Soniya Munshi Brief Bio
Soniya Munshi is a doctoral student in Sociology and Women’s Studies at the Graduate Center of the City University of New York. Soniya’s dissertation research examines the relationship between state violence and interpersonal violence through looking at responses to domestic violence in South Asian immigrant communities in the U.S. primarily within the post-9/11 “War on Terror.”
Methodologies of Culture, Gender, and Violence: Logics of Belonging and Exclusion in South Asian Immigrant Communities

Since the founding of Manavi, the first South Asian women’s organization (SAWO) in the U.S. to explicitly grapple with gender-based violence against South Asian women, in 1985, more than twenty-five formal organizations have emerged to work against domestic violence in the South Asian community. The SAWO network works with a common methodology of culture, positing culturally-specific needs of South Asian survivors of violence, to implement multi-pronged strategies for social change such as supportive services, educational programs, and policy reform advocacy, among other activities. Community-based efforts to counter domestic violence are perhaps the most institutionalized forms of activism in South Asian immigrant communities in the United States. Nearly every metropolitan area in the U.S. houses a SAWO, which generally work on local, national, and transnational levels, both independently and in collaboration with one another. And, almost half of the organizations in the National Coalition of South Asian Organizations name the provision of support services to people experiencing domestic violence as one of their principal activities. SAWOs’ work is situated in a broader landscape: also in the last two decades, various federal mandates have recognized and institutionalized violence against women as a law enforcement priority in the U.S. while the repression of immigrants, especially those without legal status, has been (further) entrenched in state policies. Working on issues of violence against South Asian immigrant women, SAWOs are embedded in discourses of gender, citizenship, violence, safety, law and policing and thus occupy a critical position within the contemporary matrix of governmentality.

Here, I want to examine the relationship between SAWO’s work, predicated upon ideas of cultural-specificity of domestic violence in South Asian communities, and state responses to immigrant survivors of domestic violence. I will look at the deployment of categories of exception for a narrow subset of “battered immigrant women,” made possible through the Violence Against Women Act (1994), who are then exempted from many of the repressive policies that generally impact immigrant populations. This mechanism of exception allows the state to reveal and enact its investment in the production of self-reliant neoliberal citizens who are recuperated from the unruliness of the larger immigrant population. I argue that SAWOs’ methodologies of culture are compatible with the logics of belonging and exclusion that undergird strategies of biopolitical governance that create, manage, and invest/disinvest in different immigrant populations. Methodologies of culture require difference—albeit a legible
difference that can be shaped to conform with eligibility criteria—in order to secure belonging into the population of “battered immigrant women” for some South Asian survivors of violence. This mechanism constructs and exempts an ideal multicultural victim-subject whose experience of violence is located primarily in the interpersonal sphere and obscures the structural violence that impacts the everyday lives of immigrant women who are not eligible for recognition as “battered immigrant women.” I also argue that the privileging of good victim-subjects who can be folded into the larger citizenry occurs at the expense of those who are deemed too unruly to be managed and, thus, excluded from SAWOs’ constituencies. The articulation of these relationships that currently underlie strategies to counter domestic violence in South Asian communities hopes to encourage social change models that envision transformation by centralizing the marginalized subsets of our communities.

VAWA’s Production of “Battered Immigrant Women”

The specific form of immigration abuse that has been most legible to the state is violence that occurs with sponsor/sponsored marriages, in which the abusive partner uses his position as sponsor to exert control over his sponsored wife. This abuse is facilitated by the doctrinal logic of coverture, historically embedded in immigration policy, which does not recognize members of a married couple as legal equals and, as such, creates an imbalance of power by enabling one spouse to control the other spouse’s ability to migrate legally. This doctrine was further codified by the Immigration Marriage Fraud Amendments (IMFA) (1986) which established a two-year conditional status on Green Cards that were issued to spouses through marriage. This conditional status is removed only if, after two years, the United States Citizenship and Immigration Services (USCIS) is convinced that the marriage is a legitimate “good faith” marriage (i.e. not entered for the purposes of obtaining immigration status). In a case of domestic violence, the survivor, despite having entered the marriage in “good faith” is confronted with limited options: remain in the abusive marriage for the conditional period in order to gain legal permanent residence, end the marriage and stay in the U.S. without legal status, or end the marriage and leave the U.S. In this way, the state empowers abusers to inflict violence upon their spouses through its creation of imbalanced power dynamics. IMFA directly affects women who are in heterosexual marriages to men who are U.S. citizens or LPRs, as these are the only women who are eligible for marriage-based Green Cards.

To remedy this mechanism of control, the Immigration Act of 1990 created the battered spouse waiver, a precedent for the cementing of the category of “battered immigrant woman”
in the Violence Against Women Act (VAWA), legislation that was enacted as Title IV of the Violent Crime Control and Law Enforcement Act of 1994. Through VAWA, federal funding was designated to enable a state-based response to violence against women, through allocations for policing and prosecution, victim services, and other assorted priority issue areas and constituent groups, including “battered immigrant women.” For immigrant women who have experienced domestic violence, one of the most significant aspects of VAWA is the inclusion of relief from some forms of immigration status-related violence. VAWA defines “battered immigrant women,” as women who are married to U.S. citizens or LPRs and have experienced demonstrable abuse, entered the marriage in “good faith” and would experience extreme hardship if deported (in addition to some other eligibility criteria, including a demonstration of “good moral character,”). By creating relief options for “battered immigrant women,” the state offers a remedy to a subset of women for whom, due to immigration policies, their status was jeopardized by the violence in their marriages.

In doling out these forms of immigration relief through the battered spouse waiver and these VAWA provisions the state implements biopolitical governance through which immigrant populations are disciplined to enable the production of compliant citizens who will contribute to, and not drain from, the nation. This occurs through the mechanism of exception, which creates a set-apart legal designation of “battered immigrant woman.” To gain access to this exceptional category, a survivor of violence must meet strict eligibility criteria that demonstrate that she is a good victim-subject who has the potential to be a productive member of heteronormative citizenry. Aside from the compulsory qualification of legal marriage to a U.S. citizen or LPR, she must also be able to provide a rational narrative of abuse with appropriate evidence garnered from professionalized sites of expertise (police reports, medical documentation, e.g.) that prove her daily life conditions constitute domestic violence. Finally, she must demonstrate “good moral character,” which requires proof that she does not have a criminal history and that she has the potential to be a self-reliant and rational victim-subject whose self-interest can be balanced alongside the public good.

VAWA serves, then, to manage immigrant communities through its distinctions of good victim-subjects that can be folded into the citizenry-at-large set against the larger populace. The state’s emphasis on the remedying the structural violence that emerges through the interpersonal dynamics of abuse serves to obscure the effects of state-sponsored technologies of control that permeate the everyday experiences of immigrant communities. Through this
process, violence is reified as aberrant and enacted by individual perpetrators upon good victim-subjects who are appeased by a benevolent state.\textsuperscript{iv}

As Bhuyan articulates, a modernist interpretation of VAWA’s trajectory would suggest that each re-authorization of this legislation is an improvement, as each renewal has expanded the remedies available to immigrant women,\textsuperscript{v} and, as such, more individual women are able to access these forms of relief. My interpretation, however, is interested in examining the underlying logics of exception and population management that are furthered by VAWA and, therefore, is more concerned with \textit{which} expansions have been implemented, and what these new categories indicate about governance of immigrant communities.

Created in 1990, the H-1 visa is a non-immigrant visa category for temporary professional workers primarily in information/technology industries and other specialized occupations.\textsuperscript{vi} Dependent spouses of H-1 visa holders are issued H-4 visas, which have significant restrictions.\textsuperscript{vii} The conditions of the H-4 visa necessitate economic dependence on the sponsoring spouse, and, as such, women with H-4 visas experiencing domestic violence have limited options: remain in the abusive marriage to hold onto the visa, leave the marriage and fall out of legal status, or leave and return to their natal country.\textsuperscript{viii}

The last renewal of VAWA (2005) refined some of the previous forms of relief available for “battered immigrant women,” and added a new provision: work authorization for women who have experienced domestic violence in their marriages to non-immigrant professionals.\textsuperscript{ix} Although this provision, applicable to H-4 visa holders, does not change the survivor’s immigration status, it does make it possible for her to work legally. Through this provision, H-4 visa holders are produced into good neoliberal victim-subjects. The majority of H-4 visa holders migrate to the United States through the circumstances of neoliberal globalization, which demands flexible, unprotected migrant labor and positions H-1 visa holders themselves in a tenuous position.\textsuperscript{x} Consideration as a “battered immigrant woman,” allows the H-4 visa holder to be incorporated into the economy as a self-reliant worker/consumer who is not at risk of draining public resources. Again, the provision offered here highlights the state’s attentive response to the dynamics of interpersonal abuse that are facilitated through immigration policy. The geopolitical context of neoliberal globalization and resultant structural violence is detached and erased from the conditions of violence in the life of the “battered immigrant woman.”

\textit{Non-Profit Organizational Responses to Domestic Violence in South Asian Communities}
Most SAWOs were founded due to a need in the community to provide support to women experiencing violence, and most share a commitment to providing culturally-sensitive services to their constituencies, educating communities about the realities of domestic violence, and training mainstream social service providers to become more culturally-competent. Utilizing cultural frameworks to describe the dynamics of domestic violence is a complicated maneuver, as it risks attributing the causes of violence to culture. However, South Asian anti-domestic violence activists/advocates often have invoked culture to refute the ways in which culture is always already inscribed upon South Asian women by dominant white American culture as the explanatory framework of our lives. An immigrant feminist perspective can direct the use of culture and offer complex ways of understanding its workings. In addition, invoking culture can serve to denaturalize it by drawing attention to how culture permeates all aspects of social life and addressing the oft-invisible dominant culture of the U.S.

Here, I am examining what is produced by these interventions which have relied on cultural frameworks to describe the dynamics of domestic violence in the lives of South Asian women. The emphasis on the unique needs, due to cultural, legal, linguistic and other specificities, of South Asian survivors of violence also creates distance from other survivors of violence by locating these factors in a discourse of cultural difference and not structural oppression. The claim for rights is rooted in the claim of exception, a strategy that works well with the trajectory of VAWA, as it constructs and exempts an ideal exceptional victim-subject for whom conditions of violence are primarily restricted to the interpersonal sphere.

Anti-domestic violence work in the South Asian community has focused its energies on marital violence, and, as such, has paid the greatest attention to structural conditions of violence enacted within violent marriages. As Margaret Abraham’s ethnographic research on SAWOs in the 1990s indicates, most SAWOs macro-level activities were to bring about legislative reform to include greater protections for some women (e.g. the Immigration Act (1990) and VAWA (1994)), and to advocate for more cultural sensitivity in systems of law enforcement and medical care. These advocacy priorities reveal compatibility between the state’s investment in the production of good victim-subjects and the SAWOs’ centralization of remedying very specific forms of state violence that are enacted through interpersonal violence, a move which necessarily decentralizes other modes of state and interpersonal violence. This gesture replicates the biopolitical logics of the state that create distinct populations that are then managed accordingly: in this case, legally-recognized “battered immigrant women” and battered
immigrant women. This gesture also serves to highlight the experiences of the non-confrontational victim-subject who does not threaten the state but, rather, appeals to it for assistance. This excludes the complex realities of the subjects whose unruliness challenges the state techniques of management. Through this process, the SAWOs produce a universal ideal South Asian victim-subject who, were it not for the experience of domestic violence, is generally not at risk by increased engagement with the state.

This dynamic is exemplified by recent advocacy efforts to gain legal protections for H-4 visa holders experiencing domestic violence. Advocacy efforts for H-4 visa holders can take a variety of forms, given the insecure position of these temporary visa holders, whose presence in the U.S. is legal but also highly restricted. Although in the United States legally, H-4 visa holders are structurally in a similar position to undocumented immigrants in that they are unable to avail of public resources. However, H-1 visa holders are employed in economic sectors that are considered “professional,” and they, along with their dependent spouses, generally are formally educated, have had the means and privileges to migrate and remain in the U.S. through legal mechanisms, and live middle-class lives in the U.S. Class-related privileges distinguish most H-1/H-4 visa holders from most undocumented immigrants.

Shivali Shah makes an advocacy argument that illustrates the complexities that emerge from the SAWOs being located in the “matrix of governmentality.” Shah describes the plight of the H-4 visa-holder experiencing domestic violence by conveying that violence is often obscured by the class position they occupy, and the privileged positions enjoyed by many women in this status category are fully contingent on their spouse’s cooperation; this vulnerability can serve as a source of exploitation. Shah argues that “anti-domestic violence organizations must reconceptualize the H-4s as a subcategory of undocumented and indigent immigrants and provide services and advocacy appropriate for battered women.” She draws parallels between undocumented women and H-4 visa holders, analogizing their limited work options, the likelihood of their working illegally in “low-paying, low-profile jobs,” and the lack of legal remedies available to them because they are not eligible for consideration as “battered immigrant women.” This call to reconceptualize legal nonimmigrants and undocumented immigrants as members of the same vulnerable class offers potential in disrupting hegemonic understandings of migration and globalization by exposing the structural violence of neoliberalism and by challenging narratives that punish undocumented immigrants for the circumstances of their lives.
However, Shah’s argument ultimately recuperates the H-4 visa holders from this association by advocating for their inclusion in the process of production of good victim-subjects who can be folded into the citizenry, which requires a termination of the temporary alliance with undocumented immigrants. Citing precedents that provide work authorizations for other dependent spouses, and claiming that the underlying principle of VAWA acknowledges that battered women have human rights, Shah questions the exclusion of H-4 visa holders from these provisions. Her reformist strategies are predicated upon the class privileges that this professional visa offers, and accepts that VAWA’s underlying principle acknowledges only some battered women’s human rights.

I cite this recent advocacy argument to demonstrate the ways in which SAWOs and South Asian activists/advocates are ourselves situated in biopolitical governance. With so few options available to battered immigrant women, SAWOs have gravitated towards VAWA because it offers concrete remedies that may improve individual women’s life conditions, despite the greater costs of the reification of the good victim-subject.

**Future Possibilities**

In Monisha Das Gupta’s ethnographic study of South Asian organizations in the late 1990s, she distinguishes between two types of community politics: “place-taking politics,” defined as “India-centered, elite, accommodationist” and unable to hold the complexities of systemic violence because of a refusal to mar the model-minority image of the community, and “space-making politics,” represented by social change organizations that worked to “create structures and resources that transform daily life into an arena of political contest” by “struggle[ing] to transform oppressive institutions and systems through collective action and empowerment.” In the context within which Das Gupta was writing, SAWOs illustrated space-making politics, through their disruption of community silences about violence and other social problems, their refusal to claim rights for its constituency on the basis of citizenship, and their attempts to practice intersectional politics through complex analyses of structural oppression.

In the last decade, several critical developments have impacted the work of SAWOs. Violence against women has been recognized and institutionalized as a law enforcement priority in the U.S. The criminalization of immigrants has become further entrenched in U.S. policy and social attitudes, fueled by the continuing Global War on Terror through which the U.S. is waging war around the world. 9/11 has created new forms of anti-terrorist xenophobia.
that particularly impacts South Asian communities, indicated by the rise in racist/xenophobic violence. Meanwhile, concerns over the growth of the non-profit industrial complex which question the limitations of 501c3s to effect social change because of their complicity with strategies of governance, prompted in part by formations like Incite!,xxxv have been expanding.

Das Gupta ponders the future of activism and organizing in South Asian communities. With respect to the SAWOs she studied, she asks whether they will “replicate the limitations of the second wave of U.S. feminism despite the fact that they themselves are the result of resisting white women’s exclusionary practices.”xxxvi Her question displays foresight because, as I argue in this paper, the SAWOs have been running the risk of being interpellated into the machinations of state governance, either through direct participation or through the furthering of the biopolitical investments that are predicated upon exclusionary practices. Using Das Gupta’s analytic tools, I also question if the developments of the past decade have moved SAWOs to practice more place-taking politics, a shift that would surely be enabled by the varied institutional attention to violence against women as well as the generally middle-class Indian leadership of these organizations.

What would efforts to counter violence against women in South Asian communities look like if they centralized the needs of those experiencing domestic violence in a context of state violence?xxxvii Could SAWOs hold the complexities that would ensue from the marring of the model victim-subject of domestic violence? What would it look like to invest in a transformational politics that does not locate the response to domestic violence in additionally violent strategies, like policing and incarceration/detention, but, instead, in healing and building community capacity to respond to domestic violence? This would require a fundamental shift in anti-domestic violence work in the South Asian community to position itself in greater solidarity with other social movements in the U.S., in particular with racial justice, immigrant rights and anti-prison work, to more deeply flesh out the intersections of violence and systems of oppression.

Notes

1 South Asian women are usually defined by SAWOs as women who are descended from Bangladesh, India, Nepal, Pakistan, and Sri Lanka.
For example, see http://maitri.org/res_usa.html for a current list of SAWOs.

I am loosely using a definition of domestic violence as a pattern of power and control in an intimate relationship that uses tactics such as physical, emotional, psychological, sexual, and economic control. I am intentionally limiting my analysis to domestic violence in heterosexual relationships as this comprises the majority of SAWOs work.

“Immigrant” is a legal designation for migrants who have gained permanent residence in the U.S., but I am using “immigrant” to refer to people who have migrated to the U.S. regardless of their legal status.


Margaret Abraham, Speaking the Unspeakable: Marital Violence Against South Asian Immigrants in the United States (New Brunswick, NJ: Rutgers University Press, 2000), 36.

USCIS is formerly known as Immigration and Naturalization Services (INS)

Abraham, 55-6.

An earlier version of this waiver was called “the good faith” or “good cause” waiver.

These forms of relief include 1) self-petitioning, which allows women to petition for their own Green Cards without a sponsor; or, 2) cancellation of removal, which allows women who are currently undocumented and in deportation proceedings to suspend the deportation process by showing that they lost their immigration status due to the abuse.


This logic of exceptions is extended through other policies. For example, it follows that a category, that of immigrant domestic violence survivors, would be protected from the overall intentions of PROWRA and IIRAIRA, which were to decrease state resources for immigrant communities and to increase policing and enforcement.


H-4 visa holders are not granted work authorization, are ineligible for most public benefits, and do not receive social security numbers (which effectively bars them from opening a bank account, obtaining a credit card, renting property, and, in most states, obtaining a driver’s license).


See Bhuyan, 61-8, for a discussion of the relationship between neoliberal globalization and H-1 visas.


For example, Radha Hegde, one of the founders of Manavi, reflects on the disconnect she experienced between the 1970s feminist movement call to recognize the personal as the political, and then its treatment of immigrant women, where “you come to the immigrant front where it’s the personal is the private is the cultural…everything is cultural. Wife-beating is cultural, docility is cultural, everything is cultural. It’s the reign of cultural, and nothing is political.”

For example, what if the community members who are experiencing domestic violence and are queer, undocumented, temporary visa holders, working-class, not-Indian, not-Hindu, not formally educated, transgendered, disabled, sex workers, formerly incarcerated, and/or elder determined the direction of SAWOs’ work?
References


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South Asian Americans Leading Together. “Meet the National Coalition.”