



CUADERNOS DE INVESTIGACIÓN

Intersectionality and the political representation of battered immigrant women: an analysis of the 2013 violence against women act reauthorization

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1. Introduction

On January 6th, 2015, the United States swore in the more diverse Congress in the history of the nation. One in five members of the 114th Congress is a racial or ethnic minority, a significant increase from 6% in 1981 and 12% in 2001 (Krogstad 2015). Although Congress remains predominantly white, Christian and male, these changes in its composition took place in a context of radical demographic shifts in the country. In a watershed moment in the country's history, minority births outnumbered white births in 2012 (Passel et al 2012). Population projections anticipate that whites will become a minority by 2042, and the U.S. will become a "plurality-nation" or a "majority-minority nation" (Colby and Ortman 2015).

The 114th Congress was also sworn in in a political milieu of crisis with respect to people of color's voting rights and despite its unprecedented, diverse composition, still failed to be proportionally representative. It is imperative, thus, to question the degree to which these demographic shifts in the population and in Congress have translated into representation of marginalized groups' interests, advocacy on their behalf, and the defense of their rights. As the perennial conundrum of political representation returns to the forefront of political discussions, it is critical to begin from the furthest margins of society and work inward to address these problems (Crenshaw 1989). Immigrant women, a multiply disadvantaged group, thus serve as a useful starting point for this discussion. I argue that to substantively represent marginalized groups, it is imperative that an intersectional understanding of their lived experiences be conveyed and wielded in political debates and advocacy (Pitkin 1967, Crenshaw 1989). This study seeks to investigate the relationship between this kind of intersectional, substantive representation and descriptive representation of marginalized groups.

This analysis utilizes the 2013 reauthorization of the Violence Against Women Act (VAWA) as a

case study, focusing specifically on the provisions and debates surrounding domestic violence and immigrant women. The 2013 VAWA reauthorization was a contentious, protracted legislative debate, to some degree reflecting the political and social anxieties, as well as initiatives, in response to demographic and social changes in the country. This reauthorization significantly expanded protections for many marginalized groups, such as the LGBTQ community, as well as cutting back on some for others, like battered immigrant women. By analyzing the floor proceedings in both the 112th and 113th Congresses, this qualitative study seeks to understand how battered immigrant women were represented by different congress members. It aims to evaluate the capacity of descriptive representatives to effectuate substantive representation and advocate for the marginalized of their constituency. I also seek to investigate the role that non-descriptive representatives played in advancing or obstructing these provisions, specifically if they employed (or not) intersectional policy-making as individuals or through surrogate representation (Mansbridge 1999).

Immigration has played an important role in the notable demographic shifts the U.S. is undergoing. As of 2013, the immigrant population totals 41.3 million people in the U.S. Women represent 51% of the foreign-born population, or 21.2 million people (Ruiz et al 2013). Although the percentages differ within the demographic breakdowns of age and ethnic group, immigrant women comprise the majority of this population subgroup and face unique challenges as a marginalized group. They are less likely to be employed and insured than native-born women, and they face greater poverty compared to male immigrants. 49% of immigrant women, or 10.5 million women, are naturalized U.S. citizens. The remaining 51% are then either lawful permanent residents (LPRs) or undocumented immigrants (Ruiz et al 2013). According to the Migration Policy Institute, women comprise 46% of the 11.4 million unauthorized immigrants in the U.S. (Ruiz et al 2013). Of the total undocumented population, 78% are of Latin American origin, 12.4% from Asia, and

3.5% from the Middle East or other regions. Thus, of the undocumented female population, even without precise statistics, we can assume that the vast majority are women of color.

Documented and undocumented immigrant women present a particular challenge in regards to protection from domestic violence, as well as to representation and advocacy in policy-making decisions. The difficulties they face arise from complex intersections of race, class, gender, language barriers, and legal status (Crenshaw 1991). Representing them and defending their interests would require careful considerations of these myriad intersections and the legal and political voids in which they are situated. Intersectionality is thus a highly useful framework with which to approach the challenges these women face and how to approach their political representation and advocacy.

This work is situated in the intersections of the literature on political representation, feminist theory, and critical race theory. It is informed particularly by theories of intersectionality, as first coined by Kimberlé Crenshaw, and the differences between descriptive and substantive representation, as famously developed by Hannah Pitkin. Through this study, I seek to help bridge the gap in studies of political representation, immigration, women of color and intersectionality, and to contribute to reducing the paucity of scholarship on intersectional political representation.

This study seeks to address several questions, some of which are perennial questions of political representation, while others address more contemporary concerns in the wake of demographic change and its implications for political representation in the United States. For marginalized communities, what constitutes, as Suzanne Dovi (2007) calls it, a “good democratic representative”? Will any representative serve (Dovi 2002)? What role does descriptive representation play, as well as substantive representation? Can one type be privileged over the other? Or must they operate in tandem as inex-

tricably linked features of political representation? To what degree is intersectionality indispensable for substantive representation? What are the consequences of the absence of substantive representation, or of intersectionality? How can an immigrant woman be represented, and by whom? And what will these results mean for the U.S.’s system of liberal representation (Williams 1998)? I raise these questions without the expectation of reaching conclusive results. Instead, I hope to contribute to understanding what the changing demographics of the United States will require from its political system and representation, in what is a nascent but expanding field of study.

I begin with a review of the literature on political representation, starting with Pitkin’s (1967) seminal concepts of substantive and descriptive representation, and continue through the various iterations of the different types of representation and theories or marginalized group representation. Then I delve into the rise of intersectionality as a concept and its historical antecedents, reviewing the literature that has applied this concept to political representation. Upon joining both bodies of literature, I provide arguments for the political representation on immigrant women in the United States. Following this assessment, I briefly overview the history of Violence Against Women act and its importance to immigrant communities. I demonstrate this by assessing the different studies of domestic violence and the statistics of domestic violence in the United States, particularly to immigrant women and women of color. Upon reviewing these important concepts, I develop a framework for the intersectional representation of battered immigrant women, which I use to develop the index with which I conduct a quantitative analysis of the Congressional floor proceedings. I supplement this quantitative analysis with a brief qualitative analysis of the political rhetoric and arguments, and conclude with important lessons from this case study, future research questions, and potential applicability to other political conundrums in the United States and beyond.

2. Political Representation: Theories of Substantive and Descriptive Representation

2.1. Types of Representation

In her seminal work, *The Concept of Representation* (1967), Hannah Pitkin articulates four different kinds of representation. The two in discussion for this analysis are descriptive representation and substantive representation. Pitkin defines representation broadly as “a making present again...the making present in some sense of something which is nevertheless not present literally or in fact” (pp. 8). This definition, she notes, will have different applications depending on what is being made or considered present and in what context (pp. 11). It is also particularly applicable to undocumented immigrant women, who evidently will not have exact descriptive representation in Congress. With immigrant women comprising low numbers of congress members in the 112th and 113th Congresses, as well as the current 114th Congress, it is quite applicable to understand their representation through the general description that Pitkin provides.¹ To a certain degree, representing this sector of the U.S. population would require the making present of something which is not present literally or in fact, as Pitkin describes it.

According to Pitkin (1967), descriptive representation, or “standing for,” refers to making something present through “resemblance or reflection,” which she compares to mirror, a map, or artwork. Its primary objective is to communicate information about that which is not present, which allows us to “draw accurate conclusions about the represented, gather information about the represented, because it is in relevant ways like the representative” (pp. 84). She qualifies this definition in its flawed application to political representation, stating that “the best descrip-

tive representative is not necessarily the best representative for activity or government,” (pp. 89). The utility of a descriptive representative, she argues, is that she is capable of providing information about that which is not present (pp. 81). Pitkin notes that this kind of representation does not leave room to analyze the actions of the representative or to hold her accountable, as the only quality in question is her similitude to the representative.

In contrast, substantive representation is for Pitkin “an acting for others, and not just the formalistic trappings that surround action, but the substance of the activity itself” (pp. 12). This kind of representation is defined by the actions of the representative and the means through which she achieves them. Pitkin dismisses a tenable relationship between substantive and descriptive representation. A strongly descriptive representative will not necessarily “act for” her representatives, and conversely a substantive representative’s characteristics are only relevant to the extent that they affect her actions (pp. 142).

Jane Mansbridge expands upon Pitkin’s understanding of descriptive representation to include shared experiences; a representative with a similar background or life experiences is to a certain degree representative of his or her constituents. Examples include being born in a town one is representing, or sharing an occupation as one’s constituents, such as being a farmer (1999, pp. 629). She also introduces an important conceptualization of representation, that of “surrogate representation.” This type of representation consists of a member outside of one’s district representing her interests, especially in the event that an individual who espouses certain political views or policy stances cannot elect a representative to advance them in her own district. Mansbridge notes that in surrogate representation it is not necessary that the representatives be descriptive. However, it provides certain advantages for subordinated groups when their surrogate

¹ See below for a breakdown of the 112th and 113th Congresses by selected characteristics

representative belongs to the same marginalized group in that it allows them to “circumvent the strong barriers to communication between dominant and subordinate groups” (pp. 642). In a later article, Mansbridge (2003) explicates this concept in further detail. “Surrogate representation is representation by a representative with whom one has no electoral relationship,” Mansbridge states (pp. 522). The direct accountability in this form of representation is not electoral, but monetary instead, in the form of campaign donations. However, Mansbridge argues that a sense of responsibility for this surrogate constituency often lies in shared ideologies, but also to a shared experience which is not shared with the majority of the legislature (pp. 523).

Mansbridge (2003) identifies additional types of representation, noting that “in practice, representative behavior will often mix several of these forms” (pp. 515). Two forms, anticipatory and promissory, address representatives’ behavior in relation to voters’ interests and campaign promises. In the case of representing marginalized groups and specifically immigrant women, these forms of representation are inadequate in isolation. They give significant importance to elections and voting. Marginalized populations often experience significant barriers to participation or legislative responsiveness, and non-citizen immigrant women may be rendered inconsequential to their representatives due to the fact that they cannot vote. Thus, focusing representation and accountability on electoral sanctions cannot fully capture the reality of political representation for these groups. As I will discuss later, this is a recurrent theme for many theorists addressing the representation of marginalized groups.

Mansbridge’s explanation of gyroscopic representation is of greater applicability to the case of immigrant women and other marginalized groups. A gyroscopic representative, in the sense that she has a shared experience with her constituent, will look “within, as a basis for action, to conceptions of interest, ‘common sense,’” acting without external

incentives (pp. 515, 520). Voters place this representative in office with the only accountability being her “beliefs and principles,” trusting previously observed characteristics and shared experience that will lead her to substantively represent them (pp. 521). Especially in conjunction with descriptive characteristics, this may be the type of representation marginalized groups turn to. One who votes with the interests of noncitizens in mind may turn to a representative capable of enacting gyroscopic representation to advocate on behalf of noncitizens and other marginalized groups, trusting the representative’s principles and shared experience to hold her accountable.

Pitkin’s and Mansbridge’s explorations into the concept of representation offer important contributions to our understanding of political representation. Although they lack an intersectional approach to comprehensively address the representation of immigrant women and other marginalized groups, they lay the foundation from which this discussion may begin. Pitkin’s distinction between descriptive and substantive representation, in conjunction with Mansbridge’s more nuanced explications of them, have important implications for marginalized groups’ representation. With a dearth of descriptive representation of marginalized groups in U.S. legislative bodies, these analyses prompt important debates regarding descriptive and substantive representation for intersectionally disadvantaged groups. They lead us to question if descriptive representation is in fact desirable, and to what extent it can advance the interests of marginalized groups.

2.2. Theories of Descriptive and Substantive Representation: Conflation and Divergence

Various theorists of representation have grappled with questions of descriptive and substantive representation and how they apply to marginalized groups. For Mansbridge, descriptive representation is necessary in certain contexts and can result in specific improvements for deliberative democracy. In those contexts, she argues, its costs are worth paying (1999). Descriptive representation would

be desired in contexts of mistrust between dominant and subordinated groups, when groups have uncrystallized interests which could best be defended by a descriptive representative when they emerge, when there is a historical image of an inability to rule, and when there is a context of low *de facto* political legitimacy. Mansbridge then argues for “selective descriptive representation,” which refers to proportional representation achieved through institutional design to compensate for “the effects of some other process that interferes with an expected proportionality” (pp. 633).

Representation theorist Anne Phillips echoes Mansbridge’s arguments, advocating for the need for descriptive representatives. For Phillips (1995), political presence is the starting point from which marginalized groups can achieve substantive representation and desirable policy outcomes. For Phillips, institutional mechanisms that guarantee or increase descriptive representation are necessary because greater descriptive representation dilutes the hegemony of the political elite in representative bodies. Like Mansbridge, Phillips believes that greater descriptive representation helps reverse the trend of viewing marginalized groups as infantilized and incapable of representing themselves. Phillips’s vision for representation is that it have a purpose; representation that “aims to subvert or add or transform” (pp. 47). The author views representation as a continual process and evolving relationship between representative and represented. This means that accountability rests on electoral sanctions and will ineluctably produce uncertain outcomes, which are nonetheless worth risking to achieve profound transformation in the substantive representation of marginalized groups.

Other theorists reiterate the need for greater descriptive representation of marginalized groups, but argue for a shift towards group-based representation in opposition to the liberal theory of representation. According to Williams (1998), the liberal theory of representation is based upon the doctrine of “one person, one vote” through purpor-

tedly fair elections, and upon an interest-group pluralism that supposes fairness in electoral outcomes if individuals had an equal opportunity to organize politically (pp. 10-11). Williams states that these presuppositions are incompatible with the historical injustices and the reality marginalized groups face in political life. Williams argues that the liberal system of representation precludes forging the link between descriptive and substantive representation in regards to marginalized groups. Instead, she proposes a group-based theory of representation based upon including the voice of marginalized groups, combatting historical distrust of elected officials by marginalized groups, and identifying groups needing enhanced representation based on “a shared memory” of discrimination and consequent shared political interests (pp. 12-14). Iris Marion Young’s (1989) “rainbow coalition” and “differentiated citizenship” account for the same historical injustices that Williams raises as a challenge for the substantive representation of marginalized groups. In her conceptualization of citizenship, marginalized groups and representation, Young aligns herself with Williams in calling for institutional mechanisms to enable enhanced representation for these groups. Young rejects the liberal universalization of rights and representation, and instead advocates for a rainbow coalition that affirms difference and the varying perspectives and experiences of each constituent group. Young states that this coalition should be sustained by “specific representation for oppressed or disadvantaged groups, because privileged groups already are represented” (pp. 262).

The different theories of representation for marginalized groups evince an intricate and complex relationship between descriptive and substantive representation. Various empirical studies support the argument that descriptive representation in itself has important impacts on legislative bodies and policymaking. Myriad studies have looked at the presence of women, Blacks and Latinas and Latinos in different legislative bodies in the United States. Scholars have shown that women are more likely than men to introduce, advocate for, and implement

legislation regarding women's issues, such policies affecting families, welfare and domestic violence (Bratton and Haynie 1999, Swers 1998, Thomas 1991). Black representatives are more likely than their white counterparts to introduce legislation on Black interests, such as education and welfare policy (Bratton and Haynie 1999), and Black legislators are more likely than their white counterparts to engage in surrogate representation for Black individuals who do not pertain to their districts (Broockman 2013). In the case of Latina and Latino representatives, various studies have demonstrated similar patterns. Latino legislators have an important impact on legislating bills of interests to their community and are particularly adept with representing emerging, uncrystallized interests (Bratton 2006, Preuhs 2005, Preuhs 2007). Casellas (2011) finds that Latino and Latina legislators at the state and congressional level invoke their shared experience, such as an immigrant background, the ability to speak Spanish, and cultural familiarity, to defend and substantively represent their communities. In addition, these legislators engage in significant surrogate representation of Latinas and Latinos in other districts. This surrogate representation becomes a heightened sense of responsibility for these legislators when they are among the few, if not the only, Latina or Latino legislator(s) in their legislative body. Like other scholars of descriptive representation, Casellas also points to the discrepancy of these findings when assessed through partisanship and higher socioeconomic standing of Latina and Latino legislators and their constituents (pp. 199-124).

These empirical studies have important implications for the substantive representation of marginalized groups. They illustrate that greater legislative presence often results in more substantive representation and that descriptive representatives provide necessary surrogate representation. Bratton and Haynie (1999) describe solidarity among descriptive representatives, concluding that women are more likely to introduce Black interest bills and Blacks are more likely to introduce women's interest bills (pp. 670). Broockman (2013) makes the shrewd argu-

ment that surrogate representation, be it on the basis of district or marginalized group, is particularly important for members of these groups, because it is a "situation [that] nearly all minority groups in the United States find themselves in" (pp. 533). In another study, Butler and Broockman (2011) underscore the negative consequences of the absence of these descriptive representatives. The authors find that when state legislators are predominantly white, constituents from marginalized groups experience less responsiveness and even discrimination against them by their representatives.

2.3. Problems with Existing Frameworks: Accountability and Intersectional Identities

Between the empirical studies and the work of normative theorists, descriptive representation has predominantly been advocated as the beginning steps towards achieving greater substantive representation of marginalized groups. However, mere presence does not necessarily translate into policy influence, especially when marginalization is reproduced at the legislative level (Hakwesworth 2006, Preuhs 2005, Williams 1998). Warning against conflating descriptive with substantive representation, Williams writes, "it would be absurd to claim that a representative, simply because she is a woman, therefore represents the interests or perspectives of women generally, or that an African American representative is automatically representative of all African Americans" (1998, pp. 6). This concern leads to the first problem with descriptive representation of marginalized groups: accountability. The second concern is essentialism and the disregard for intersecting identities and the challenges for representation that accompany them.

If we consider this conundrum in the case of immigrants, many of whom cannot vote, the traditional mechanisms of accountability to avoid this exact problem are inadequate. Although scholars stress an inherent inequality within the electoral process, they still maintain that elections are the most important method for holding representatives of marginalized groups accountable (Williams 1998, Phillips

1995, Mansbridge 1998, Dovi 2007). Gyroscopic representation and surrogate representation rely upon the candidate's values and relationship to the group they represent as a form of accountability (Mansbridge 2003). In the case of immigrant women, especially undocumented immigrant women, their representation may be limited to these forms. However, for the sectors of population living on the margins of society, depending solely on the inherent goodness of representatives does not suffice. Considering that the consequences of harmful representation are grave threats to the physical security and wellbeing of the most marginalized, we must demand stronger criteria for descriptive representation.

In addition to the problem of accountability, the aforementioned theories do not adequately address the problem of essentializing the identities of marginalized groups through descriptive representation. Mansbridge warns against essentialism in stating that considering a marginalized group generally as African Americans or women, for example, does not acknowledge differences of cleavages within that group, and from this criticism presents her contingency argument over descriptive representation by itself as a basis for selection (1998, pp. 637). For other theorists there is an acknowledgement of this problem, but it is often engaged with simply as lacking a certain analysis along one line of oppression, or as intergroup differences (Phillips 1995, Young 1989). Reducing the problem with essentialism and representation to intergroup differences can have deleterious policy ramifications. It encourages viewing different axes of oppression as additive rather than interacting, which can limit the scope of advocacy work (Crenshaw 1989, Crenshaw 1993).

These challenges in extant theories demand different criteria for addressing the complex relationship between descriptive and substantive representation for marginalized groups. Attempting to address them, Dovi (2007) establishes criteria for evaluating what she calls a "good democratic representative." Rather than focusing on the inherent goodness of the representative, Dovi proposes

that good democratic representatives are those that uphold democratic principles, as reflected in three key principles: fair-mindedness that promotes civic equality, critical trust building to contribute to "the realization of self-governance," and good gatekeeping "contributing to the realization of inclusions" (pp. 90-91). Of especial interest to representing the marginalized, Dovi posits in an earlier essay that "not just any woman will do" or "not just any black will do"; they must "possess strong mutual relationships with dispossessed subgroups of historically disadvantaged groups," and have a profound understanding of how they have been disadvantaged by "institutional norms and practices" (2002, pp. 729, 741). She later elaborates upon this claim, defining the dispossessed as "those citizens who lack the political resources necessary for being full democratic citizens," noting that legal status is not a requisite for said condition (2007, pp. 164). The author also includes mutual relationships with the marginalized, which she considers as combatting their political isolation (pp. 168). What is notable in Dovi's criteria is that she expands these requirements to all representatives in democratic institutions, not only descriptive representatives. This more comprehensive application opens the possibility for non-descriptive representatives to serve as substantive representatives through a form of surrogate representation.

Whether or not a descriptive representative will best fulfil these criteria for substantive representation and "good democratic representation" remains somewhat unclear in the various theories of representation discussed. Anne Phillips (1995) acknowledges in *Politics of Presence* that the outcomes of many proposed institutional reforms and of increased descriptive representation are unknown. This uncertainty should be expected in such an area of political science, considering that the proportional representation of marginalized groups is unprecedented (pp. 56). However, as we will see, intersectional feminist analyses evince that uncertainty as an outcome can be especially deleterious for women of color. It cannot be lightly dismissed as a necessary cost for paving the way for political change. For

multiply disadvantaged groups, if that uncertainty results in pernicious representation, the consequences can be especially grave. Thus, I turn to an analysis of intersectionality as a basis for understanding the representation of marginalized groups. I argue for its use as criteria for evaluating the substantive representation of marginalized groups. This study then seeks to understand whether or not intersectional political representation requires a descriptive representative, and who is most capable of achieving this kind of representation for battered immigrant women.

3. Women of Color Feminism: Intersectionality and its Historical Antecedents

In this section, I review the emergence of intersectionality as a concept applied to politics and policymaking and trace its historical antecedents to later converge this literature with that of political representation. This study uses intersectionality as a point of departure for analysis. However, it is important to note that intersectional theorizing and organizing has deeper roots in earlier women's movements and did not emerge independently in the 1980s. Black feminist scholars and activists began investigating the role of patriarchy in their communities tracing it back to times of slavery, and also studied how interacting systems of oppression have been constant and defining in the lived Black female experience. These authors laboriously traced the genealogies of Black feminist thought and unearthed the forgotten and often silenced voices of early feminisms (hooks 1981, hooks 1984, Collins 2000). For example, these contemporary scholars refer extensively to Sojourner Truth's famous speech, "Ain't I A Woman?" In this speech, Truth, abolitionist and activist, challenges men's paternalistic arguments for protecting women rather than expanding their rights, highlighting the hypocrisy of its sole application to white women by declaring, "Ain't I a Woman?" This speech, resurrected by various Black feminists (famously by bell hooks) beca-

me a symbolic and defining representation of their struggles. Brittney Cooper (2016) also notes that scholars like Anna Julia Cooper spoke of confronting "the woman question" in conjunction with the "race problem" as early as in 1892 (pp. 387). Thus, intersectional feminism as we know it today and the attention it has received from social movements to academic research is not a recent phenomenon. The notion that women of color experience patriarchal oppression in different and compounded ways in comparison to white women has long been explored and confronted by feminists of color in the United States.

With the second wave of feminism beginning in the 1960s, women of color began mobilizing parallel and in opposition to what they viewed was an exclusive movement that perpetuated other axes of their oppression and silenced their voices. Their grievances and discontent took form in distinct women's movements and organizations. For example, the Xicanisma movement was composed of Chicana feminists and existed parallel and in resistance to the *machismo* present in the Chicano movement, recognizing their position as a triply oppressed group (Vidal 1971). Famously, The Black Combahee River Collective of Black feminists was best known for their "Black Feminist Statement" and their "consciousness-raising" movement building around different axes of disadvantage (1977). This parallel feminist movement produced many groundbreaking anthologies and texts reflecting their own experiences. These included works by Audre Lorde, bell hooks, Angela Davis, and landmark anthologies such as All the Women Are White, All the Blacks Are Men, but Some of Us Are Brave (Hull et al 1982) and This Bridge Called My Back: Writings by Radical Women of Color (Moraga and Anzaldúa 1982).

Brittney Cooper (2016), in tracing the more recent genealogy of intersectionality, discusses the emergence of theoretical frameworks such as the "double-handicap" and "double jeopardy," referring to gender and race disadvantages, prior to the

coining of intersectionality in academia. She, in addition to Moraga and Anzaldúa (1981), note that in spite of the absence of that particular terminology, feminists of color in the second wave of feminism have always been conscious of theorizing around multiple axes of interacting oppression. The Combahee River Collective (CRC), in their revolutionary “Black Feminist Statement,” declared,

“The most general statement of our politics at the present time would be that we are actively committed to struggling against racial, sexual, heterosexual and class oppression and see as our particular task the development of integrated analysis and practice based upon the fact that the major systems of oppression are interlocking. The synthesis of these oppressions creates the conditions of our lives.” (1977, cited in Moraga and Anzaldúa 2015, pp. 210)

The CRC’s stated goal of “consciousness-raising” positioned itself in the intersections of these axes of oppressions, along with other key scholars and activists of the time. Demonstrating commitment to the lived experience in the development of theory and praxis, several important figures in the women of color feminist movement weaved personal narrative with academic theory to present a fierce criticism of what they viewed to be a hegemonically white, middle-class women’s movement. For example, bell hooks, writing in the 1980s, wrote of *The Feminine Mystique* (1963) as erasing other women and being void of a class analysis. hooks lamented that many feminists who claimed to recognize multiple axes of oppression ultimately failed in putting them to practice (2015, pp. 1, 15-16). Audre Lorde, as a Black lesbian feminist, also sought to center sexuality in the women’s movement. She also denounced the dangerous implications of the universalizing and erasing rhetoric of the word “sisterhood,” noting that such bonds in the women’s movement “[did] not in fact exist” (1984a, pp. 116, 1984b, 1984c). The cited authors comprise a few of the myriad voices that rose up in opposition to a pre-

dominantly homogenous white women’s movement. Their work represented the paradigm shift taking place in feminism of color mobilization at the time.

Cooper (2016) discusses how by the early 1980s, this critical work of Black feminists had permeated the women’s movement and began to dialogue with other feminists of other racial and ethnic groups. Feminists of color were beginning to build their movements and adapt their lexicon to represent other minority groups, such as Asian American women, Native women, and Chicanas. Deborah King coined “multiple jeopardy” in the late 1980s to also account for class and address other disadvantaged groups, astutely affirming that “multiplicative frameworks” addressed the women of color’s lived experiences more adequately rather than “additive frameworks” (1988, cited in Cooper 2016, pp. 388). The fundamental text, *This Bridge Called My Back*, presented an array of diverse feminist voices and solidified a “Third World Woman” identity. Such identity presented substantial inclusion and solidarity in its recognition of the need to “[discern] the multilayered and intersecting sites of identity and struggle –distinct and shared–among women of color across the globe” (Moraga 2015, pp. xvi). These organizing and publishing initiatives by feminists of color demonstrated that even under different terminologies, “intersectional” feminism had made its indelible impact on the women’s movement and on literature and scholarly works.

In the most recent 2015 edition of *Bridge*, editor Cherríe Moraga references Crenshaw’s 1989 coining of intersectionality:

“From a teaching perspective, Bridge documents the living experience of what academics now refer to as ‘intersectionality,’ where multiple identities converge at the crossroads of a woman of color life. The woman of color life is the crossroad, where no aspect of our identity is wholly dismissed from our consciousness, even as we navigate a daily shifting political landscape” (pp. xxvii).

Moraga's understanding of intersectionality gives credit to the mobilizing efforts outside the academic spheres that paved the way for its emergence in the academic realm. It also highlighted the rich evolution of women of color feminism and attributes it to the multitude of disciplines contributing to its evolution.

The intellectual labor and organizing efforts of the women of color scholars and activists in the 1970s and early 1980s lay the groundwork for the conceptualization of theoretical frameworks like intersectionality. Their efforts permitted intersectionality to enter the academic lexicon and traverse into the legal and *de facto* implications of its absence. Of critical importance, these women placed special emphasis on the lived experiences of women of color, stressing the dire need for praxis, not just theory and universalizing claims of equality. These theories and advances in feminist thinking were not only to occupy the academic halls and scholarly literature; they were to open the theoretical space to begin advancing a politic that addressed these systems of oppressions and improved the lived experiences of intersectionally disadvantaged women of color.

Legal scholar Kimberlé Crenshaw captured this particular sentiment and commitment to praxis in her work, famously coining the term "intersectionality." Drawing upon this long history of Black feminist thought, Crenshaw catapulted this legacy into the forefront of feminist thought upon publication of her landmark essay, "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics" (1989). Crenshaw presented intersectionality as a challenge to single-axis frameworks, focusing instead on the interaction of different systems of oppression as inextricably linked forces that produce significantly different experiences for Black women at their intersections. Speaking specifically about the experiences of Black women combatting employment discrimination and in antiracism doctrines, Crenshaw argued that these women's experiences could not be read solely

from a women's perspective or from solely a Black perspective. In doing so, it produced their erasure from theory and from legal protection. When laws, legal interpretations, or advocacy efforts approached the Black female experience solely from one of the oppressive forces, they continued to benefit the most privileged of these groups, and most injuriously, failed Black women in guaranteeing them protection and exercise of their rights.

In a later essay, and of great relevance to this study, Crenshaw elaborates on how the omission of intersectional analysis places women of color and immigrant women in legal and bureaucratic voids. Legal protections and social services fail to incorporate in their legislative language the needs of these multiply disadvantaged women. Thus, an absence of intersectionality results in perpetuated marginalization, misrepresentation and legal exclusion, but most critically, in the perpetuation of sexual and physical violence (Crenshaw 1991). Therefore, employing an intersectional analysis is not only important for abstract theories and legal doctrines, but critical to the physical security of women of color.

Crenshaw (1991) distinguishes between two types of intersectionality: structural intersectionality and political intersectionality. The former consists of the resulting oppressions women of color face in the convergence of different systems of domination and the failure of policy to address them. Political intersectionality highlights the political predicament that women of color face by pertaining to different subordinated groups. Their political agendas may often conflict, requiring them to "split one's political energies between two sometimes opposing groups," which Crenshaw describes as "intersectional disempowerment" (pp. 1252). Additionally, she steers away from the additive approach, stating that:

"The problem is not simply that both discourses fail women of color by not acknowledging the 'additional' issue of race or of patriarchy but that the discourses are often inadequate even to the discrete tasks of articula-

ting the full dimensions of racism and sexism” (pp. 1252).

This articulation of intersectionality poses significant challenges for political representation. Intersectionality is relevant to the study of political representation because it has several important implications for agenda setting and issue priority for historically disadvantaged groups. Crenshaw’s political intersectionality questions the notion of descriptive representation as a necessary factor on its own for promoting substantive representation. It implies that to substantively represent multiply disadvantaged groups whose various political agendas may conflict, an intersectional understanding of their lived experiences is imperative. A failure to apply intersectionality risks, as Crenshaw describes it, intersectional disempowerment, and as she notes in her essays, threats to women of color’s physical security and wellbeing.

4. Intersectional Representation: Representing Marginalized Groups

The literature on descriptive representation by race and gender is vast, far eclipsing the literature on intersectional political representation in size and prevalence. However, there is a growing body of scholars and studies applying intersectionality to theories of descriptive and substantive representation. Scholars have advocated for intersectional frameworks to address the inadequacy of singular axis theoretical frameworks predominantly used. Even if it disintegrates the neat and convenient categorizations, it is a “mess worth making” if we desire to construct better models of studying politics in a demographically changing nation (Smooth 2006). If we are to ask how women are represented in legislative bodies, we must engage more profoundly with the question, “which women?” (Smooth 2011). Greater intersectional representation produces evident benefits, such as unique perspectives in decision making, more progressive political agendas, and the possibility of gradually opening up political

space for other minority groups and interests (Orey et al 2006, Minta 2012). It is necessary then to investigate these benefits, in what contexts they emerge, and how to offset the social and political costs they may incur.

4.1. Intersectional Representation: Female Legislators from Communities of Color

Legislators of different marginalized groups have been shown to employ intersectionality in their legislative activity, from interpreting socioeconomic contexts of bills to advocating for or against certain bills. Wendy Smooth’s analysis of African American female state legislators evinced a policy agenda defined by intersectionality and therefore by more substantive representation. Smooth writes,

“The [legislators] often mentioned proposed legislation that I would have coded as a ‘children’s issue’ or, at times, a ‘race issue.’ These legislators articulated a political agenda reflecting crosscutting issues that were not easily codified along a single issue axis. Instead, the legislators articulated their legislative priorities as complex and multifaceted. They saw their legislative priorities affecting constituents across their districts, but they also keenly expressed the impact of these issues on the lives and wellbeing of women in particular.” (2011, pp. 436)

Smooth provides a concrete example that embodies these approaches and the application of intersectionality to representation. In an interview, a female African American legislator describes addressing criminal justice as a women’s issue, because “high incarceration rates among black men... contributed exponentially to the number of single, female-headed households,” who were therefore faced with significantly more economic hardship and challenges with childrearing (pg. 436). Thus, to represent Black women’s issues is to also address criminal justice, which impacts people of color disproportionately, especially men of color.

On issues of especial pertinence to marginalized groups, legislators of color, especially women of color, have in various occasions played critical roles in intersectionally advocating for their constituents. In contexts where legislative women of color are incorporated in legislative bodies, they have distinct impacts on shaping and passing welfare policy. Hawkesworth's (2006) in-depth study of the Congresswomen of the 103rd and 104th Congress's demonstrates that in the face of seemingly insurmountable and structural obstacles, the Congresswomen of color mobilized to fight deleterious welfare reform. Hawkesworth writes, "Congresswomen of color perceived the attack on single mothers at the heart of welfare reform proposals as an attack on the black family, an attack that resurrected pathological theories of poverty." The author adds that in order to combat these prevailing racist attitudes, "the congresswomen of color turned to social science," enlisting the help of various research institutions, organized conferences, proposed alternative legislation and drafted amendments (pp. 236). They also referenced statistics that fundamentally belied the dominant discourse, citing that the majority of those who receive welfare benefits were in fact white. In addition to advocating for single Black women, other Black and Latina Congresswomen brought into question the constitutionality of denying authorized immigrants access to welfare benefits (pp. 238). With their constituencies in mind, and armed with a nuanced and intersectional understanding of women of color's experiences, these congresswomen fought against an overwhelming majority and against hegemonic discriminatory perceptions of them and their constituencies.

Brown (2013) also shows that young black women state legislators in Maryland took particular stances when assessing domestic violence bills. They drew upon their educational backgrounds, lived experiences and connections to their communities to intersectionally critique and advocate for equitable legislation. For example, concerning provisions to expunge records and remove an offender's name from public databases, these young Black legislators

voted in favor of them. They went against the grain of what older Black women legislators, as well as white legislators, voted for. Interviewing the young Black legislators, Brown found that these legislators took into consideration the position of a Black man falsely accused who would disproportionately experience the deleterious effects should those provisions pass. They argued to include an anti-racist provision along with this initiative, utilizing "their awareness of social and political structure and practices such as customs that marginalize black men... to understand how racism, patriarchy, and cultural norms have marginalized some members of the black community" (pp. 58). By utilizing an intersectional approach to domestic violence policy, young black women legislators were able to represent their community with an intimate understanding of the realities they face, unwilling to protect black women at the expense of Black men. Brown also noted although white female legislators did not espouse similar views, they expressed interest in dialoguing with and learning from their Black female counterparts on regards to the stances they took. Brown's study highlights the remarkably different policy outcomes that can result from intersectional representation. The study also illustrates the benefits of a political presence of intersectionally marginalized groups, as it can enrich deliberation, provide new information, and in conjunction with an intersectional commitment to constituents, bolster substantive representation.

Relating to Latina and Latino intersectional representation, Fraga et al (2005) advance applications of intersectionality in their analysis of Latina state legislators, developing the concept "strategic intersectionality." The authors find that Latina legislators do not differ from Latino legislators in policy concerns, but argue that Latinas employ strategic intersectionality in certain policy contexts. This consists of substantive policy focus, or being more attuned to the interests of working class communities, multiple identity advantage, which better positions them to sustain coalitions and garner legislative support, and gender inclusive advantage, to "soften" their ethnicity by representing themselves

as women and mothers to “limit race-based white backlash” (pp. 1). Regarding committee activity, the authors find that compared to their Latino counterparts, Latina legislators are more likely to serve on education and human services committees, although it tends to limit their presence on appropriations and finance committees, and are more likely to support the Woman’s Caucus. In the case of Latina state legislators, the authors present intersectionality as an integral and crucial part of understanding these legislators’ actions, and thus their ability to represent their groups.

In the case of the political representation of undocumented immigrants, a key part of this study, there is a significant lack of research addressing this particular subject. Mendez (2013) has grappled with this exact issue, concluding in his studies that Latino legislators have a greater propensity of being responsive to their undocumented constituents. The author notes that in the case of undocumented constituents, there is less electoral incentive to advocate for policy directly addressing their needs and concerns, though Latinas and Latinos comprise 76% of undocumented immigrants (pp. 7). He finds that Latino legislators nonetheless had higher response rates to constituent requests compared to non-Latino legislators when those constituents identified as undocumented. Mendez attributes this finding to what he terms “intersectional linked fate,” in which

“not only do members of a particular group believe that their political interests are bounded to one another, but that the interests of the disadvantaged are important to the political well-being of the privileged members of the group” (pp. 10).

This articulation of intersectionality in political representation is highly relevant and yields important implications for how to address representing undocumented constituents. It calls for additional research in understanding if an intersectional linked fate can be expanded to other marginalized groups and across group as surrogate representation.

4.2. Intersectional Political Representation and Institutional Challenges

Scholars have noted that although legislative women of color “may be the most committed and active advocates for poor women, they also may be the least influential” when outnumbered or acting against the grain in intrinsically discriminatory legislative bodies (Reingold and Smith 2012, pp. 135). This has been especially relevant in the case of the pernicious welfare reforms of the 1990s. Referring to this challenge to as “racing-gendering” in institutions, Hawkesworth (2006) argues that political institutions reproduce the same discrimination and subordination experienced by marginalized groups in society. This iteration of subordination at the legislative level often renders Congressmembers of color less effective (pp. 214). However, it is this same racing-gendering that produces fervent ambition to legislate intersectionally, as it foments anger and resistance even against seemingly futile political causes (pp. 216). This anger and resistance has critical implications for substantive representation. If these motivating sentiments are critical for representatives to fight for the advocacy of women of color’s best interests, then the importance of descriptive representation intertwined with intersectionality is further underscored. While the constraints of this study do not permit a thorough analysis of racing-gendering, institutionalized discrimination and legislative effectiveness, these are phenomena that researchers must be acutely aware of when investigating the descriptive representation of marginalized groups.

4.3. Intersectional Political Representation: The Implications and Need for Further Research

The cited studies elucidate the benefits that intersectional representation offer for the substantive representation of marginalized groups. Intersectional representation avoids strict demarcations of what issue pertains to what group and allows for the introduction of more expansive knowledge and experience to shape policy to benefit marginalized communities. This approach to representation instead permits a holistic understanding of the ex-

periences of multiply disadvantaged groups, particularly women of color, which is then translated to their substantive representation by their legislators. This growing body of literature has expanded the theoretical reach in understanding political representation and has highlighted the need for further research. As Reingold and Smith (2012) note, intersectionality in political representation must be understood on a basis of contingency: “‘women’s issues’ may mean different things to different women, in different places.” Highlighting the impressive feat that “such a small but highly motivated group of black female and Latina state legislators can make a difference in welfare policy,” the authors call for greater attention to this area and for different research paradigms that do not obscure or overlook the role of these legislators (pp. 144). Certainly, these frameworks can be applied to additional axes of oppression, such as ability and sexual orientation; these unfortunately fall outside of the scope of this research on the VAWA 2013 Reauthorization and battered immigrant women. However, the theoretical versatility and malleability of intersectionality as a research paradigm further underscores the need to promote this framework in additional areas of political science and other disciplines.

5. The Case for Representing Immigrant Women

Due to the limits of this analysis, I will not enter in the moral debates surrounding immigration, justifying the presence of documented and undocumented immigrants in the United States, if all immigrants should be able to vote, and whether or not they are entitled to political representation. Nor does the scope of this analysis permit entering profoundly into the racial, economic and geopolitical underpinnings of the U.S. immigration system and its history, which would be necessary in order to address these questions in a thorough and theoretically sound manner. Thus, this work takes as a premise that the immigrants that are in the United States, whether they are documented or undocumented, comprise

part of the U.S. population and are integral parts of the nation and its system of political representation.

The argument and legal foundation undergirding this premise lies in the arguments and recent Supreme Court ruling in *Evenwel v. Abbott* (2015). In this case, two Texas residents challenged the practice of drawing districts based on total population, arguing in favor of drawing districts based on eligible voters. The practice of total voter apportionment, they argued, violated the principle of “one person, one vote.” The method the plaintiffs proposed would have excluded children and noncitizens (lawful permanent residents and undocumented immigrants), which, as critics noted, would have disproportionately affected urban areas tending to vote more liberally by diluting their voting power (Liptak 2016). Justice Ruth Bader Ginsberg, delivering the opinion of the court, cogently argued,

“...nonvoters have an important stake in many policy debates—children, their parents, even their grandparents, for example, have a stake in a strong public-education system—and in receiving constituent services, such as help navigating public-benefits bureaucracies.”

To buttress her arguments, Ginsburg referred to Alexander Hamilton, who during the Federal Convention, stated that “there can be no truer principle than this—that every individual of the community at large has an equal right to the protection of government” (1787, cited in M. Farrand 1911). Moreover, Ginsburg’s astutely cited historical debates in Congress, which fundamentally belied the purported faithfulness to constitutional principles in the plaintiffs’ opposition to total population apportionment. She touched upon the very core of the U.S. revolution; its proclamation of “no taxation without representation.” As Ginsberg notes, these debates in the 1860s gave rise to Section 2 of the Fourteenth Amendment, which called upon congressional apportionment based on total population. Thus, as the Supreme Court and a long his-

tory of Congressional debate have interpreted, “one person, one vote” includes taxpaying nonvoters. If we consider the immigrant population in the United States, this definition encompasses a large proportion of them. While there are few explicit references to immigrants in this ruling, what it importantly denotes in the above arguments is that noncitizens have historically been considered by certain politicians and lawmakers as part of the polity and entitled to representation.

Immigrants are, and always have been, integral members of the United States. Both lawful permanent residents and undocumented immigrants are interwoven in the societal fabric and are legally considered part of electoral districts and the U.S. census. Their claim to political representation for the purposes of this study rests upon three fundamental arguments that can be extracted from *Evenwel v. Abbott* (2015). First, the Supreme Court by extension understands noncitizens to be, in Alexander Hamilton’s words, “individual[s] in the community at large,” regardless of voting status, and thus deserving of “equal right to the protection of government” and necessary considerations in policy debates. In addition, immigrants, both documented and undocumented, are tax-paying residents², and as Justice Ginsberg underscores, the colonies’ demands during the revolution are critical in this case: “no taxation without representation.” Considering this driving motivation for the U.S. Revolution, noncitizens are thus entitled to political representation. Moreover, as Justice Ginsberg reminds us, noncitizens are counted in the census. In addition to the myriad political implications

2 The Institute for Immigration Research at George Mason University reported that in 2012, foreign-born households in the U.S. contributed approximately \$106 billion in state and federal income tax (Tuttle and Witte 2015). A report by the Institute of Taxation & Economic Policy found that a minimum of 50% of undocumented immigrants file income tax reports. Undocumented immigrants also pay property taxes, sales taxes, and often have taxes deducted from their paychecks regardless of legal status. The report found that undocumented immigrants contribute \$11.64 billion annually in state and local taxes (Gee et al 2016).

of this, it also means that noncitizens contribute to determining how many representatives a state may have in the House and, consequently, to its political clout. If noncitizen immigrants are part of the community, are taxpaying residents, and are counted for apportionment, then it would appear to be unconstitutional and contrary to the foundational elements of the U.S. political system to deny noncitizen immigrants political representation.

6. The Violence Against Women Act

In this section, I briefly cover the history of the Violence Against Women Act in the U.S. to later assess the state of domestic violence in the United States, with particular attention to communities of color and immigrant women. The Violence Against Women Act (VAWA) is critical piece of legislation that has helped many women since its enactment in 1994. In its entire history of reauthorizations (2000, 2005 and again in 2013), the most recent reauthorization constituted the most controversial and protracted debate. This political impasse has been attributed to the expansion of protections to the LGBTQ community, to battered immigrant women, and to indigenous women through greater tribal sovereignty, measures that for some represented enormous advances (Weisman 2012a). Thus, as a case study in political representation, the VAWA 2013 reauthorization provides a unique opportunity to gain insight into how intersectional understandings of marginalized groups and domestic violence are held, conveyed, defended and advocated for by Congressional representatives.

The Violence Against Women Act was first enacted in 1994, signed by President Bill Clinton and passed under the 103rd Congress. This legislation sought to “change attitudes toward domestic violence, foster awareness of domestic violence, improve services and provisions for victims, and revise the manner in which the criminal justice system responds to domestic violence and sex crimes” (Sacco

2015). It helped address domestic violence by channeling additional funds to state, tribal and local programs, as well as to universities and to nonprofit organizations. It also spurred the creation of the Office on Violence Against Women in 1995.

The first VAWA in 1994 created the option of visa self-petition for battered immigrant women with certain conditions, such as entering a marriage in good faith, residing in the U.S. for at least three years, and more. VAWA 2000 sought to address the hardships placed upon immigrant women following the restrictive immigration legislation earlier. It permitted undocumented battered spouses to “self-petition for deferred action or cancellation of removal while their case is pending; no longer require[d] applicants to show proof of extreme hardship,” and created a “discretionary waiver for good moral character” (Salcido and Adelman 2004, pp. 164). Importantly, it eliminated use of public benefits as grounds for rejecting LPR status, and created the U-visa for women who are victims of crimes such as domestic violence and abuse. Salcido and Adelman (2004) note, however, that these modest reforms over the years still presented obstacles for battered immigrant women to seeking relief. The criteria for a U-Visa and protection under VAWA stipulated that the abuse must have occurred in the U.S., “excluding women who crossed the border to escape a batterer.” It also excluded lesbian women, unmarried women, and women married to an undocumented batterer (pp. 164).

Although it is outside the scope of this study, it is important to keep in mind that the 2013 reauthorization included groundbreaking changes to previous iterations of the law. This reauthorization extended legal protections to LGBTQ individuals and safeguarded and strengthened protections for undocumented immigrants and their children. Importantly, and also a source of great controversy, it granted Indian tribes authority and jurisdiction over domestic violence. Tribes were given greater range of use of public grants to determine how to best combat domestic violence in their communities (Sacco 2015).

This legislation also took place in what was at the time significant advances in descriptive representation, with the 113th Congress being the most diverse Congress in the United States at the time of its election (Whitaker 2013). Despite these achievements, these two Congresses still severely underrepresented women, communities of color, and especially, women of color (Petersen 2012). The context of the reauthorization was decidedly marked by the composition of the congress: Republican controlled, with a Democrat president, in a contentious political milieu viewed as many as a war on immigrant populations and a war on women by the Republican Party (Weisman 2012b, Parker 2013).

The new provisions in VAWA 2013 represented critical advances for marginalized populations, but were not without contentious debate. Proponents of the bill faced significant backlash from many Republican lawmakers (Weisman 2012a, Weisman 2012b). The tense debates reached a zenith of impasse in which the House proposed a separate version of the bill omitting many of these groundbreaking protections (Sargent 2013). Ultimately, as a bipartisan effort, the Senate had to diminish certain protections for undocumented women in order to garner sufficient support to pass the reauthorization. The proposed increase in U-Visas, which many immigration and domestic violence advocates argued was direly needed, was ultimately abandoned (New York Times 2013).

The turbulent legislating behind the reauthorization and the reduction of certain protections further underscore the peril of a lack of descriptive and substantive representation and advocacy for women of color and other marginalized groups. It also emphasizes the need for intersectionality in political representation in order to defend the rights and physical security of the most vulnerable populations in the U.S. In order to begin to assess how Congressional representatives both failed and defended battered immigrant women in the debates around VAWA’s 2013 reauthorization, it is necessary to delve into an exploration of intersectional representation for this population.

7. Immigrant Women and Domestic Violence in the United States

According to the most recent American Community Survey conducted by the U.S. Census, the foreign-born population in the United States totals 13.1%. Of that population, or more than 41 million people, 45.8% are estimated to be naturalized U.S. citizens and 54.2% are categorized as non U.S. citizens (U.S. Census Bureau 2014). The Migration Policy Institute estimated that 51% of the foreign-born population is female, totaling 21.2 million immigrant women. The largest origin groups (comprising of a minimum of one million immigrants) of female migrants are Mexico, India, China the Philippines, El Salvador, Cuba and Korea. Immigrant women's level of Limited English Proficiency (LEP) is equal to that of immigrant men from the same country (Ruiz et al 2015). However, 49% of all immigrants in the U.S. over the age of five were LEP, reaching staggering numbers; 69% of Mexican immigrants and 63% of Chinese immigrants. Regarding labor and economic conditions, immigrant women face greater poverty than immigrant men, are more likely to be uninsured than immigrant men and native-born women, and participate less in the civilian labor force than native-born women (Ruiz et al 2015).

Although it is difficult to collect accurate data on the undocumented population, of the estimated 11.4 million unauthorized immigrants, or 26.3% of the foreign-born population, women comprise 46% of undocumented immigrants between 2008 and 2012 (Passel and Cohn 2014, Ruiz et al 2015). The majority of undocumented immigrants come from Latin America (78.8%), followed by Asia (12.4%), Europe and Canada (5.3%) and the Middle East, Africa or other regions (3.5%) (Passel and Cohn 2014).

Thus, to speak of immigrant women in the United States –LPRs, naturalized citizens, and the undocumented—is to refer to a community that is predominantly of color. It is to speak of a community

that faces greater economic, labor and language challenges in comparison to their male and native-born counterparts. These figures are critical to take into consideration in addressing domestic violence that immigrant women face and their difficulties in accessing help. These challenges are often compounded by the aforementioned disproportionate challenges they face.

The data on domestic violence in immigrant communities is limited, oftentimes outdated and generally focused on specific ethnic groups. This categorization is problematic because it can obscure the distinction between native-born and foreign-born members of ethnic minority groups. Taking into consideration the statistics discussed earlier, this distinction may have important implications for access to services if language barriers, legal status and economic conditions are insurmountable obstacles. In addition, many surveys, qualitative and quantitative (survey-based), often present percentage ranges of the incidence of domestic violence. They vary in reporting the different kinds of abuse immigrant women face. This makes it difficult to ascertain exactly to what extent domestic violence affects immigrant communities; the fact that it does, and harms immigrant women in especially pernicious ways due their intersecting disadvantages, is an evident reality.

In regards to the two largest ethnic groups of immigrants, Latinas and Latinos and the Asian community, several research and advocacy centers have compiled the results of various studies to present a general portrait of incidences of domestic violence in these communities. The Asian & Pacific Islander Institute on Domestic Violence reports that 21-55% of women in the Asian and Pacific Islander community experiences “intimate physical and/or sexual violence in their lifetime” (Yoshihama and Dabby 2015, pp. 2) The National Latin@ Network reports that one in three (29.7% to 37.1%) of Latinas “have experienced physical violence by an intimate partner,” and “63% of victimized women experienced multiple acts of victimization” (n.d).

The 2010 National Intimate Partner and Sexual Violence Study (NISVS) reports staggering results of abuse among women of color in the United States. The following statistics consider rape, physical violence and stalking by an intimate partner at some point in a woman's lifetime. Although the numbers are disconcerting across all racial groups, there is a disturbingly disproportionate incidence of violence against women of color in the United States, and even more alarming rates for lesbian and bisexual women. The incidences reach as high as 43.7% of Black non-Hispanic³ women and 46% of American Indian or Alaska Native women. Without considering specific racial or ethnic categories, four out of ten lesbian women and six out of ten bisexual women have experienced the described abuse in their lifetimes. 37% Hispanic women and 34.6% of white women experience rape, physical violence, or stalking by an intimate partner in their lifetime. Falling into the lower range of the statistics reported by the previously cited study, close to one-fifth of Asian and Pacific Islander women experience this type of violence (Breiding et al 2014, pp. 27). The analysis on the foreign-born is limited, but the survey states that "foreign-born adults experienced lower levels of victimization...compared to those born in the United States...", highlighting that further research must be done to investigate "whether this finding reflects a lower likelihood of experiencing IPV [Intimate Partner Violence] among immigrants in their country of origin, or whether it is the result of a lower likelihood of experiencing IPV since arriving in the United States" (pp. 67). Addressing economic status, the NISVS also finds that women with lower incomes experienced IPV at significantly higher

³ Hispanic as a term has been criticized as an invented category in the 1970s, for its association to the Spanish colonial legacy, and for excluding non-Spanish speaking Latin Americans (Oquendo 1998). This work will refer to people of Latin American origin and/or descent as Latinos and Latinas rather than Hispanic. Where "Hispanic" appears in this work will be in citations from studies or the remarks of others.

rates than women with combined household incomes about the U.S. median (pp. 66).

The above statistics paint a stark and deeply troubling picture of the reality of domestic violence for women in the United States. In addition, it highlights the disproportionate impact upon women of color, low-income people, and lesbian and bisexual women. The findings of these surveys further underscore the need to intersectionally assess how marginalized groups experience domestic violence and IPV and what the resulting, intersectional oppressions erect as barriers in their seeking relief and assistance.

8. Battered Immigrant Women and Their Intersectional Representation

Having reviewed theories of intersectionality, political representation, and domestic violence in immigrant communities, the confluence of these areas of study raise the following questions: How should battered undocumented women be represented? What form would that representation take, in terms of representatives, initiatives, and arguments? In order to discuss how to represent battered immigrant women, it is necessary to delve into the specific intersectional oppressions they face and how they translate into legal and political challenges. Their substantive representation would entail addressing the specific difficulties they face from the margins as women, immigrants, working class, and people of color.

Reviewing the literature on domestic violence and immigrant women, Olivares (2014) reaffirms the specific challenges battered immigrant women face as established in the literature. "Battered immigrant women frequently face additional layers of isolation," she states, naming specifically the "inability to secure legal representation for access to courts, language barriers, and culturally derived limitations may operate as barriers to immigrants seeking to leave abusive relationships" (pp. 236). In conjunction

Table 1. Lifetime prevalence of rape, physical violence, or stalking by an intimate partner, by race/ethnicity¹, data from NISVS 2010

		Non-Hispanic					
		HISPAN-IC	BLACK	WHITE	ASIAN/ PACIFIC ISLANDER	AMERI- CAN IN- DIAN OR ALASKA NATIVE	MULTI RACIAL
RAPE	Weighted %	8.4	12.2	9.2			20.1†
	96% CI	6.1-11.6	9.4-15.6	8.2-10.3	*	*	14.2-27.8
	Estimated Number of Victims ²	1,273,000	1,768,000	7,475,000			273,000
PHYSI- CAL VIO- LENCE	Weighted %	35.2	41.0†	31.7		45.9†	50.4†
	96% CI	30.3-40.5	36.4-45.7	30.1-33.4	*	33.3-59.0	41.9-58.9
	Estimated Number of Victims ²	5,317,000	5,955,000	25,746,000		399,000	683,000
STALK- ING	Weighted %	10.6	14.6†	10.4			18.9†
	96% CI	8.0-14.0	11.3-18.6	9.3-11.5	*	*	13.2-26.3
	Estimated Number of Victims ²	1,599,000	2,123,000	8,402,000			256,000
RAPE PHYSI- CAL VI- OLENCE, OR STALK- ING	Weighted %	37.1	43.7†	34.6	19.6†	46	53.8†
	96% CI	32.1-42.4	39.0-48.4	32.9-36.3	11.8-30.7	33.5-59.2	45.2-62.2
	Estimated Number of Victims ²	5,596,000	6,349,000	28,053,000	1,110,000	400,000	729,000

¹ Race/ethnicity was self-identified. The American Indian or Alaska Native designation does not indicate being enrolled or affiliated with a tribe.

² Rounded to the nearest thousand.

* Estimate is not reported; relative standard error > 30% or cell size ≤ 20.

† Statistically significant difference (p < .05) in prevalence when compared to White non-Hispanic women.

with their economic circumstances, as some of the “poorest people in the United States,” immigrant women work in the informal sector with little job security and are often ineligible for public benefits

(pp. 236). They are often unfamiliar with the U.S. legal system and bring with them erroneous notions based on their home countries’ legal systems, such as limited access to obtaining a divorce, and puni-

shment for abandoning one's family or spouse (pp. 238). Olivares also highlights fears of deportation, which may lead an immigrant woman to "very rationally believe that the reasonable course or action is to succumb to continued abuse" (pp. 238). Thus the excruciating challenges many battered women face in the decision to leave an abusive partner are then severely aggravated by legal and policy challenges an immigrant woman faces as a noncitizen.

Crenshaw's (1991) study of access to domestic violence shelters reiterates many of these same observations, analyzed through an intersectional lens. Speaking specifically about Asian and Latina women, Crenshaw noted that shelters void of intersectional understandings of the abuse these women face often translated into their being turned away due to limited English language proficiency. Citing Rimonte (1991), Crenshaw also pointed to the cultural barriers that for some Asian immigrant women, for example, the pressure to preserve the family's honor prevented an abused immigrant woman from seeking help. Moreover, immigrant women often live in homes occupied by several generations or members of extended family, making it close to impossible to privately seek help without other members of the family, or more critically, the abuser, finding out (pp. 1248).

The background to these women's abuse, Crenshaw stated, was one of

"...poverty, child care responsibilities, and the lack of job skills. These burdens, largely the consequence of gender and class oppression, are then compounded by the racially discriminatory employment and housing practices women of color often face, as well as by the disproportionately high unemployment among people of color that makes battered women of color less able to depend on the support of friends and relatives for temporary shelter" (pp. 1245-6).

For undocumented immigrant women, or LPRs dependent upon their marriage for legal immigration status, the fear of deportation is a profound one that severely limits an immigrant woman's access to help and options for relief. Abusive partners often exploit this vulnerability, threatening to withdraw LPR petitions and obstruct legal proceedings for battered women (Menjivar and Salcido 2002). Crenshaw (1993) points to the marriage fraud provisions of the Immigration and Nationality Act passed in 1990, creating heightened dependence upon the spouse for legal status, unless the immigrant woman could apply for the necessary waiver. The socioeconomic barriers to acquiring a waiver, Crenshaw notes, were often insuperable and "many immigrant women, particularly immigrant women of color, have remained vulnerable to battering because they [were] unable to meet the conditions established for a waiver" (pp. 1247). In this example, Crenshaw emphasizes the crucial need for an intersectional approach to domestic violence policy-making. "Where systems of race, gender and class domination converge, as they do in the experiences of battered women of color, intervention strategies based solely on the experiences of women who do not share the same class or race backgrounds will be of limited help," she warns.

Other domestic violence scholars further underscore the intersecting challenges that battered immigrant women face. "Social isolation, limited economic mobility, and language barriers," as well as "negative political and cultural associations," state Salcido and Adelman, "affect services available to a victim and her readiness to expose what may be considered intracommunal dirty laundry" (pp. 165). Olivares (2004) refers to these gaps in protections as being "battered by law," resulting from an inability to recognize the economic hardships, cultural barriers and pressures, language barriers, and fear of deportation, which form the reality for many battered immigrant women in the United States.

One policy measure frequently cited in the assessing the challenges that battered immigrant wo-

men face is the U-Visa. The U-Visa, enacted in previous VAWA reauthorizations, sought to address battered immigrant women's fear of deportation in reporting domestic violence. It allowed for victims to petition for four-year residence status upon cooperation with local law enforcement, and the ability to extend this petition to family members, especially to children (USCIS n.d.). In conjunction with the VAWA self-petition option, it allows women to petition without their batterer's knowledge. The U-Visa and the self-petition process have been lauded for providing relief to many undocumented or LPR immigrant women dependent on their spouses and for the assistance it provides to local law enforcement. However, many battered immigrant women still face often insurmountable structural barriers to acquiring them, such as language, financial resources, transportation, and discrimination from local law enforcement (Crenshaw 1993, Hass et al 2014). The U-Visa, with its great benefits and its shortcomings, faces an enormous backlog due to the cap of 10,000 annual visas granted. In 2014, the backlog reached 79,009, accumulated from 21,138 recorded in 2009 (USCIS 2015). Thus, while the U-Visa may not be attainable by all battered immigrant women, it is certainly widely sought after and in need of an increase.

When intersecting oppressions are misunderstood or not addressed in their entirety, they can result in especially pernicious representations in the domain of policy-making. Crenshaw (1993) points to the earlier debates regarding VAWA, in which politicians adopted a universalizing or "othering" rhetoric. In order to bring awareness to domestic violence, many advocacy groups or representatives cited "the commonly shared assumption that battering is a minority problem... [beginning] with a statement like, 'I was not supposed to be a battered wife'" (pp. 1258). As Crenshaw states, domestic violence becomes "othered" and necessitates the existence of a subordinating stereotype for it to be addressed in the white community. The danger in this, the author stresses, is that "it does little to disrupt the patterns of neglect that permitted the pro-

blem to continue as long as it was imagined to be a minority problem..." (pp. 1259).

The universalizing rhetoric is one in which special provisions for disadvantaged groups are subsumed under the notion that "all" women must be helped, and takes as a fundamental premise that women experience domestic violence in an equal playing field in respect to everything else. Crenshaw notes, though, despite a universalizing rhetoric, the empathy for victims of domestic violence often extends only to white females, enabled by

"...looking past the plight of 'other' women and by recognizing the familiar faces of their own...after all, it has always been someone's wife, mother, sister or daughter that has been abused, even when the violence was stereotypically Black or Brown, and poor" (pp. 1260)

In the examples Crenshaw shows us, racist conceptions of domestic violence hindered substantive reforms and provisions that could have truly combated domestic violence for all women. Addressing domestic violence without concomitantly tackling the disadvantages that exacerbate it for marginalized groups can ultimately perpetuate the violence women of color face.

Young's (1990) theory of a politics of difference is particularly useful for understanding this kind of rhetoric as it applies to domestic violence policy debates. Following her theory, the effects of universalizing rhetoric are twofold and opposing. One, an assimilationist conception of equality, is the belief that equal social status is tantamount to universal treatment under the law with no specific policy initiatives. In the realm of domestic violence this results in, for example, drafting laws with race- and gender-neutral language, or refusing to earmark certain funds or establish certain programs to deal specifically with disproportionate levels of violence and the additional barriers that certain marginalized groups face. The other, practicing a politics of

difference, would be creating policies cognizant of the historically produced disparities and addressing them with specific policies and additional initiatives; for example allocating funds to train local law enforcement to respond specifically to immigrant cases of domestic violence, or advocating for the U-Visa.

I theorize that the substantive political representation of battered immigrant women, who are predominantly women of color, consists in employing an intersectional understanding of domestic violence and advocacy on the basis of it. This representation bases itself in three domains: a universalizing rhetoric that advocates for inclusion under laws, utilizing a politics of difference through recognition of disproportionate levels of domestic violence or additional barriers that immigrant women face, advocacy for the U-Visa as a concrete policy proposal and for its increase.

One should expect that a substantive representative will present in her arguments a comprehensive understanding of how domestic violence manifests itself in immigrant communities and what specific measures should be promulgated to address them. This includes for example, addressing language barriers by arguing for funding the dissemination of translated materials and multilingual social workers and personnel involved in seeking relief; for example, arguing to fund the organizations that already do this kind of work. In regards to the economic marginalization, a substantive representative must understand the various economic challenges battered women face. She would attempt to not only lower the costs associated with seeking relief (i.e. fees for the U-visa), but also understand that structural change in the economic conditions of immigrants is crucial for eradicating domestic violence.

In terms of concrete policy proposals, the substantive intersectional representation of battered immigrant women would also consist in demonstrating an understanding of the critical importance of U-visas for this population. A representative could show this by defending the need for U-visas, arguing

for the increase of U-visas available, and facilitating the process for acquiring one. In broader terms, this requires an overall implicit understanding that these women have a right to remain in the United States, seek help, and have their concerns be represented in this legislation. It would mean avoiding rhetoric of illegality and fraud often present in the debates surrounding immigration and a recognition of the humanity of these constituents.

The intersectional substantive representative would also combat racist stereotyping of domestic violence, sensitively engaging with cultural barriers to seeking relief and work delicately towards addressing them. She would avoid a universalizing rhetoric and argue for a differentiated approach of extra assistance and recognition for multiply disadvantaged groups (Young 1990). I theorize that perhaps there will not be a representative that embodies all of the aforementioned characteristics, but that it will be a combination of these different arguments. Omission, while perilous, is preferable to outright opposition; as a minimum expectation I hold for the substantive intersectional representative is that she does not proactively legislate against improving these axes of oppression for battered immigrant women.

9. Demographic Composition of the 112th and 113th Congresses

In this section, I provide a brief overview of the demographic composition of the 112th and 113th Congresses in order to situate this study. For the purposes of this analysis, the Congressmembers considered in the 112th and 113th Congresses of the United States were those present during the VAWA debates and its passage into law, from November 30th, 2011 to March 7th 2013. Congressmembers that resigned and were later replaced during this time frame are both counted. Thus, the numbers for each congress vary from the typical 100 Senators in the Senate and the 435 Representatives in the House of Representatives.

9.1. 112th Congress

9.1.1. Gender, Race and Ethnicity in the 112th Congress

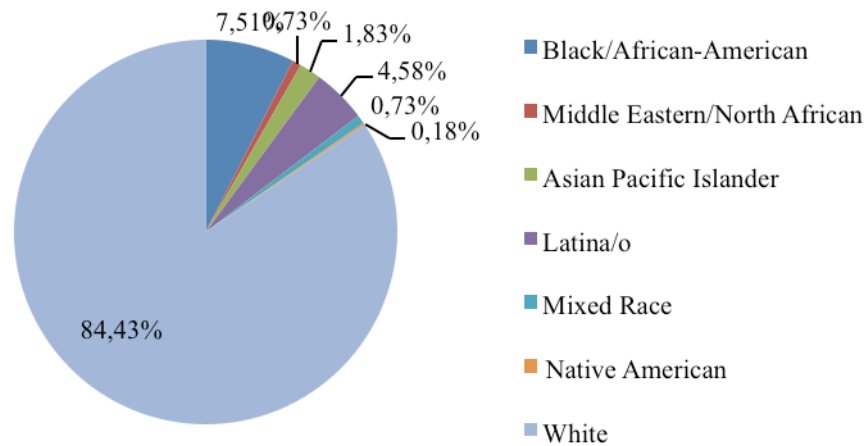
Figure 1. 112th Congress: Gender

Gender	House	Senate
Female	17.8%	16.7%
Male	82.2%	83.3%

Figure 2. 112th Congress by Political Party

Party	%
Democrat	46.70%
Independent	0.37%
Republican	52.93%

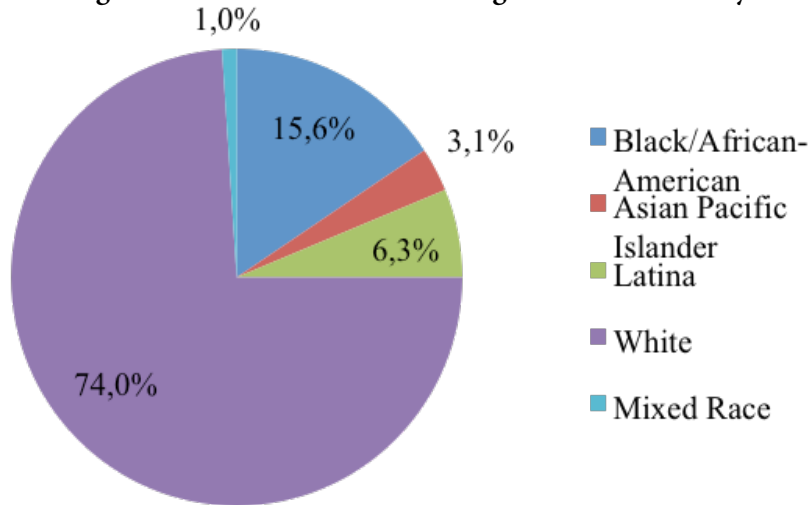
Figure 3. Racial/Ethnic Composition of the 112th Congress



In this analysis, 546 members of Congress were considered; 444 in the House of Representatives and 102 in the Senate. Overall, the Congress was Republican majority, though the Republicans maintained a majority in the House of Representatives while the Democrats secured a majority in the Senate. Women remain underrepresented, comprising 17.6% of the total Congress with similar percentages in each legislative body; 17.8% in the House and 16.7 in the Senate. The racial and ethnic composition of the 112th was overwhelming white, at 84.43%.

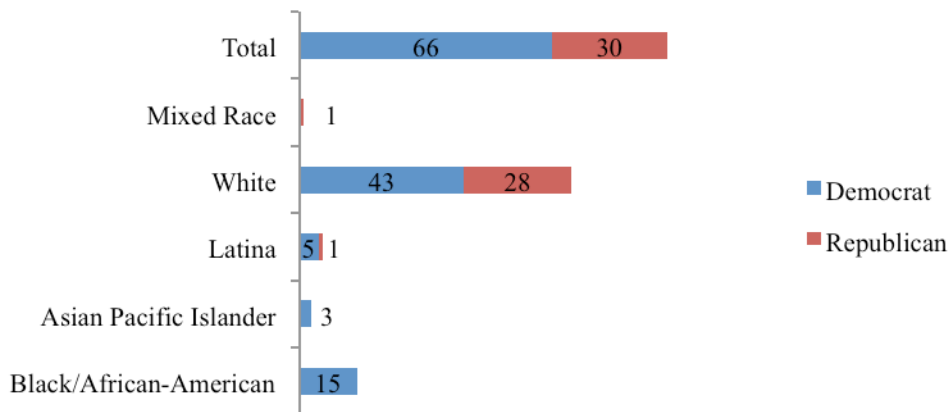
9.1.2. Women in the 112th Congress

Figure 4. Women of the 112th Congress: Race/Ethnicity



There were a total of 96 women in the 112th Congress; 79 in the House and 17 in the Senate. The majority of these women were white (74%), with the second largest racial group being African Americans, followed by Latinas, Asian Pacific Islanders and Mixed Race women. Of particular relevance, there were no women of color in the 112th Senate.

Figure 5. Women and Political Party in the 112th Congress, in Numbers



The majority of the women in the 112th Congress pertained to the Democratic Party; about 68%. 93% of Republican women were white, the remaining 7 percent comprised of one Latina and one mixed race Congresswoman. Women of color comprised approximately 35% of the Democrats, though proportionally per racial and ethnic group were overwhelmingly Democratic.

9.2. The 113th Congress

9.2.1. Gender, Race and Ethnicity in the 112th Congress

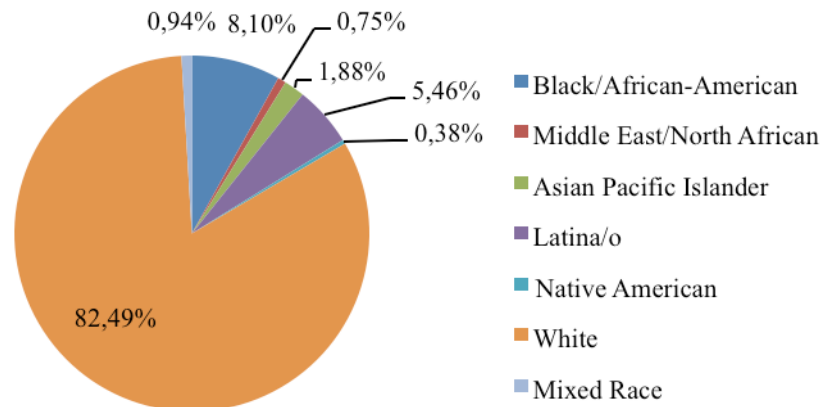
Figure 6. 113th Congress: Political Party

Party	%
Democrat	48.4%
Independent	0.4%
Republican	51.2%

Figure 7. 113th Congress: Gender

Gender	House	Senate
Female	18.8%	20.0%
Male	81.2%	80.0%

Figure 8. Racial/Ethnic Composition of the 113th Congress



In this analysis, the 113th Congress consists in 531 total Congressmembers; 431 Representatives and 100 Senators. Despite being hailed as the most diverse Congress in the United States at the time of its elections (Whitaker 2013), the 113th Congress remained overwhelming white and male. Republicans continued their majority in the House and again were the minority party in the Senate. The racial and ethnic composition remained somewhat similar; the percentage of white Congressmembers decreased approximately 2%, with other minority groups consequently increasing very slight percentage points.

9.2.2. Women in the 113th Congress

Figure 9. Women of the 113th Congress: Race /Ethnicity

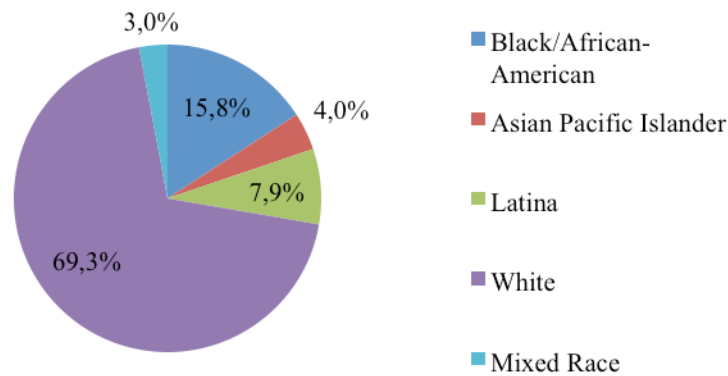
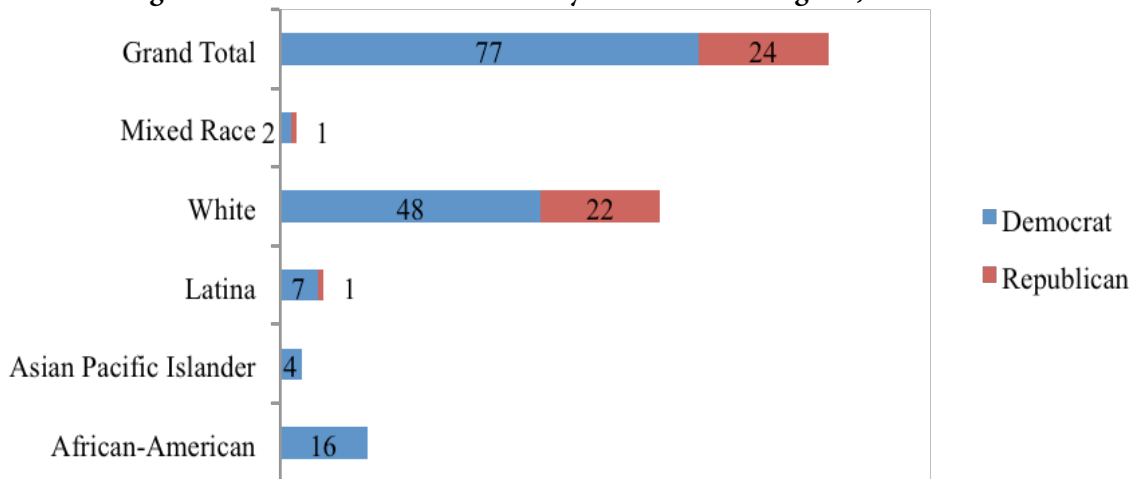


Figure 10. Women and Political Party in the 113th Congress, in Numbers



In the 113th Congress, there were a total of 101 women; 81 in the House and 20 in the Senate. The percentage of white women decreased almost 5%, and the remaining groups experienced very slight increases. In regards to partisanship, there was an 8% increase in Democratic women. This increase is seen across racial groups. White women once more comprised the majority of Republican Congressmembers, 92%, although their numbers decreased from the previous Congress. The Senate had one woman of color in the 113th Congress: Maizie Hirono (D-HI), an Asian Pacific Islander.

Between these two Congresses, VAWA Reauthorization took place in a political context of an overwhelming white, male Congress with different majorities in each legislative body. Women of color increased between the first and second Congresses, and they shifted towards the Democratic Party, as did the Congress as a whole.

10. Methodology and Hypotheses

10.1. Hypotheses

As discussed previously, I theorize that the substantive political representation of battered immigrant women in the VAWA debates will take form in what I explicated as intersectional substantive representation. Following the literature on domestic violence, intersectionality and political representation, I hypothesize that intersectional substantive representation was most strongly enacted and with greater frequency among descriptive representatives; immigrant women, specifically immigrant women of color, domestic violence survivors, and Latina representatives, considering the majority of immigrants and immigrant women are Latinas. However, given the dearth of such descriptive representatives in the U.S. Congress, I also anticipate that much of what could be considered within the spectrum of intersectional substantive representation occurred through surrogate representation. In other words, non-descriptive representatives may have played an important role in advocating for battered immigrant women and enacting intersectional substantive representation. I hypothesize that this surrogate representation will most likely have taken place with representatives from other marginalized groups, such as non-immigrant women of color, and Congressmembers of color, including men. However, considering that marginalized groups are significantly underrepresented descriptively in Congress, it is also possible that when surrogate representation occurred it was through Congressmembers who are comparatively much more privileged but express solidarity with marginalized groups; for example, Congressmembers with large immigrant constituents and a history of advocacy on their behalf.

10.2. Data Collection

This study employs a mixed method qualitative and quantitative analysis of the floor proceedings (including extensions of remarks) in the 112th and 113th Congresses. Both Congresses span four years, from January 2011 to January 2015. This analysis is limited to the debates beginning on No-

vember 30th, 2011, with the introduction of the VAWA Reauthorization (S.1925) in the Senate, and extends until the 2013 VAWA Reauthorization was signed into law on March 7th, 2013

The transcripts of the Senate and House floor proceedings comprise part of the Congressional Record and are available to the public. The Congressional Record referred to in this work was retrieved from Congress's official webpage, www.congress.gov.

10.3. Methodology

Due to the time limits on debates and the inability of all members of each legislative body to participate, I evaluated content of intervention rather than number of interventions. For the quantitative analysis, I created an index for assessing the content of each intervention based on three variables of substantive intersectional representation discussed above: rhetoric of universality, recognition of difference, and U-Visa advocacy. In the face of various substitutes to VAWA introduced that diluted protections for immigrant women, various Congressmembers often utilized rhetoric of universality to ensure that different marginalized groups, as a minimum, were included under the reauthorization. I considered this universalizing rhetoric as positive and each intervention applying it was coded with positive 1. The application of universal rhetoric as assimilationist, such as in the erasure of specific initiatives, received a -1. The absence of any such rhetoric received a 0. The recognition of difference as a politics of difference, from noting that immigrant women suffer disproportionately to recognizing that they face additional barriers to seeking relief, was coded with a positive 1. In the case of no recognition of difference, the intervention was coded with 0; there was no negative assignment for this variable. For the U-Visa variable, I assigned positive 1 to interventions noting their importance for immigrant women and/or advocacy for more. No mention of the U-Visa received a 0 for neutrality, and interventions arguing for their reduction, or that argued against them in the name of fraud or immigration law, received a -1.

Table 2. Index; Interventions

	Universality	Recognition of Difference	U-Visa
Positive	1	1	1
Neutral	0	0	0
Negative	-1		-1

With these variables, I created a typology of interventions. The sign of the sum of each congressmembers' interventions determined her or his place within the typology. This typology consisted in four classifications of Congressmembers based on their interventions: intersectional, positive, neutral, and negative. Since I considered that the absence of recognition of difference for the purposes of congressional floor proceedings was not negative, the intersectional classification required a total score of 2 or more. I considered that having only 1 resulted in a positive classification, but did not reach being intersectional. A total sum of 0 resulted in neutral intervention and less than 0 as negative intervention. With this typology, I assessed the interventions of different Congressmembers across racial, ethnic, gender and party lines to depict the state of the political representation of battered immigrant women in the VAWA debates.

Table 3. Typology of Congressmembers Based on Interventions

Negative	Neutral	Positive	Intersectional
< 0	0	1	≥ 2

I supplemented this quantitative analysis with a qualitative exploration of the different rhetorical strategies, policy proposals, and policy positions of the different Congressmembers as they pertain to immigrant women and VAWA. This analysis consisted in coding and analyzing the interventions in the floor debates with qualitative research software (Atlas.TI) based on a combination of previously established codes and open codes as informed by the literature and developed throughout the analysis process.

11. Qualitative Analysis

In this section I review some of the rhetorical strategies and argumentation as they pertain to the representation of immigrant women in the VAWA debate. As previously discussed, rhetoric of universality in relation to VAWA protections can be either positive or negative for immigrant women. “A victim is a victim,” became the rallying cry both in support of and in opposition to the original bill with expanded protections for marginalized groups. Congressmembers turning to this rhetorical strategy in defense of immigrant women often disparaged proposed amendments to cutback existing protections for immigrant women as an affront to women’s rights. Many of these Congressmembers pressed for a VAWA that protects “all women,” though relatively few extended their arguments beyond that or emphasized how pernicious the opposing universalizing rhetoric could be, or fundamentally challenged the objectives underlying it. For example, Rep. Bono Mack (R-CA) stated in support of the Republican substitute eliminating certain protections for immigrant women that “a vote for this legislation is a vote to protect women—not some women, but all women.” The juxtaposition with Pelosi’s statement against the bill is notable:

“I have listened attentively to some of the comments made by those who support the House version of VAWA and they use words like ‘all women,’ as the distinguished majority leader said. Not true in the Republican bill. Not all if you’re gay, if you are from the immigrant community, or if you happen to be living on a reservation....It’s hard to understand why you think ‘some’ equals ‘all.’” – Rep. Pelosi, (D-CA)

Here Pelosi criticizes the hypocrisy in such rhetoric, although the parallels in the opposite rhetoric are striking. Taken out of context without regard to which specific version of VAWA support, it would be near impossible to separate many of the Congressmembers that argued for greater protections

for immigrant women from those that argued against them. It is also of particular interest that that both of the quoted Representatives are white females from California, the former a member of the Republican Party and the latter of the Democratic Party.

The defense of an exclusionary VAWA more often than not took form as an assimilationist ideal of equality effacing any notion of difference, disproportional rates of violence or challenges, or any historical consideration (Young 1990). In this ideal of equality, Congressmembers in opposition to the original inclusive VAWA explicitly decried a politics of difference as discriminatory or counterproductive. “This bill doesn’t make any special carve-outs for any particular victim group, because it protects everybody equally,” declared Rep. Miller (R-ME), another white female representative. Across the political spectrum and different stances on VAWA, Congressmembers constantly cited disturbing rates of domestic violence in United States. While the majority spoke of women as a general category, with many speaking to the highly disproportionate rates for Native Women; in extremely few instances were immigrant women mentioned as disproportionately affected. On the opposite side of the spectrum, some Congressmembers went as far as highlighting men’s suffering from domestic violence. While it is important to address domestic violence in men as well, the intentions behind Miller’s statement and others were more pernicious. This strategy was used to buttress the argument for gender-neutral language in the law, which meant removing the word “women” from the Violence Against Women Act clauses. Both male and female Congressmembers utilized this particular strategy. Those opposed to the VAWA version expanding protections to marginalized groups like battered immigrant women reduced politics of difference to “election year gimmicks,” “political provocation,” and “being divisive.” There is no substantive representation of battered immigrant women in these statements when provisions that have the potential to save their lives are reduced to tactics of political posturing or electoral strategies.

The focus of the VAWA debates centered primarily upon the tribal jurisdiction and epidemic of violence against Native women, as well as provisions including LGBT victims. Despite the fact that Republicans proposed critical provisions severely threatening protections for immigrant victims, battered immigrant women figured minimally in the debates, in comparison to the former two. This silence around the issue, or the failure to specifically address its impacts on this community, implies to a certain degree that the most basic understanding of representation, “the making present of” (Pitkin 1967), occurred minimally for battered immigrant women. Neutral or generally positive representations, reflected in general statements such as “immigrant women deserve protection as well,” or “we should reauthorize the Senate version,” are not particularly damaging. However, the silence on the issue, or the absence of a more fervent defense against some of the deleterious provisions, did little to convince those steadfastly determined in advancing them. It allowed for critical measures such as increasing the desperately needed U-Visa to become obscured in debates regarding fraud and immigration law, and consequently as negotiable in order to pass VAWA. Thus, the failure to consistently make battered immigrant women present and subsequently apply a nuanced understanding of their dependency upon these measures for their substantive representation resulted in the omission of the U-Visa increase, something so direly needed by this community.

Many Congressmembers cited personal relationships or experiences with domestic violence, the majority of whom had worked as prosecutors in domestic violence cases. Three women spoke of having experienced violence and abuse personally, and a handful of women having worked closely with the issue as rape counselors, advocates, and more. In these circumstances this relationship provided certain policy insight or perspectives other Congressmembers could not, opening the possibility for more nuanced understanding and intersectional representation. For example, Rep. Edwards, (D-MD), an African-American woman, drew upon her expe-

riences working as an advocate to defend immigrant women under VAWA:

“If anyone has ever held the hand of an immigrant woman whose status is in question and whose abuser has known that and uses that as part of the instrument of violence against her, you could not be possibly for legislation that would, in fact, roll back the protections that she deserves. I’ve held that woman’s hand. There’s no reason, in this great country, that we should not have protections for those who’ve come here, for those whose legal status is actually under threat only because they’re a victim of violence.”

For another African-American Congresswoman, Rep. Gwen Moore (D-WI), her experience as a survivor at time when the system worked against women helped prompt her vehement condemnation of Republican VAWA substitute. Drawing upon the bedrock statement in intersectional feminist thought, Moore denounced the absence of certain marginalized groups in this legislation:

“As I think about the LGBT victims that are not here, the native women that are not here, the immigrants who are not included in this bill, I would say, as Sojourner Truth would say, ‘Ain’t they women?’ They deserve protections...Ain’t they women?”

Rep. Moore drew upon her experiences as a marginalized woman of color and as a rape survivor to not only to make battered immigrant women present in these debates, but to also ardently advocate for their protection and provide substantive representation.

In these two examples, shared experience contributed significantly to substantive representation. However, this condition was not a necessary positive indicator for the intersectional substantive representation of immigrant women. Rep. Adams (R-FL), described her distressing experiences as a domestic

violence survivor and how it affected her and her daughter. It appears, however, that her desire to stop domestic violence did not extend to all groups. Rep. Adams sponsored one of the exclusionary Republican alternatives to VAWA and consistently argued in defense of it with a negative universalizing rhetoric.

Certain ties or sense of obligation to one's constituency and ethnic group, more aligned with gyroscopic representation (Mansbridge 2003) or Dovi's (2007) "mutual relationships with dispossessed," contributed to representing battered immigrant women intersectionally and substantively. For example, one of the few interventions that highlighted the disproportionate impact of domestic violence on immigrant women came from Rep. Nydia Velázquez (D-NY). Citing statistics with particular attention to the disproportionate rates of violence against undocumented Latinas, Rep. Velázquez made constant reference to her constituency in New York City and demonstrated a sense of obligation to what is also her shared ethnic group. Senator Durbin (D-IL), a white male, also provided cogent arguments for the need for U-Visas, and the additional barriers that immigrant women face. He made reference to language and cultural barriers and legal challenges, developing his arguments far more than the vast majority of female Congresswomen, even those of color. He crafted this argument having visited domestic violence shelters in his district and consulted with Latina advocates. With reference to his constituency, he later posed the question to the Senate in regards to the Republican substitute: "If an undocumented woman—mother—walks into a domestic violence shelter in this country, beaten up, running from an abusive husband, holding her baby, will we help her?"

These examples evince that the relationship between shared experience as descriptive representation and substantive representation is complex and layered with different intersectional considerations, and is not always necessarily positive. Rep. Adams, for example, perhaps shared Dovi's (2007) mu-

tual ties with the dispossessed in the axis of gender oppression, however, did not extend them to immigrant women and LGBT victims experiencing other, compounded forms of oppression. Some women of color, from their direct experience as survivors or as advocates, pushed for expanded protections in a descriptive representation of shared experience, though not ethnic. Others turned towards a gyroscopic and surrogate representation as a white man or a documented Latina to speak for their constituencies and ethnic groups.

In the following section, I analyze the results of the quantitative analysis that categorizes each participating Congressmembers' within a range impacts on representation battered immigrant women, from negative to intersectional.

12. Results

12.1. Who Represents Battered Immigrant Women? ⁴

Figure 11. Intervening Congressmembers by Gender

	112th		113th	
	House	Senate	House	Senate
Female	49.40%	26.67%	39.7%	37.0%
Male	50.60%	73.33%	60.3%	63.0%

Figure 12. Intervening Congressmembers by Gender and Race/Ethnicity

	112th Congress			113th Congress		
	House	Senate	Total	House	Senate	Total
Female	49.4%	26.7%	41.4%	39.9%	37%	39%
Black/African-American	8.4%	0.0%	5.5%	6.8%	0%	5%
Asian Pacific Islander	2.4%	0.0%	1.6%	4.1%	3.7%	4%
Latina	3.6%	0.0%	2.3%	2.7%	0%	2%
White	34.9%	26.7%	32.0%	26%	33.3%	28%
Mixed Race	0%	0.0%	0.0%	0%	0%	0%
Male	50.6%	73.3%	58.6%	60.3%	63%	61%
Black/African-American	4.8%	0.0%	3.1%	5.5%	0%	5%
Mixed Race	2.4%	0.0%	1.6%	0%	0%	0%
Asian Pacific Islander	1.2%	2.2%	1.6%	2.7%	0%	2%
Latino	7.2%	2.2%	5.5%	5.5%	3.7%	5%
Native American	1.2%	0.0%	0.8%	1.4%	0%	1%
White	33.7%	68.9%	46.1%	45.2%	59.3%	48%
Middle Eastern/North African	0.0%	0.0%	0.0%	0%	0%	0%

In this first section of the results, I assess who participated in the VAWA debates in a breakdown of participating Congressmembers by gender and race and ethnicity. It is important to note that most floor debates are limited to between 20 minutes to an hour for each side and not all Congressmembers have the opportunity to speak. The rules of the debate and who participates are decided differently by rules proceedings in each House, as well as participants, pursuant to party decisions as well. However, who participated can give help frame this study to understand who was present to defend immigrant women or not.

In both Congresses, more men participated than women. In the 112th House debates the participation was almost equal, but offset by the strikingly disproportionate 73% male participation to 27% female parti-

⁴ Demographic information for race, gender, ethnicity and political party were retrieved from a combination of sources: the History, Art & Archives website of the House of Representatives (<http://history.house.gov/>), The United States Senate webpages on Minorities in the Senate (http://www.senate.gov/reference/reference_index_subjects/Minorities_vrd.htm) and on Women in the Senate (http://www.senate.gov/artandhistory/history/common/briefing/women_senators.htm).

icipation in the Senate. By the 113th Congress, men maintained greater participation but at more moderate majorities; 60%-40% and 63%-37%. While I do not possess the information on how the participants were selected to draw any conclusions, it is notable that female participation rates far eclipsed their numbers in both Houses.

Male participation was overwhelming by white Congressmen; 94% in both the 112th and 113th Senate and 67% in the 112th House and 72% in the 113th House. It appears that the House had more diverse participation than the Senate in both Congresses. Of all minority groups, Latino Congressmen participated the most, followed by African-Americans, then Mixed Race and Asian Pacific Islander. Native Americans figured at the lowest, however, in 112th Congress there was only one Native American representative and later two in the 113th Congress.

As for female participation, in the Senate it was also overwhelmingly white, but this could be attributed to the very low numbers of women of color in the Senate; none in the 112th and one in the 113th. The House reflected greater diversity in interventions; again, African-Americans led participation accounting for approximately 17% in both Congresses. In the 112th, Latinas came second followed by Asian Americans, but this pattern was reversed in the 113th Congress.

12.2. How do Congressmembers Represent Battered Immigrant Women?

In this section, I assess the quality and content of the interventions. Based on the index, I classified each Congressman as having contributed an overall average of either Negative, Neutral, Positive, or Intersectional interventions.

12.2.1. Representation Across Party Lines

Figure 13. Congressman Classification by Party

	112th Congress					113th Congress				
	Negative	Neutral	Positive	Int.	Total	Negative	Neutral	Positive	Int.	Total
Democrat	0.0%	22.2%	36.7%	41.1%	70.3%	0.0%	32.4%	45.6%	22.1%	68.0%
Republican	36.8%	57.9%	2.6%	2.6%	29.7%	28.1%	62.5%	9.4%	0.0%	32.0%

The divisions of classifications across party lines reveal important differences. Democrats accounted for 70% of interventions in both Congresses. 41% of intervening Democrats did so intersectionally, compared to approximately 3% of Republicans. The majority of Republicans were neutral at 58%, compared to 22% of Democrats. Democrats were substantially much more positive at 37% compared to Republicans' 3%. Notably, Democrats provided no negative interventions, while around 30% of Republican interventions were negative.

12.2.2. Representation by Female Congressmembers: a Racial and Ethnic Breakdown

Figure 14. 112th Congress: Congresswoman Classification by Race/Ethnicity

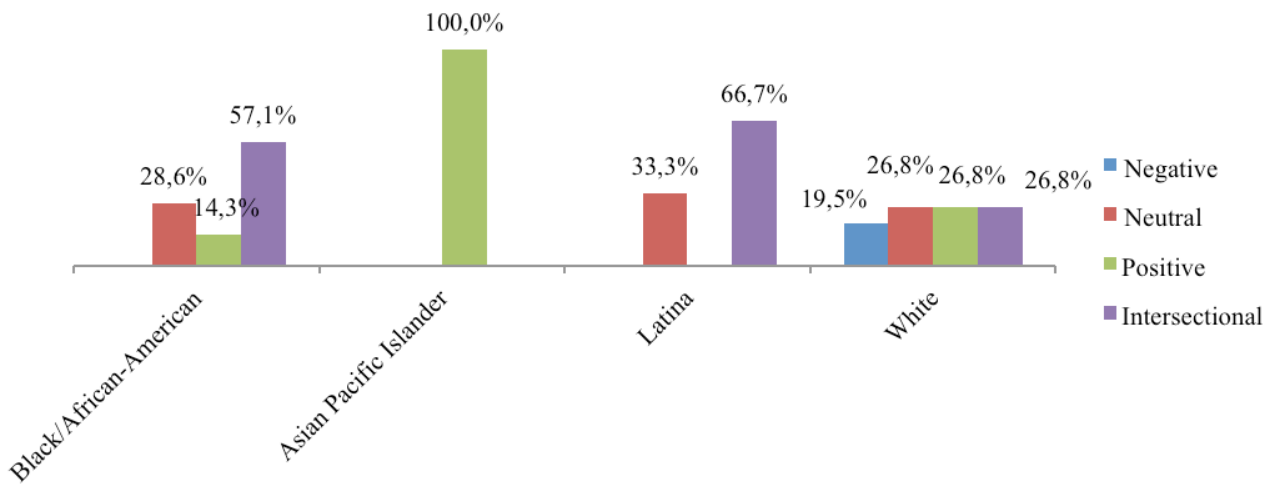
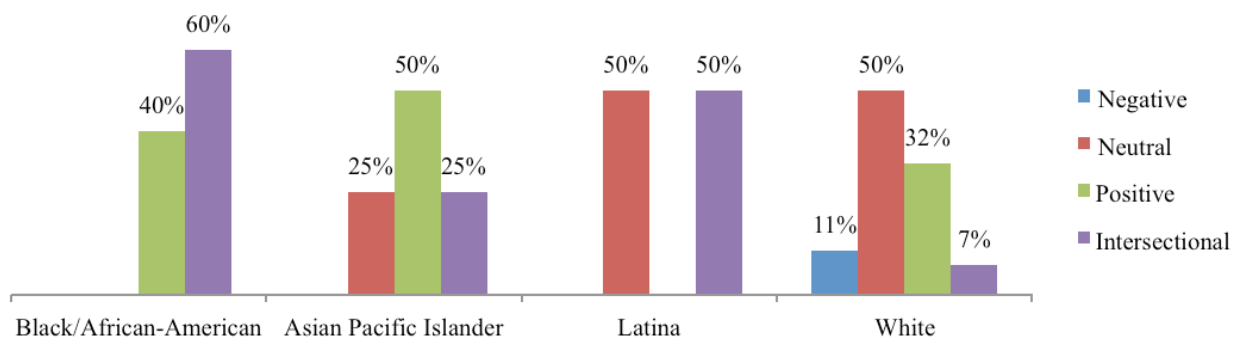


Figure 15. 113th Congress: Congresswomen Classification by Race/Ethnicity



Breaking down Congressman intervention classification further by race and ethnicity evinces certain patterns. They must be considered in context, however; with only one Asian American Congresswomen intervening in the 112th Congress positively, the graph obviously stands out at 100%. Intersectional interventions by women varied differently between Congresses, which is interesting to note considering that the 113th Congress debated more anti-immigrant VAWA reauthorizations than the previous one. In the 112th Congress, Latinas intervened on average more intersectionally than any other group; however, they were relatively much fewer Congresswomen. White women are distributed across the range of classifications in the 112th Congress, being equally Neutral, Positive and Intersectional (27% each). About 20% of white Congresswomen intervened negatively in the 112th Congress, which decreased to 11% in the 113th. White women had a notable increase in neutral intervention in the 113th Congress, with an increase in positive and decrease in intersectional. Also notable, the only negative classifications in both Congresses were with white Congresswomen. On a whole, African-American women and Latina women led in intersectionality in both Congresses. In the second Congress, Asian Pacific Islanders demonstrated more rounded support, ranging from neutral to intersectional interventions.

12.2.3. Representation by Male Congressmembers: a Racial and Ethnic Breakdown

Figure 16. 112th Congress: Congressmen Classification by Race/Ethnicity

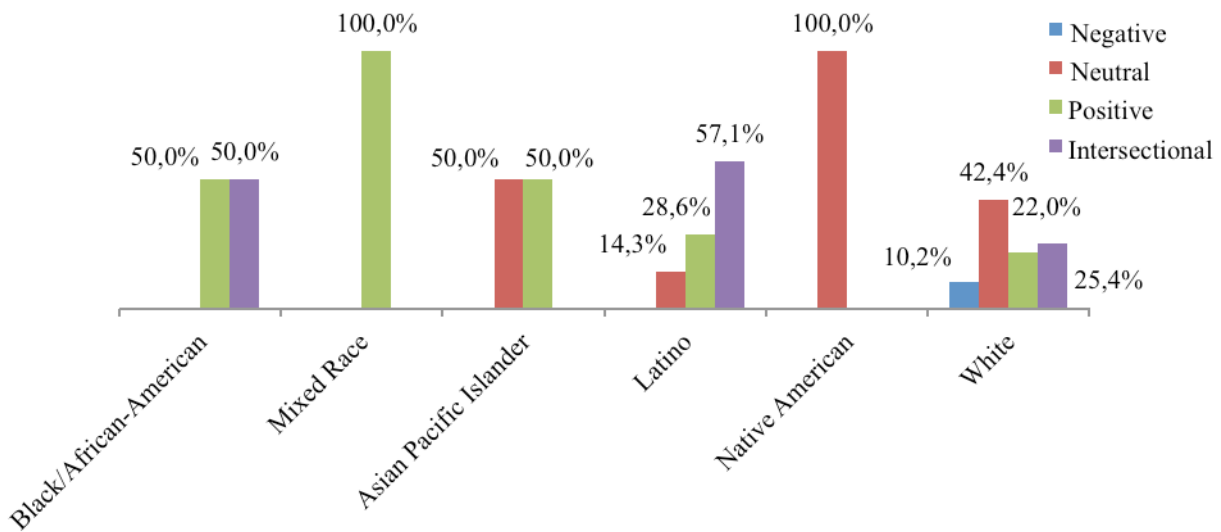
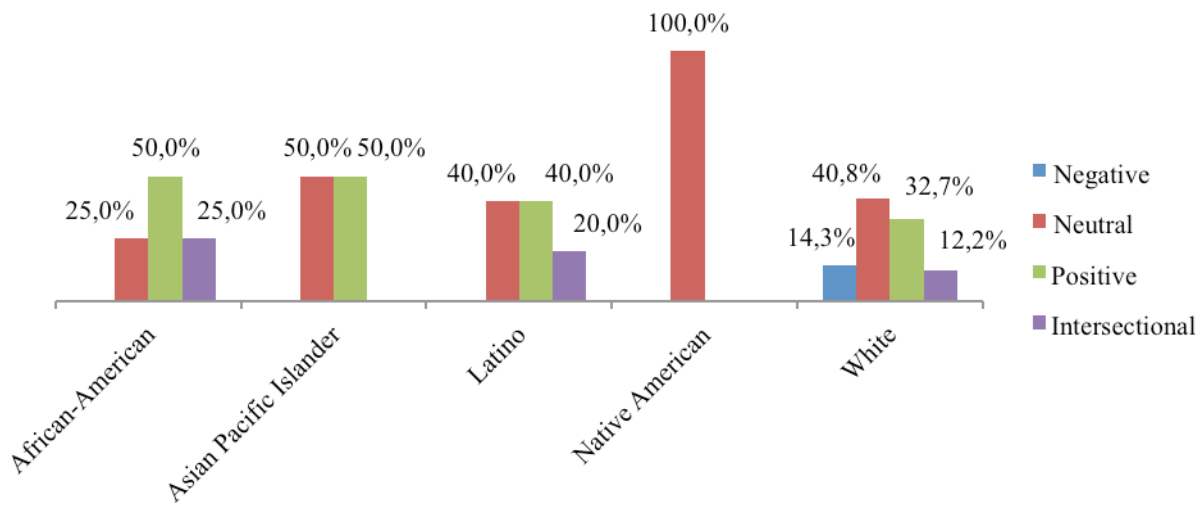


Figure 17. 113th Congress: Congressmen Classification by Race/Ethnicity



Similar to Congresswomen, minority groups with few members (1 to 2) demonstrated exceedingly high percentages of neutral or positive interventions (Mixed Race and Native American). With other groups with greater numbers of Congressmen, the classifications become more varied. The one consistent group was Asian Pacific Islanders, whose Congressmen intervened 50% neutrally and 50% positively in both Congresses. There were drastic changes between the 112th and 113th Congresses in regards to the classifications of Congressmen’s interventions for white Congressmen and Latino Congressmen. Both whites and Latinos dropped in intersectionality from the 112th Congress to the next, the former by approximately 13% and the latter by 37%. African-Americans also significantly decreased in intersectionality, by 25%. This stands in contrast to the Congresswomen, who generally increased or maintained stable levels of intersectionality between Congresses. African-American Congressmen proceed to intervene more neutrally in the second Congress, and less positively and intersectionally. White Congressmembers demonstrate varying patterns. They appeared

to support immigrant women less in some respects, lowering in intersectionality and increasing in negativity, however, they maintained the same in neutral responses and increased in positive responses.

In the following section I draw some conclusions based on this study, assess its limits, and provide suggestions for future research and the extension of intersectionality as a concept in political representation.

13. Conclusions

The results of this study are by no means conclusive and possible to extrapolate to all debates, given that it is based on a case study and focuses specifically on one aspect of a multi-faceted debate in the 2013 VAWA Reauthorization. This study faces various limitations in its ability to assess intersectional political representation of battered immigrant women in the 2013 VAWA Reauthorization in its entirety. It would be useful to consider in addition seniority in Congress, the effects of racing-gendering (Hawkesworth 2006), the Judicial Committee Hearings (where the bills, substitutes and amendments were drafted), the voting records in relation to the different amendments, motions, and ultimate passage of the bill and its iterations, and the population demographics of the different districts. These additional variables could provide further insight into the degrees of gyroscopic and surrogate representation, the link between descriptive and substantive, as well as structural and institutional constraints Congressmembers may face. Despite these various limitations, I believe this study provides important considerations for how we conceptualize political representation of marginalized groups through an intersectional lens.

What most notably stands out in the quantitative analysis is that gender and partisanship played an important role. Republican Congressmembers were the only ones classified as negative and had the lowest rates of intersectionality. This does not mean that Democrats are special champions of battered immigrant women; however in the 2013 VAWA debates they tended to damage less and apply intersectionality more.

Gender and race in their combination were important factors. Within Congressmembers of color, the greatest proportion of intersectional interventions came from Black and Latina Congresswomen. Black and Latino/a Congressmembers across both genders were on a whole the strongest proponents of intersectionality in their interventions. Latina

Congresswomen were more neutral and intersectional than their male counterparts; however, Latino Congressmen were overall more positive. Black Congresswomen also demonstrated more intersectionality than their male counterparts.

Perhaps what most strikingly stands out in relation to race is that the only negatively classified Congressmembers were white. At certain moments, however, they provided more intersectionality than some counterparts of color. White Congresswomen in the face of what is considered an important women's issue, diverged significantly in their classifications and were spread out across the spectrum of types of interventions. However, like white Congressmen, they were at certain points also more intersectional than their counterparts of color. Considering that whites Congressmembers comprise the majority of Congress, we could expect more variation within policy stances and attitudes towards immigrant women.

The qualitative analysis provides greater insight into gyroscopic and surrogate representation. None of the intersectional interventions cited came from exactly descriptive representatives—an immigrant woman. However, they demonstrated that Congressmembers either with particular ties to this marginalized group from a shared experience – as a survivor and a member of another marginalized group– were sufficient motivation to enact an intersectional representation. This aligns more strongly with Dovi's (2007) theories of mutual ties to marginalized groups resulting in a surrogate representation of solidarity. In the cited examples and in others reviewed in the analysis, gyroscopic representation occurred between Congressmembers and members of their constituencies. These examples support Mansbridge's (2003) explications of surrogate representation as motivated by shared experience or ideology when we consider that many immigrant women cannot vote. Moreover, they reinforce the concept of gyroscopic representation as being motivated by a representative's beliefs and principles, as she feels a sense of obligation to a marginalized

group that belongs directly to her constituency but provides significantly less electoral incentive. In the Durbin (D-IL) example, it demonstrates that a member outside of an ascriptive group (white male) can effectively intersectionally represent a marginalized group like battered immigrant women (in his district's case, undocumented Latinas). However, the fact that he accomplished it through rigorous consultation with members of his district does raise the question if there could be more substantive intersectional representation if these women were directly present in Congress.

Many of these findings prompt further consideration in the case that Congress were more reflective of the U.S. populations and underscore the need for further research as the U.S. populations undergoes radical demographic transformations. This study supports the myriad previous ones that argue that there is no clear link between descriptive and substantive representation. It provides support for the argument that constituents should not throw unwavering support behind a descriptive representative, especially if she constitutes a historical first. These findings point to a need to hold representatives accountable and evaluate them on various standards, for which intersectionality is a useful tool. The interventions of the different Congressmembers during the 2013 VAWA Reauthorization debate highlight how different perspectives and voices produce diverse arguments and policy stances. They also do not rule out substantive surrogate representation across different races and genders. This study would have benefited from and thus encourages further research with a class analysis, in addition to other axes of marginalization, such as sexuality and disability.

These themes, lingering questions and newly raised ones are especially relevant in an era of important demographic change and increasing participation of marginalized groups in the political sphere in the United States. With important historical firsts reaching the presidential level; in particular, the nomination of a woman for a major political party for President, and a white male candidate attracting a

particular subset of the population along specific racial and class lines (Cohn 2016), these profound and intersectional analyses are increasingly needed. It is my hope that these kinds of investigations of substantive political representation and marginalized groups help buttress an argument for greater participation of marginalized groups in politics, held accountable and to specific standards, especially considering what the absence of voices and the silence of others resulted in in these debates. I also hope to see intersectionality travel as a conceptual tool to be applied to further studies of political representation to ensure greater substantive participation for all.

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