [hereinafter Websdale, *Ethnographic Assessment*]; WEBSDALE, *BATTERING*, *supra* note 22, at 91-125 (finding greater responsiveness by state troopers than by local sheriffs and other law enforcement officials, with the latter tending to be influenced by their relationships with parties to domestic disputes); April L. Few, *The Voices of Black and White Rural Battered Women in Domestic Violence Shelters*, 54 *FAM. REL.* 488, 493 (2005) (reporting that an interviewee in this 2005 study characterized the local police as "abusers themselves like my husband" who, as a result, do not take domestic violence reports seriously, "[e]specially when the call is made from the house of one of their own").

shown that rural courts are ill-informed about domestic violence and less responsive than urban courts in granting protective orders.²⁴

This Article investigates the difference that space and place make regarding the incidence, investigation, arrest, and prosecution of intimate abuse in the United States.²⁵ In particular, it considers these issues in light of the rural-urban axis, examining how rurality fosters different incidence and ferocity of domestic violence—as well as different legal outcomes—than are found in urban and suburban locales.

Before proceeding, a word about terminology is in order. Myriad definitions of rural and urban are used for different purposes,²⁶ but two of the most commonly referenced are those of the U.S. Census Bureau and the Office of Management and Budget (OMB). The U.S. Census Bureau designates as “rural” open territory and towns with populations of 2,500 or less.²⁷ Everything else is urban. The designation is at the municipal level, the lowest or most local government entity. The OMB classification scheme similarly establishes a broad dichotomy, but its divide is between “metropolitan” (metro) and “nonmetropolitan” (nonmetro) counties. To be classified as metro, a county must have a population cluster (i.e., city and suburbs) of 50,000 or more, and the entire county must have a population of at least 100,000 (75,000 in New England).²⁸

24. See e.g., Feyen, *supra* note 21, at 108, 109 (studying the phenomenon in rural Wisconsin); KELLY STARR ET AL., WASH. ST. COALITION AGAINST DOMESTIC VIOLENCE, FINDINGS AND RECOMMENDATIONS FROM THE WASHINGTON STATE DOMESTIC VIOLENCE FATALITY REVIEW 74 (2004), available at www.wscadv.org/projects/FR/02_FR_report.pdf (noting lack of availability of judges in rural areas to issue protection orders); KATHRYN FAHNESTOCK, RURAL JUSTICE CENTER, NOT IN MY COUNTY: RURAL COURTS AND VICTIMS OF DOMESTIC VIOLENCE 13-17 (1992) (documenting rural courts' ignorance of domestic violence and hostility to assisting its victims); *infra* notes 164-67 and accompanying text. *But see* Logan, *Relationship Characteristics*, *supra* note 15, at 241 (reporting that rural judges were more likely to include footage restrictions in protective orders than were urban judges).

25. The issue of rural-urban difference in relation to domestic violence has been tentatively explored in the African context. See Cynthia Grant Bowman, *Domestic Violence: Does the African Context Demand a Different Approach?*, 26 INT'L J.L. & PSYCHIATRY 473, 486-89 (2003).

26. See also *infra* Part II.A (discussing further the differing meanings, connotations, and measures of “rural” and its companion term “nonmetro”); Pruitt, *Rural Rhetoric*, *supra* note 2, at 177-84; John Cromartie & Shawn Bucholtz, *Defining the “Rural” in Rural America*, AMBER WAVES, June 2008, at 29, available at <http://www.ers.usda.gov/AmberWaves/June08/Features/RuralAmerica.htm>.

27. U.S. CENSUS BUREAU, CENSUS 2000 URBAN AND RURAL CLASSIFICATION, available at http://www.census.gov/geo/www/ua/ua_2k.html.

28. OFFICE OF MANAGEMENT AND BUDGET: STANDARDS FOR DEFINING METROPOLITAN AND MICROPOLITAN STATISTICAL AREAS, <http://www.census.gov/population/www/metroareas/metroarea.html> (last modified Aug. 19, 2008).

As a practical matter, the terms rural and nonmetro are often used interchangeably, as are urban and metro.²⁹ This Article uses the terms “rural” and “urban” to refer to these two broad categories of places, including the inchoate, cultural notions associated with each term.³⁰ When discussing or referencing a study with methodology that uses the metro-nonmetro binary, I use that more precise terminology.

* * *

My aims here are both feminist and ruralist. Like many other feminist scholars, I wish to improve law and legal actors’ responsiveness to this pervasive social problem by bringing attention to the circumstances and needs of an often-overlooked population.³¹ My corresponding goal as a ruralist is to build on my earlier work, which has called for attention to the difference rurality makes in the interpretation, application, and operation of law and legal institutions.³² The point is not that rural women are worse off than their urban or suburban counterparts; it is that their spatial circumstances and the

29. See RURAL POL’Y RES. INST., *What is Rural?*, 1 PERSPECTIVES ON POVERTY, POL’Y & PLACE 1 (May 2003), available at <http://www.rprconline.org/Perspectives/Perspectivesvol1n1.pdf>; LAWRENCE C. HAMILTON ET AL., CARSEY INSTITUTE, PLACE MATTERS: CHALLENGES AND OPPORTUNITIES IN FOUR RURAL AMERICAS 3 (2008), http://www.carseyinstitute.unh.edu/publications/Report_PlaceMatters.pdf [hereinafter HAMILTON ET AL., PLACE MATTERS].

30. The word “rural” often is a cultural reference rather than a numerical one. Neil Websdale & Byron Johnson have written of the use of term by the rural residents interviewed for their ethnographic study of domestic violence in rural Kentucky, stating that it may be used

to refer to any mix of a simpler division of labor, a low population . . . , a higher level of value consensus, less tolerance of diversity, a greater reliance on informal social controls such as gossip and shaming, a distrust of government and of outsiders in general, and a more personalized social climate in which people are more likely to know or know of each other or be related to each other. . . . Put simply, rural life is about culture and the situated meanings therein, and it clearly transcends population thresholds or densities and defies simple quantification.

Websdale & Johnson, *An Ethnostatistical Comparison*, *supra* note 12, at 165. See also Ken Deavers, *What is Rural?*, 20 POL’Y STUD. J. 183, 188 (1992) (asserting that, definitions aside, most people have “an intuitive understanding of rural territory”); Eleanor H. Blakely & Barry L. Locke, *Rural Poverty and Welfare Reform: Challenges and Opportunities* 25, 26, in RURAL SOCIAL WORK PRACTICE (Nancy Lohmann & Roger A. Lohmann eds., 2005) (noting that factors other than population density influence the concept of rurality).

31. See ELIZABETH M. SCHNEIDER, BATTERED WOMEN & FEMINIST LAWMAKING 68-69 (2000) (calling attention to the early tendency to essentialize “battered woman” and to overlook distinguishing factors, such as race, ethnicity, and class); Martha Albertson Fineman, *Preface to THE PUBLIC NATURE OF PRIVATE VIOLENCE: THE DISCOVERY OF DOMESTIC ABUSE* xi (Martha Albertson Fineman & Roxanne Mykitiuk eds., 1994) (noting the range of feminist scholarship on domestic abuse, including that proposing specific legal and policy solutions).

32. See, e.g., Lisa R. Pruitt, *Toward a Feminist Theory of the Rural*, 2007 UTAH L. REV. 421, 421 (2007) [hereinafter Pruitt, *Feminist Theory of the Rural*]; Lisa R. Pruitt, *Missing the Mark: Welfare Reform and Rural Poverty*, 10 J. GENDER RACE & JUST. 439, 439 (2007) [hereinafter Pruitt, *Missing the Mark*].

consequences of those circumstances are relevant to the phenomenon of domestic violence, including law's responses to it. The State can hardly do a better job of preventing these crimes or responding to them without a comprehensive understanding of the difference rurality makes.

This Article thus provides an illustration of rurality as difference—difference from the urban norm that is implicit in contemporary legal scholarship and in a great deal of law- and policy-making. In doing so, the Article embraces and reflects the theme of this symposium, *Working from the World Up: Equality's Future*. It is a project grounded in the experiences of rural women, and it is about the inequalities associated with rural spatiality.³³

Although the rural-urban axis is discussed infrequently in legal scholarship, criminologists and sociologists have long considered geography in studying crime.³⁴ In addition, for more than a decade, the Office of Violence Against Women (OVW) of the U.S. Department of Justice (DOJ) has recognized rural³⁵ women as an at-risk population.³⁶ As with other vulnerable populations, the OVW awards funds under the Violence Against Women Act (VAWA) to state and local agencies, Indian tribes, and nonprofit organizations that seek to improve responses and services to rural domestic violence

33. There is a burgeoning literature on “spatial inequality” in relation to rural-urban difference. *See, e.g.*, THE SOCIOLOGY OF SPATIAL INEQUALITY 42 (Linda M. Lobao, Gregory Hooks & Ann Tickamyer eds., 2007).

34. *See, e.g.*, Thomas L. Austin, *Criminal Sentencing in Urban, Suburban, and Rural Communities*, 6 CRIM. JUST. REV. 31, 31 (1981); John Hagan, *Criminal Justice in Rural and Urban Communities: A Study of the Bureaucratization of Justice*, 55 SOC. FORCES 579, 579 (1976-77).

35. To be eligible, applicants must serve a rural area or community, which is defined as:

“(A) any area or community, respectively, no part of which is within an area designated as a standard metropolitan statistical area by the Office of Management and Budget; or

(B) any area or community, respectively, that is

(i) within an area designated as a metropolitan statistical area or considered part of a metropolitan statistical area; and

(ii) located in a rural census tract.”

42 U.S.C. § 13925 (21) (Supp. 2008).

By statute, at least 75% of the total funding for this program shall be allocated to eligible entities in rural states. A rural state is a state that has a population density of 52 or fewer persons per square mile or a state in which the largest county has fewer than 150,000 people, based on the 2000 census. These states are “rural” based on the 2000 census: Alaska, Arizona, Arkansas, Colorado, Idaho, Kansas, Maine, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Vermont, and Wyoming. OVW FY 2008, *supra* note 22, at 4-5. *See also* NATIONAL COALITION AGAINST DOMESTIC VIOLENCE, RURAL VICTIMS OF VIOLENCE (2008), *available at* <http://www.ncadv.org/files/ruralvictims.pdf> (reporting that in 2005 VAWA designated \$55 million for rural grant programs).

36. Other at-risk groups identified by OVW are women with disabilities, women attending colleges and universities, American Indian and Alaska Natives, older women, immigrants, and refugees. OVW EFFECTIVENESS REPORT, *supra* note 10, at 23.

victims.³⁷ In arguing for attention to rural-urban difference, I draw on the applications and reports filed by recipients of such grants.³⁸

37. The grants are awarded under the “Rural Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Child Abuse Enforcement Assistance Program.” They are funded pursuant to 42 U.S.C.A. §13971 (Supp. 2008), which provides, in part:

Rural domestic violence, dating violence, sexual assault, stalking, and child abuse enforcement assistance

(a) Purposes

The purposes of this section are—

(1) to identify, assess, and appropriately respond to child, youth, and adult victims of domestic violence, sexual assault, dating violence, and stalking in rural communities, by encouraging collaboration among—

- (A) domestic violence, dating violence, sexual assault, and stalking victim service providers;
- (B) law enforcement agencies;
- (C) prosecutors;
- (D) courts;
- (E) other criminal justice service providers;
- (F) human and community service providers;
- (G) educational institutions; and
- (H) health care providers;

(2) to establish and expand nonprofit, nongovernmental, State, tribal, territorial, and local government victim services in rural communities to child, youth, and adult victims; and

(3) to increase the safety and well-being of women and children in rural communities, by

- (A) dealing directly and immediately with domestic violence, sexual assault, dating violence, and stalking occurring in rural communities; and
- (B) creating and implementing strategies to increase awareness and prevent domestic violence, sexual assault, dating violence, and stalking.

(b) Grants authorized

The Attorney General, acting through the Director of the Office on Violence Against Women (referred to in this section as the “Director”), may award grants to States, Indian tribes, local governments, and nonprofit, public or private entities, including tribal nonprofit organizations, to carry out programs serving rural areas or rural communities that address domestic violence, dating violence, sexual assault, and stalking by—

(1) implementing, expanding, and establishing cooperative efforts and projects among law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence, dating violence, sexual assault, and stalking;

(2) providing treatment, counseling, advocacy, and other long- and short-term assistance to adult and minor victims of domestic violence, dating violence, sexual assault, and stalking in rural communities, including assistance in immigration matters; and

Critical geography's principal tools—space, place, and scale³⁹—frame my analysis. “Space” and “spatiality” refer to the two-way constitutive process by which society creates space, and vice versa.⁴⁰ What time is to history, a vector of analysis, space is to geography. “Place” and “scale” are subsets of space.⁴¹ A place-based analysis considers how particular locales are distinct from one another, for example culturally or economically.⁴² Place also accommodates differences in population density and degrees of remoteness from population centers; that is, it accommodates the continuum between rural and urban.⁴³ “Scale” refers to units of measure of space and place. Examples include the body, the household, the region, and the globe.⁴⁴ In the following sections, I use these tools to analyze intimate partner violence in rural communities.

(3) working in cooperation with the community to develop education and prevention strategies directed toward such issues.

38. Between January 2004 and June, 2005, the grantees of the OVW's rural program served about 21,000 victims/survivors and as many as 11,000 children in each six-month period. OVW EFFECTIVENESS REPORT, *supra* note 10, at 27-28, 53.

39. Each of these concepts implicates the other, and their meanings sometimes merge. See YI-FU TUAN, *SPACE AND PLACE: THE PERSPECTIVE OF EXPERIENCE* 3 (1977) (explaining that “place and space become windows into one another.”). See also Hari M. Osofsky, *Climate Change Litigation as Pluralist Legal Dialogue?*, 26 STAN. ENVTL. L.J. & 43 STAN. J. INT'L L. 181, 189 (2007) (joint issue). Feminist legal scholars have recently begun to employ these concepts. See, e.g., Laura A. Rosenbury, *Between Home and School*, 155 U. PA. L. REV. 833, 840 (2007) (discussing spatiality in relation to children's socialization at home and at school); Katharine B. Silbaugh, *Women's Place: Urban Planning, Housing Design, and Work-Family Balance*, 76 FORDHAM L. REV. 1797 (2007).

40. The “process of ‘spatiality,’” [is] “the idea of space as socially produced.” Edward W. Soja, *The Spatiality of Social Life: Towards a Transformative Re-theorisation*, in *SOCIAL RELATIONS AND SPATIAL STRUCTURES* 90, 92-93 (Derek Gregory & J. Urry eds., 1985) [hereinafter Soja, *Spatiality of Social Life*], quoted in Elizabeth Teather, *Contesting Rurality: Country Women's Social and Political Networks*, 31, 32, in *GENDER AND RURALITY* (Sarah Whatmore et al. eds., 1994).

41. See Ann Tickamyer, *Space Matters! Spatial Inequality in Future Sociology*, 29 CONTEMP SOC. 805, 806, 811 (2000) [hereinafter Tickamyer, *Space Matters!*]. Tickamyer writes: “Space can be conceptualized in three ways: as place – the particular locale or setting; as relational units that organize ideas about places and implicitly or explicitly compare locations; and as scale, or the size of the units to be compared.” *Id.* at 806.

42. Feminist geographer Doreen Massey has observed that, as between space and place, place connotes the local, specific, concrete, and descriptive, in contrast to space's associations with “general, universal, theoretical/abstract/conceptual.” DOREEN MASSEY, *SPACE, PLACE, AND GENDER* 9 (1994). See also Tickamyer, *Space Matters!*, *supra* note 41, at 811.

43. See *infra* Part III.B; see also Matthew R. Lee, *Civic Community in the Hinterland: Toward a Theory of Rural Social Structure and Violence*, 46 CRIMINOLOGY 447 (2008) (exploring the relevance of community conditions, including civic commitment and household stability, to violent crime in rural places); Salamon, *From Hometown to Nontown*, *supra* note 1, at 5, 7-17 (suggesting a continuum between more-stable and less-stable rural communities, depending on the degree of change they were undergoing).

44. Tickamyer, *Space Matters!*, *supra* note 41, at 811.

II. SPACE: OUT OF SIGHT, OUT OF MIND.

“Space” is critical geographers’ most universal and abstract concept. It refers both to the familiar idea of physical surroundings and to the impact that particular spatial configurations have on many aspects of life, from social relationships to economic opportunity.⁴⁵ Society is “constituted in and by space . . . [while also] tak[ing] form in space.”⁴⁶ Space both contains and actively shapes social processes⁴⁷ so that “[s]ocial phenomena are necessarily spatial phenomena.”⁴⁸ Post-modern geographer Edward Soja emphasizes space’s abstract nature by differentiating it from its more concrete companion, place.⁴⁹ Individuals, institutions, and networks—including law and legal institutions⁵⁰—are “spatiality’s agents.”⁵¹ That is, they take spatial characteristics into account in their decisions and actions,⁵² even as those decisions and actions, in turn, modify socio-spatial structures.⁵³

A number of the factors that set intimate abuse in rural places apart from the phenomenon in urban areas are spatial in one way or another. These include geographic and social isolation, lack of anonymity, the more entrenched nature of rural patriarchy, severe economic disadvantage, lack of social services, and inadequate and sometimes ill-informed legal actors.⁵⁴ I discuss each in the following sections.

45. See, e.g., *id.* at 805, 811. The “process of ‘spatiality,’” Soja explains, is “the idea of space as socially produced.” Soja, *Spatiality of Social Life*, *supra* note 40, at 92-93, *quoted in* Elizabeth Teather, *Contesting Rurality: Country Women’s Social and Political Networks*, 31, 32, *in* GENDER AND RURALITY (Sarah Whatmore et al. eds., 1994).

46. Janet E. Kodras & John Paul Jones, III, *The State, Social Policy and Geography*, *in* GEOGRAPHIC DIMENSIONS OF UNITED STATES SOCIAL POLICY 24-25 (Janet Kodras & John Paul Jones, III eds., 1990) [hereinafter Kodras & Jones].

47. *Id.*

48. *Id.*

49. EDWARD W. SOJA, POSTMODERN GEOGRAPHIES: THE REASSERTION OF SPACE IN CRITICAL SOCIAL THEORY 15 (1989) [hereinafter SOJA, POSTMODERN GEOGRAPHIES]; *see also infra* Part III.

50. See NICHOLAS BLOMLEY, LAW, SPACE AND THE GEOGRAPHIES OF POWER 32 (1994) (observing that while scholars typically analyze the effects of law on particular spaces, they rarely consider the effect of spaces upon law).

51. Elizabeth Teather, *Contesting Rurality: Country Women’s Social and Political Networks*, 31, 33-34, *in* GENDER AND RURALITY (Sarah Whatmore et al. eds., 1994) (noting the process of “struggle, conflict and contradiction” in which they are engaged). *See also* Christina E. Miewald & Eugene J. McCann, *Gender Struggle, Scale, and the Production of Place in the Appalachian Coalfields*, 36 ENV’T & PLANNING 1045, 1045-46 (2004) (observing that individuals and communities are “not passive objects of restructuring processes” but that they “negotiated and struggled over” the characteristics of particular places).

52. Kodras & Jones, *supra* note 46, at 25.

53. *Id.*

54. These factors are recognized by the Office of Violence Against Women in its Call to Rural Grant Applicants. OVW FY 2008, *supra* note 22, at 3 (noting “additional challenges rarely encountered in urban areas” including “geographic isolation, economic structure, particularly strong social and cultural pressures, and lack of available services . . . by those

A. Literal Space: Can you get there from here?

Physical isolation from jobs, opportunities, services, and other people defines rural living.⁵⁵ Such isolation can be particularly disabling for rural women who already are vulnerable economically⁵⁶ and physically.⁵⁷ This spatial isolation may profoundly influence actors in intimate abuse scenarios.

Perpetrators of domestic violence, as well as their victims, are aware of the enabling and disabling effects of their spatial circumstances.⁵⁸ With rural households scattered across the countryside, neighbors are often too far away to observe the abuse contemporaneously.⁵⁹ Rural women know whether they have the option of knocking on a neighbor's door for immediate assistance, and whether other means of escaping or getting help are available.⁶⁰

seeking support and services to end the violence in their lives and complicate the ability of the criminal justice system to investigate and prosecute domestic violence, dating violence, sexual assault and stalking cases").

55. Some rural residents have become more isolated in recent years in areas that have lost population and the services they attract. See SONYA SALAMON, PRAIRIE PATRIMONY 40 (1992). Rural residents' physical isolation from centers of power helps explain their virtual invisibility to legal actors, the political arena, and, indeed, to broader society. See Pruitt, *Feminist Theory of the Rural*, *supra* note 32, at 421; Lisa R. Pruitt, *Gender, Geography and Rural Justice* (forthcoming 2009 BERKELEY J. GENDER L. & JUST.) [hereinafter Pruitt, *Gender, Geography and Rural Justice*].

Analyzing rural locales in terms of their spatial characteristics seems obvious. See, e.g., Marc Mormont, *Who Is Rural? or, How to Be Rural: Towards a Sociology of the Rural*, in RURAL RESTRUCTURING: GLOBAL PROCESSES AND THEIR RESPONSES 21, 28-41 (Terry Marsden et al. eds., 1990) (arguing for attention to rural identities in relation to spatial analysis); Keith Halfacree, *Rural Space: Constructing a Three-fold Architecture* 44, in HANDBOOK OF RURAL STUDIES (Paul Cloke et al. eds., 2006) (noting that the concept "rural" is inherently spatial). Nevertheless, it is a project largely neglected by scholars. *But see* THE SOCIOLOGY OF SPATIAL INEQUALITY, *supra* note 33, at 4.

56. See Pruitt, *Missing the Mark*, *supra* note 32, at 439.

57. A 2005 study of rural and urban women who had sought protective orders found that a majority of both groups said safety and the need to stop the violence were their primary reasons for filing protective orders. The next most offered reason given was fear, but while only 26% of urban women listed it, 54% of rural women did. Logan, *Protective Orders*, *supra* note 11, at 887, 888 (tbl. 2). See also Pruitt, *Feminist Theory of the Rural*, *supra* note 32, at 444. For an excellent exegesis on the concept of vulnerability as part of the human condition generally, see Martha Albertson Fineman, *The Vulnerable Subject: Anchoring Equality in the Human Condition*, 20 YALE J. L. & FEMINISM 1 (2008).

58. Criminal law narratives from case law frequently acknowledge implicitly the vulnerability associated with spatial isolation. See Pruitt, *Feminist Theory of the Rural*, *supra* note 32, at 471-84. However, judges have not always shown such awareness in relation to domestic violence. *Id.* at 425, 443.

59. This may be of enormous practical significance because initial 911 calls about domestic violence often are made by the neighbors of those involved. Subsequently, such reports are referenced by prosecutors when a situation escalates sufficiently to result in a prosecution. Interview of Jennifer Kibbe Day, Deputy Prosecutor, in San Joaquin County, Cal., (Aug. 12, 2008).

60. See OVW EFFECTIVENESS REPORT, *supra* note 10, at 27. Indeed, rural women complain about their physical isolation in relation to the day-to-day hardships it creates, as well as the social isolation it fosters. See, e.g., WEBSDALE, BATTERING, *supra* note 22, at 5

Research about domestic abuse in rural contexts has documented the practical impact of poor rural roads and of lack of transportation options,⁶¹ as well as a substandard communications infrastructure.⁶² These types of limitations on assistance are illustrated by a study of intimate abuse in a rural Wisconsin county. In that study, 47% of victims had no access to a vehicle,⁶³ and 30% had no telephone.⁶⁴

Abusers may take advantage of physical distance from sources of assistance. Some use the victim's knowledge of her vulnerability to threaten her and intensify the terror inflicted.⁶⁵ Indeed, batterers may choose to live in the country because it aggravates their victim's isolation and helplessness.⁶⁶

(noting the difficulties created by physical isolation, including how it impedes participation in community life).

61. See Patricia Gagné, *Appalachian Women: Violence and Social Control*, 20 J. CONTEMP. ETHNOGRAPHY 400 (1992) (noting that husbands may withhold access to the family vehicle so that their wives cannot travel); WEBSDALE, BATTERING, *supra* note 22, at 162; Susan F. Grossman et al., *Rural Versus Urban Victims of Violence: The Interplay of Race and Region*, 20 J. FAM. VIOLENCE 71, 72 (2005) (noting that batterers sometimes control victims' access to transportation by disabling a vehicle or monitoring its odometer). See also Logan et al., *Rural and Urban Perceptions*, *supra* note 20, at 46-47 (discussing lack of transportation options as a barrier to services for both rural and urban women).

62. See WEBSDALE, BATTERING, *supra* note 22, at 8 (estimating that 20-30% of rural households had no telephone); SUSAN H. LEWIS, UNSPOKEN CRIMES: SEXUAL ASSAULT IN RURAL AMERICA 4 (2003), available at http://www.nsvrc.org/_cms/fileUpload/rural.pdf (noting lack of cell phone service and public telephones in rural areas). Lack of telephone access is a recurring theme in litigation involving rural women. See Pruitt, *Feminist Theory of the Rural*, *supra* note 32, at 452-57; *Robinette v. Keene*, 347 S.E.2d 156, 157 (Va. Ct. App. 1986) (excusing the actions of a mother who left her daughter with a relative for several weeks in part because the mother was hiding, in a rural locale with no telephone, from an abusive husband who had sexually assaulted their daughter).

Lack of access to a phone also presents challenges for social service workers and domestic violence advocates who wish to contact victims and witnesses, for example to deliver services and information. OFF. FOR VICTIMS OF CRIME, U.S. DEP'T OF JUST., RURAL VICTIM ASSISTANCE: A VICTIM/WITNESS GUIDE FOR RURAL PROSECUTORS (2007), http://www.ojp.usdoj.gov/ovc/publications/infores/rural_victim_assistance/pfv.html [hereinafter GUIDE FOR RURAL PROSECUTORS].

63. Feyen, *supra* note 21, at 106 (noting that the sheriff's department provided transportation to the shelter for about 20% of women); see also Logan, *Qualitative Differences*, *supra* note 11, at 85 (reporting that 20% of the rural households from which respondents came had neither a telephone nor an automobile).

64. Feyen, *supra* note 21, at 105. But see CELLULAR TELECOMM.'S INTERNET ASS'N: THE WIRELESS ASS'N, *Bridging the Digital Divide: Wireless in Rural America* (2006), http://www.ctia.org/advocacy/position_papers/index.cfm/AID/10308 (citing a CTIA study of Federal Communications Commission data showing that 51.3% of consumers living in rural areas had wireless phones in 2004, versus 53.9% of all Americans).

65. Pruitt, *Feminist Theory of the Rural*, *supra* note 32, at 452-53 (citing, among other cases, *Moyer v. Moyer*, No. 03-03-00751-CV, 2005 WL 2043823, at *1 (Tex. App. Aug. 26, 2005)).

66. See WEBSDALE, BATTERING, *supra* note 22, at 5; see also Women's Rural Advocacy Program, Problems of Rural Battered Woman, <http://www.letswrap.com/dvinfo/rural.htm> (last visited Mar. 21, 2008).

Physical distance also creates challenges for rural law enforcement. Studies of rural crime invariably note the difficulty of responding quickly to calls from remote locations.⁶⁷ Low staffing levels are another problem,⁶⁸ particularly where domestic calls are not a priority.⁶⁹

Spatial isolation also impedes access to social and healthcare services because these often are available only in county seats or other population centers.⁷⁰ Reaching such resources is time consuming and disruptive. Distance and sparseness of population limit the ability of state and local governments to achieve the economies of scale that would permit provision of more and better services.⁷¹

Physical space thus constrains rural victims of domestic violence in ways that have material consequences. Rural spatiality creates inequalities and disadvantages that can perpetuate—and hide—violence against women,⁷² just as the location of intimate abuse in the obscured space of the home does.⁷³

When compared with their urban counterparts, it is clear that rural residents typically have less access to opportunities, services, and assistance.

67. See, e.g., Brenda J. Eastman et al., *Exploring the Perceptions of Domestic Violence Service Providers in Rural Locations*, 13 VIOLENCE AGAINST WOMEN 700, 701-02 (2007); WEISHEIT, *supra* note 2, at 9-10; Weisheit & Donnermeyer, *supra* note 3, at 323; LOGAN ET AL., PARTNER STALKING: HOW WOMEN RESPOND, COPE, AND SURVIVE 268 (2006) [hereinafter LOGAN ET AL., PARTNER STALKING]; Feyen, *supra* note 21, at 115 (noting it took officers up to an hour to respond to some calls, depending on their location within the county).

68. See Feyen, *supra* note 21, at 115; WEISHEIT, *supra* note 2, at 144; Eastman et al., *supra* note 67, at 701-02; BARBARA GLICK, OREGON DEPARTMENT OF STATE POLICE, VAWA STOP VIOLENCE AGAINST WOMEN FORMULA GRANT PROGRAM IMPLEMENTATION PLAN FOR OREGON: FY 2003-2006 24 (on file with author) (noting reduction in law enforcement presence in “rural and frontier” counties because of budget cuts associated with declining timber revenue and decreases in federal subsidies).

69. See *infra* Part II.D.i.

70. Fifty-four percent of prosecutors in one study indicated that they did not have adequate community resources for victim referrals. Of the 46% that reported having adequate resources, many of the listed services were in neighboring jurisdictions and far from the victim’s home. GUIDE FOR RURAL PROSECUTORS, *supra* note 62. See also Struthers & Bokemeier, *supra* note 5, at 27 (noting transportation challenges for rural families needing social services and also that while shelters were sometimes available for women, they were not available for children); FAHNESTOCK, *supra* note 24, at 21 (reporting difficulties in accessing services and law enforcement because of isolation and lack of transportation). Carol Feyen studied River County (a pseudonym), site of the first rural women’s shelter in Wisconsin, established in 1979. Feyen, *supra* note 21, at 105. It served a county of 18,000, but only 25% of the county populace lived in the county seat where the shelter was located. See *id.* at 102. Only 22% of those who had used the shelter lived in that town. See *id.* at 105.

71. See *infra* Part II.C. See also Barry L. Locke & Jim Winship, *Social Work in Rural America: Lessons from the Past and Trends for the Future*, in RURAL SOCIAL WORK PRACTICE (Nancy Lohmann & Roger A. Lohmann eds., 2005); Deavers, *supra* note 30, at 185.

72. Physical isolation becomes “a metaphor for their sociocultural isolation.” WEBSDALE, BATTERING, *supra* note 22, at 162. See also Eastman et al., *supra* note 67, at 701-02.

73. See SCHNEIDER, *supra* note 31, at ch. 6 (discussing the literal and conceptual link between home and privacy).

Such spatial inequalities also have economic and social consequences. Among the latter are social isolation and lack of anonymity.

B. Social Space: The paradox of rural privacy.

i. Lack of anonymity and social isolation.

The physical distances that create and exacerbate rural hardship and vulnerability often are viewed in light of their positive consequences. These distances are seen, for example, as fostering and creating greater expectations of privacy.⁷⁴ Certainly, rural residents enjoy a type of privacy arising from the distances between homes.⁷⁵ Houses often are set back from the road, making it hard to look into windows or hear what is happening inside.

As a practical matter, however, rural dwellers may experience *less* privacy than those in cities because of the nature of rural and small-town living. Rarely are rural residents nameless or faceless among their neighbors.⁷⁶ Population sparseness tends to produce “high density of acquaintanceship”⁷⁷ and “a predominance of personal, face-to-face social relationships among similar people.”⁷⁸ Small-town gossip about private lives – particularly about those who do not conform to community expectations⁷⁹ – often is a form of informal

74. This assumption often is shared by courts. For example, courts have discussed the greater expectation of privacy that rural residents have with respect to Fourth Amendment search and seizure law. See Pruitt, *Rural Rhetoric*, *supra* note 2, at 194-95.

75. See Gagné, *supra* note 61, at 390.

76. Judges occasionally have expressed this idea vividly. In a 1974 case, *Stanley v. State*, the judge wrote that a defendant’s bad reputation “arguably took on more substance from the fact that it had ... sprang ... from rural soil rather than from the faceless anonymity of an urban swarm.” *Stanley v. State*, 313 A.2d 847, 855 n.7 (Md. 1974) (citing *United States v. Harris*, 403 U.S. 573 (1971)).

77. Robert M Moore III, *Introduction* to *THE HIDDEN AMERICA*, *supra* note 21, at 16 (citing Flora & Flora 1993). See also Salamon, *Hometown to Nontown*, *supra* note 1, at 8 (referring to the “social cost” of living in a small town where “everyone knows you, your business); Louis E. Swanson & David L. Brown, *Conclusion: Challenges Become Opportunities: Trends and Policies Shaping the Future*, in *CHALLENGES FOR RURAL AMERICA IN THE TWENTY-FIRST CENTURY* 397, 401 (David L. Brown & Louis E. Swanson eds., 2003) (referring to this phenomenon as “involuntary intimacy”).

78. Fern K. Willits et al., *Persistence of Rural/Urban Differences*, in *RURAL SOCIETY IN THE U.S.: ISSUES FOR THE 1980S* 69, 70 (Don A. Dillman & Daryl J. Hobbs eds., 1982); see Mormont, *supra* note 55, at 24 (noting familiarity among rural neighbors). Even mundane events can be the subject of newspaper coverage in rural places. See, e.g., Logan, *Protective Orders*, *supra* note 11, at 892; *Sheriff’s Report*, *NEWTON COUNTY TIMES (AR)*, Apr. 10, 2008, at 2 (listing the activities of the sheriff’s department personnel for the week); Dan Barry, *A Rough Script of Life, if Ever There Was One*, *N.Y. TIMES*, Sept. 2, 2007, available at <http://select.nytimes.com/2007/09/02/us/02land.html> (noting the police log which appears in the newspaper in Chadron, Nebraska, population 5,000).

79. See Rosemarie Bogal-Allbritten, *Domestic Violence*, in 1 *ENCYCLOPEDIA OF RURAL AMERICA: THE LAND AND PEOPLE* 275-78 (G. Goreham ed., 2d ed. 2008).

social control.⁸⁰ This phenomenon is illustrated by studies indicating that most rural residents receiving public assistance tried to hide that fact from neighbors, friends, and even family members.⁸¹

This lack of anonymity, which might be thought of as a lack of information privacy, thus constitutes rural space, while also being constituted by it. It enables and disables, inhibits and disinhibits rural residents in a variety of ways by constructing the social spaces in which they live in ways that effectively limit their agency and subjectivity.⁸² For example, lack of anonymity may deter rural women from reporting rape, intimate abuse, and other matters traditionally considered private.⁸³ In short, lack of anonymity,

80. See SALAMON, *supra* note 55, at 162; Nancy A. Naples, *Contradictions in Agrarian Ideology: Restructuring Gender, Race-Ethnicity, and Class*, 59 RURAL SOC. 110, 131-33 (1994) (discussing the “outsider” status of single mothers, welfare recipients, racial-ethnic minorities).

81. See Mark R. Rank & Thomas Hirschl, *A Rural-Urban Comparison of Welfare Exits: The Importance of Population Density*, 53 RURAL SOC. 190, 191 (1998) (finding that rural residents are likely to receive welfare for shorter periods of time, the authors attributed this in part to the greater stigma associated with reliance on public assistance among rural folk). See also Struthers & Bokemeier, *supra* note 5, at 25-27 (describing rural residents’ strategies for economic self sufficiency and the obloquy associated with public assistance, even by those who had received it in the past); Naples, *supra* note 80, at 120-22 (observing the stigma associated with receipt of public assistance in two rural Iowa communities); Willits et al., *supra* note 78, at 72 (characterizing welfare as “foreign to rural persons, conflicting sharply with their . . . independence and self-sufficiency”).

82. I have written previously about this phenomenon, for example, in relation to abortion regulations that provide for judicial bypass of parental consent requirements for minors. When a minor knows the judicial officer who will consider her request because they are members of the same community, she is likely to be deterred from making it. See Pruitt, *Feminist Theory of the Rural*, *supra* note 32, at 478.

83. See, e.g., GALLUP-BLACK TRENDS, *supra* note 9, at 3 (suggesting that the interpersonal familiarity that marks rural areas is likely a reason for low reporting rates of sexual assault and domestic violence there); LOGAN ET AL., PARTNER STALKING, *supra* note 67, at 280 (reporting the experience of one rural woman who was concerned she would embarrass her family if she came forward as a domestic violence victim); Logan, *Rural and Urban Perceptions*, *supra* note 20, at 46-47 (reporting that one rural woman was told by “many people” to “keep your mouth shut” after being raped because of the embarrassment and stigma attached to being a victim of domestic violence and noting the impossibility of finding “anonymous help” in rural areas). In fact, rural residents may be more reluctant than their urban counterparts to report all sorts of crimes because of mistrust of the government. Weisheit & Donnermeyer, *supra* note 3, at 329-30. They may see crime as a private matter, even when the offender is a stranger. *Id.* at 330; see also OVW EFFECTIVENESS REPORT, *supra* note 10, at 27. This lack of anonymity also prevents members of rural communities from assisting victims of domestic violence. *Id.* at 52 (noting that few rural residents are willing to offer shelter to victims for fear of retaliation).

This is a similar challenge to that long associated with domestic abuse and its association with the private. Linda Gordon wrote in 1993: “Disproportionately poor and oppressed, [battered women] were also unusually isolated in their victimization because wife beating occurs in private and because they had to contend with a dominant culture that has rendered this problem unspeakable.” Linda Gordon, *Women’s Agency, Social Control, and the Construction of “Rights” by Battered Women*, in NEGOTIATING AT THE MARGINS 122, 126 (Sue Fisher & Kathy Davis eds., 1993).

particularly when coupled with the value placed in personal and family reputation, may keep rural women from seeking assistance.⁸⁴

Related to lack of anonymity is the social isolation that often accompanies spatial isolation.⁸⁵ Social isolation, which is widely associated with intimate abuse,⁸⁶ may be aggravated by rural spatiality, as well as the rural socio-cultural milieu.⁸⁷ Physical isolation cuts women off from informal social support networks like family, friends, and other survivors, which could reduce their sense of isolation and helplessness.⁸⁸ Isolation also increases a woman's social dependency on her abuser.⁸⁹

A 2003 pilot study of rural-urban difference in relation to domestic abuse supports this theory.⁹⁰ It showed that rural survivors were more socially isolated than their urban counterparts. While eight of fifteen urban women (53%) mentioned talking to a friend as a coping strategy, only one of seven rural women (13%) reported doing so.⁹¹ The rural women's narrative responses conveyed a sense of loneliness and despair, while urban women were more

84. See LEWIS, *supra* note 62, at 5; Logan, *Protective Orders*, *supra* note 11, at 892 (noting fear of "causing a big family ruckus and the shame that criminal justice involvement would bring to the family").

85. Feyen, *supra* note 21, at 107-08.

86. See SCHNEIDER, *supra* note 31, at 12; Michael L. Benson et al., *Neighborhood Disadvantage, Individual Economic Distress and Violence Against Women in Intimate Relationships*, 19 J. QUANTITATIVE CRIMINOLOGY 207, 210 (2003) [hereinafter Benson et al., *Neighborhood Disadvantage*]; Carol S. Wharton, *Establishing Shelters for Battered Women: Local Manifestations of a Social Movement*, 10 QUALITATIVE SOC. 71 (1987); Deborah Tuerkheimer, *Recognizing and Remediating the Harm of Battering: A Call to Criminalize Domestic Violence*, 94 J. CRIM. L. & CRIMINOLOGY 973 (2004) (arguing that the struggle for power and control within battering relationships, including the act of isolating the victim socially, should be treated as part of the recognized crime of domestic abuse, while the law currently emphasizes physicality too much).

87. Forty-five percent of the women in Feyen's Wisconsin study reported no nearby family, and 35% reported no supportive neighbors. Feyen, *supra* note 21, at 106. See also Women's Rural Advocacy Program, *Problems of Rural Battered Women*, <http://www.letswrap.com/dvinfo/rural.htm> (last visited Mar. 21, 2008); Logan, *Qualitative Differences*, *supra* note 11, at 86 (rural battered women reported significantly less social support than their urban counterparts); Logan, *Protective Orders*, *supra* note 11, at 895, 896 (tbl. 4).

88. See Eastman et al., *supra* note 67, at 711; Gagné, *supra* note 61, at 401 (discussing men's efforts to cut women off from one another); OVW EFFECTIVENESS REPORT, *supra* note 10, at 51, 53 (reporting the use of VAWA funds to establish women's groups in Alaskan villages); RURAL JUSTICE CENTER, DOMESTIC VIOLENCE: A CURRICULUM FOR RURAL COURTS 18 (1992) [hereinafter CURRICULUM FOR RURAL COURTS].

89. See Gagné, *supra* note 61, at 401.

90. See also Logan, *Relationship Characteristics*, *supra* note 15, at 241 (noting that rural women, more than either White or African American urban women, reported that the men against whom they sought protective orders used more tactics within the categories of degradation, jealousy and control, and serious threats; rural women also reported more symbolic violence and more verbal abuse than did urban African American women).

91. Logan, *Qualitative Differences*, *supra* note 11, at 86. The numbers who reported talking to a family member were somewhat similar. Three of the urban women did, while only one rural woman did so. *Id.*

optimistic about their situations and felt they had the resources to change their lives.⁹² Similar findings are reflected in a 2005 study that found that rural abusers were more likely than urban abusers to stop a woman from seeing her friends or family, interfere with her relationships with others, and keep her from doing things to help herself.⁹³

ii. Rural Patriarchy as Private Patriarchy.

Spatiality shapes rural society in other ways that implicate the concepts of privacy and the private, particularly as those concepts relate to gender norms. Namely, rural communities generally have been slow to alter their traditions and cultural heritage.⁹⁴ Rural sociologists theorize that this is because sparse populations mean that residents interact personally with others in their community, who typically are similar to them.⁹⁵ Such interactions are thought to foster “greater levels of consensus on important values and morals.”⁹⁶ Rural residents thus tend to embrace tradition⁹⁷ because they are exposed less frequently to evolving norms that challenge the status quo.⁹⁸ By contrast, urban

92. *Id.* Rural women were much more likely than urban ones to say that they coped by spending time with their children, driving alone, suppressing their feelings, or ignoring their abuser. *Id.* One rural woman reported bingeing and purging, biting her nails until they bled, taking a bath and putting alcohol, peroxide, and betadine on her wounds, going to the emergency room, and considering suicide. *Id.* Urban women, on the other hand, were more likely to discuss the abuse with a friend or family member, to seek counseling and reading materials, and to determine that they would “not let it happen again.” *Id.*

93. See Logan, *Protective Orders*, *supra* note 11, at 896 (tbl. 4). Rural victims also were more likely to be denied access to money. *Id.*

94. Willits et al., *supra* note 78, at 70.

95. See *id.* at 70, 73-74, 79 (observing that rural communities tend to be static, homogeneous, and resistant to change). See also David M. Engel, *The Oven Bird's Song: Insiders, Outsiders and Personal Injuries in an American Community*, 18 LAW & SOC'Y REV. 551, 556-58, 569, 572-74 (1984) (reporting that familiarity among rural residents influenced their attitudes about litigation); Richard Dewey, *The Rural-Urban Continuum: Real but Relatively Unimportant*, 66 AM. J. SOC. 60, 61 (1960) (quoting Louis Wirth, *Urbanism as a Way of Life*, XLIV AM J. SOC. 18 (1938)) (listing degree of heterogeneity, along with number and density of settlement, as the three variables that “explain the characteristics of urban life”).

96. Don E. Albrecht & Carol M. Albrecht, *Metro/Nonmetro Residence, Nonmarital Conception, and Conception Outcomes*, 69 RURAL SOC. 430, 435 (2004). A 1979 study indicated that rural residents are “more traditional in their moral orientation, ... more ideologically religious and conservative in their practices, ... [and] more satisfied with their lifestyle” compared to their urban counterparts. It also showed them to be “less accepting of minority rights” and “more likely to oppose federal government.” Willits et al., *supra* note 78, at 72.

97. Willits et al., *supra* note 78, at 73; see also Feyen, *supra* note 21, at 108 (discussing a “conceptual lag ... in perceiving, understanding, and diagnosis” of social problems, as well as a lack of commitment to addressing them); Naples, *supra* note 80, at 133 (noting that rural communities in the midst of change draw upon “the discourse of agrarianism and traditional values” to make sense of them).

98. LEWIS, *supra* note 62, at 5.

settings tend to lead to the “generation and acceptance of new ideas”⁹⁹ because critical masses of diverse people in cities innovate.¹⁰⁰

In light of recent demographic shifts¹⁰¹ and technological developments that better connect many rural residents to wider society,¹⁰² rural folk may not be as socially, culturally, and politically settled as they once were. Recent studies nevertheless reveal ongoing similarities across regions.¹⁰³ There is evidence that rural Americans remain politically and socially conservative.¹⁰⁴ Attachment to place is another consistent finding.¹⁰⁵ Finally, rural families remain more traditional than urban families.¹⁰⁶ Compared to their urban

99. Willits et al., *supra* note 78.

100. *Id.* at 73.

101. See *infra* Part II.A (discussing greater diversity among and within rural places, as well as phenomena such as exurbia and rural resorts).

102. See, e.g., PETER BELL, PAVANI REDDY & LEE RAINIE, PEW INTERNET & AM. LIFE PROJECT, RURAL AREAS AND THE INTERNET (2004), http://www.pewinternet.org/pdfs/PIP_Rural_Report.pdf (reporting that 67% of urban residents use the Internet; 66% of suburban residents do, but only 52% of nonmetro residents do; many rural Internet users have only one service provider available to them; broadband adoption has lagged in nonmetro areas). On the other hand, technology is connecting rural residents to services in a variety of ways. See Kirk Johnson, *TV Screen, Not Couch, Is Required for this Session*, N.Y. TIMES, June 8, 2006, at A1 (reporting on use of telemedicine to serve rural clients).

103. See, e.g., Tickamyer & Henderson, *Rural Women*, *supra* note 1, at 112-14 (noting similarities among rural areas in Appalachia, the Pacific Northwest, and the Midwest in terms of how rural women have responded to economic restructuring).

104. News Release, W.K. Kellogg Found., Cultural Issues in Rural America Gave Republicans a Wide Margin of Success in Recent Election: Gender Gap Narrower Among Rural Voters, Rural Voter Study Shows (2002), available at <http://www.wkkf.org/> (enter “Press Release Cultural Issues” in the search box and click “Search”; then follow “W.K. Kellogg Foundation: Press Release: Cultural Issues” hyperlink). See also OVV EFFECTIVENESS REPORT, *supra* note 10, at 27.

105. See Tickamyer & Henderson, *Rural Women*, *supra* note 1, at 112-14 (emphasizing in discussion of three different rural regions the residents’ “deep-seated local affiliations and loyalties,” lack of willingness to leave their rural homes in spite of greater opportunity in urban areas, ties to family and community and “a commitment to the land that make relocation” undesirable, and attachment to rural “land and lifestyle”); Struthers & Bokemeier, *supra* note 5, at 35 (noting that respondents lived in rural areas “because they had always lived there” and had family there), 42 (noting a recurring theme among respondents is that “place matters,” and that place defines family life, patterns of inequality, and social opportunities); Terry Marsden et al., *Introduction: Questions of Rurality*, in RURAL RESTRUCTURING, *supra* note 55, at 1 (noting long-standing association of the rural with “internal solidarity, kinship ties, generational continuity and traditional face-to-face society”).

106. See Anastasia R. Snyder & Diane K. McLaughlin, *Female-Headed Families and Poverty in Rural America*, 69 RURAL SOC. 127, 129, 146 (2004) (comparing family structures across rural, suburban, and central city areas in 1980, 1990, and 2000 and noting that rural families remain more traditional in that nonmetro females “are more likely to ever marry and less likely to ever divorce . . . , are more likely to marry at younger ages . . . , are less likely to cohabit . . . and have higher fertility rates during their teens and early 20’s”) [hereinafter Snyder & McLaughlin]. See also Linda Bescher-Donnelly & Leslie Whitener Smith, *The Changing Roles and Status of Rural Women*, in THE FAMILY IN RURAL SOCIETY 167, 169 (Raymond T. Coward & William M. Smith, Jr. eds., 1981) (noting that rural

counterparts, rural women marry at a greater rate and at an earlier age,¹⁰⁷ value their homemaking and mothering roles more,¹⁰⁸ and are less likely to have an abortion.¹⁰⁹

The tradition, homogeneity, and consensus associated with rural places is also reflected in what rural sociologist Linda Lobao has called “traditional forms of masculinity” and “being a ‘man’s man.’”¹¹⁰ Such masculinity is manifest, for example, in a particular form of rural patriarchy that deeply entrenches the separate spheres ideology,¹¹¹ relegating women to the home or—begrudgingly—to low-paid jobs in the market. As such, Neil Websdale has argued that rural patriarchy tends to be a private patriarchy in the sense of

women appear to maintain “a more traditional sex-role ideology”). The Christian religion plays a significant role in shaping social norms in many rural areas, and it likely contributes to traditional views on gender. See Eastman et al., *supra* note 67, at 702.

107. Struthers & Bokemeier, *supra* note 5, at 34. This may also be reflected in statistics about the abuse of rural women who in one study were, on average, nine years younger than their urban counterparts when they began seeing the partner who abused them. Logan, *Qualitative Differences*, *supra* note 11, at 86 (the average age for the rural women was 20, while it was 29 for the urban women). The OVW reported that between January 2004 and June 2005, between 41 and 43 percent of the victims served through its rural grant program were aged 25-59, while 16-24 percent were aged 18-24. OVW EFFECTIVENESS REPORT, *supra* note 10, at 56. See also Janet L. Lauritsen & Norman A. White, *Putting Violence in its Place: The Influence of Race, Ethnicity, Gender and Place on the Risk for Violence*, 1 CRIMINOLOGY & PUB. POL’Y 37, 52 (2001-02) (documenting young females’ vulnerability to nonstranger violence and arguing for education to target this group so that they become more aware of this vulnerability).

108. See JUDITH IVY FIENE, *THE SOCIAL REALITY OF A GROUP OF RURAL, LOW-STATUS, APPALACHIAN WOMEN: A GROUNDED THEORY STUDY* 41 (1993); Naples, *supra* note 80, at 126 (observing contradiction between women’s traditional roles and the fulfillment they find in paid labor force); Struthers & Bokemeier, *supra* note 5, at 25, 28.

109. Albrecht & Albrecht, *supra* note 96, at 444, 447 (2004) (finding unmarried rural women who become pregnant more likely to marry before the baby’s birth). Attitudes about abortion generally are more negative among rural women than they are among urban women. See, e.g., FIENE, *supra* note 108, at 44-45 (indicating Kentucky women’s rejection of abortion even when the pregnancy results from rape). Rural women are significantly more likely to support pro-life candidates. PUBLIC OPINION STRATEGIES AND GREENBERG QUINLAN ROSNER RESEARCH, *ELECTION 2002: RURAL VOTER AND RURAL ISSUES*, 36-37 (Dec. 2, 2002), available at http://www.wkcf.org/DesktopModules/WKF_DmaItem/ViewDoc.aspx?fld=PDFFile&CID=4&ListID=28&ItemID=43791&LanguageID=0.

110. Linda Lobao, *Gendered Places and Place-Based Gender Identities: Reflections and Refractions*, in *COUNTRY BOYS: MASCULINITY IN RURAL LIFE* 267, 269 (Hugh Campbell, Michael Mayerfield Bell & Margaret Finney eds., 2006). Lobao also refers to “highly masculinized rural places,” which suggests that some rural places are more traditional than others in terms of their patriarchal structures. *Id.* at 272.

111. See JOAN WILLIAMS, *UNBENDING GENDER: WHY FAMILY AND WORK CONFLICT AND WHAT TO DO ABOUT IT* 1-3 (2000) (discussing the rise of “domesticity,” the gendered separation of market work and family work, that took hold by the turn of the nineteenth century); Linda K. Kerber, *Separate Spheres, Female Worlds, Woman’s Place: The Rhetoric of Women’s History*, 75 J. AM. HIST. 9, 15-16 (1988) (discussing the work of historian Nancy F. Cott, who located the establishment of separate spheres in economic changes in the industrial revolution); Frances Olsen, *The Family and the Market: A Study of Ideology and Legal Reform*, 96 HARV. L. REV. 1497, 1498-90 (1983).

operating more in the private sphere of the home rather than the public sphere of the market or politics.¹¹² He quotes Sylvia Walby's *Theorizing Patriarchy* in explaining this phenomenon:

In private patriarchy the dominant structure is household production, while in the public form it is employment and the state, though in each case [other structures are] significant. In the private form the dominant mode of expropriation is individual, by the husband or father; in the public, it is collective, by men.¹¹³

Private patriarchy endows men with dominion over their households, while also encouraging women to focus on their parenting and other domestic roles.¹¹⁴ That focus, however, leaves women socially and economically disempowered and dependent on their intimate partners. For rural women, it also leaves them spatially disempowered by virtue of their location in two physically isolated spaces: the rural locale and, nested within it, the home.¹¹⁵

Rural manifestations of masculinity may also reinforce gender ideologies that are harmful to women. One study in rural Ohio found that 67% of women who had experienced sexual assault in the context of divorce or separation reported that the perpetrator had male peers who "perpetuated and legitimated" the act.¹¹⁶ Recent work in critical criminology has theorized that while the social organization or "collective control" associated with rural communities

112. WEBSDALE, BATTERING, *supra* note 22, at 48-49 (citing SYLVIA WALBY, *THEORIZING PATRIARCHY* (1992)); *see also* Pruitt, *Gender, Geography and Rural Justice*, *supra* note 55, at Part III.A. Websdale and Johnson elsewhere write that urban women are "more likely to be employed, to vote, to participate in politics, and to be influenced by the complex machinery of the state." Websdale & Johnson, *An Ethnostatistical Comparison*, *supra* note 12, at 168. *But see* KRISTIN SMITH, CARSEY INSTITUTE, EMPLOYMENT RATES HIGHER AMONG RURAL MOTHERS THAN URBAN MOTHERS (Fall 2007), http://www.carseyinstitute.unh.edu/publications/FS_ruralmothers_07.pdf [hereinafter SMITH, EMPLOYMENT RATES] (reporting that rural mothers consistently have been employed at higher rates than urban mothers for 25 years, even as a higher percentage of all urban women (62%) were employed than rural women (60%) in 2004); KRISTIN SMITH, CARSEY INSTITUTE, WORKING HARD FOR THE MONEY: TRENDS IN WOMEN'S EMPLOYMENT 1970-2007 (2008) [hereinafter SMITH, WORKING HARD], <http://carseyinstitute.unh.edu/publications/Report-Smith-WorkingHard.pdf> (reporting that more than 70% of rural women with children under the age of six work for pay).

113. WEBSDALE, BATTERING, *supra* note 22, at 49 (quoting SYLVIA WALBY, *THEORIZING PATRIARCHY* 36 (1992)). Of course, public and private manifestations of patriarchy are not rigidly separable and they often are mutually enforcing. *Id.*

114. *See* Pruitt, *Gender, Geography and Rural Justice*, *supra* note 55, at Parts II.B.2, III.A.2.

115. *See id.* at Part III.A.2.

116. Walter DeKeseredy et al., *Separation/Divorce Sexual Assault: The Contribution of Male Support*, 1 *FEMINIST CRIMINOLOGY* 228, 238 (2006) [hereinafter DeKeseredy et al., *Separation/Divorce Sexual Assault*] (finding that peers served this legitimating function primarily in three ways: frequently drinking with male friends, guiding or influencing them, and by attachment to those peers).

constrains some crimes, it may facilitate others.¹¹⁷ Some empirical research indicates that intimate partner violence is one of the crimes that may be fostered by rural society's collective or informal control.¹¹⁸ As DeKeseredy and Schwartz have expressed it, "rural men can also rely on their male friends and neighbors . . . to support a violent patriarchal status quo, which to them is acting on 'behalf of a common good.'"¹¹⁹

Community support for this patriarchal status quo may extend to law enforcement officers, thus creating another obstacle for rural women experiencing intimate partner violence. Rural patriarchy may mean that residents and law enforcement are more likely to see intimate violence as a private or family issue,¹²⁰ and even to blame the woman for its occurrence.¹²¹ In

117. Joseph Donnermeyer et al., *Rural Crime, Poverty and Community*, in *ADVANCING CRITICAL CRIMINOLOGY: THEORY AND APPLICATION* 199, 207-08 (Walter S. DeKeseredy & Barbara Perry eds., 2006) [hereinafter Donnermeyer et al., *Rural Crime, Poverty and Community*].

118. See Walter S. DeKeseredy & Martin D. Schwartz, *Separation/Divorce Sexual Assault in Rural Ohio: Survivors' Perceptions*, 36 *J. PREVENTION & INTERVENTION IN THE COMMUNITY* 105, 113 (2008) [hereinafter DeKeseredy & Schwartz, *Survivors' Perceptions*]; Walter DeKeseredy & C. Joseph, *Separation and/or Divorce Sexual Assault in Rural Ohio: Preliminary Results of an Exploratory Study*, 11 *VIOLENCE AGAINST WOMEN* 1 (2005).

119. DeKeseredy & Schwartz, *Survivors' Perceptions*, *supra* note 118, at 113.

120. This tendency may be reflected in judicial narratives, with judges sometimes disagreeing with police attitudes about domestic violence being a private matter. See, e.g., *Florence v. Town of Plainfield*, 849 A.2d 7, 9-11 (Conn. Super. Ct. 2004) (upholding negligence suit against small municipality when police failed to execute an arrest warrant to protect victim from her boyfriend, in spite of her repeated requests for assistance; suggesting that because the parties lived in a small town, the police department would be expected to have working knowledge of such ongoing situations, making its failure to act inexcusable). Plainfield, Connecticut had a population of 14,619 in the 2000 Census. U.S. Census Bureau, American Fact Finder 2000, available at http://factfinder.census.gov/home/saff/main.html?_lang=en (Search "Plainfield, Connecticut"). See also *Arthurs v. Aiken County*, 551 S.E.2d 579, 581, 583-85 (S.C. 2001) (finding sheriffs' department not liable for failure to protect woman from her husband, who threatened her and her family three times on the day he killed her; court described the place where the murder occurred as "rural").

One case involving police inaction in a family violence situation was heard by the Supreme Court and decided in 2005. In *Castle Rock v. Gonzales*, Jessica Gonzales argued that her restraining order against her husband had created a property interest protected from arbitrary deprivation by the Due Process Clause of the 14th Amendment. *Town of Castle Rock v. Gonzales*, 545 U.S. 748, 754 (2005). She argued that such an interest had been violated when the Castle Rock police failed to enforce the order, in spite of her repeated requests that they do so. *Id.* A majority of the Court found that no such property interest had been created. *Id.* at 768. See also *infra* notes 408-12 (noting that the Inter-American Commission on Human Rights has agreed to hear Jessica Gonzales' claim).

121. A theme among women interviewed for the Wisconsin study was a lack of support from both community and clergy. The women felt these community figures sympathized with the "abandoned" husband. See Feyen, *supra* note 21, at 112-14, 118-19. See also Gagné, *supra* note 61, at 402-03 (observing the distrust among women in a rural Appalachian community). Even social service providers may blame victims of intimate abuse. See WEBSDALE, *BATTERING*, *supra* note 22, at 167. So may judges. See *infra* Part II.D.iv.

other words, broadly speaking, rural society has benefited less from the education efforts associated with the battered women's movement in the past several decades.¹²² Whereas traditional gender roles and norms presumably have been challenged among diverse urban populations, rural residents have been less likely to rethink these issues because of the static and homogeneous nature of their communities.¹²³

Such long-standing attitudes, however wrong-headed, may influence women's decisions not to exit abusive relationships¹²⁴ by undermining their self-worth and leaving them ostracized.¹²⁵ They may also deter women from

122. See, e.g., SCHNEIDER, *supra* note 31, at 228 (noting the "tremendous accomplishments" in transforming the subject of intimate violence from a private issue to a public one since the 1970s as evidenced by legal decisions that recognize the harms of domestic abuse to the continuing pervasiveness of public education on the subject), 44 (listing as examples of early feminist efforts filing battering class action suits in the 1970s against police in New York City and Oakland for failure to arrest batterers); Wharton, *supra* note 86, at 147 (1987) (reporting that only six of the forty-seven domestic violence shelters studied, all founded by local women's groups, were in rural areas). See also Donnermeyer et al., *Rural Crime, Poverty & Community*, *supra* note 117, at 209 (listing domestic violence as an example of local, rural norms being in conflict "with those of the broader society vis-à-vis the national government"); OVW EFFECTIVENESS REPORT, *supra* note 10, at 59 (reporting a decrease from twenty-nine to zero in the number of "dual arrests," which refers to the practice of arresting both the offender and the victim rather than the offender only, between the January-June period in 2004 and the same period in 2005, due to efforts at educating responding officers).

123. Another possibility is that rural communities have, to some extent, re-thought these norms by virtue of exposure to national news and media. O.J. Simpson's alleged murder of his wife, Nicole Brown Simpson, for example, may have raised awareness about domestic violence across the nation, in rural places as well as urban ones. On the other hand, such events, while well publicized, might also have struck rural residents—especially those outside California—as completely irrelevant to their lives because they can in no way relate to such Hollywood lifestyles. In that case, coverage of the case and the relevant domestic violence principles would have had no educational effect regarding this social problem, and they might even have prompted a backlash against norms that were seen as urban and at odds with rural cultural norms.

124. See generally SCHNEIDER, *supra* note 31, at 47-48 (noting that harms from battering include "destruction of identity and selfhood"); Martha Mahoney, *Exit: Power and the Idea of Leaving in Love, Work, and the Confirmation Hearings*, 65 S. CAL. L. REV. 1283, 1303-04 (1991-1992) [hereinafter Mahoney, *Exit*] (arguing that, for battered women, leaving can be as dangerous and complicated as staying in the relationship).

125. A 2003 pilot study with a small sample found that 50% of rural domestic violence victims surveyed, when asked to list three things they liked about themselves, were unable to think of anything or stated explicitly that they did not like themselves. No urban respondents gave this response. Logan, *Qualitative Differences*, *supra* note 11, at 89. Equally telling was that 60% of rural women, but only 23% of urban women, reported that the first instance of intimate abuse occurred before they moved in with their partners. *Id.* at 90. Half of the rural women but none of the urban women reported that the first incident of abuse occurred within a month of beginning the relationship with the abusive partner. *Id.* at 87. All of the rural women had endured incidents of abuse prior to the one that led them to seek the protective order, but for 27% of the urban women the first incident led them to obtain the protective order. *Id.* at 86. In other words, rural women tended to tolerate more abuse before seeking legal protection.

reporting violence to law enforcement or seeking social services assistance, which in turn may influence the provision of such services.¹²⁶ For example, rural intimate abuse survivors in the Wisconsin study reported feeling shunned by their networks, including those associated with their churches.¹²⁷ They believed this was a form of retaliation for separating from or divorcing their abusive husbands, or merely for reporting them to the police in a community with different expectations of women and their roles.¹²⁸

As this analysis shows, different aspects of the privacy – or lack thereof – that are associated with rural areas can have unfortunate consequences for women. First, the privacy arising from physical isolation and sparseness of population increases their vulnerability.¹²⁹ Second, the lack of anonymity (or information privacy) that arises from rural spatiality puts women under greater pressure to comply with community norms. Third, the entrenched private patriarchy of rural areas means that women are expected to comply with gender norms that are economically and psycho-socially disempowering.

C. Economic Space: Sparse population, sparse opportunity.

The hardship and vulnerability associated with rural women's spatial and social isolation often are aggravated by yet another aspect of rural spatiality: the spatio-economic landscape. Rural economies are shaped by spatiality because low population density impedes the achievement of economies of scale. High transportation costs influence the location of industry, as well as whether educational opportunities and other services are offered.

Rural women, like women elsewhere, may stay in abusive relationships because of their inability to support themselves and their children.¹³⁰ Obstacles to economic self-sufficiency may prove greater for many rural women because

126. See Feyen, *supra* note 21, at 112-14 (noting that stakeholders in these and other influential social institutions might also be county board members who control funding for the shelter or otherwise have power to influence the women's situation).

VAWA grant reports track the number of victims served and this information may impact the awarding of future grants and therefore the future provision of services. See 2006 OVW EFFECTIVENESS REPORT, *supra* note 10 (reporting the number of victims served for each of the grant programs created under VAWA).

127. Feyen, *supra* note 21, at 112-14, 118-19.

128. *Id.* See also Bogal-Allbritten, *supra* note 79, at 198; Wendy Boka, *Domestic Violence in Farming Communities: Overcoming the Unique Problems Posed by the Rural Setting*, 9 DRAKE J. AGRIC. L. 389, 399 (2004).

129. This is analogous to the duality of home as both refuge and place of vulnerability. See Elizabeth M. Schneider, *The Violence of Privacy*, 23 CONN. L. REV. 973 (1990-1991).

130. See, e.g., Pruitt, *Gender, Geography & Rural Justice*, *supra* note 55, at Part II.B.i (documenting rural women's lack of earning power relative to rural men and to urban women; collecting sources); Melissa Hamilton, *Judicial Discourses Involving Domestic Violence and Expert Testimony* (May 2006) (unpublished Ph.D. dissertation, University of Texas at Austin), <http://repositories.lib.utexas.edu/handle/2152/2515> (discussing the reasons women stay in abusive relationships). Nearly one in five rural mothers lives in poverty. SMITH, WORKING HARD, *supra* note 112, at 18.

of limited and undiversified rural labor markets.¹³¹ They also are handicapped by social norms that discourage them from developing human capital,¹³² as well as by the practical difficulties associated with doing so.

Statistics on income and education shed light on further economic challenges facing rural women. Rural women typically earn about half of what rural men earn, while nonmetro workers earn, on average, 28% less than their metro counterparts.¹³³ The mean 2006 salary for a woman in nonmetro America was \$21,566, compared with \$29,758 for her metropolitan counterpart.¹³⁴

The difficulties associated with low wages often are aggravated by other rural characteristics. In many rural locales, poverty is high and intergenerational.¹³⁵ Housing options are limited.¹³⁶ Not only are job prospects

131. See Pruitt, *Missing the Mark*, *supra* note 32.

132. See *supra* notes 107-14 and accompanying text.

133. HOUSING ASSISTANCE COUNCIL, *TAKING STOCK: RURAL PEOPLE, POVERTY, AND HOUSING AT THE TURN OF THE 21ST CENTURY* 19 (2002), available at <http://www.ruralhome.org/pubs/hsganalysis/ts2000/index.htm> [hereinafter *TAKING STOCK*]. See also Ann Oberhauser, *Relocating Gender and Rural Economic Strategies*, 34 *ENV'T & PLANNING* 1221, 1225-26, 1231-32 (2002) (noting that in West Virginia in 2000, women earned 55 cents for every dollar men earned); Linda K. Cummins, *Homelessness Among Rural Women*, in *THE HIDDEN AMERICA*, *supra* note 21, at 59, 86; KATHLEEN PICKERING ET AL., *WELFARE REFORM IN PERSISTENT RURAL POVERTY: DREAMS, DISENCHANTMENTS, AND DIVERSITY* 210 (2006).

While the 2000 census reported a median household income in metro areas of \$44,755, the median income in nonmetro areas was only \$33,687. *TAKING STOCK*, *supra* at 20. The Census Bureau's 2007 American Community Survey reported a median household income in metro areas of \$51,831 and a median income in nonmetro areas of \$40,615. U.S. CENSUS BUREAU, *INCOME, POVERTY, AND HEALTH INSURANCE COVERAGE IN THE UNITED STATES: 2007*, 6 (2008), <http://www.census.gov/prod/2008pubs/p60-235.pdf>. Among women with college degrees, rural women are more likely to work than are their urban counterparts, 84% compared to 81%. SMITH, *WORKING HARD*, *supra* note 112, at 7. This is in spite of the fact that the income return on education is greater for urban women. *Id.* at 17.

134. U.S. Census Bureau, *Current Population Survey, Annual Social and Economic Supplement*, http://pubdb3.census.gov/macro/032007/perinc/new01_019.htm (last visited Sept. 23, 2008). In 2000, the rural-urban income gap was greater than 25% in 22 states. KATHLEEN K. MILLER & THOMAS D. ROWLEY, *RURAL POVERTY AND RURAL-URBAN INCOME GAPS: A TROUBLING SNAPSHOT OF THE "PROSPEROUS" 1990s* 10 (2002), available at <http://www.rupri.org/ruralPolicy/publications/p2002-5.pdf>. Since 1990, the gender gap in earnings has been greater in rural areas than in urban ones. SMITH, *WORKING HARD*, *supra* note 112, at 16. While rural women's earnings rose 15% between 1969 and 2006, those of urban women rose 25% in the same period. *Id.* In 1969, rural women earned \$.83 for every dollar urban women earned; by 2006, the figure had dropped to \$.77. *Id.*

135. CYNTHIA DUNCAN, *WORLDS APART: WHY POVERTY PERSISTS IN RURAL AMERICA* 187-91 (1999) [hereinafter *DUNCAN, WORLDS APART*] (describing persistent poverty in rural America).

136. Nearly 30% of nonmetro residents face housing problems, the most common being affordability and quality. These are compounded because rural housing assets also tend to be less liquid as rural residents are less mobile. Among nonmetro units, 1.6 million (6.9%) are moderately or severely substandard. *TAKING STOCK*, *supra* note 133, at 30. See also Logan, *Qualitative Differences*, *supra* note 11, at 86 (noting that in a pilot study of rural-urban difference, 88% of the rural women considered themselves homeless, while only 20% of urban women did).

rare, so are job training services.¹³⁷ Even community colleges are out of reach for many rural residents.¹³⁸ Child-care options are literally few and far between.¹³⁹ The ever-present challenges of physical distance and lack of transportation impede access to all of these opportunities and services.

In light of these obstacles, it should not be surprising that as of 1999, 42% of female-headed households in rural America lived in poverty; half of those had incomes that were less than half the poverty threshold.¹⁴⁰ Yet, consistent with the rural value of self-sufficiency, studies have documented the embarrassment associated with receipt of public assistance in rural communities.¹⁴¹ Such attitudes and circumstances are likely to deter women from leaving abusive relationships.¹⁴²

Studies show that rural domestic abuse victims reflect these socioeconomic vulnerabilities. A 2003 pilot study of rural-urban difference among women who filed for protective orders against their intimate partners found that only half of rural respondents had graduated from high school, compared to 80% of urban respondents.¹⁴³ The unemployment rate in the rural

137. TAKING STOCK, *supra* note 133, at 16, 19 (noting a broad rural-urban education gap and few opportunities for advanced formal training in rural areas). Cf. Kirk Johnson, *A New Job Track for Single Mothers in Wyoming*, N.Y. TIMES, Mar. 6, 2008, at A14, available at <http://www.nytimes.com/2008/03/06/us/06wyoming.html?scp=1&sq=wyoming+women+single+climb&st=nyt> (describing a novel job training program for women in Cheyenne, Wyoming).

138. See CYNTHIA NEEDLES FLETCHER ET AL., SMALL TOWNS AND WELFARE REFORM: IOWA CASE STUDIES OF FAMILIES AND COMMUNITIES 33 (2000), <http://www.northwestern.edu/ipr/jcpr/workingpapers/wpfiles/Fletcher.PDF> (noting that four out of five rural counties in Iowa do not have a community college).

139. Pruitt, *Missing the Mark*, *supra* note 32, at 460-63 (collecting sources); Lisa R. Pruitt, *Rural Families and Work-Life Issues*, SLOAN WORK AND FAMILY ENCYCLOPEDIA, available at <http://wfnetwork.bc.edu/encyclopedia.php?mode=nav; SMITH, WORKING HARD>, *supra* note 112, at 25.

140. Daniel T. Lichter & Leif Jensen, *Rural America in Transition: Poverty and Welfare at the Turn of the Twenty-First Century*, in RURAL DIMENSIONS OF WELFARE REFORM 77, 88, 103 (Bruce A. Weber et al. eds., 2002) (further reporting that even where the female head of the house worked, one-third of such households in rural areas were in poverty).

141. See Rank & Hirschl, *supra* note 81, at 191 (finding that rural residents are likely to receive welfare for shorter periods of time the authors attributed this in part to the greater stigma associated with reliance on public assistance among rural folk). See also Naples, *supra* note 80, at 120-21 (observing the stigma associated with receipt of public assistance in two rural Iowa communities); Struthers & Bokemeier, *supra* note 5, at 25-27 (describing rural residents' strategies for economic self sufficiency and the obloquy associated with public assistance, even by those who had received it in the past); Willits et al., *supra* note 78, at 72 (characterizing welfare as "foreign to rural persons, conflicting sharply with ... their independence and self-sufficiency").

142. See Feyen, *supra* note 21, at 108, 118-19 (reporting frustration and distress at the rural labor market, which had little to offer women with only high school diplomas); Gagné, *supra* note 61; WEBSDALE, BATTERING, *supra* note 22, at 181-83.

143. Logan, *Qualitative Differences*, *supra* note 11, at 85. A study reported in 2005 comparing rural and urban applicants for protective orders found that while 38% of the rural

areas was almost 8%, while in the urban area it was only 2.4%.¹⁴⁴ Another study conducted in 2005 compared rural and urban applicants for protective orders and found that 67% of the rural women reported an annual income below \$14,999, while only 48% of urban women did.¹⁴⁵ Rural women in the study were less likely than urban women to be employed full time or part time.¹⁴⁶ Rural respondents mentioned inability to support themselves as a reason for remaining in abusive relationships, while urban respondents did not.¹⁴⁷

Socioeconomic factors are good predictors of the likelihood that a woman will be a victim of intimate partner abuse,¹⁴⁸ and Professor Deborah Weissman has analyzed and sought to explain the causal link between economic instability and domestic violence.¹⁴⁹ When global economic forces wreak havoc on local

women had less than a high school education, only 21% of urban women did. Logan, *Protective Orders*, *supra* note 11, at 894.

144. Logan, *Qualitative Differences*, *supra* note 11, at 85.

145. Logan, *Protective Orders*, *supra* note 11, at 894. Some of this apparent disparity between rural and urban victims may be attributable to the difference in cost of living between rural and urban places. See LORIN KUSMIN & T. PARKER, RURAL EMPLOYMENT AT A GLANCE, USDA ECONOMIC RESEARCH BULLETIN NO. 21 (2006) available at <http://www.ers.usda.gov/publications/EIB21/EIB21.pdf> (suggesting that the nonmetro cost-of-living rate is 16% lower than the metro rate); DEAN JOLLIFFE, THE COST OF LIVING AND THE GEOGRAPHIC DISTRIBUTION OF POVERTY, USDA ECONOMIC RESEARCH REPORT NUMBER 26 15 (2006), available at <http://www.ers.usda.gov/publications/err26/err26.pdf> (suggesting that poverty measures be adjusted to account for cost-of-living differences between metro and nonmetro areas).

146. Logan, *Protective Orders*, *supra* note 11, at 894 (reporting full time employment for 26% of rural women and 42% of urban women in the two areas where the study was conducted; part time employment for 4% of rural women compared to 13% of urban women). Nationally, as of 2004, women in rural areas (60%) were employed at slightly lower rates than urban women (62%). SMITH, EMPLOYMENT RATES, *supra* note 112. See generally Diane K. McLaughlin & Alisha G. Coleman-Jensen, *Nonstandard Employment in the Nonmetropolitan United States*, 73 RURAL. SOC. 631 (2008) (documenting the extent to which nonmetro workers are involved in contingent work, part-time work, variable-hour work, or are otherwise without healthcare insurance and other benefits associated with good jobs).

147. The rural respondents reported that “limited housing, job opportunities, and child care ma[d]e leaving an abusive partner on which one is financially dependent very difficult.” Logan, *Protective Orders*, *supra* note 11, at 891-92.

148. See U.S. DEP’T OF JUST., OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE STATISTICS, VIOLENCE BETWEEN INTIMATES: DOMESTIC VIOLENCE, REPORT NCJ 149259 (1994), available at <http://www.ojp.usdoj.gov/bjs/pub/ascii/vbi.txt> (showing that domestic violence increases as family income decreases; women with household incomes under \$10,000 experience domestic violence at a rate of five times that of women whose household incomes exceed \$30,000).

149. Deborah Weissman, *The Personal is Political – and Economic: Rethinking Domestic Violence*, 2007 BYU L. REV. 387 [hereinafter Weissman, *Personal is Political*]. See also Peter Margulies, *Representation of Domestic Violence Survivors as a New Paradigm of Poverty Law: In Search of Access, Connection, and Voice*, 63 GEO. WASH. L. REV. 1071, 1071 (1994-95) (observing the scholarly failure to integrate domestic violence issues “into the richer conception of poverty law”); Janet L. Lauritsen & Norman A. White,

economies, as when a factory is closed and the work moves overseas, the financial consequences for individual families correlate with an increased incidence of domestic violence.¹⁵⁰ Economic uncertainty, Weissman explains, creates “chronic stress, instability, and fear” in households, neighborhoods, and communities.¹⁵¹ All of those factors are associated with domestic violence.¹⁵² Insecurity corrodes a sense of community identity, leading to desperation.¹⁵³ As economic transitions impact communities, Weissman notes, “traditional family structures” collapse,¹⁵⁴ leading to instability within the household and increased domestic violence. A man’s inability to fulfill his masculine role of household wage earner can contribute to feelings of emasculation, which may cause him to compensate with hyper-masculine performance, perhaps including increased domestic violence.¹⁵⁵

Weissman’s argument connecting economic factors with domestic violence is particularly illuminating when applied to rural America, which typically benefits significantly less from economic upturns—and suffers far more from downturns¹⁵⁶—than does urban America.¹⁵⁷ The phenomenon that

Putting Violence in its Place: The Influence of Race, Ethnicity, Gender, and Place on the Risk for Violence, 1 CRIMINOLOGY & PUB. POL’Y 37, 53 (2001-02) (finding socioeconomic disadvantage a better predictor that one will be the victim of a violent crime than race or ethnicity).

150. Weissman, *Personal is Political*, *supra* note 149, at 388; see also GALLUP-BLACK, TRENDS, *supra* note 9, at 5 (citing Craven; Hotaling & Sugarman).

151. Weissman, *Personal is Political*, *supra* note 149, at 407, 412-13. See also Benson et al., *Neighborhood Disadvantage*, *supra* note 86, at 211 (citing R. Miles-Doan, *Violence between Spouses and Intimates: Does Neighborhood Context Matter*, 77 SOC. FORCES 623 (1998) (finding that neighborhoods with greatest resource deprivation experienced higher rates of officially reported domestic violence)); Michael L. Benson et al., *The Correlation between Race and Domestic Violence Is Confounded with Community Context*, 51 SOC. PROBS. 326, 338 (2004) (concluding that rates of intimate abuse for both African Americans and whites vary depending on community context); Robert Hampton et al., *Domestic Violence in the African American Community: An Analysis of Social and Structural Factors*, 9 VIOLENCE AGAINST WOMEN 533, 540 (2003) (noting how cultural-community factors such as joblessness, underemployment in low-wage jobs, high rates of poverty, and welfare dependency—factors that arguably contribute to domestic violence in the rural context—affect the incidence of domestic violence).

152. Weissman, *Personal is Political*, *supra* note 149, at 407. Indeed, even families not considered at risk have seen increases in the level of domestic violence in the wake of community-wide downward mobility. *Id.* at 417.

153. *Id.* at 413-14.

154. *Id.* at 420.

155. *Id.* at 424-30.

156. See Leif Jensen, *At the Razor’s Edge: Building Hope for America’s Rural Poor*, 1 RURAL REALITIES 3 (2006), available at <http://www.ruralsociology.org/pubs/RuralRealities/Issue1.html> (identifying the lack of economic diversification in rural areas as a reason why these locales are particularly vulnerable to market forces).

157. See KATHLEEN K. MILLER & THOMAS D. ROWLEY, RURAL POVERTY RESEARCH INST., RUPRI DATA REP. No. P2002-5, RURAL POVERTY AND RURAL-URBAN INCOME GAPS: A TROUBLING SNAPSHOT OF THE “PROSPEROUS” 1990S 11 (2002), <http://www.rupri.org/Forms/p2002-5.pdf>.

Weissman posits may be more acute in rural areas because of the lack of economic diversification. When a rural industry constricts or dies, it can lead to the demise of the entire community.¹⁵⁸

Relationships exist among population loss, economic conditions, and the incidence of domestic abuse. One of the strong indicators of socioeconomic distress in rural counties, for example, is a decline in population.¹⁵⁹ Population loss, in turn, correlates strongly to intimate partner homicide.¹⁶⁰ A fall in population can also have an impact on two other predictors of intimate and family murder: decline in household size and an increase in spatial isolation.¹⁶¹

Socioeconomic factors correlate not only to the likelihood a woman will be a victim of intimate abuse; often they also are determinative of a woman's ability and willingness to seek help. Those in poor households, for example, are less likely to seek protection orders.¹⁶² This may be due to their individual financial circumstances, and it may also be attributable to the fact that underfunded rural institutions are less efficient and less responsive to such social problems.¹⁶³

A 2005 study identified several barriers to women obtaining protective orders: the availability of assistance (or lack thereof) during the process, cumbersome bureaucracy, and lack of information about legal options.¹⁶⁴ The

158. See, e.g., MORRISTOWN: IN THE AIR AND SUN (Anne Lewis 2007); AMY GLASMEIR & PRISCILLA SALANT, CARSEY INSTITUTE, LOW-SKILL WORKERS IN RURAL AMERICA FACE PERMANENT JOB LOSS 4 (Spring 2006), http://www.carseyinstitute.unh.edu/publications/PB_displacedworkers_06.pdf; COMMUNITIES OF WORK: RURAL RESTRUCTURING IN LOCAL AND GLOBAL CONTEXTS (William M. Falk et al. eds., 2003).

159. See GALLUP-BLACK, TRENDS, *supra* note 9, at xviii. Seventy percent of rural counties experienced population growth in the 1990s, but the vast majority of that growth was in just 40% of counties, all near urban areas. Since 1995, all rural counties except those close enough to be commuter communities to cities have experienced population loss. See Locke & Winship, *supra* note 71, at 18.

160. See GALLUP-BLACK, TRENDS, *supra* note 9, at 5 (collecting sources exploring the link between rural economic distress and crime). Rates in intimate partner murder were found to be distinguishable from other types of murder in that shifts in population size and density heavily affected its occurrence. *Id.* at vi.

161. *Id.* at 37. Interestingly, measures of community socioeconomic distress were negatively associated with murder only when the size of population cluster increased. *Id.* at xvii.

162. See Logan, *Protective Orders*, *supra* note 11, at 901-02 (citing Wolf, Hold, Kernic & Rivera 2000) (finding that women who obtained protective orders were more likely to have been employed and to have had health insurance than women who did not obtain such orders); FAHNESTOCK, *supra* note 24, at 22.

163. See *infra* Part II.D.

164. Logan, *Protective Orders*, *supra* note 11, at 883-88 (describing rural and urban procedures and reporting that rural court workers did not always smooth the way for protective order applicants), 902; see also FAHNESTOCK, *supra* note 24, at 13 (finding that court workers did not always inform women of the availability of protective orders or of the possibility of waiving filing fees associated with them).

The OVW recognizes that so-called Coordinated Community Responses (CCRs) make for more effective responses to intimate partner violence. See OVW EFFECTIVENESS REPORT, *supra* note 10, at 14. CCRs give rural women who have particular problems accessing

authors concluded that, in comparison to urban courts, the procedures in rural courts were less streamlined and less user-friendly, sometimes requiring stops at multiple offices in order to secure an order.¹⁶⁵ Among focus groups of rural and urban women in the same study, only the rural groups mentioned lack of resources as a barrier to obtaining and enforcing protective orders.¹⁶⁶ Compounding rural women's socioeconomic challenges, they sometimes had to pay fees in order to have their protective orders served, even under a state statute that forbade them. Urban women in the same state were not charged these fees.¹⁶⁷

This section has shown how rural women experiencing domestic abuse are constrained by human capital deficits and by a social and economic context that limits their ability to support themselves and their children. While the U.S. Department of Justice, through the OVW, has recognized these particular concerns of rural women,¹⁶⁸ local legal actors have been less responsive to them. In the following part, I discuss how rural spatiality influences responses to domestic violence by legal actors who operate at lower scales: local law enforcement, prosecutors, courts, and social service providers.

D. Law and rural spatiality.

The socio-spatial and socioeconomic characteristics of rural places influence the role of law and shape legal and other institutional actors'

different and disjointed phases of services access to a more seamless web of assistance. *Id.* at 13. They also increase accountability among governmental and nongovernmental organizations and may help ameliorate some law enforcement challenges. *Id.* Two such programs, one in Iowa, the other in Oregon, have been successful. The Iowa program was a coalition including representatives from the court and law enforcement, human services, and public health offices. MARY ANN DUTTON ET AL., U.S. DEP'T OF JUST., NATIONAL EVALUATION OF THE RURAL DOMESTIC VIOLENCE AND CHILD VICTIMIZATION ENFORCEMENT GRANT PROGRAM, VOL. II, 4-15 (July 2002) [hereinafter NAT'L GRANT EVALUATION, VOL. II], available at <http://www.ncjrs.gov/pdffiles1/nij/grants/198128.pdf> (last visited Apr. 17, 2008). The grant report indicated an increase in coordination between the parties and the establishment of a tracking system to monitor compliance with mandated referrals to the batterer education program. *Id.* The Oregon program created a domestic violence council with similar community representation, which taught officers the types of questions they should ask and the evidence that should be gathered. *Id.* at 5-21, 5-23.

165. Logan, *Protective Orders*, *supra* note 11, at 883-88 (noting shelters typically offer court advocacy for victims and the agency responsible for service of protection orders usually has an established victim's service division – two aspects of the protection order process uncommon in rural areas studied).

166. *Id.* at 892. The focus groups are described at *id.* 880-81. Rural service provider professionals surveyed in that study were more likely than their urban counterparts to opine that rural women drop pursuit of protective orders because they are dependent on the perpetrator, though urban service providers were more likely to identify the petitioner's lack of resources as a reason for not obtaining such an order. *Id.* at 888 (tbl. 2).

167. *Id.* at 892 (reporting fees ranging from \$10 to \$20, which sometimes had to be paid again if the initial order could not be served).

168. See OVW EFFECTIVENESS REPORT, *supra* note 10, at 47; OVW FY 2008, *supra* note 22, at 3.

responses to domestic violence. Because rural service providers are integrated in their communities, a woman experiencing domestic violence may not be able to access anonymous and confidential services.¹⁶⁹ Lack of anonymity may also undermine efforts to protect women because it prevents keeping shelter locations secret.¹⁷⁰ Local governments in rural places often struggle financially to maintain basic public services and resources. This fact has fatal repercussions, as there is an inverse relationship between the availability of legal services for victims and dependent children and the incidence of intimate partner homicide.¹⁷¹ The following sections discuss these and other consequences of rural spatiality for legal actors.

i. Law enforcement.

Rural spatiality necessarily shapes the response of law enforcement officers to reports of domestic violence. The physical distances and vast jurisdictions that rural officers patrol contribute to slow response times to domestic violence incidents.¹⁷² Even after officers arrive, their responses may be inadequate.

Sheriffs' offices and small-town police forces often cannot afford a comprehensive approach to intimate partner violence.¹⁷³ They may be unable even to provide rudimentary domestic violence training for officers.¹⁷⁴

169. See FAHNESTOCK, *supra* note 24, at 21; Logan, *Protective Orders*, *supra* note 11, at 892; Leon H. Ginsberg, *Introduction: An Overview of Rural Social Work*, in SOCIAL WORK IN RURAL COMMUNITIES 3, 12 (Leon H. Ginsberg ed., 3d ed. 1998) (noting the special problem of confidentiality in rural communities, where there is little traffic in and out of the few social services offices).

170. Eastman et al., *supra* note 67, at 700, 702; OFFICE OF JUSTICE PROGRAMS FAMILY VIOLENCE WORKING GROUP, JUSTICE PROGRAMS ON FAMILY VIOLENCE 20 (1997), available at <http://www.ojp.usdoj.gov/Kits/Family/family.pdf>.

171. OVW EFFECTIVENESS REPORT, *supra* note 10, at 16.

172. FAHNESTOCK, *supra* note 24, at 23; Few, *supra* note 23, at 493 (reporting that geographic isolation often contributes to poor police responses).

173. Rural counties have fewer full-time, designated domestic violence units and respond to intimate abuse on a more ad hoc basis when compared to their urban counterparts. MATTHEW J. HICKMAN & BRIAN A. REAVES, BUREAU OF JUST. STAT., LAW ENFORCEMENT MANAGEMENT AND ADMINISTRATIVE STATISTICS, 2000: DATA FOR INDIVIDUAL STATE AND LOCAL AGENCIES WITH 100 OR MORE OFFICERS xvi (2004), available at <http://www.ojp.usdoj.gov/bjs/pub/pdf/lemas00.pdf>. Some communities that received VAWA grants used the funds to hire more officers and provide training on proper responses to violence against women, including domestic violence. OVW EFFECTIVENESS REPORT, *supra* note 10, at 17-19 (reporting increased arrest rates in funded communities).

174. See WEBSDALE, BATTERING, *supra* note 22, at 108; see also Eric G. Lambert et al., *The Impact of Officer and Agency Characteristics on the Likelihood of Arrest in Domestic Violence Situations among Rural Law Enforcement*, 22 J. POLICE CRIM. PSYCH. 91, 100 (2007) [hereinafter Lambert et al., *Likelihood of Arrest*] (finding that young law enforcement officers were more likely to make an arrest than older officers and speculating this may be due to better training and education younger law enforcement officers receive regarding domestic violence).

Although arrest has been shown to deter repeat abuse,¹⁷⁵ officers in rural communities frequently fail to arrest offenders, even when laws require it and victims request it.¹⁷⁶ A 2006 report found that police departments in rural areas are less likely even to have written policies on the handling of domestic disputes.¹⁷⁷

Lack of anonymity, too, can create problems for rural law enforcement. County sheriffs and their deputies usually are first responders in rural counties.¹⁷⁸ However, their close ties to the communities in which they work, as well as the fact they are elected, can compromise their ability to address intimate partner violence.¹⁷⁹ Officers' familiarity with the parties may,

175. OVW EFFECTIVENESS REPORT, *supra* note 10, at 17 (reporting that the occurrence of domestic violence is lower in states with mandatory arrest for it); Lambert et al., *Likelihood of Arrest*, *supra* note 170, at 92 (referencing a 1984 study that found that arrest was the most effective deterrent to preventing domestic abuse).

176. WEBSDALE, BATTERING, *supra* note 22, at 78-79. This failure to arrest may be because rural officers adhere to the traditional notion that husbands should have control over their families. *Id.* at 93-94. See generally Emily J. Sack, *Battered Women and the State: The Struggle for the Future of Domestic Violence Policy*, 2004 WIS. L. REV. 1658, 1668-72 (discussing mandatory arrest laws). However, a 2007 study of 6,000 law enforcement agencies serving populations of less than 50,000 concluded that domestic violence was often considered the top public-safety issue by law enforcement officials. See Joseph B. Kuhns, III, Edward R. Maguire & Stephen M. Cox, *Public-Safety Concerns Among Law Enforcement Agencies in Suburban and Rural America*, 10 POLICE Q. 429, 438 (2007). The study also found that law enforcement agencies with 40 or fewer officers were more likely than larger agencies to cite domestic violence as the top public-safety issue. *Id.* at 441.

177. MATTHEW J. HICKMAN & BRIAN A. REAVES, U.S. DEP'T OF JUSTICE, BUREAU OF JUST. STAT., LOCAL POLICE DEPARTMENTS, 2003 24 (2006), available at <http://www.ojp.usdoj.gov/bjs/pub/pdf/lpd03.pdf> (reporting that while 92% to 100% of departments serving populations of 2,500 or more had such policies, only 78% of departments serving a population of less than 2,500 did).

178. OVW EFFECTIVENESS REPORT, *supra* note 10, at 17.

179. See WEBSDALE, BATTERING, *supra* note 22, at 84; Feyen, *supra* note 21, at 115, 119 (reporting that a domestic violence victim felt pressured by police, who were "drinking buddies" of her husband's, not to press charges). Rural perpetrators of domestic violence and sexual assault are more likely than urban perpetrators to be socially networked with local law enforcement. See Grossman et al., *supra* note 61, at 72; LEWIS, *supra* note 62, at 3. This enmeshment is sometimes criminal in nature. See FAHNESTOCK, *supra* note 24, at 21; ALLISON B. ANFINSON & DANETTE BUSKOVICK, RURAL VIOLENCE: AN ASSESSMENT OF CRIME & VIOLENCE TRENDS FOR THE CENTER FOR REDUCING RURAL VIOLENCE 2, 9 (2007) [hereinafter ANFINSON, ASSESSMENT]; *infra* notes 299-304 and accompanying text (discussing studies of Appalachia).

Two factors that contribute to these rural failures of enforcement are election of county sheriffs, the principal law enforcement officials in most rural places, and their discretionary appointment of deputies and other local law enforcement employees. See WEBSDALE, BATTERING, *supra* note 22, at 60. Deputies, thus, may have no law enforcement experience, let alone specific intimate abuse response training, when they arrive on the job. *Id.* at 106. Because of funding constraints, many do not receive this training. *Id.* at 108. Evidence suggests that the less locally enmeshed a law enforcement agency is, the more effective and consistent its domestic violence responses are. *Id.* at ch. 4. But see Lambert et al., *Likelihood of Arrest*, *supra* note 174, at 99 (finding no difference between the likelihood of local police officers, deputies, and state police officers making an arrest).

therefore, influence a rural victim's decision whether to report domestic violence.¹⁸⁰

The lack of anonymity that characterizes rural communities also complicates the service of protection or restraining orders, which is a law enforcement task. A 2005 study comparing rural and urban counties in Kentucky found that between 55% and 91% of restraining orders were not served in rural areas, whereas the urban rate of nonservice was 18.2%.¹⁸¹ That same study found that rural perpetrators violate protective orders three times as often as all other domestic violence perpetrators.¹⁸² A more recent study found that rural women who had secured protective orders tended to feel less safe as a result of the order than did their urban counterparts.¹⁸³ While all women in that study gave the protection order process positive ratings, rural women were less positive.¹⁸⁴ It is, therefore, not surprising that rural women express less confidence in law enforcement, including skepticism about its efficacy and that of protective orders.¹⁸⁵

ii. Prosecutors.

Significant evidence suggests that aggressive prosecution deters repeat abuse,¹⁸⁶ yet rural prosecutors – like their law enforcement counterparts – may be hamstrung by lack of both resources¹⁸⁷ and political will.¹⁸⁸ Salaries and

180. See WEBSDALE, *BATTERING*, *supra* note 22, at 84.

181. Logan, *Protective Orders*, *supra* note 11, at 883 tbl.1, 889, 899. See also WEBSDALE, *BATTERING*, *supra* note 22, at 106 (noting a 1993-94 study that showed 28% of protective orders were never served); OVW EFFECTIVENESS REPORT, *supra* note 10, at 22.

182. Logan, *Protective Orders*, *supra* note 11, at 906.

183. Logan, *Relationship Characteristics*, *supra* note 15, at 243, tbl.6 (reporting that 25.9% of rural women did not feel safe at all as a consequence of the protective order, while only 17.4% of White urban women and 8.7% of urban African American women saw the protective order as being ineffective).

184. *Id.* (reporting that 15.6% of rural women thought the protective order was ineffective, 10.2% of White urban women rated it as ineffective, and 6.8% of urban African American women did).

185. Logan, *Protective Orders*, *supra* note 11, at 891 (citing the perception that law enforcement officers cannot “be everywhere at once” and the lack of protection order enforcement as reasons for the view among rural women that protection orders lack efficacy). This feeling is likely exacerbated by the bureaucratic obstacles associated with obtaining a protection order in the first instance. *Id.* at 899 (finding that rural women sometimes had to stop at multiple locations to obtain a protective order); FAHNESTOCK, *supra* note 24, at 22 (citing application costs as something that limits access to protective orders). *But see* Logan, *Protective Orders*, *supra* note 11, at 899 (citing Eigenberg et al., 2003) (noting that states receiving VAWA funding are not allowed to charge fees for protective orders).

186. See OVW EFFECTIVENESS REPORT, *supra* note 10, at 19.

187. See STEVEN W. PERRY, U.S. DEP'T OF JUST., NATIONAL SURVEY OF PROSECUTORS, PROSECUTORS IN STATE COURTS, 2005 6 (2006), available at <http://www.ojp.usdoj.gov/bjs/pub/pdf/psc05.pdf>.

188. See TK Logan, Robert Walker, Cara Stewart & Jennifer Allen, *Victim Service and Justice System Representative Responses About Partner Stalking: What Do Professionals*

general operating expenses consume the budgets of most small and part-time prosecutor offices, while larger offices are better able to afford expert, investigator, and interpreter services, all of which may be critical to successful prosecutions.¹⁸⁹ Larger offices also are better able to provide ancillary services, such as child support enforcement.¹⁹⁰ To illustrate the service gap associated with population size, consider that while 97% of prosecutor's offices serving populations of 1 million or more have a domestic violence unit, just 23% of those serving populations under 250,000 do.¹⁹¹ Figures on the existence of such units in rural jurisdictions are not available, but it is a logical assumption that they are lower still.

iii. Courts.

Data on rural courts' responses to domestic violence reveal problems similar to those associated with rural policing, including relationship-based biases.¹⁹² Rural court personnel surveyed for a 1991 study, for example, acknowledged feeling awkward when faced with having to protect someone they know in a community where everyone is acquainted.¹⁹³ Judges and staff reported difficulties in setting aside their knowledge of the parties, which made it easier to perceive domestic violence as "having trouble," rather than as a crime.¹⁹⁴ They also expressed their stereotypes of abusers as low-income men with criminal records, not the "charming, responsible men" or "nice guys" they knew in the community.¹⁹⁵

The handling of domestic violence matters varies widely among rural judges, an inconsistency explained at least in part by their lack of education

Recommend?, 21 VIOLENCE & VICTIMS 49, 53 (2006) [hereinafter Logan et al., *Victim Service and Justice System*]. See also Gary W. Potter & Larry K. Gaines, *Country Comfort: Vice and Corruption in Rural Settings*, 8 J. CONTEMP. CRIM. JUST. 36 (1992) (arguing that rural organized crime often involves law enforcement and influences their priorities).

189. GUIDE FOR RURAL PROSECUTORS, *supra* note 62.

190. *Id.*

191. *Id.*

192. See FAHNESTOCK, *supra* note 24, at 21; WEBSDALE, BATTERING, *supra* note 22, at 151-55 (noting also the conflicts created when judges are elected). A contrary view is that the rural lack of anonymity assists rural judges in making more just and relevant decisions. *Id.* at 62.

193. FAHNESTOCK, *supra* note 24, at 21.

194. *Id.*

195. LOGAN ET AL., PARTNER STALKING, *supra* note 67, at 270 (reporting the experience of rural women who believed that "justice system outcomes in their communities were dependent on 'who you know' or 'the good-ole-boys network'"); FAHNESTOCK, *supra* note 24, at 21 (noting also that women may be influenced by prior negative experiences with courts and judges); see also CURRICULUM FOR RURAL COURTS, *supra* note 88, at 3 (suggesting judicial belief that alcohol and drug dependence are more easily "fixed" than an abuser's choice to use violence; that an unemployed man "has to take it out on someone"; and that abusers only assault their families "when the moon is full").

about domestic abuse.¹⁹⁶ Judges without professional training about domestic violence may act on assumptions informed by the social norms of the communities in which they live and work.¹⁹⁷ If they have not learned about the cycle of violence¹⁹⁸ or contemplated the lack of options available to battered women,¹⁹⁹ they may exhibit frustration if a woman returns to an abuser, fails to make an appearance, or wishes to abandon charges.²⁰⁰ They may even believe that battered women deserve the abuse.²⁰¹ Ill-informed judges may also discount the real perils that these women face. They may view protection order requests as frivolous²⁰² and privilege a father's right to see his children over the

196. FAHNESTOCK, *supra* note 24, at 23; *see also* Logan, *Protective Orders*, *supra* note 11, at 890 (reporting that 32% of rural applicants for protective orders complained of lack of judicial knowledge of domestic violence and the politics of the criminal justice system, while only 11% of their urban counterparts shared this complaint); Logan et al., *Victim Service and Justice System*, *supra* note 188, at 58 (reporting that 37.9% of rural victim service representatives interviewed in one study thought that the lack of understanding by the justice system was a barrier that victims might encounter in obtaining protective orders and in filing charges). Anecdotal evidence from South Dakota showed that a domestic violence training of municipal judges, funded by a VAWA grant, resulted in rulings more favorable to victims. NAT'L GRANT EVALUATION, VOL. II, *supra* note 164, at 38-39.

197. A 2006 study identified several differences in how rural justice system representatives and victim services representatives in the rural areas view domestic violence. The study found that 35.2% of justice system representatives thought women being stalked by their partner would call the police, compared to 11.9% of victim service representatives. Logan et al., *Victim Service and Justice System*, *supra* note 188, at 54. Similarly, 46.3% of justice system representatives indicated that victims often file for protective orders, while only 23.7% of victim service representatives did. *Id.* Lastly, 81% of the rural victim service representatives thought that victims would not file criminal charges, compared to 53.7% of rural justice system representatives. *Id.* When asked about whether they would advise victims to relocate, none of rural justice system respondents indicated they would, while 8.5% of rural victim service representatives did. *Id.* at 57.

198. *See generally* LENORE E. WALKER, *TERRIFYING LOVE: WHY BATTERED WOMEN KILL AND HOW SOCIETY RESPONDS* 23-40 (1989) (arguing that the behavior of battered women who kill needs to be understood as normal, not crazy); LENORE E. WALKER, *THE BATTERED WOMAN SYNDROME* 14-22 (1984).

199. *See supra* Part II.C.

200. FAHNESTOCK, *supra* note 24, at 24; WEBSDALE, *BATTERING*, *supra* note 22, at 145; CURRICULUM FOR RURAL COURTS, *supra* note 88, at 3.

201. *See* WEBSDALE, *BATTERING*, *supra* note 22, at 145. *See also* Van Hightower & Gorton, *supra* note 22, at 860 (documenting criminal justice officials' blaming women for their failure to prevent abuse or to leave); Logan, *Protective Orders*, *supra* note 11, at 888 (tbl. 2), 890, 893 (reporting negative judicial attitudes toward domestic abuse victims).

202. *See* FAHNESTOCK, *supra* note 24, at 24; WEBSDALE, *BATTERING*, *supra* note 22, at 150 (reporting judicial belief that women misuse protective orders); CURRICULUM FOR RURAL COURTS, *supra* note 88, at 3-4 (reporting a Rural Justice Center survey showing that when women sought protective orders, 73% "described fact patterns that showed the progression of abuse had reached a violence level at which the next assault could be life threatening" such as choking or rape; 20% "had experienced prebattering violence" such as breaking objects, killing pets, threatening to kill victim and children; 7% "alleged beginning levels of physical violence" such as pushing or restraining).

potential physical, sexual, and psychological abuse to the children and mother.²⁰³

The rural-urban variation in punishment, too, reflects lack of rural judicial education about domestic violence. A 2001 study of domestic violence arrestees found that 60% of urban offenders were ordered into anger management counseling, while no rural offenders were.²⁰⁴ Rural offenders occasionally were ordered into marriage counseling (17%), while urban offenders never were.²⁰⁵ This surely is a reflection of the rural patriarchy discussed earlier, which would construe domestic abuse not as a form of unacceptable violence, but rather as a private matter of marital strife.²⁰⁶

iv. Social services.

Like their law enforcement, prosecutorial, and judicial counterparts, rural social service providers may not be well trained to deal with domestic violence.²⁰⁷ They, too, are short of resources. None of the rural service providers in one small study could identify county services for victims other than criminal justice interventions.²⁰⁸ A 2007 report of rural prosecutors' offices found that 29% had no domestic violence center, 26% had no mental health counseling, and 83% lacked a crime victim support group.²⁰⁹ According to a 2006 study of the National Center for State Courts, only 26% of rural courts have domestic violence advocates on site to assist petitioners, compared to 69% in metropolitan counties.²¹⁰ The percentage of courts with a specialized

203. FAHNESTOCK, *supra* note 24, at 25; CURRICULUM FOR RURAL COURTS, *supra* note 88, at 4.

204. T.K. Logan et al., *Rural, Urban Influenced, and Urban Differences among Domestic Violence Arrestees*, 16 J. INTERPERSONAL VIOLENCE 266, 276 (2001) [hereinafter Logan, *Domestic Violence Arrestees*]; see also Logan, *Relationship Characteristics*, *supra* note 15, at 241-42 (reporting that more rural women's partners were ordered to attend counseling than either urban group and that significantly more rural women were ordered to attend counseling when compared to the groups of urban women).

205. Logan, *Domestic Violence Arrestees*, *supra* note 204, at 276.

206. See Tuerkheimer, *supra* note 86, at 970 (noting that doctrine of chastisement became the separate spheres ideology).

207. See Van Hightower & Gorton, *supra* note 22, at 864 (five of seven respondents indicated that their training related to domestic violence was superficial).

208. *Id.*

209. GUIDE FOR RURAL PROSECUTORS, *supra* note 62. Further, 67% of rural jurisdictions surveyed had no sexual assault/rape crisis center and 62% had no sexual assault nurse examiner program. *Id.*

210. BRENDA K. UEKERT ET AL., THE NATIONAL CENTER FOR STATE COURTS, U.S. DEP'T OF JUST., SERVING LIMITED ENGLISH PROFICIENT (LEP) BATTERED WOMEN: A NATIONAL SURVEY OF THE COURTS' CAPACITY TO PROVIDE PROTECTION ORDERS 38 (2006) (reporting a rate of 67% in population centers and 54% in mid-sized counties).

Victim advocates often are highly critical to successful domestic violence prosecutions, in part because they can discuss matters with victims that the district attorney cannot. Interview with Jennifer Kibbe Day, *supra* note 59; see also e-mail from Prof. Deborah Tuerkheimer, University of Maine School of Law, former assistant district attorney, to author (Aug. 18, 2008, 07:12 EST) (on file with author). For a sense of the range of

unit or dedicated staff to assist petitioners with protective orders was 69% in population centers (counties with populations of 800,000 or more); 86% in metropolitan counties (400,000 to 799,999); 62% in mid-sized counties (100,000 to 399,999); and 26% in rural counties (serving counties with populations between 5,000 and 99,999).²¹¹ Further, more than two-thirds of rural areas have no shelter.²¹² For those without a shelter, the average distance to a shelter is 36 miles²¹³—a distance presumably not often served by public transportation.²¹⁴

Responding to rural domestic violence also is more costly than in urban contexts. Rural advocates require large travel budgets to meet with and transport victims and witnesses.²¹⁵ This has become a particular problem recently, as gasoline prices skyrocketed in 2008. Not only have rising fuel costs had a dramatic impact on individual rural households,²¹⁶ they have led to cutbacks in many types of services.²¹⁷ Yet, practical realities such as these are not taken into account by funding formulas geared to the number of victims served.²¹⁸

Finally, the dearth of social services in rural places means problems that contribute to domestic violence, such as alcoholism²¹⁹ and poverty,²²⁰ are likely

services provided by victim advocates, *see* <http://manhattanda.org/victimservices/> (detailing Witness Aid Services Unit) (last visited Nov. 9, 2008).

211. UEKERT, *supra* note 210, at 37-38.

212. Weisheit & Donnermeyer, *supra* note 3, at 323.

213. *Id.* *See also* Eastman et al., *supra* note 67, at 701 (noting that shelters may be more than 40 miles away).

214. *See* Pruitt, *Missing the Mark*, *supra* note 32, at 454 (discussing dearth of public transportation in rural areas).

215. LEWIS, *supra* note 62, at 15. The director of an Oklahoma program, for example, reported spending \$15,000 or more annually to provide transportation for victims, which required that the program had to raise \$3 for every \$1 from the government. *Id.* *See also* OVW EFFECTIVENESS REPORT, *supra* note 10, at 53 (reporting on Alaska's use of VAWA grant money to permit service providers to visit villages).

216. *See* Clifford Krauss, *Rural U.S. Takes Worst Hit as Gas Tops \$4 Average*, N.Y. TIMES, June 9, 2008, at A1.

217. *See Hour Two: Gas Averages \$4 a Gallon*, National Public Radio, (June 10, 2009), available at <http://www.npr.org/templates/story/story.php?storyId=91342784> (reporting cuts to Meals on Wheels in East Texas); John Leland, *As Gas Prices Soar, Elderly Face Cuts in Aid*, N.Y. TIMES, July 5, 2008, at A1 (describing the effects of higher gas prices on the elderly in sparsely populated areas who rely on public agencies to provide in-home services).

218. LEWIS, *supra* note 62, at 15.

219. Twenty-five to eighty percent of domestic violence perpetrators abuse alcohol. Logan, *Domestic Violence Arrestees*, *supra* note 204, at 267. Alcohol use by perpetrators has been associated with increased severity of injury. *Id.* at 267-68. Perpetrators arrested for domestic violence in rural areas are almost twice as likely to abuse prescription substances. *Id.* at 274. *See also* DeKeseredy et al., *Separation/Divorce Sexual Assault*, *supra* note 116, at 238 (listing consumption of alcohol with peers as among factors that socially legitimate separation/divorce sexual assault); Lori L. Heise, *Violence Against Women: An Integrated, Ecological Framework*, 4 VIOLENCE AGAINST WOMEN 262, 272-73 (1998) (discussing the literature on alcohol as a predictor of intimate partner violence).

to go unaddressed. Even basic healthcare services are lacking in rural areas, where the primary healthcare needs of 21 million rural residents are unmet.²²¹ Difficulties recruiting and retaining health professionals in rural areas likely contribute to challenges that clinicians face in diagnosing and appropriately treating victims of domestic abuse.²²²

E. Responses.

Both public entities and nonprofit organizations have used VAWA grants to respond to some of the challenges associated with rurality. Their uses further illustrate the nature of the obstacles that face legal actors who have responsibility for responding to intimate partner violence. Sadly, they also illustrate how little is being done and the piecemeal nature of what can be accomplished with the limited VAWA funding available, as well as with the sometimes limited will of rural communities to address these problems.

Some rural communities have used VAWA funding to hire victim advocates, with a focus on increasing police enforcement of protection orders.²²³ Winner, South Dakota, for example, used a grant to reopen its domestic violence offices. A couple of staff members worked in the courthouse itself, and the judge allowed them to keep protection order paperwork in their office so victims could complete the applications in a single stop.²²⁴ Montana used some of its funding to create new crime victim advocate positions. Within a year, the advocates were providing assistance to the vast majority of individuals who filed protection orders in Missoula County.²²⁵

Responding to deficits in prosecutorial services, Iowa used VAWA funding to hire a special prosecutor. The prosecutor covered three counties, providing technical assistance to law enforcement agencies and domestic violence advocates.²²⁶ Within a year, the counties served by the special

220. See Jensen, *supra* note 156, at 2 (noting that 7.3 million rural Americans were living in poverty in 2005, representing 15.1% of the rural population, compared with 12.5% of the urban population); TAKING STOCK, *supra* note 129, at 20 (reporting that 84% of all counties with poverty rates above the national level are nonmetro and that 189 of the 200 poorest counties in the United States are nonmetro); PICKERING ET AL., *supra* note 133, at 76-84 (surveying poverty statistics from four rural counties).

221. Logan, *Domestic Violence Arrestees*, *supra* note 204, at 267.

222. Johnson, *supra* note 20. Sixty-two percent of rural counties experience health professional shortages. See GALLUP-BLACK, TRENDS, *supra* note 9, at 8-9 (collecting sources). Surprisingly, one study of rural intimate abuse revealed that rural victims were more likely than urban victims to have been asked by their health care provider about whether they have been abused; while 27% of urban women reported ever having told a health or mental health professional about their abuse, half of rural women said they had and while only 27% of the urban sample said a health or mental health professional had asked them about abuse, 38% of rural women said a provider had asked them. Logan, *Qualitative Differences*, *supra* note 11, at 88.

223. See OVW EFFECTIVENESS REPORT, *supra* note 10, at 23.

224. NAT'L GRANT EVALUATION, VOL. II, *supra* note 164, at 25.

225. *Id.* at 31.

226. *Id.* at 27.

prosecutor had increased their conviction rates for domestic abuse cases to exceed the state average.²²⁷

In addition to expanding services for rural victims, grant recipients often utilize VAWA funding to enhance their ability to serve victims more efficiently. VAWA grants have been used to respond to the lack of training opportunities for service providers, including victim advocates, law enforcement officers, prosecutors, court personnel, and mental health professionals.²²⁸ In Alaska, the Department of Public Safety Council on Domestic Violence utilized VAWA funding to train those who serve isolated villages.²²⁹ Because the prohibitive cost of transportation precludes many service providers in Alaska from attending educational, training, and networking events that help service providers gain expertise on domestic abuse issues,²³⁰ the VAWA grant was critical to facilitating education for remote service providers.²³¹

Grant recipients also are updating technologies available to service providers to counter the disabling consequences of rural spatiality. The South Dakota Coalition Against Domestic Violence and Sexual Assault now provides its member programs with computers, fax machines, and Internet access.²³² With these resources, advocates are able to conduct research and communicate with attorneys and coalition staff members at other locations.²³³ This use of funds illustrates how technology can bridge rural-urban cultural and knowledge divides in ways that serve battered women.

Some rural service providers have used the VAWA funding to increase dramatically the numbers they serve.²³⁴ Lower Umpqua Victims' Services in Reedsport, Oregon, for example, served 118 domestic violence victims in 1996.²³⁵ Just four years later, with VAWA funding, it served ten times that many.²³⁶

A look at what VAWA grantees have done to improve responsiveness to victims of domestic violence—as well as to diminish its occurrence—highlights both the need for organizations that offer comprehensive victim services and the potential of local service providers to meet the needs of their

227. *Id.* at 27-28 (reporting increases to between 63 and 76% while the state average was 59%).

228. OVW EFFECTIVENESS REPORT, *supra* note 10, at 15 (reporting that during a 2-year period, OVW grantees trained 431,063 professionals, including 61,754 victim advocates, 60,667 law enforcement officers, and 27,744 attorneys and law students).

229. *Id.*

230. *Id.*

231. *Id.*

232. NAT'L GRANT EVALUATION, VOL. II, *supra* note 164, at 9-9.

233. *Id.*

234. *Id.* at 5-11 (noting that prior to the establishment of LUVS, victims had to travel at least 50 miles round trip to access services and up to 150 miles roundtrip for comprehensive services).

235. *Id.*

236. *Id.* (reporting 1,211 domestic violence survivors served in 2000).

communities when given financial assistance. They also demonstrate the critical role of public-private cooperation in order to best meet local need.

These efforts are nevertheless partial and inadequate in light of the widespread national problem of domestic violence. While some communities are seeing real benefits from the funds, most see none—presumably because no one there ever applies for a grant.²³⁷ Thus, the grant program is symbolically important, but its material benefits have necessarily been limited to certain rural communities, states, and other institutions that have sought and received the funds.

F. Conclusion.

Various aspects of spatiality shape the phenomenon of domestic violence in rural communities. Physical space and the vulnerability it creates are not the only considerations. A number of socio-spatial and socioeconomic factors may deter women from seeking help. Among these, the bleak economic landscape in rural America limits both individual and institutional responses. In the next section, I use the concept of “place” to explore further differences among rural locales, as well as some law and policy implications of those differences.

III. PLACE: “IF YOU’VE SEEN ONE RURAL PLACE, YOU’VE SEEN *ONE* RURAL PLACE.”²³⁸

The point of this adage, familiar to those who study rural people and places, is that enormous variations exist among rural locales. In a similar vein, my prior work has sought to problematize “rural” in relation to law.²³⁹ To that end, this Part deploys the concept of place, “the physical space of material nature.”²⁴⁰ Here I acknowledge and explore regional differences among rural locales,²⁴¹ as well as differences with respect to population density and degree

237. See Carsey Institute, *Rural America in the 21st Century: Perspectives from the Field 8* (June 2007), available at http://ola.wkcf.org/RPRP/pdf/Carsey_NRA%20Brief_Final.pdf [hereinafter Carsey, *Perspectives from Field*] (lamenting the lack of local public and civic leadership in the smallest communities, which fosters dependence on public agencies that are not accountable to local needs). See also Walter DeKeseredy et al., *Toward a Gendered Second Generation CPTED for Preventing Woman Abuse in Rural Communities*, SECURITY J. (forthcoming 2009) (discussing the significance of local culture and community readiness in relation to instituting programs to combat domestic violence) [hereinafter DeKeseredy et al., *Preventing Woman Abuse in Rural Communities*].

238. Rural sociologist Daryl Hobbs is credited with this aphorism. Swanson & Brown, *supra* note 77, at 397.

239. See generally Pruitt, *Rural Rhetoric*, *supra* note 2, at 221-25; Pruitt, *Gender, Geography and Rural Justice*, *supra* note 55, at Part II.A.

240. SOJA, *POSTMODERN GEOGRAPHIES*, *supra* note 49, at 15.

241. Of course, some differences among places are linked to the states themselves and their differing laws about domestic violence. In addition to differences in substantive criminal law, states’ procedures for hearing domestic violence claims may vary. The system in place in rural New York, for example, permits town justices to have concurrent jurisdiction with family courts. See Town of Ossining Justice Court, Criminal Jurisdiction,

of remoteness.²⁴² I also discuss rurality in relation to racial diversity and the ethnic communities which are increasingly present in rural America. The following analysis thus goes beyond the broad rural-urban axis to consider how specific rural places, with their unique cultures, economies, and demographic and geographic characteristics,²⁴³ influence the occurrence of domestic abuse and legal responses to it.

A. Differing indicators of rurality.

I earlier discussed the two primary labeling schemes used by the federal government to reflect the rural-urban binary. The U.S. Census Bureau differentiates between places with more than 2,500 residents (“urban”) and all other places.²⁴⁴ The OMB differentiates broadly between metro and nonmetro counties,²⁴⁵ but its scheme is more nuanced in that it recognizes that some nonmetro places are less metropolitan—or more rural—than others. That scheme includes six nonmetro categories which vary according to the presence and size of urban populations within the particular nonmetro county, as well as the county’s proximity to a metropolitan area.²⁴⁶ Thus the OMB uses the label “micropolitan” for nonmetro counties with a population cluster between 10,000 and 50,000.²⁴⁷ This designation recognizes that smaller communities—more rural places—that surround the nonmetro population center are economically interdependent with it.

Family Offense Proceedings, <http://www.townofossining.com/depts/justice.htm> (last visited Sept. 14, 2008). Town justices need not be trained as lawyers nor licensed to practice law. See N.Y. CLS CONST. Art. VI, § 20(c) (2008). This means that the person hearing an application for a Temporary Restraining Order, for example, may not only know the applicants, he or she may have no legal training. For a discussion of problems associated with the town justice system, see William Glaberson, *Justice Courts for Small New York Towns to be Overhauled*, N.Y. TIMES, Nov. 22, 2006, at A1 (noting town justices also have the authority to set bail for serious crimes).

242. These differences may have social and cultural implications, as well as practical ones. See Gerald W. Creed & Barbara Ching, *Recognizing Rusticity: Identity and the Power of Place, Introduction*, in KNOWING YOUR PLACE: RURAL IDENTITY AND CULTURAL HIERARCHY 15 (Barbara Ching & Gerald W. Creed eds., 1997) (articulating a distinction between “shallow rural” and “deep rural”).

243. See Heise, *supra* note 219 (calling for an integrated, ecological approach to domestic violence that considers the interplay of personal, situation, and sociocultural factors as causal); see also, e.g., HAMILTON ET AL., PLACE MATTERS, *supra* note 29 (grouping rural places into four different categories according to the level of amenities and population growth or loss, among others); Lee, *supra* note 43 (noting economic, education, employment, home ownership, voter turnout, and other factors that may influence the occurrence of violent crime in rural communities); Salamon, *From Hometown to Nontown*, *supra* note 1, at 6-7 (noting some of the bases for differentiating among rural places).

244. See *supra* note 27.

245. See *supra* note 28.

246. See Briefing Room, Measuring Rurality: Rural-Urban Continuum Codes, available at <http://www.ers.usda.gov/briefing/rurality/> (last visited Feb. 18, 2008).

247. See Briefing Room, Measuring Rurality: What is a Micropolitan Area?, available at <http://www.ers.usda.gov/Briefing/Rurality/MicropolitanAreas/> (last visited Jan. 23, 2008).

While the OMB scheme implicitly recognizes the exurban phenomenon,²⁴⁸ it may not accommodate the difference represented by remote resort communities, which are sometimes referred to as rural.²⁴⁹ Such communities may meet low population thresholds but be culturally very different to rural places that are not so gentrified.²⁵⁰ Just two ways in which these places may be

248. "Exurbs" are "a type of spatial pattern of settlement that differ from their suburban counterparts [and are] ... located at greater distances from urban centers than suburban developments and are comprised of a different mix of land uses and population." Exurban Change Program, Defining Exurban, <http://www-agecon.ag.ohio-state.edu/programs/exurbs/def.htm> (last visited Feb. 18, 2008).

The USDA Economic Research Service has also recognized this blurring between rural and urban. See USDA Economic Research Service, Rural Population and Migration: Trend 1 – Harder to Define "Rural," available at <http://www.ers.usda.gov/Briefing/Population/Rural.htm> (noting phenomena such as intercounty commuting, more cities reaching metro size in the 1990s, and the increase in metro fringe counties).

249. Examples include Telluride, Colorado, and Sun Valley, Idaho, in the West, and Ogunquit, Maine, in the East. Such communities are associated with the phenomenon of rural gentrification, which often increases the cost of living in a way that disserves long-time residents. See Carsey, Perspectives from Field, *supra* note 237, at 4; Lisa R. Pruitt, Legal Ruralism Blog, at <http://legallruralism.blogspot.com/search/label/rural%20gentrification> (last visited Dec. 15, 2008).

250. To illustrate my point, consider two communities classified as both "rural" and "nonmetro" due to their population density and their distance from urban centers: Telluride, Colorado (San Miguel County) and Marshall, Arkansas (Searcy County). Both communities have populations of fewer than 2,500, serve as the county seat, and are situated in counties with low population density. U.S. Census Bureau, Table DP-1. Profile of General Demographic Characteristics: 2000, Telluride, Colorado [hereinafter Telluride 2000] (indicating a population of 2,200). U.S. Census Bureau, Table DP-1. Profile of General Demographic Characteristics: 2000, Marshall, Arkansas [hereinafter Marshall 2000] (indicating a population of 1,313). San Miguel County's population density is 5.1 persons per square mile, while Searcy County's is 12.1 persons per square mile. U.S. Census Bureau, San Miguel County Quick Facts; Searcy County Quick Facts. Marshall and Searcy County are largely racially and ethnically homogeneous, with non-Hispanic whites comprising about 96% of the population. Telluride and San Miguel County are more diverse; there, 6-7% of population is non-Hispanic white, while 1% of the population is Native American or Alaska Native. African Americans comprise a tiny percent of the population of both counties. San Miguel County had 19 African Americans in 2000; Searcy County had 3.

Despite some superficial similarities, the two places are arguably worlds apart in terms of cultural and social milieu. Home to an exclusive ski resort with a largely affluent, part-time, and exurban populace, Telluride's median household income in 1999 was \$51,937. Telluride 2000, *supra*. Among Telluride residents, 58.5% held a bachelor's degree or higher and the unemployment rate for the county was just 7.9%. San Miguel Quick Facts, *supra*. No longer reflecting traditional rurality, the former mining community in southwestern Colorado is an example of how urban populations and influence use or co-opt rural places, as for recreation.

Marshall, Arkansas, on the other hand, exemplifies a "traditional" rural community. The median household income in 1999 was \$18,846 and only 8.5% of residents held a bachelor's degree or higher. Marshall 2000, *supra*. Searcy County's poverty rate is 20.6%, *id.*, making it a "persistent poverty" county, a designation indicating a poverty rate greater than 20% in each decennial census since records began to be kept in 1960. Home values also reflect the stark differences in human capital in the two communities. The average home

different for purposes of domestic violence are in terms of attitudes and access to services. Highly educated and more affluent newcomers to rural places may bring with them more progressive and egalitarian attitudes about women's roles. They may also effectively bring access to a wider array of services, in part because they were previously accustomed to such services and they are motivated to see those services made available in their new homes.

In spite of the many variables and array of characteristics that differentiate among rural or nonmetro places, the term "rural" is widely used to refer to all of them, including those which are micropolitan, exurban, or resort.²⁵¹ These latter categories are commonly referred to as rural by urbanites. Long-time rural residents, on the other hand, are unlikely to see them as such.

The wide variety among definitions and criteria for "rural" may be seen even in the studies cited in this Article. They use the term "rural" to refer to places with widely varying populations, some as high as 100,000 at the county level,²⁵² some as low as 16,000.²⁵³ One study examined three "rural counties" with total populations ranging from 25,000 to 42,000, each with 78 to 100% of its population rural by the Census Bureau definition.²⁵⁴ Some grapple in a

value in San Miguel County is \$358,200, San Miguel Quick Facts, *supra*, which is about eight times that of Searcy County, at \$45,600. Searcy Quick Facts, *supra*.

Other statistics further illustrate the distinct characters of these two very different "rural" places. First, San Miguel County's population is on the rise (+8.3% between 2000 and 2006), San Miguel Quick Facts, *supra*, while Searcy County's is shrinking (-2.3% for the same period). Searcy Quick Facts, *supra*. San Miguel County's growth represents the population shift to the rural West and Telluride's particular attractiveness to wealthy persons seeking second homes. With an aging population, a falling birth rate, and few jobs of any type, Searcy County's population is falling. While only 3.9% of Telluride's residents are aged 65 or older, 19.8% of Searcy County's residents are in that age group. Searcy Quick Facts, *supra*; San Miguel Quick Facts, *supra*.

251. Urban journalists are among those who sometimes use the terms "small town," "rural," and "country" to refer to suburbs and exurbs. See Peter S. Goodman, *Rethinking the Country Life as Energy Costs Rise*, N.Y. TIMES, June 25, 2008, at A1 (using the term "country" in the headline, but the terms "suburbs" or "edges of suburbia" in the text to refer to exurbs); Warren St. John, *Refugees Find Hostility and Hope on the Soccer Field*, N.Y. TIMES, Jan. 21, 2007, at A1 (referring to Clarkston, Georgia, part of the conurbation of Atlanta, as a "small town").

252. UEKERT, *supra* note 210, at 24. This study did not take into account population density in assigning counties to the different categories or tiers. Thus, in states like California where each of the 58 counties typically covers a great deal of land area, the population density of a "rural" county might be much lower than, for example, in Indiana, where 92 counties cover a smaller land area.

253. See Van Hightower & Gorton, *supra* note 22, at 849 (designating as "rural" the site of the study, a county with a population of 16,000 and a population density of 18.72 per square mile). Other studies used different measures of rural and urban. See also Logan, *Qualitative Differences*, *supra* note 11, at 85 (noting that the population of the rural area studied was approximately 30,000, while that of the urban area to which it was compared was near 250,000); Logan, *Protective Orders*, *supra* note 11, at 878-79 (studying three "rural" counties with populations ranging from 25,277 to 42,441 and one "urban" area, with a population of 260,512).

254. Logan, *Protective Orders*, *supra* note 11, at 879. The total population of all three counties was 97,108. *Id.*

meaningful way with the rural-urban continuum, as by referencing population density and proximity to a metropolitan center in the places they study,²⁵⁵ others do not.²⁵⁶

Despite the casual and varied use of “rural,” low population density and remoteness from a population center are key rural characteristics that are often linked to disadvantage. Indeed, these variables were found to be excellent predictors of intimate homicide in the studies noted at the outset of this Article.²⁵⁷ As a general rule, the more isolated or remote a person’s home, the greater the obstacles she will face in gaining access to assistance and services.²⁵⁸ Even within a town designated “rural” by the Census Bureau, which by definition has a population under 2,500, residents typically live closer to their neighbors and are more accessible to local law enforcement than those who live in open country, which is also “rural” under that definition.

Degree of population sparseness may influence not only residents’ sense of physical vulnerability but also their social isolation. Similarly, the variable of remoteness from a population center has not only practical consequences but also social and cultural implications. Exurban residents, for example, are by definition socially and economically enmeshed with cities.²⁵⁹ As such, exurbanites’ livelihoods are spatially, socially, and economically distinct from those of long-standing rural residents.²⁶⁰ This is because the former usually are more affluent, better educated, and have better access to many services because

255. *See id.* (ranking the three “rural” counties studied not only in relation to the proportion of their population that was rural according to the U.S. Census, but also according to the Beale Urban Influence Code, which references commuting data); GALLUP-BLACK, TRENDS, *supra* note 9, at xi-xii (also referencing Beale code and distinguishing places based not only on population, but also on proximity to an urban area).

256. *See* UEKERT, *supra* note 210.

257. *See supra* notes 9-10 and accompanying text.

258. Exceptions may be seen in previously rural places that have been colonized by wealthy newcomers, who seek a second-home aesthetic. Again, Telluride, Colorado, Sun Valley, Idaho, and various other resorts in the mountain West are representative. Newcomers there are often wealthy enough to access excellent services with relative ease, even if doing so requires air travel. They generally can rely on their wealth to ameliorate most of the inconvenience and expense otherwise associated with the sparseness of population and the remoteness from centers of commerce.

259. Exurbs are “communities located on the urban fringe that have at least 20 percent of their workers commuting to jobs in an urbanized area, exhibit low housing density, and have relatively high population growth.” ALAN BERUBE ET AL., BROOKINGS INSTITUTION, FINDING EXURBIA: AMERICA’S FAST-GROWING COMMUNITIES AT THE FRINGE 1 (2006), available at http://www.brookings.edu/reports/2006/10metropolitanpolicy_berube.aspx. *See also* Salamon, *Hometown to Nontown*, *supra* note 1, at 18 (noting the “social and material baggage” that newcomers bring when they move to small towns in rural America, including “high mobility, age segregation, a weak sense of community, and few work opportunities for youth”).

260. *See* Salamon, *Hometown to Nontown*, *supra* note 1, at 18; Blakely & Locke, *supra* note 30, at 25, 26 (noting the differences in available services between county seat towns and other towns with similar population size).

of their continuing links to urban areas.²⁶¹ They presumably also are influenced by urban social norms, which tend to reflect greater flexibility about gender roles and norms.²⁶²

Exurbia and wealthy resort communities aside, remoteness from population centers usually means diminished accessibility of services. Those living in the most remote parts of Appalachia, the Mountain West, or Indian Country,²⁶³ then, presumably, are among the most vulnerable and least served populations in the country. Yet in terms of literal, physical spatiality, their circumstances are likely not as disabling as those of women living in rural Alaska. In short and embracing the cliché, the disadvantage associated with remoteness is all relative.

With one mile of road for every 42 square miles of land area,²⁶⁴ literally hundreds of miles separate some Alaskan women from the nearest social services. Ninety percent of the state is inaccessible by road, meaning that those areas require transportation or provision of services by sea or air.²⁶⁵ One region of the state, Bethel and the 53 Yukon-Kuskokwim Delta villages, covers approximately 100,000 square miles; it is thus roughly the size of Oregon, but with a population of only 23,670.²⁶⁶ Such remoteness, along with inclement weather which can impede all forms of transportation,²⁶⁷ seriously undermines the availability of direct services for victims of intimate abuse²⁶⁸ and creates a wide range of physical and economic vulnerabilities.

261. BERUBE ET AL., *supra* note 259, at 1, 31 (identifying the average exurb resident as “disproportionately white, middle-income, homeowners, and commuters,” but also noting that exurbs outside of metropolitan areas often are “nearly as wealthy as their counterparts in inner or outer suburbs, and generally much better-off than those [cities]”). *See also* Mark Hager, Amy Brimer & Thomas H. Pollack, *The Distribution of Nonprofit Social Service Organizations along the Rural-Urban Continuum*, in RURAL SOCIAL WORK PRACTICE 73, 76 (Nancy Lohmann & Roger A. Lohmann eds., 2005).

262. *See supra* Part II.B.ii.

263. “Indian country” is defined in the U.S. Code as “(a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.” 18 U.S.C.A. § 1151 (West 2008).

264. STATE OF ALASKA DEPT. OF PUBLIC SAFETY, COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT, GRANT APPLICATION 8 (2007) [hereinafter ALASKA GRANT APPLICATION].

265. *See* LEWIS, *supra* note 62, at 4; ALASKA GRANT APPLICATION, *supra* note 264.

266. ALASKA GRANT APPLICATION, *supra* note 264, at 1, 8. In another region of the state, the Advocates of Victims of Violence, an organization based in Port Valdez, serves not only that community but also 11 isolated villages in a 41,000 square mile outreach area, which is about the size of Ohio. *Id.* at 5.

267. Valdez, for example, receives 27 feet of snowfall annually. *Id.* at 5.

268. *See* Johnson, *supra* note 20, at 5-6.

In light of such extreme isolation and vulnerability, it is perhaps not surprising that family violence occurs at significantly higher rates in Alaska than elsewhere in the United States.²⁶⁹ But remoteness is only one factor that aggravates these women's vulnerability. Other place-based differences come into play, including those which are based on regional cultures and ethnicity. These additional place-specific variations are discussed in the following sections.

B. Regional differences.

Definitions of "rural" that rely heavily on numerical measures such as population density and size of population clusters overlook important social and cultural characteristics.²⁷⁰ While some of these characteristics are associated with exurbia and the second-home "rural" resort phenomenon noted above, others reflect regional differences.²⁷¹ In the following sections, I briefly discuss just two regions, considering how their distinctive cultures and other features may influence the incidence of domestic violence, as well as legal outcomes from it.

i. Appalachia.

Appalachia represents quintessential rurality to many Americans.²⁷² Mention of the region evokes images of uneducated white people living in acute poverty.²⁷³ In fact, some of the most extreme examples of the hardships,

269. See ALASKA GRANT APPLICATION, *supra* note 264, at 6 (noting that 60% of reports of domestic abuse in the state overlap with reports of child abuse and the rate of child sexual assault is six times the national average).

270. See Mormont, *supra* note 55, at 41 (noting the "different ways of considering oneself to be rural, of identifying with 'rurality'"); Pruitt, *Rural Rhetoric*, *supra* note 2, at 181-84; Deavers, *supra* note 30, at 183-88 (discussing the range of meanings associated with rurality, as well as the variation among rural economies).

271. Mormont observes the range of manifestations of the rural-urban opposition, as reflected in different ideological references, social foundations, and reinterpretations of tradition. Mormont, *supra* note 55, at 41. See also HAMILTON ET AL., PLACE MATTERS, *supra* note 29 (noting the variety among rural places in terms of economics, culture, social, and human capital, etc.).

272. See FEINE, *supra* note 108. Many scholars have chosen to study Appalachia as representative of rurality. See, e.g., DUNCAN, WORLDS APART, *supra* note 135. Cf. Janet L. Bokemeir & Ann R. Tickamy, *Labor Force Experiences of Nonmetropolitan Women*, 50 RURAL SOC. 51 (1985) (finding little difference between the employment experiences of rural Appalachian women and rural women from elsewhere in Kentucky).

273. See DUNCAN, WORLDS APART, *supra* note 135, at xiii (describing generally the challenges confronting the poor and the lack of social mobility in rural Appalachia). In the 1800s, early mountaineers settled in the region as subsistence farmers. Northeastern businessmen began purchasing timber and mineral resources in the region after the Civil War, transforming Appalachia into an industrial wage economy. Cynthia M. Duncan, *Persistent Poverty in Appalachia: Scarce Work and Rigid Stratification*, in RURAL POVERTY IN AMERICA 112, 111-133 (Cynthia M. Duncan ed., 1992) [hereinafter Duncan, *Persistent*

challenges, and vulnerabilities associated with rural living²⁷⁴ are found in Appalachia.²⁷⁵

Cynthia Duncan, who has studied Appalachian poverty for many years, observes that “everything necessary for a good life is scarce” in rural parts of the region, including jobs, housing, clothing, and transportation.²⁷⁶ While rural areas often are thought of as community-oriented places where neighbors assist one another,²⁷⁷ depressed conditions in rural Appalachia create tensions, resulting in minimal civic activity. This is evidenced by an absence of food pantries, second-hand clothing stores, and other indicia of “civic commitment.”²⁷⁸ Whether someone is able to find work there often depends on family reputation²⁷⁹ and political favors performed for powerful families.²⁸⁰ These manifestations of Appalachian difference, particularly in rural areas, aggravate broader regional and even national concerns about job insecurity, rising food and gas prices, and access to education and health care.²⁸¹

A few data points further illustrate these Appalachian challenges. While the national poverty rate in 2000 was 12.4%, the poverty rate for the

Poverty]. With industrialization came more uncertainty, however, as jobs were and continue to be limited. *Id.*

Appalachia’s image was confirmed by a recent study showing that women’s life expectancy in many Appalachian counties dropped significantly between 1983 and 2000, as compared to an earlier 20-year period. See Nicholas Bakalar, *Life Expectancy is Declining in Some Parts of the Country*, N.Y. TIMES, Apr. 22, 2008, available at <http://www.nytimes.com/2008/04/22/health/research/22life.html> (reporting study of Majid Ezzati of Harvard, published in PLoS). Many rural counties outside Appalachia also showed a drop in women’s life expectancy. *Id.* A map showing the counties is at <http://www.plos.org/press/plme-05-04-ezzati-figureS2.pdf?sid=ST2008042102630>. Vice President Dick Cheney recently played on this image while tracing his family’s lineage: “We had Cheney’s on both sides of the family—and we don’t even live in West Virginia.” Sheryl G. Stolberg, *Cheney Discloses His Lighter Side*, N.Y. TIMES, June 3, 2008, available at <http://www.nytimes.com/2008/06/03/washington/03cheney.html>.

274. See Duncan, *Persistent Poverty*, *supra* note 273, at 111-114 (describing hardships associated with rural living in the region and collecting sources describing the “broken spirits” of the Appalachian poor).

275. The region is more than 200,000 square miles that follows the spine of the Appalachian Mountains from southern New York to northern Mississippi. It includes all of West Virginia and parts of twelve other states. Appalachian Regional Commission, *The Appalachian Region*, <http://www.arc.gov/index.do?nodeId=2> (last visited Apr. 27, 2008).

276. Duncan, *Persistent Poverty*, *supra* note 273, at 131.

277. Pruitt, *Rural Rhetoric*, *supra* note 2, at 170-72 (collecting sources); Naples, *supra* note 80, at 116-18 (defining and discussing *gemeinschaft*).

278. Naples, *supra* note 80, at 116-18.

279. DUNCAN, *WORLDS APART*, *supra* note 135, at 9. One teenager from a family with a “bad name” describes the region’s emphasis on reputation as follows: “A lot of times you can hear somebody’s last name and before you even meet them, you’ve already got the idea that they’re either a good person or they’re sorry as can be.” *Id.*

280. *Id.* at 30-31 (describing how jobs are not awarded based on merit, but on “who you know”; one-third of the families in Blackwell County have no family member working).

281. See *Looking at Kentucky after 50 Years*, THE DAILY YONDER, May 16, 2008 available at <http://www.dailyonder.com/looking-kentucky-after-50-years>.

Appalachian region was 13.6%.²⁸² Whereas 24.4% of Americans over the age of 25 had a college degree in 2000, only 17.7% of those living in Appalachia did.²⁸³

While life in rural Appalachia often is thought of as static, economic changes in some parts of the region have led to the reexamination of traditional gender roles, suggesting additional differences at the level of place. These have had implications for the scales (or microsities) of the household and the body, as well as the region, the state, and the nation. A recent study of rural McKee County, Kentucky, is illustrative. It focused on the negotiation of economic change between married couples as a downturn in the male-dominated mining industry led many women to take jobs in the female-dominated service sector.²⁸⁴ As a consequence of their earnings, many women felt that they were better situated to demand that their husbands help with housework, which in some marriages resulted in more equitable distributions of these responsibilities.²⁸⁵ However, the independence associated with earning wages and pursuing education threatened some men's masculinity, which sometimes led to family violence.²⁸⁶ Thus Appalachian gender roles are being reorganized by women's increasingly significant roles as financial providers, but the male backlash against this trend provides further evidence of the entrenched nature of patriarchy in the region.

Two ethnographic studies examining intimate abuse in Appalachian communities illustrate this regional difference. Both saw domestic abuse as a form of social control that perpetuated male dominance over women in these rural contexts, just as it does in others.²⁸⁷ They observed in Appalachia a

282. Appalachian Regional Commission, Online Resource Center, Regional Data, available at <http://www.arc.gov/index.do?nodeId=56> (select "Poverty Rates in Appalachia, 2000") [hereinafter ARC].

Significant differences exist across the Appalachian region. The 2000 poverty rate in West Virginia, which includes several small cities, was 17.9%. The poverty rate in the Appalachian part of Kentucky, which is mostly nonmetro, was 24.2%. *Id.* (select "Regional Data," "Poverty Rates in Appalachia, 2000," and then "West Virginia" and "Kentucky").

283. *Id.* (select "Education – High School and College Completion Rates, 2000"). Again, there are significant differences within the region. In West Virginia, the college completion figure dropped to 14.8%, while it was just 10.5% in Kentucky's Appalachian counties. *Id.* (Select "State Appalachian Totals," then "West Virginia" or "Kentucky").

284. Miewald & McCann, *supra* note 51, at 1061. Mining accounted for 50% of the employment and the income generated in the county in 1977. Today, services constitute around 35% of employment and mining constitutes 16%. Both still contribute the same amount of income (12%). *Id.*

285. *Id.* at 1056.

286. *Id.* One participant recalled the night she left her husband, who was becoming increasingly threatening because she went to school: "I had laid in the bed before and heard him play with a pistol behind my head and heard it click. . . . I was awake and I was scared to death to turn around because I didn't want to know who he had it pointed at, me or him." *Id.*

287. What they described reflects Deborah Tuerkheimer's argument that domestic violence should be criminalized not only in its physical manifestation but also in the batterers' interstitial assertions of power and control over women's lives. Tuerkheimer,

particularly virulent and entrenched form of patriarchy, perpetuated by the physical isolation of the communities they studied which socially sanctions domestic violence as a proper assertion of male authority.

The Gagné study from the late 1980s depicts a world that is so unfamiliar to most Americans as to seem fictitious.²⁸⁸ Her ethnography of remote “Raven Ridge” (a pseudonym) in West Virginia reveals an insular world in which women often worked more regularly than men²⁸⁹ but endured long commutes so that men could remain in their community of origin. Gagné describes men’s use of geographic isolation to control women and keep them in their place. She reports men keeping women from their families and other support networks, as by denying them access to vehicles.²⁹⁰

Gagné includes several descriptions of horrifying interactions between male and female intimates, as men wielded power, often brutally, over women.²⁹¹ One story was that of a woman named Karen, who reported an evening she and two women friends had spent socializing in the home of their friend Leah. Leah’s husband Andy was drunk, and when the women, one with her baby in her arms, started to leave, Andy detained and held them at gunpoint.

And he just got up off the couch and absolutely stopped us and said that he was holding us hostage and that we were not leaving [H]e said, “. . . You’re staying here all night.” And that’s when I kinda lost it ‘cause I realized then he was serious. So I set down . . . then he gets out three or four guns and takes the bullets out of the guns and puts the bullets back in, twirls the chambers, cocks the gun. . . . And this went on for like three hours. And he would say, like he had a silver-tipped gun, he had the silver bullets with the silver-tipped gun. . . . And wasn’t that extremely wise of him to have silver bullets with the silver gun . . . and we all had to agree. . . . He just kept messin’ with the guns And then finally [6 hours later, Leah’s brother] came home And then you know what he said? . . . [J]ust laughed, and he said, “I can’t believe you girls actually are setting here thinking in the back of your minds that I’m holdin’ you

supra note 86, at 973. See also Mahoney, *Exit*, *supra* note 124, at 1300; Martha Mahoney, *Legal Images of Battered Women: Redefining the Issue of Separation*, 90 MICH. L. REV. 1, 53-57 (1991-1992); SCHNEIDER, *supra* note 31, at 12.

288. Similar language was used by a Pennsylvania court to describe the events leading up to a woman’s killing of her long-time batterer in Pittsburgh, which happens to be an Appalachian city. The court in *Commonwealth v. Stonehouse* wrote: “The events culminating in Walsh’s death are so bizarre that one would be tempted to dismiss them as the stuff of pulp fiction were it not for the corroboration of disinterested witnesses and for the fact that the literature on the ‘battered woman syndrome’ is replete with similar cases.” 521 Pa. 41, 44-45, 555 A.2d 772, 774 (1989).

289. Miewald & McCann, *supra* note 51, at 1045-46.

290. Gagné, *supra* note 61, at 399-400.

291. *Id.* at 393-410.

hostage.” He said, “I can’t believe you are actually setting here thinking that.” . . . But if we would’ve stood up and left, we’d have got shot at.²⁹²

Other Raven Ridge vignettes told of women being shot at, beaten, choked, and forced into motherhood by their husbands.²⁹³

Gagné studied only one very remote, very economically deprived part of Appalachia,²⁹⁴ but her work, like Websdale’s ethnography of rural Kentucky, identified several factors that contributed to the incidence of domestic violence in these Appalachian settings: extreme geographic and social isolation,²⁹⁵ lack of education and economic opportunity,²⁹⁶ and the prevalence of gun ownership.²⁹⁷ In short, they saw many of the same challenges generally associated with rural settings, but aggravated and amplified in the Appalachian context.²⁹⁸

292. *Id.* at 406-07.

293. *Id.* at 404-10.

294. *Id.* at 390-92.

295. Websdale offered this description of rural Appalachian isolation: “Some battered women who live up what is locally called a ‘hollow’ . . . live extraordinarily isolated lives. Several of these women report not having had any friends for several years. With no public transportation and large distances between houses, they report that it is often physically difficult to engage in community life.” WEBSDALE, BATTERING, *supra* note 22, at 5.

Gagné documented the differing attitudes of men and women regarding the physical isolation associated with rural living. Men tended to focus on the seclusion and to overlook the inconvenience. Women viewed the “seclusion” in a more negative way, as isolation. Many women worked full-time at jobs as far as 50 miles from their homes. Combined with their total responsibility for childcare, women found it difficult to remain employed. Gagné, *supra* note 61, at 394-95; WEBSDALE, BATTERING, *supra* note 22, at 5.

296. *See* Miewald & McCann, *supra* note 51, at 1050, 1054 (explaining that most jobs available to women in rural Appalachian Kentucky are in the service sector, rarely featuring benefits, and with wages that do not rival those paid in male-dominated occupations); Oberhauser, *supra* note 133; WEBSDALE, BATTERING, *supra* note 22, at 52. Gagné observed strong gendered norms regarding employment. Clerical, restaurant, and domestic service work was seen as suitable for women, while men worked in mining and other heavy industry. Gagné, *supra* note 61, at 396.

297. *See* Gagné, *supra* note 61, at 406-07 (reporting case study of Karen, whose husband shot at her to intimidate her and prevent her from leaving); WEBSDALE, BATTERING, *supra* note 22, at 9-11 (linking intimate violence to the “broader sociocultural setting that includes a long-established tradition of gun ownership”); Websdale & Johnson, *An Ethnostatistical Comparison*, *supra* note 12, at 189 (questioning whether the greater victimization of women with guns is “linked to broader rural cultural activities such as hunting or other mostly male-dominated social activities”). *But see* Weisheit & Donnermeyer, *supra* note 3, at 311 (reporting that guns are used less often in rural homicides, rapes, or robberies than in the largest cities).

298. Another factor may be the lack of condemnation of such behavior in rural Appalachia. Sampson and Wilson suggest that the use of interpersonal violence may not be fervently condemned in disorganized neighborhoods because of cultural support for violence generally. R.J. Sampson & W.J. Wilson, *Toward a Theory of Race, Crime and Urban Inequality*, in *CRIME AND INEQUALITY* (J. Hagan & R.D. Peterson eds., 1995), *discussed in* Benson et al., *Neighborhood Disadvantage*, *supra* note 86, at 210-11. While their work

Gagné and Websdale also showed how law enforcement²⁹⁹ and the judiciary³⁰⁰ were part and parcel of a patriarchal culture that failed to protect women, thus keeping them in abusive relationships.³⁰¹ The Websdale study documented an additional cause of law enforcement failure in Appalachia: complicity or involvement in underground activities such as bootlegging (illegal manufacture or sale of alcohol), marijuana production, and prostitution.³⁰² Websdale posited that biases and self-interest made rural officers hesitant to intervene in domestic violence matters that involved perpetrators who were their partners in crime.³⁰³ Many of the battered women he interviewed mentioned criminal networks that included law enforcement officers. The women saw the officers' integrity compromised when responding to domestic violence calls that involved other members of their criminal networks.³⁰⁴

Websdale also reported that judges dismissed domestic violence claims as frivolous, ordered couples to counseling, and blamed the victims.³⁰⁵ Indeed, he characterized the rural Appalachian judicial process as frequently "re-

relates to urban neighborhoods in particular, it is interesting to contemplate how similar disorganization in rural Appalachia, suggested by DUNCAN, *WORLDS APART*, *supra* note 135, in what she characterizes as lack of civic commitment, might impact rural attitudes toward interpersonal violence.

299. See Gagné, *supra* note 61, at 392, 394, 405 (observing a lack of willingness on the part of police to intervene in domestic violence and arrest offenders because they saw these as "private affairs"), 411 (observing Appalachian police officers' "acceptance of a man's authority over his wife"); WEBSDALE, *BATTERING*, *supra* note 22, at 94 (quoting a police officer who said he felt "we are sticking our nose where it doesn't belong"); Logan, *Protective Orders*, *supra* note 11, at 893 (reporting unsympathetic and negative attitudes by rural law enforcement toward women).

300. See *supra* Part II.D.iii.

301. Gagné, *supra* note 61, at 392, 394, 405 (documenting "nonactive, nonviolent forms of social control" in addition to domestic violence and observing how social structures, including limited employment opportunities for women, reinforced gender ideology); WEBSDALE, *BATTERING*, *supra* note 22, at 44-54 (describing an overall pattern of gender domination, which "intersects with other exploitative sets of social relations such as class and race relations").

302. WEBSDALE, *BATTERING*, *supra* note 22, at 117.

303. *Id.* at 119; see also Logan, *Protective Orders*, *supra* note 11, at 893 (reporting that drug crimes in eastern Kentucky were identified as interfering with policing of domestic violence for two reasons; one was the lack of resources to pursue both and the other was that "criminal justice systems are tied to the drug crime and are corrupt").

304. WEBSDALE, *BATTERING*, *supra* note 22, at 119; Websdale & Johnson, *An Ethnostatistical Comparison*, *supra* note 12, at 189.

305. Websdale reported a judge who dismissed between 10-15% of applications for protective orders because he considered them frivolous. The same judge sometimes sent domestic violence victims to counseling, thinking "she cannot be thinking right if she returns to the idiot." WEBSDALE, *BATTERING*, *supra* note 22, at 144-45.

victimiz[ing]” battered spouses.³⁰⁶ Other studies of domestic violence in Kentucky support this characterization.³⁰⁷

ii. Farming and ranching communities.

Rural residents are commonly associated with an attachment to place and a resulting lack of mobility.³⁰⁸ While in Appalachia this attachment appears to be to family and friends, as well as to that which is familiar,³⁰⁹ in other rural areas it is about more than kinship. It may be also (or even more so) be about attachment to the land itself.³¹⁰ Among the places where such attachment takes on great significance are the Midwest and the Great Plains, which are long associated with large-scale farming and ranching and with intergenerational land ownership.³¹¹

Feyen’s study of domestic abuse in rural Wisconsin found this attachment to land relevant to domestic violence outcomes. Her work indicated that place-related concerns of this nature influenced women’s decisions whether or not to remain with abusive spouses. In particular, some women reported not seeking help or pursuing divorce because they did not want to be vilified by their neighbors when a divorce and attendant division of property necessitated selling the family farm.³¹² Their own attachments to the land, the animals, and the farm lifestyle, along with their desire for their children also to have an opportunity to farm, led them to remain in abusive relationships.³¹³

306. *Id.* at 146.

307. See Logan, *Protective Orders*, *supra* note 11, at 893 (mentioning the difficulty women have in finding legal representation because many male attorneys do not want to “go up against another man” and the view amongst women that social and political connections are the only way to access the criminal justice system as barriers to judicial recourse).

308. See *supra* note 105.

309. See, e.g., Gagné, *supra* note 61, at 393-94 (reporting husbands who wished to live in rural places to be near family, while wives preferred the convenience of living in cities and towns).

310. See Creed & Ching, *supra* note 242 (observing rurality’s strong association with the land); Sonya Salamon & Ann Mackey Keim, *Land Ownership and Women’s Power in a Midwestern Farming Community*, 41 J. MARRIAGE & THE FAM. 109, 117 (1979) (discussing land ownership as the reason women living on Central Illinois farms assume a subordinate position to men).

311. See SALAMON, *supra* note 55, at 95 (discussing how land symbolizes “the means to do one’s chosen work” to Midwestern farmers and how land ownership is the only way to achieve “real security,” financial and otherwise).

312. Feyen, *supra* note 21, at 118-19. Such concerns have influenced marital property laws in some states. For example, the Montana Supreme Court in 1981 justified its policy that “a family farm or a ranch should be kept intact and operated as a unit upon a marriage dissolution,” even if the wife must receive her buy-out in installments, because “[f]amily-run farms and ranches constitute an important part of the state’s economy and of its way of life.” *Gomke v. Gomke*, 627 P.2d 395, 396-97 (Mont. 1981).

313. Feyen, *supra* note 21, at 118-20. Feyen notes the “intergenerational complexities of the family-run farm within the dynamics of a patriarchal agrarian system.” *Id.* at 101.

Traditional gender ideology regarding the proper roles of men and women on farms prevents many women who separate from establishing themselves as farmers. This ideology

The sources of land in farming and ranching families also may shape the incidence of domestic abuse. Typically, farming and ranching families practice a gender hierarchy based on male dominance.³¹⁴ If women marry with land or with the potential of inheriting land, this gender hierarchy is less pronounced.³¹⁵ Women who marry without land, however, often are expected to be subservient to their husbands and to have little involvement with managing the family farm.³¹⁶ When one such woman in a 1992 study of seven rural Illinois communities was asked about her genealogy, she responded that only her husband's was important because "that's where the land comes from."³¹⁷ Given the centrality of the view that land is the only way farmers obtain status and security in farming communities,³¹⁸ their wives would likely be reluctant to give up that status, even with its narrowly circumscribed gender roles. Leaving an abusive relationship could mean giving up what agrarian ideology deems most important: land and the ability to contribute to a farming operation.³¹⁹

Economic hardship for farmers in the Midwest and Great Plains also influences the dynamics between husband and wife. Feminist scholarship has demonstrated that women experience farming through their position as wives, a "structurally subordinate [position] in the family enterprise" compared to men, who "retain greater control over operating decisions such as marketing, input purchases, and major production tasks such as field work."³²⁰ The hegemony of this traditional formulation was challenged during the farm crisis in the 1980s,³²¹ a period marked by a decline in farm exports and rising interest rates.³²² In light of the shrinking value of land and other assets and the erosion of equity and income, farmers found it increasingly difficult to manage their

pervades the Department of Human Services and the Farmers' Home Administration, which oversees the distribution of loans to farmers. One woman reported being forced to sell the pigs she was raising to satisfy a loan because she wasn't a "farmer," but someone with a "hobby" of raising pigs, disqualifying her from further assistance because her pigs were nonfarm-related "assets." However, her ex-husband, whose business was losing money, was still eligible for loans. Naples, *supra* note 80, at 122-23.

314. SALAMON, *supra* note 55, at 125; Salamon & Keim, *supra* note 310, at 115 (discussing the power disparity between husbands and wives in a Central Illinois farming community).

315. Salamon & Keim, *supra* note 310 (reporting that husbands who force women to sign over their land are frowned upon by farming communities and that a man who farms land inherited by his wife refers to it as "her land").

316. *Id.*

317. *Id.* at 126.

318. *Id.* at 95.

319. *Id.* at 95-96.

320. Linda Lobao & Katherine Meyer, *Economic Decline, Gender, and Labor Flexibility in Family-Based Enterprises: Midwestern Farming in the 1980s*, 74 SOC. FORCES 575-608 (1995) (summarizing sources).

321. Naples, *supra* note 80, at 123. *See also* Lobao & Meyer, *supra* note 320, at 577 (describing the 1980s farm crisis as "representing the worst financial stress in the farm industry since the Depression").

322. Naples, *supra* note 80, at 112-13.

debt.³²³ Forced sales of farmland spiked from 19% of all farmland transfers in 1980 to 46% in 1986.³²⁴ While the recession was national in scope, Midwestern farms were hit especially hard due to their cash grain specialization.³²⁵

Just as changing economic conditions forced rural Appalachians to rethink traditional gender roles, the farming crisis necessitated the reformulation of the division of labor between men and women. Women's off-farm, paid labor supplemented income from the family farm and helped rural families survive.³²⁶ Many women in a 1994 study of two Midwestern communities found employment as teachers, childcare providers, nurses, and social-service assistants.³²⁷ While such women felt liberated by their salaries and their newfound roles as breadwinners, their work still was viewed as subordinate to the running of the farm,³²⁸ which remained a predominately male endeavor.³²⁹

In interviews, women framed their role in the family as "supplemental to their husbands' income-generating efforts,"³³⁰ demonstrating the entrenched nature of gender role ideology in the rural Midwest. One study suggests that husbands experienced a high degree of discomfort as a result of their wives providing for their families.³³¹ Traditional values holding that women should not enter the public sphere and should instead concentrate on their role as housekeeper and mother³³² were indeed threatened by economic restructuring.³³³

Given the links between economic crises and domestic violence discussed above,³³⁴ it becomes important to think about the ways in which unique social and economic conditions in rural locales inform the incidence of domestic violence. Indeed, statistics from Iowa during the farm crisis are especially telling regarding this link. Reports of spouse abuse in that state almost tripled between 1985 and 1987, rising from 1,620 to more than 4,500.³³⁵

323. Lobao & Meyer, *supra* note 320, at 577.

324. *Id.*

325. *Id.* In fact, most of the defaults on commercial farm loans were concentrated in this region. *Id.* at 578.

326. Naples, *supra* note 80, at 113.

327. *Id.* at 114.

328. *Id.* at 125.

329. See Lobao & Meyer, *supra* note 320, at 600.

330. Naples, *supra* note 80, at 124.

331. *Id.* at 124 (reporting that one farmer felt "pain" as a result of being told by his banker that "[your wife] brings home the money, you don't").

332. Women in one study reported the somewhat contradictory views that they were depriving their children of something by not being able to raise them on a full-time basis while also holding the view that they were better mothers because they worked. *Id.* at 126.

333. *Id.* at 124.

334. See *supra* notes 148-55.

335. OSHA GRAY DAVIDSON, *BROKEN HEARTLAND: THE RISE OF AMERICA'S RURAL GHETTO* (1990).

C. *Racial and ethnic difference.*

Rural areas have long been associated with racial and ethnic homogeneity,³³⁶ but the demography of many rural communities has changed dramatically in recent decades.³³⁷ The Latina/o population,³³⁸ for example, nearly doubled in rural and small-town America between 1980 and 2000.³³⁹ Significant clusters of some Asian ethnic groups, such as the Hmong, also have settled in nonmetro areas in recent decades.³⁴⁰

Rural spatiality can exacerbate disadvantages associated with racial and ethnic difference in a number of ways,³⁴¹ including in relation to institutional

336. See Katherine M. Donato et al., *Recent Immigrant Settlement in the Nonmetropolitan United States: Evidence from Internal Census Data*, 72 RURAL SOC. 537, 537-59 (2007); Lisa R. Pruitt, *Latina/os, Locality and Law in the Rural South*, 12 HARV. LATINO L. REV. (forthcoming 2009) (collecting sources).

337. See Daniel T. Lichter & Kenneth M. Johnson, *Emerging Rural Settlement Patterns and the Geographic Distribution of America's New Immigrants*, 7 RURAL SOC. 109 (2006); USDA ECONOMIC RESEARCH SERVICE, RURAL POPULATION AND MIGRATION: TREND 5 – DIVERSITY INCREASES IN NONMETRO AMERICA, available at <http://www.ers.usda.gov/Briefing/Population/Diversity.htm> (last visited May 8, 2008) (reporting that racial and ethnic minorities now comprise 18.3% of nonmetro residents); Sam Roberts, *In Biggest U.S. Cities, Minorities are at 50%*, N.Y. TIMES, Dec. 8, 2008, at A28 (reporting American Community Survey data for 2005-2007 that shows a rise in Asian and Hispanic populations in rural places).

338. I use the term Latina/o as a default ethnic descriptor, while acknowledging the issues this raises. When sources cited use other terms, I use those terms. The U.S. Census Bureau, for example, uses the term “Hispanic.” See also Alejandro Okie Holt & Sister Evelyn Mattern, *Making Home: Culture, Ethnicity, and Religion Among Farmworkers in the Southeastern United States*, in THE HUMAN COST OF FOOD 26-27 (Charles D. Thompson, Jr. et al. eds., 2002) (discussing the different ethnic descriptors and distinguishing Latina/o, Hispanic, and Chicano and noting use of these terms in various government reports).

339. William Kandel, *Rural Hispanics at a Glance*, U.S.D.A. ECONOMIC RESEARCH SERVICE (2005), <http://www.ers.usda.gov/publications/eib8/> (documenting growth from 1.4 million to 2.7 million).

340. An example is Dunn County, in west central Wisconsin, where 550 Hmong make up about 1.5% of the county's 40,000 population. U.S. CENSUS BUREAU, AMERICAN FACTFINDER 2000, available at http://factfinder.census.gov/home/saff/main.html?_lang=en (search “Dunn County, Wisconsin”). The Hmong are clustered around the county seat of Menomonie and in the third of the county south of there. *Id.* (“Maps” next to “Asian”). See also Wisconsin's Hmong Population, UW Extension, available at <http://www.ssc.wisc.edu/poplab/reports/HmongChartbook.pdf>.

341. People of color, along with children, represent disproportionate shares of the rural poor. TAKING STOCK, *supra* note 133, at 19. Differences in race, ethnicity, sexual orientation, and class play out differently in rural areas than in urban ones. See, e.g., Tickamyer & Henderson, *Rural Women*, *supra* note 1, at 109, 114-15; Creed & Ching, *supra* note 242, at 22 (arguing that “place inflects other dimensions such as race, class, gender, and ethnicity”).

African American, American Indian, and Hispanic women, generally speaking, experience domestic violence differently than white victims. Lee et al., *supra* note 9. For instance, African American and American Indian women experience more severe injuries and are more likely to have a weapon used against them. *Id.* African American and Hispanic women experience greater mental health consequences, while Hispanic women are less likely to seek medical care at the time of the assault and are similarly unlikely to disclose the

and interpersonal responses to victims of domestic violence. Deep-rooted suspicion of difference is one consequence of the lack of diversity and isolation of rural communities, and it may be reflected in outward manifestations of racism.³⁴² Racial and ethnic barriers may prevent women of color, including immigrants, from accessing already limited services in rural communities.³⁴³

Abuse within immigrant families creates a variety of challenges, which has led OVW to identify immigrant and refugee women as a high-risk group.³⁴⁴ Some challenges are not unique to rural communities.³⁴⁵ Responding to them in

abuse to medical professionals. *Id.* These findings are particularly troubling in light of the ways in which rurality exacerbates the distress already associated with being in an abusive relationship.

It is important to acknowledge that white victims are not immune to increased hardship as a result of rural spatiality. *See* Few, *supra* note 23, at 497-98 (describing how white women rely on services such as shelters to a greater extent than African American women, who tend to rely on their families and other venues of social support. White victims' friends, on the other hand, are more likely to be a part of their partners' kinship network).

342. MARY ANN DUTTON ET AL., U.S. DEP'T OF JUST., NATIONAL EVALUATION OF THE RURAL DOMESTIC VIOLENCE AND CHILD VICTIMIZATION ENFORCEMENT GRANT PROGRAM, VOLUME I 59 (2002) [hereinafter NAT'L GRANT EVALUATION, VOL. I], *available at* <http://www.ncjrs.gov/pdffiles1/nij/grants/198128.pdf> (last visited Apr. 22, 2008) (citing a community needs assessment conducted by the Florida Coalition Against Domestic Violence which found "blatant racis[t] beliefs and stereotypes regarding rural battered women of color"). Ethnicity also has the potential to influence how willing law enforcement officers are to help victims of domestic violence. Few, *supra* note 23, at 496 (finding that white women were better informed than African American women with respect to the availability of shelters because the police "apparently [discuss] shelters more often with white [victims] than with minority women").

343. *See* NAT'L GRANT EVALUATION, VOL. I, *supra* note 342, at 59 (mentioning that white rural organizers in Gulf, Taylor, Jackson, and Washington counties in Florida had difficulty making inroads with African American communities, a trend that has been mitigated by hiring local women of color to work with white rural organizers); Few, *supra* note 23, at 499 (reporting that African American women in one study specifically requested that more "racial/ethnic" women be recruited as shelter directors and staff); UEKERT, *supra* note 210, at 21 (reporting that Hispanic immigrants' fear of official institutions in their native countries affects their perceptions of comparable institutions in the United States).

344. OVW, EFFECTIVENESS REPORT, *supra* note 10, at 23. Some research has focused on these populations. *See, e.g.,* Joe Gorton, Niki R. Van Hightower & Casey Lee DeMoss, *A Predictive Model of Domestic Violence and Fear of Intimate Partners Among Immigrant and Seasonal Farmworkers*, 15 J. FAMILY VIOLENCE 137 (Number 2) (2000); Joe Gorton & Niki R. Van Hightower, *A Predictive Model of Domestic Violence Among Latina Farm Workers*, 17 TEX. J. RURAL PUB. HEALTH 45-56 (1999); V.W. Pinn & M.T. Chunko, *The Diverse Faces of Violence: Minority Women and Domestic Abuse*, 72 ACAD. MED. SUPPLEMENT 65-71 (1997).

345. One such challenge involves abusive spouses using the victim's fear of deportation as leverage to keep immigrant women in abusive relationships, even when the victim's immigration status is secure. For women who were not in the country legally, 72% of battered women responding in a 2000 survey reported that their spouses had not filed immigration petitions for them. 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, 292 (2000) (finding that abusers who did file petitions took up to four years to do so). Abusers also may threaten to destroy

that context, however, may be more difficult because of the dearth of services, particularly for those with limited English proficiency (LEP).³⁴⁶

Rural courts are among the institutions that often fail to meet the needs of LEP populations.³⁴⁷ A 2006 study by the National Center for State Courts found that only 62% of rural jurisdictions (courts serving counties with populations between 5,000 and 99,999) have the capacity to provide Spanish interpreters for protection orders, compared to 85% in population centers (counties with populations of 800,000 or more) and 77% in metropolitan places (county populations of 400,000 to 799,999).³⁴⁸ For languages less frequently spoken, the interpreter availability is less than 16% in rural counties.³⁴⁹ Moreover, courts in rural counties often do not collaborate with community-based organizations to inform LEP petitioners of the available services.³⁵⁰ Such

passports or lawful permanent residency cards and to report their wives and children for immigration violations. UEKERT, *supra* note 210, at 21. Cultural norms that deter women from meeting in groups without their husbands pose another obstacle for immigrant victims. The receptiveness of immigrant communities to outreach from local advocates may vary according to the length of time the immigrants have been in their current homes. This is illustrated by community workers' experiences with Hmong and Russian populations in Missoula, Montana. The Hmong community has been in the Missoula for 20 years and is comprised of roughly 600 persons. They were invited to review a community workers' "translations" of domestic violence-related materials. These sessions grew from 4 to 5 women attending into "domestic violence prevention-type community meetings" with 15 to 20 women attending in the summer, when the men were gardening. However, outreach organizations have not been able to reach the Russian community, which has been present in Missoula for only 10 years. NAT'L GRANT EVALUATION, VOL. I, *supra* note 342, at 64-65. These cultural traditions may also deter women from using formal services such as hotlines or counseling. Satya P. Krishnan et al., *Understanding Domestic Violence in Multi Ethnic Rural Communities: A Focus on Collaborations among the Courts, the Law Enforcement Agencies, and the Shelters* 12 (2002), available at www.ncjrs.gov/pdffiles1/nij/grants/191863.pdf (last visited Nov. 24, 2008).

346. See ANFINSON, ASSESSMENT, *supra* note 179, at ch. 10 (noting the lack of bilingual service providers and media outlets in rural Minnesota as a concern for the Hispanic community); STARR ET AL., WASHINGTON STATE COALITION AGAINST DOMESTIC VIOLENCE, *supra* note 24, at 74-75.

347. UEKERT, *supra* note 210, at 5-6. In the same study, only 60 percent of courts in rural counties reported responsibility for arranging interpreter services, compared with 75 percent in mid-sized (100,000 to 399,999), metropolitan (400,000 to 799,999) and population centers (more than 800,000). *Id.* at 43.

348. *Id.* at 42. A fourth category of courts, those serving counties with populations of 100,000 to 399,000 were called mid-sized courts. 82% of mid-sized courts were able to provide Spanish interpreters. *Id.*

349. *Id.* at 40. Additionally, only 26 percent of rural courts have a language assistance plan that includes protection orders in civil cases, compared to 60 percent in population centers. *Id.* at 4. Further, 35 percent of rural courts do not have any formal means to determine the qualifications of interpreters or translators, and only 49 percent of rural interpreters meet state certification guidelines. *Id.* at 44. The availability of translated material is yet another issue in rural, metropolitan and population center courts with all three designations rarely providing translated petitions, affidavits, or protection orders. *Id.* at 49.

350. Only 38% of courts in rural counties work with community-based organizations, while 60% of courts in population centers do so. *Id.* Despite the insufficiency of these services in rural counties, 79 percent of rural courts claim to have enough resources to

factors prevent these very vulnerable populations from gaining access to both legal protection and social services.

D. Indian Country as place.

In addition to obstacles to the reporting, policing, and prosecution of domestic violence that most rural women experience,³⁵¹ American Indians³⁵² and Alaska Natives³⁵³ face distinct challenges with respect to domestic violence.³⁵⁴ Long associated with rurality,³⁵⁵ these populations are among the most socio-economically disadvantaged groups in the United States.³⁵⁶ They

manage the needs of LEP clients. *Id.* at 52. Interestingly, only 59 percent of courts in population centers indicated that they were capable of providing sufficient services. *Id.* This suggests that rural courts have not even considered the additional services that might be provided.

351. Assessments of grant effectiveness in tribal contexts identify transportation, isolation, and lack of capacity in programs as the primary reasons American Indian women are under-served. *See* OVW EFFECTIVENESS REPORT, *supra* note 10, at 98.

352. This Article refers to “American Indians” as a racial and ethnic group, not as a political entity. For a discussion of the political status of American Indians, *see* Morton v. Mancari, 417 U.S. 535, 551-555 (1974) (holding that American Indians can receive federal preferential treatment without triggering strict scrutiny because such preferences are based on their political status as citizens of quasi-sovereign tribal entities, not their race).

353. I use the term “American Indians” and “Alaska Natives” to refer to these populations in the same way that the U.S. Census Bureau does: “people having origins in any of the original peoples of North and South America (including Central America) who maintain tribal affiliation or community attachment.” STELLA U. OGUNWOLE, UNITED STATES CENSUS BUREAU, WE THE PEOPLE: AMERICAN INDIANS AND ALASKA NATIVES IN THE UNITED STATES I (2006), available at <http://www.census.gov/prod/2006pubs/censr-28.pdf>.

354. In recognition of these challenges, Indian tribes are eligible for the STOP Violence Against Indian Women Program grant. 42 U.S.C.A. § 3796gg-10 (West 2008). This program is overseen by the Deputy Director for Tribal Affairs. 42 U.S.C.A. § 3796gg-11 (West 2008).

355. The OVW implicitly recognizes this link by making Indian tribes eligible for rural category grants even for use within states that are not “rural” under the statute’s definition. OFFICE OF VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUST., OVW FY 2006 RURAL DOMESTIC VIOLENCE AND CHILD VICTIMIZATION ENFORCEMENT GRANT PROGRAM SOLICITATION 4-5 (2006), available at <http://www.usdoj.gov/ovw/fiscalyear2006ruralfinaldraft.pdf>. *See also* Angela A. Gonzales, *American Indians: Their Contemporary Reality and Future Trajectory*, in CHALLENGES FOR RURAL AMERICA IN THE TWENTY-FIRST CENTURY 43, 47-48, 55 (figs. 3.1 & 3.3) (David Brown & Louis Swanson eds., 2003) (depicting locations of Indian populations and Indian reservations); READINGS IN AMERICAN INDIAN LAW 3 (Jo Carillo ed., 1998) (noting American Indian associations with land).

356. NAT’L GRANT EVALUATION, VOL. II, *supra* note 164, at 3-2 (July 2002); Gonzales, *supra* note 355, at 47-49; Ezra Rosser, *Rural Housing and Code Enforcement: Navigating Between Values and Housing Types*, 13 GEO. J. ON POVERTY L. & POL’Y 33, 67 (2006) (noting that rural American Indians have a poverty rate of 26%, which is higher than any other racial or ethnic group in the United States). *See also* RONET BACHMAN, DEATH & VIOLENCE ON THE RESERVATION 47-50, 127 (1992) (discussing poverty as a cause of homicide on American Indian reservations and noting that unemployment on some reservations is as high as 90 percent).

suffer a per capita rate of violence twice that of the national average,³⁵⁷ even as they often fall into an enforcement vacuum which means crimes against them may not be prosecuted, or even investigated.³⁵⁸ In short, for American Indian and Alaska Native women, “place” has complicated jurisdictional implications that impede enforcement.

American Indians and Alaska Natives are high-risk groups for all forms of violence against women,³⁵⁹ with the highest average annual rates of rape and physical assault between 1993 and 2004.³⁶⁰ For sexual assault alone, these populations reported an average annual rate 3.5 times higher than that for other women.³⁶¹ While physical and sexual assaults against these women are more likely to be committed by a stranger or acquaintance than by an intimate partner or family member,³⁶² intimate abuse is also a significant problem. In one study of American Indians in California, for example, half of respondents indicated they were involved in an intimate abuse situation, and more than two-thirds said they knew someone who was.³⁶³

One way in which law enforcement and administrative agencies fail American Indian and Alaska Native victims of domestic violence is through a lack of cultural sensitivity. A program of the Inter-Tribal Council of California cited prejudice and the failure of Child Protective Services to place Indian children with Indian families as reasons Indians distrust services outside of their Rancheria³⁶⁴ or reservation.³⁶⁵ The likelihood that abusers will not be brought to justice, however, is perhaps the greatest and most frustrating obstacle confronting victims of domestic violence in Indian Country.

The ability of tribes, states, and the federal government to address domestic violence is severely limited by a complex patchwork of jurisdictional

357. OVW EFFECTIVENESS REPORT, *supra* note 10, at 23.

358. See N. Bruce Duthu, *Broken Justice in Indian Country*, N.Y.TIMES, Aug. 11, 2008, at A17.

359. See OVW EFFECTIVENESS REPORT, *supra* note 10, at 23. American Indians experience a per capita rate of violence twice that of the non-Indian population. *Id.*

360. See *id.* at 24.

361. See *id.* In addition, American Indians are victims of stalking twice as often as any other group. *Id.* A 2007 study by the University of Alaska, Anchorage Justice Center found that of the 989 sexual assault and child abuse cases reported to Alaska State Troopers in 2003 and 2004, 61% of the victims were Alaska Natives, though this group comprises only 13% of the state’s population. Lisa Demer, *Native Women Address Violence Rates*, ANCHORAGE DAILY NEWS, May 1, 2008 (reporting on a conference called “Building Momentum,” held in April 2008 in Anchorage and funded by the Office of Violence Against Women, which focused on the particular needs of Alaska Native women who are victims of violence).

362. See OVW EFFECTIVENESS REPORT, *supra* note 10, at 119.

363. NAT’L GRANT EVALUATION, VOL. II, *supra* note 164, at 3-3.

364. “Reservation” and “Rancheria,” as used in the California Code of Regulations, are defined as “a tract of land set aside by the Federal government for use by Indian people or a tribe.” CAL. CODE REGS. tit. 25, § 5511 (West 2008).

365. NAT’L GRANT EVALUATION, VOL. II, *supra* note 164, at 3-4.

authority residing with each.³⁶⁶ The states' jurisdictional authority over tribes was effectively terminated by the U.S. Supreme Court in 1831.³⁶⁷ The federal government has concurrent jurisdiction with a given tribe for "major crimes" enumerated in the relevant statute when the crime is committed in Indian Country and the perpetrator is an American Indian.³⁶⁸ A tribe has exclusive jurisdiction for all lesser crimes, including incidents of domestic violence that do not qualify as major crimes.³⁶⁹ Many tribal codes do not address intimate abuse, however, and tribal police and courts may be unavailable to enforce the codes that do exist.³⁷⁰ In 1953, Congress further confounded this jurisdictional patchwork by transferring to a few states, which had Indian Country within their boundaries, criminal jurisdiction over that Indian territory.³⁷¹

Federal jurisdiction exists, on the other hand, when a non-Indian commits a crime in Indian Country.³⁷² However, domestic violence is rarely a priority for the United States Attorney's Office, which means such crimes often are committed with impunity.³⁷³ This reality is all the more troubling given that three-quarters of reported abuse is committed by non-Indians.³⁷⁴

Given the complex relationships among the various sovereigns, it is not surprising that many American Indians and Alaska Natives are skeptical of the recourse afforded them by the various law enforcement entities who may have

366. Rebecca A. Hart & M. Alexander Lowther, Comment, *Honoring Sovereignty: Aiding Tribal Efforts to Protect Native American Women from Domestic Violence*, 96 CAL. L. REV. 185, 194 (2008).

367. See *Worcester v. Georgia*, 31 U.S. (6 Pet.) 515, 561 (1832) (holding that Georgia could not pass laws that affect citizens of the Cherokee Nation). That decision has been said to represent the "most expansive declaration of Indian independence from state regulation ever uttered" by the Court. *Arizona v. San Carlos Apache Tribe*, 463 U.S. 545, 563 (1983). In practical effect, the ruling also signaled an end to state jurisdictional authority over tribal land. Hart & Lowther, *supra* note 366, at 199.

368. Major Crimes Act, 18 U.S.C. § 1153, discussed in Hart & Lowther, *supra* note 366, at 202.

369. 18 U.S.C. § 1152 (West 2008).

370. See OVW EFFECTIVENESS REPORT, *supra* note 10, at 119; STEWART WAKELING ET AL., NAT'L INST. OF JUSTICE, U.S. DEPT OF JUSTICE, POLICING ON AMERICAN INDIAN RESERVATIONS (2001), available at <http://www.ncjrs.gov/pdffiles1/nij/188095.pdf> (reporting that only 200 operational law enforcement agencies exist among the 561 federally recognized tribes). On the other extreme, "[s]ome Indian nations, including the Ogallala Sioux, have domestic violence criminal codes that are among the best in the country." See OVW EFFECTIVENESS REPORT, *supra* note 10, at 24 (providing no details of why the Ogallala Sioux code is a good one).

371. *Id.* at 205. These were Alaska, California, Minnesota, Nebraska, and Wisconsin. *Id.* The law was amended in 1968 to allow other states to opt in, but only with the consent of in-state tribes. *Id.*

372. Hart & Lowther, *supra* note 366, at 203.

373. *Id.* at 214 (reporting that only 30% of crimes committed on tribal land that are referred to federal law enforcement agencies are prosecuted, while 56% of nontribal land crimes are).

374. *Id.* at 190.

jurisdiction.³⁷⁵ In short, they often are left in a proverbial “no man’s land” for enforcement purposes. If local law enforcement officers are not always clear when they have jurisdiction in Indian Country,³⁷⁶ they are unable to respond quickly and effectively to protect American Indian and Alaska Native victims. As a consequence, justice often is out of reach for victims of domestic abuse.

E. Conclusion.

Rurality is a relative concept, and spatial inequalities exist among the many populations that may be fairly characterized as rural under any of countless definitions or conceptions. Some women are more vulnerable by virtue of extreme spatial isolation, others by virtue of their race or ethnicity, some by virtue of both, along with other factors. Law- and policy-makers, as well as other agents of the State, must be attuned to all of the factors that distinguish rural women not only from their urban counterparts, but also from each other.³⁷⁷ For it is these multi-variate differences, many linked to geography, that aggravate rural women’s vulnerability to intimate partner violence.

IV. SCALE: DOMESTIC VIOLENCE AS A MULTI-SCALAR PHENOMENON.

“Scale” is used by geographers to refer to the degree of resolution or the unit at which a phenomenon is studied. In legal contexts, discussions of scale often implicate jurisdiction.³⁷⁸ That is, the roles that law plays at differing scales may be linked to jurisdictional limitations.³⁷⁹ These limits are sometimes associated with subject matter, and they are sometimes territorial.

As legal geographer Nicholas Blomley has observed, that which is sometimes represented as a “seamless [system] of national law [is] a patchwork of diverse and often opposed legal spaces.”³⁸⁰ This is the case with the law, legal actors, jurisdictions, and spaces that regulate domestic violence—or fail to

375. *Id.* at 214 (reporting that many American Indians do not file complaints with local law enforcement because of their “low expectations about securing a prosecution”).

376. NAT’L GRANT EVALUATION, VOL. II, *supra* note 164, at 3-4.

377. See Logan et al., *Victim Service and Justice System*, *supra* note 188, at 64 (noting the importance of tailoring victim services to community specific needs rather than following a “one-size-fits all” model).

378. See, e.g., Richard Thompson Ford, *Law’s Territory (A History of Jurisdiction)*, 97 MICH. L. REV. 843 (1999); Hari M. Osofsky, *The Geography of Climate Change Litigation: Implications for Transnational Regulatory Governance*, 83 WASH. U. L. REV. 1789 (2005) (arguing that jurisdiction will shape the geography of facing international problems such as climate change).

379. One example is welfare reform, which “devolved” to the states responsibility for details of welfare payments and criteria for receipt. Pruitt, *Missing the Mark*, *supra* note 32, at 441 (noting that some states administer Temporary Aid to Needy Families from the state level, while others have devolved responsibility for design and administration to counties).

380. BLOMLEY, *supra* note 50, at 57.

do so. While it is the criminal law of *states* that prohibits domestic violence,³⁸¹ the state is not the only scale (law) relevant to this phenomenon. More local considerations—those at lower scales, such as county, city, town—greatly influence whether and how victims, perpetrators, and legal actors respond to domestic violence and other crimes.³⁸² These local considerations include some discussed above, such as law enforcement, prosecutorial, and judicial staffing levels, as well as their training in relation to family violence and their familiarity with parties to domestic disputes.³⁸³ Both state and local decisions, often influenced by the availability and amount of federal funding, will largely determine the availability of social services³⁸⁴ and physical infrastructure, such as a women's shelter³⁸⁵ or a sufficiently large jail.³⁸⁶

381. See Emily J. Sack, *The Domestic Relations Exception, Domestic Violence, and Equal Access to Federal Courts*, 84 WASH. U. L. REV. 1441 (2006) [hereinafter Sack, *Domestic Relations Exception*]; Deborah M. Weissman, *Gender-Based Violence as Judicial Anomaly: Between "The Truly National and the Truly Local,"* 42 B.C. L. REV. 1081, 1102 (2001) [hereinafter Weissman, *Judicial Anomaly*] (discussing the association between domestic violence, the family, and state regulation and jurisdiction).

382. See Feyen, *supra* note 21, at 111-12, 114-17.

383. See *supra* Part II.D.

384. See GALLUP-BLACK, TRENDS, *supra* note 9, at x. State funding is increasingly important for infrastructure and social services, especially as federal funding has diminished. Indeed, one study revealed that state aid to counties is, on average, 15 times greater than federal aid. Federal funding of local programs was about \$88 per person in any given location, while state funding of local programs varies, but runs in the thousands of dollars per person in a given locale. See Lisa Cimbaluk & Mildred Warner, *What is the Role of State Aid? Redistribution vs. Development*, Presentation at Annual Meeting of the Rural Sociological Society, Manchester, New Hampshire (Aug. 25, 2008) (manuscript on file with author).

385. In fact, while local organizations may initiate the establishment of a shelter, they typically rely on outside funds to finance it. In my home county, Newton County, Arkansas, the Newton County Resource Council used federal grant money to set up the first women's shelter. Nancy Caver, *Ecotours Guide Visitors to Nature, Dollars to Poor County*, ARK. DEMOCRAT GAZETTE, June 15, 1997, at 10NWBM. The Resource Council subsequently disbanded, and the shelter closed. A group called D.A.W.N. then formed and received a grant from Faith and Community Technical Support, which is funded by OVW under the Rural Assistance Program. Interim Report 2007, available at <http://www.baylor.edu/content/services/document.php/42474.pdf>. D.A.W.N. does not have a shelter in the county, but it has funds to pay motel costs for women and children in need until it can secure a placement for them at a shelter in a neighboring county. Email from Lockie Sailor, Director of D.A.W.N., to author (Mar. 2008) (on file with author).

386. The dilemma of my home community is once again illustrative. Newton County has a substandard, too-small jail, built in 1903. Although the county has known of the deficiencies for some time, it has no money to remedy the situation. See Jeff Dezort, *Jail Should be in the Smithsonian*, NEWTON COUNTY TIMES, Oct. 11, 2007, at 1 (discussing as possible funding sources a property tax increase or a USDA public building safety grant); Sharon C. Fitzgerald, *Sheriff Struggling to Keep Jail Open*, ARK. DEMOCRAT GAZETTE, Feb. 12, 2007, at 1B. In June, 2008, the jail was closed following the suicides of two inmates within a one-month period. It reopened in mid-July 2008, although the state's Criminal Detention Review Committee has given the county just six months to bring the facility into compliance with state requirements. *County Jail May Be Closed*, NEWTON COUNTY TIMES, July 10, 2008, at 1. See also *Jail Opens in Sevier County*, Associated Press, May 19, 2008,

But state and local scales, long associated with the family,³⁸⁷ are not the only ones implicated in and by domestic violence. National and global scales are, too. Their invocation, however, raises jurisdictional issues.

Feminist legal scholars have in recent years taken up the gendered politics of jurisdiction,³⁸⁸ prompted largely by the U.S. Supreme Court's 2000 decision in *United States v. Morrison*.³⁸⁹ The *Morrison* Court struck down the civil rights remedy for domestic violence³⁹⁰ that Congress had included in the Violence Against Women Act of 1994.³⁹¹ In doing so, the Court rejected Congress' asserted right to regulate "noneconomic" conduct under the aegis of the Commerce Clause. The Court invoked a distinction between the "truly national" and the "truly local," which it claimed dated to "the time the [Commerce] Clause was adopted."³⁹²

Professor Judith Resnik has incisively criticized this purported binary between national and local as elusive and inaccurate,³⁹³ noting the many ways in which money and violence are entangled in and shape women's lives.³⁹⁴ She

available at <http://www2.arkansasonline.com/news/2008/may/19/jail-opens-sevier-county/> (last visited June 3, 2008) (reporting that rural Sevier County, Arkansas opened a jail, financed with tax dollars, the first its had since 1974; doing so eliminates the need to pay neighboring Miller County to house its prisoners and will save the costs associated with transferring them to and from Miller County).

387. See Meredith Johnson Harbach, *Is the Family a Federal Question?*, 66 WASH. & LEE L. REV. (forthcoming 2009); Pruitt, *Gender, Geography and Rural Justice*, *supra* note 55, at Part III.C; Elizabeth S. Saylor, *Federalism and the Family After Morrison*, 25 HARV. WOMEN'S L.J. 57 (2002); Weissman, *Judicial Anomaly*, *supra* note 381.

388. See, e.g., Emily J. Sack, *Domestic Violence Across State Lines: The Full Faith and Credit Clause, Congressional Power, and Interstate Enforcement of Protection Orders*, 98 NW. U. L. REV. 87 (2004); Sack, *Domestic Relations Exception*, *supra* note 381.

389. *United States v. Morrison*, 529 U.S. 598 (2000).

390. *Id.* at 617. The Court also found that Congress lacked the authority to enact VAWA under section 5 of the Fourteenth Amendment since the law focused on the acts of "private persons," not state action. *Id.* at 620-22. Chief Justice Rehnquist, author of *Morrison*, had voiced his opposition to VAWA on federalism grounds since 1991. Judith Resnik, *The Programmatic Judiciary: Lobbying, Judging, and Invalidating the Violence Against Women Act*, 74 S. CAL. L. REV. 269, 270-76 (2000).

391. 42 U.S.C. § 13981 (1994).

392. *Morrison*, 529 U.S. at 617-18. The court wrote, "Gender-motivated crimes of violence are not, in any sense of the phrase, economic activity." *Id.* at 613.

393. Judith Resnik, *Categorical Federalism: Jurisdiction, Gender, and the Globe*, 111 YALE L. J. 630 (2001) [hereinafter Resnik, *Categorical Federalism*] (noting that "economic in nature" is a phrase only recently coined by the judiciary). She argues that equating family law with state law causes "political injuries" and says it is both fictive and harmful. *Id.* at 621. She further asserts that "governance cannot accurately be described as residing at a single site." *Id.* at 623.

394. *Id.* at 621 (observing that women are under the dominion of men, both physically and economically). See also generally Julie Goldscheid, *United States v. Morrison and the Civil Rights Remedy of the Violence Against Women Act: A Civil Rights Law Struck Down in the Name of Federalism*, 86 CORNELL L. REV. 109, 111-12, 129-35 (2000) (arguing that conceptualization of VAWA as a civil rights law, even under a Commerce Clause analysis, would have allowed the Court to find the law constitutional); SCHNEIDER, *supra* note 31

asserts that the *Morrison* Court's "categorical federalism" relies upon "old images of state boundaries" and "worn equations of jurisdiction and gender."³⁹⁵ Resnik advocates instead a "multifaceted federalism" that treats such categories as "neither exclusive nor necessarily enduring."³⁹⁶

Resnik's multifaceted federalism claims that governance does not reside at just one site.³⁹⁷ The inevitable consequence of this approach is to create a more accountable government, one that "interrogate[s] current practices, and [imagines] new ones."³⁹⁸ Applying this thinking to *Morrison*, Resnik proclaims the achievement of VAWA was not that "'the national' replaced local antiviolence work."³⁹⁹ Rather, it was that the federal civil rights remedy and other aspects of the law "derived from and supplemented such work, mostly through substantial funding of local programs and symbolically through announcing national rights of personal security for women."⁴⁰⁰

Resnik elsewhere expands upon her analysis of *Morrison* to deconstruct notions of jurisdiction,⁴⁰¹ which she argues is gendered.⁴⁰² Resnik challenges us to think about how women are treated in the allocation of jurisdiction—which is power—between federal and state courts.⁴⁰³ While the Court's categorical federalism inquires into who has power within a particular level of court or government body to determine the gender implications within the jurisdiction,⁴⁰⁴ Resnik's approach collaborates across scales—"among women, between women and men, and across levels of government."⁴⁰⁵ It is just this sort of multi-scalar collaboration that is needed to address more effectively the phenomenon of domestic violence in rural America.

Domestic violence is not a "truly local" issue, even in the rural spaces so often thought of as quintessentially local. Its causes and consequences are also

(arguing for conceptualization of battering as a human rights violation which implicates the public sphere, including workplace equality).

395. Resnik, *Categorical Federalism*, *supra* note 393, at 680. Resnik also notes that the Court's examination of the "economic" nature or "commercial" character of activities "resembles the nineteenth-century equation of commerce with sales." *Id.* at 639.

396. *Id.* at 670, 622.

397. *Id.* at 623.

398. *Id.* at 670.

399. *Id.* at 625.

400. *Id.* See also Catharine A. MacKinnon, *Disputing Male Sovereignty: On United States v. Morrison*, 114 HARV. L. REV. 149 (2000) (observing that VAWA was unique from any state law "in theory, design, or remedy" and also had a "federalism-friendly concurrent jurisdiction"; it was truly supplementary to state law, not in conflict with it).

401. Judith Resnik, *Reconstructing Equality: Of Justice, Justicia, and the Gender of Jurisdiction*, 14 YALE L. J. & FEMINISM 393 (2002).

402. *Id.* at 417.

403. She also challenges consideration of how jurisdictional allocation of cases affects our understanding of whether certain problems belong to women, others to men. *Id.*

404. *Id.*

405. *Id.* at 418.

not circumscribed by national borders.⁴⁰⁶ Global economic forces buffet those in rural locales, too, where entrenched patriarchy, a dearth of economic opportunity, spatial isolation, and lack of anonymity aggravate women's vulnerability. Rural associations with the local, as well as with isolation, independence, and self-sufficiency, must not be used to justify a "hands off" stance by law and legal actors, a stance also long associated with the home, the family, and domestic violence.⁴⁰⁷ Just as local legal actors must not use tired notions of family privacy as an excuse for not protecting rural women from intimate partner violence, legal actors at the federal level must be self-conscious about not abrogating their responsibility to protect and serve those at the convergence of the private spaces of the home with the private spaces associated with rurality.

Legal prohibitions on domestic violence have even taken on an international dimension in recent years. The United Nations has undertaken several initiatives to end violence against women.⁴⁰⁸ Further, in 2007, the Inter-American Commission on Human Rights accepted jurisdiction over a claim by Jessica Gonzales,⁴⁰⁹ the plaintiff in the U.S. Supreme Court's 2005 decision in *Castle Rock v. Gonzales*.⁴¹⁰ The Commission will decide whether the U.S. violated Gonzales' rights when police failed to enforce a restraining order against her former husband, which resulted in the death of her three daughters.⁴¹¹ In accepting the case, the Commission rejected the United States' argument that the American Declaration on the Rights and Duties of Man imposed no affirmative duty to prevent the crimes of Gonzales' husband.⁴¹²

The challenges associated with domestic abuse are unlikely to be solved by action at any one scale. They also are not likely to be addressed effectively

406. This is illustrated by studies linking intimate abuse with economic hardship, which often is a consequence of globalization and corresponding gender role modification. See Pruitt, *Gender, Geography & Rural Justice*, *supra* note 55, at Part III.B.2; Weissman, *Personal is Political*, *supra* note 149.

407. See, e.g., SCHNEIDER, *supra* note 31, at ch. 6; Reva Siegel, *The Rule of Love: Wife-Beating as Prerogative and Privacy*, 105 YALE L. J. 2117 (1996).

408. See Unite to End Violence Against Women, United Nations Secretary General's Campaign, <http://endviolence.un.org/> (last visited Dec. 13, 2008). The United Nations has also recently shown particular awareness that rural women as a group are at risk for violence and threats of violence. See UNITED NATIONS, RURAL WOMEN IN A CHANGING WORLD: OPPORTUNITIES AND CHALLENGES 6, 16, 19, 21, 23, 25, 27, 29, 31, 32, 36-38 (Oct. 2008), <http://www.un.org/womenwatch/daw/public/Women%202000%20%20Rural%20Women%20web%20English.pdf>.

409. See Caroline Bettinger-Lopez, *Human Rights at Home: Domestic Violence as a Human Rights Violation*, 40 COLUM. HUMAN RTS. L. REV. 19 (2008); Marcia Coyle, *Rights Panel to Hear U.S. Domestic Violence Case*, NAT'L L.J., Oct. 15, 2007.

410. 545 U.S. 748 (2005). See *supra* note 120 (discussing case).

411. *Id.* at 748-50.

412. Coyle, *supra* note 409.

with national policies that ignore space- and place-based differences.⁴¹³ Nor are they likely to be resolved entirely at the local level, particularly in light of the lack of resources there.

Federal funding for local programs that respond to violence against women, including the Rural Assistance Program,⁴¹⁴ remains part of VAWA.⁴¹⁵ Such attention to intimate partner violence at the federal level is significant for its expressive function regarding the importance of women and their well-being.⁴¹⁶ It also provides material assistance, which may be especially valuable in rural communities in light of long-standing and wide-ranging deficiencies in social services and law enforcement.⁴¹⁷ Further, the VAWA grants permit states and local communities to tailor programs to place-specific needs, be they related to particular challenges associated with remoteness, the economy, or the elected status of sheriffs, prosecutors, and judges who may be uninformed or misinformed about the phenomenon of domestic violence.

The use of local, on-the-ground knowledge, which is facilitated by VAWA grants, undoubtedly has benefits. Nevertheless, the VAWA grant scheme represents a piecemeal and somewhat random approach to the problem of rural domestic abuse. Only public and nonprofit institutions that learn of the scheme and apply for funds will receive grants. Only communities in which the grants are used stand to benefit, and fortuitous circumstances such as the presence of a community member who knows of the very existence of such grants become the first step to getting the funds.⁴¹⁸ Thus, while significant symbolically—and for some communities, materially—VAWA grants are hardly a systematic approach to a widespread problem. National, state, and local governments should do more to deter domestic violence, both by supporting victims of these crimes with appropriate social services and by educating law enforcement, prosecutorial, and court personnel.

413. See generally MARK D. PARTRIDGE & DAN S. RICKMAN, *THE GEOGRAPHY OF AMERICAN POVERTY: IS THERE A NEED FOR PLACE-BASED POLICIES?* (2006) (arguing for place-specific policies to respond to poverty).

414. See *supra* notes 35-38 and accompanying text.

415. See *supra* notes 388-92.

416. See also Sack, *Domestic Relations Exception*, *supra* note 381, at 66.

417. See *supra* Part II.D.i (discussing funding of rural police departments and sheriffs offices and lack of training, as well as the inverse relationship between availability of services and intimate partner homicide).

418. See, e.g., *Economic Development District Marks 40-year Investment of \$165 Million*, NEWTON COUNTY TIMES, Apr. 3, 2008, at 1 (reporting that a “wealthy newcomer” who retired to rural Northwest Arkansas in the 1960s helped bring the region’s county judges together “to take advantage of government help,” forming the Northwest Arkansas Economic Development District, which has secured \$165 million in grants over the years). See also HAMILTON ET AL., *PLACE MATTERS*, *supra* note 29, at 30 (noting the need for rural communities to utilize the social and human capital, the “entrepreneurial energy and skills,” of new residents who retire there); Lisa R. Pruitt, *Using Oldtimer-Newcomer Synergy to Solve Rural Problems*, Legal Ruralism Blog, Sept. 10, 2008, <http://legalruralism.blogspot.com/2008/09/oldtimer-newcomer-synergy-to-solve.html> (last visited Sept. 13, 2008).

V. RURALITY AS DIFFERENCE

Professor Donna Coker focused in a 1999 article on the ways in which socioeconomic, political, and cultural factors facilitate the occurrence of domestic violence by creating and maintaining gender inequalities:

The batterer does not, indeed could not, act alone. Social supports for battering include widespread denial of its frequency or harm, economic structures that render women vulnerable, and sexist ideology that holds women accountable for male violence and for the emotional lives of families, and that fosters deference to male familial control. Batterers often use the political and economic vulnerability of women to reinforce their power and dominance over particular women. Thus, their dominance, or their attempts at dominance, are frequently bolstered by stigmatization of victims through the use of gender social norms that define the ‘good’ woman (wife/mother).⁴¹⁹

Every aspect of what Coker describes may be aggravated by rural spatiality, by what Websdale and Johnson call a “geocultural vulnerability.”⁴²⁰ That vulnerability, in turn, may be aggravated by other factors, including racial, ethnic, and economic ones.

Spatial analysis of domestic violence is a form of critical criminology⁴²¹ that engages geography as well as sociology. It thus reveals the ways in which rural locales are different to the urban ones that have become the implicit norm of both lawmaking and legal scholarship.⁴²² Some rural characteristics are literally spatial, like the physical distances that exacerbate women’s physical vulnerability, impede the work of law enforcement officers, and make victim and support services less accessible. Others, such as the entrenched form of patriarchy that has characterized rural areas and the lack of anonymity that may inhibit women from pursuing legal remedies, are socio-spatial. Yet others are about the spatio-economic challenges associated with limited labor markets, human capital deficits, and lack of economies of scale. These, too, influence legal outcomes.

419. Donna Coker, *Enhancing Autonomy for Battered Women: Lessons from Navajo Peacemaking*, 47 UCLAL. REV. 39-40 (1999).

420. Websdale & Johnson, *An Ethnostatistical Comparison*, *supra* note 12, at 185. Leti Volpp has argued that we do not attribute to “culture” violence against “mainstream Western women” in the same way we do violence against “Third World or immigrant women.” Leti Volpp, *Feminism v. Multiculturalism*, 101 COLUM. L. REV. 1181, 1187 (2001). However, some rural women, such as those in Appalachia, may be viewed as sufficiently out of the mainstream so that violence against them is similarly attributable to culture.

421. *See, e.g.*, Donnermeyer & DeKeseredy, *Rural Critical Criminology*, *supra* note 3, at 19-21 (calling for a critical approach that will advance rural crime scholarship, and explaining the practical application of such scholarship).

422. *See, e.g.*, Katherine Porter, *Going Broke the Hard Way*, 2005 WIS. L. REV. 969; Pruitt, *Gender, Geography and Rural Justice*, *supra* note 55.

Other tools of critical geography also help us understand the complexity of domestic violence as it plays out in rural areas. “Place” gives us language for considering distinctions among rural locales. Among these are differences in culture, economics, demographics, and physical geography. Any and all of these may influence both the causes and incidence of domestic violence, as well as law’s responses to it. The implications and consequences of racial and ethnic differences often vary in comparison with more diverse urban places, variations also linked to geography.⁴²³

“Scale” reminds us that domestic violence is a multi-dimensional phenomenon, and law’s responses to it should also be multi-faceted and multi-jurisdictional. These responses should represent collaboration between national and state law- and policy-makers on the one hand, and local law enforcement, prosecutors, judges, and social service providers on the other. The former may be better able to identify how rural culture deviates from universal norms about human dignity and gender equality,⁴²⁴ as well as to educate in order to achieve zero tolerance for gender violence. The latter are better situated with local know-how to begin to solve these social problems where they reside.⁴²⁵ In short, solutions must emanate out from, while also nesting around, a given locale.

“Everything that is done has to be done somewhere.”⁴²⁶ That is the essence of spatiality. When domestic violence is “done” in any of the wide range of “rural” places, legal actors must be cognizant of the difference that rurality makes, and they must respond with an awareness of that difference.

423. See, e.g., Tickamyer & Henderson, *Rural Women*, *supra* note 1, at 109, 114-15; Creed & Ching, *supra* note 242, at 22 (arguing that “place inflects other dimensions such as race, class, gender, and ethnicity”).

424. See, e.g., UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN, Art. 14, Sept. 3, 1981, 19 I.L.M. 33; see also *supra* notes 408-12 (discussing international efforts to end violence against women).

425. See DeKeseredy et al, *Preventing Woman Abuse in Rural Communities*, *supra* note 237 (discussing the significance of community readiness and engagement in effectively combating social problems such as violence against women). Some responses to domestic violence connect the local to the global. For example, Rural Womyn Zone, a website based in rural Colorado, reaches a global audience with information on violence against rural women. See Rural Womyn Zone, <http://www.ruralwomyn.net/>.

426. Jeremy Waldron, *Homelessness and the Issue of Freedom*, 39 UCLA L. REV. 295, 296 (1991) (discussing spatiality in relation to property and homelessness).