

Response to Kaitlin N. Sidorsky and Wendy J. Schiller's Review of *Intersectional Advocacy: Redrawing Policy Boundaries Around Gender, Race, and Class*

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— Margaret Perez Brower 

I am grateful for Kaitlin N. Sidorsky and Wendy J. Schiller's thoughtful response to *Intersectional Advocacy*. I am excited to be in conversation with them about the book's application to the 2022 VAWA reauthorization and how the intersectional advocates I studied approached criminal justice policies.

I completed the data collection for this book in early 2021 and was therefore unable to collect and analyze data on the 2022 VAWA reauthorization for this text. However, I am enthusiastic that Sidorsky and Schiller find my theory to be applicable in understanding this latest reauthorization of the act. Their observations underscore one of the book's central themes: the policy achievements won by intersectional advocates are often incremental and iterative. For example, the extension of Special Criminal Jurisdictions to Alaska Tribal Nations shows how advocates take advantage of reauthorization cycles to build on past successes. The closing of the boyfriend loophole vis-a-vis a later statute shortly after the VAWA debate, in turn, shows how iterative processes of policy change can extend beyond reauthorization cycles. While I could not analyze the 2022 reauthorization in this book, I hope that other scholars will take up the theoretical framework I have developed to study this and future iterations of VAWA reauthorization as well as other policy processes.

In their review, Sidorsky and Schiller note that bail hearings can offer opportunities to remove firearms from abusers and ask if the organizational leaders I encountered addressed this issue in their congressional testimonies. Rather than return to the testimonies here (although I encourage other scholars to do so), I take this question as an opportunity to reflect on how intersectional advocates pursued policies in response to criminal justice. For many of these advocates, VAWA has never been an optimal site to achieve their political goals, given its connections to crime control policy. These advocates encounter the harmful effects of crime policy in their work, which includes advocacy on the federal, state, and local levels. Given their broad perspective, the organizations in this book are attuned to the harmful effects of many pretrial detention policies on intersectionally marginalized communities. Indeed, one organization I study in the book advocates for ending cash bail because they find it disproportionately impacts Black women who are survivors of violence. They instead pursue non-carceral alternatives (e.g., restorative justice, listening circles, and addressing

underlying gender power dynamics) which they see as more promising interventions that could reduce violence without facilitating additional harm to this intersectionally marginalized group.

I believe the reason why intersectional advocates did not address firearm laws in my interviews with them is similar to their reasons for advocacy against carceral punishment altogether. While cash bail hearings do present opportunities for firearm removal, many firearm laws and pretrial detention policies are perceived by these advocates as an expansion of the carceral state. That being said, other types of firearm laws may be able to restrict firearms without risking this entanglement with punitive criminal justice policies. I encourage other scholars to examine how intersectional advocates navigate possible policy alternatives at the nexus of criminal justice and gender-based violence policies. I am grateful to Sidorsky and Schiller for their important work on firearm laws—and their generous reading of *Intersectional Advocacy*.

Inequality Across State Lines: How Policymakers Have Failed Domestic Violence Victims in the United States.

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In the book, *Inequality Across State Lines: How Policymakers Have Failed Domestic Violence Victims in the United States*, Kaitlin N. Sidorsky and Wendy J. Schiller tell an important story about how federalism creates a legal and policy landscape that fails to protect women from domestic violence, especially gun violence. Specifically, Sidorsky and Schiller investigate how policy diffusion both vertically and horizontally shapes how different states enact and enforce Domestic Violence Firearms Law (DVFL), restraining orders, and punitive laws (e.g., jail sentencing, financial penalties). To do so, they study policy diffusion in a few important ways—qualitative case studies that examine policymaking and enforcement at the state level, statistical modeling to account for a wide range of factors that could predict when states adopt DVFL, and survey data on state public defender and district attorney cases on domestic violence. This multi-pronged approach illuminates how federalism contributes to growing gender inequities. Sidorsky and Schiller also delve deeply into the controversial topic of gun rights and how the dysregulation of gun ownership directly contributes to homicides among women.

Specifically, Sidorsky and Schiller find there are several inconsistencies in how states respond to domestic violence. Some states adopt firearm laws and enforce them to

varying degrees while others do not adopt them at all. Court systems at the state and locality levels are also inconsistent in how they adjudicate domestic violence cases, especially in how and if they penalize perpetrators of violence (e.g., sentencing, fines). These inconsistencies across state lines create a policy environment where your protections from domestic violence are directly determined by where you live. Given this stark reality, Sidorsky and Schiller seek to understand when states do decide to adopt stricter domestic violence laws and policies. They argue that the visibility of domestic violence cases, Republican control of state governments, and the initial passage of the Violence Against Women Act (VAWA) are all factors that contribute to when states adopt firearm laws to protect women from domestic violence.

This work has the potential to influence how states adopt and enforce DVFL as well as other policies and laws that seek to reduce instances of domestic violence. But to reach its full potential, Sidorsky and Schiller should account for other explanatory mechanisms that influence when states adopt DVFL. To fully capture when legislators support and advocate for DVFL, the National Rifle Association (NRA) needs to be more present in the analysis. In chapter 4, Sidorsky and Schiller acknowledge there is work detailing how the NRA has influenced attitudes on gun control. While Republican control of state governments and citizenship ideology are certainly connected to these attitudes on gun control and support for the NRA, they do not fully capture the influence of the NRA on legislative action toward policies like DVFL. For example, NRA mobilization of its members and NRA lobbying both influence laws and policies on gun regulation, according to Matthew Lacombe's 2021 book *Firepower: How the NRA Turned Gun Owners into a Political Force*. Even a lack of action on behalf of the NRA can influence DVFL. I wonder if there is more to the story when the NRA is explored as an explanatory force. For example, how does advocacy and issue framing from the NRA influence when and how legislators respond to DVFL? In the case of Pennsylvania, it appears that a lack of NRA intervention created a policy window for legislators to advocate for DVFL. In the statistical modeling, an independent variable representing NRA activity (e.g., the number of public comments on legislation related to DVFL at the state or federal levels, lobbying resources, the number of times DVFL was mentioned in the NRA monthly newsletter) could be another explanatory factor determining DVFL in specific states.

In these models, Sidorsky and Schiller use a binary dependent variable to measure if a state adopts at least one DVFL. But this measure is limiting in that states can adopt more than one of these laws and some states can adopt stricter laws than others. If possible, Sidorsky and Schiller could include a dependent variable that is scaled from most restrictive to least restrictive DVFL; such a

measure would better account for the variance in how committed states are in their efforts to adopt these laws. This analysis would not account for the enforcement of these laws but given how difficult it is to pass laws with greater restrictions on guns, it could convey which states have shown greater commitments to address these issues.

The book's qualitative case studies could also go even further by delving into the nuanced politics that contribute to when states adopt and enforce DVFL. While Sidorsky and Schiller make a case that the public visibility of domestic violence cases is a key factor that motivates states to support DVFL, I remain skeptical without an exploration of other explanatory factors such as NRA activity, advocacy group engagement, activism, and bipartisan coalitions or partnerships. In the cases of both Minnesota and Pennsylvania, I find bipartisan partnerships to be a more compelling explanation for why these states pursue DVFL (as opposed to increases in the public visibility of domestic violence cases as the only explanation). It is important to understand how these relationships developed between legislators like Tony Cornish (a pro-gun rights Republican) and Dan Schoen (a Democrat) to support a bill related to DVFL in Minnesota.

Issue framing is also not fully explored in these cases, and yet how these legislatures frame the issue of DVFL is often unique. Sidorsky and Schiller quote legislators from Minnesota and Pennsylvania using issue-framing language like "this bill does not target second amendment rights of law-abiding citizens" (p. 92). Such framing communicates that DVFL fits within citizens' Second Amendment rights rather than working against them. Both the framing these legislators use and the bipartisan partnerships they forge are parts of this story that should be further explored. Tightening up these explanatory mechanisms can offer policymakers and advocates a clearer road map for influencing DVFL and minimizing some of the inequities that result from vertical policy diffusion.

Finally, Sidorsky and Schiller consider how a lack of enforcement both at the federal and state levels make domestic violence laws and policies less effective. At the federal level, they consider how Office on Violence against Women funding is distributed to states without accountability and is not withheld when states do not abide by the Violence Against Women Act and federal regulations. At the state and locality levels, they consider how a lack of enforcement of sentencing and punitive punishment also gives these laws less credibility and influence. However, we know that the federal withholding of funds to incentivize state and local behaviors can result in additional inequities and harm for the most vulnerable groups. For example, as Deborah Meier et.al. documented in the 2004 book, *Many Children Left Behind* (Beacon Press), when the federal government penalized states by withholding funds when schools did not meet testing standards under the No



Child Left Behind Act, there was a ripple effect of harms impacting students in the most impoverished localities, including a lack of needed resources at their school and school closings that displaced students. In the case of OVW funding, withholding funding could similarly prevent survivors of domestic violence from accessing needed programming and resources.

Moreover, Sidorsky and Schiller explain how punitive punishment and laws that require police enforcement do not benefit women of color who are survivors of domestic violence and who have different relationships with these institutions. The destructive impact of carceral policies and institutions on Black women and other women of color has been well documented in Beth Richie's 2012 book, *Arrested Justice*, and Nancy Whittier's 2016 article in *Gender & Society*, "Carceral and Intersectional Feminism in Congress: The Violence Against Women Act, Discourse, and Policy." Is punitive enforcement, then, the most effective mechanism for ensuring that states take domestic violence laws and regulations seriously? Are there other types of enforcement mechanisms that Sidorsky and Schiller have considered that would address these types of inequities without potentially harming the most vulnerable survivors of domestic violence? While Sidorsky and Schiller make a strong case for why stricter and more enforceable DVFL will certainly reduce domestic violence homicides among women, does DVFL also reduce instances of domestic violence from occurring? If not, are there other policies and laws related to DVFL that would reduce domestic violence altogether, in addition to tackling the homicides that stem from it?

Overall, Sidorsky and Schiller focus on an issue that is nationally pressing and is increasingly becoming more divisive with growing party polarization. This book showcases a nuanced approach to studying DVFL across decision-makers, localities, and policy landscapes. It is clear the authors were thoughtful in gathering data and information to tell an important story of how domestic violence survivors are all too often caught in between federalism practices that prevent them from being protected from gun violence.

Response to Margaret Perez Brower's Review of *Inequality Across State Lines: How Policymakers Have Failed Domestic Violence Victims in the United States*.

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— Kaitlin N. Sidorsky 
— Wendy J. Schiller 

We welcome the opportunity to engage with Margaret Perez Brower in the arena of domestic violence policy and we appreciate her thoughtful assessment of our

scholarship. We all agree that domestic violence (DV) policy needs more time and attention in the fields of political science and public policy.

Perez Brower raises constructive points about our book and avenues for future research agendas. First, she raises the issue of whether punitive punishment of DV is effective in protecting women and saving lives. As influential legal feminists have argued before, punitive responses to DV are not typically an effective way of addressing the holistic environment that gives rise to abuse. But in some cases, there are abusers who pose imminent and direct lethal threats to their victims and every effort has to be made to keep them away from their victims, including arrest and incarceration. Yet these punitive solutions disproportionately harm communities of color; for example, in our book, we discuss the all-too-common pattern of dual arrests where Black women call law enforcement for help against an abuser and they are also arrested. There are other ways of trying to prevent escalation to serious injury and lethal violence. One way that we discuss in our final chapter is to encourage police departments to use lethality assessments—a set of questions posed to victims about their environments—when responding to domestic violence calls. Studies have shown that lives are saved when lethality assessments are used to connect victims to support services at the time of abusive events. We also discuss the need to expand the definition of DV to include coercive control and to consider the need for greater restrictions on the availability of unserialized, privately assembled ghost guns used to commit DV firearm violence.

We concur with Perez Brower that no story regarding firearm policy in the United States is complete without an analysis of the NRA's role in the policy-making process. First, we cite Matthew Lacombe's work, Kristin Goss's work, and Sierra Smucker's key study on the role of the NRA and other interest groups and legislative advocates in either pushing forward or blocking DV firearm legislation at the state and federal levels. We also spend considerable time in Chapters 2, 3, and 4 illustrating how the convergence of the NRA's agenda on gun rights with the Republican Party's intensifying conservative ideology created a powerful synergy to oppose DV firearm laws. We also note that despite the weakening of the NRA in its financial and legislative reach in recent years, the Republican Party has empowered Second Amendment Rights voices to the level that the party's policies almost wholly reflect those of the NRA. Still, there are moments in policymaking, such as the 2022 Bipartisan Safer Communities Act (BSCA), where Congress overcomes these barriers to make real changes—such as closing the boyfriend loophole that had enabled dating partners who were abusive to access guns. Additionally, in 2024, the conservative-dominated Supreme