

# Uncharted Violence: Reclaiming Structural Causes in the Power and Control Wheel

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## INTRODUCTION

The “Power and Control Wheel” (“the Wheel”) is an iconic image in the anti-gender<sup>1</sup> violence field. On a single vivid page, it captures multiple layers of intimate partner abuse. In the Wheel’s hub are the words “power and control,” the fundamental motivation of an abusive partner.<sup>2</sup> Eight spokes emanate from the center, each representing a tactic of abuse designed to

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\* Professor of Law, University of Denver Sturm College of Law. I wish to thank, first and foremost, Jill Abernathy, Shirley Oberg, and Coral McDonnell, for their courageous, brilliant, tireless activism that began more than four decades ago in Duluth, Minn., and who gave me their time, thoughts, and encouragement for this project; activist Michael Paymar, who declined to be quoted in this manuscript but who adamantly encouraged me instead to interview the *women* activists in Duluth; Joshua Price, whose book *STRUCTURAL VIOLENCE* led me to this project; research assistant Natalie Miller who spent her summer after graduation from Duluth East High School providing me with invaluable on-the-ground research as well as Grace Beaster, Martyn Dahl, and Aedea Winter, teens in Duluth who, for National History Day in Minnesota 2021, compiled research and shared their research on the history of the Domestic Abuse Intervention Project, and their advisor Sue DeNio. I also thank colleagues who provided invaluable comments on drafts of this manuscript: Jane Aiken, Rebecca Aviel, Beth Bartlett, Renée Burbank, Andy Budzinski, Rachel Camp, Alan Chen, Trent Cromartie, Courtney Cross, Deborah Epstein, Tianna Gibbs, Leigh Goodmark, Kit Gruelle, Charles Halpern, Laurie Kohn, Nancy Leong, Naomi Mann, Jessica Miles, Natalie Netzel, Abby Schwarz, Sandy Tarrant, and Deborah Weissman.

1. I struggle with labels and categories (such as anti-gender violence, “violence against women” and “domestic violence”). See Michele Bograd, *Strengthening Domestic Violence Theories: Intersections of Race, Class, Sexual Orientation, and Gender*, in *DOMESTIC VIOLENCE AT THE MARGINS: READINGS ON RACE, CLASS, GENDER, AND CULTURE* 25, 25–29 (Natalie Sokoloff ed., 2005) (arguing that by defining people who experience intimate partner abuse and sexual assault as women, scholars render invisible gay and lesbian battering and collapse too simplistically a continuum of gender identity and sexual orientation); see JOSHUA M. PRICE, *STRUCTURAL VIOLENCE: HIDDEN BRUTALITY IN THE LIVES OF WOMEN* 2, 12 (2012) (observing that the concepts of “domestic” and “home” within the construct of “domestic violence” have yet to be sufficiently interrogated and arguing for an analysis of the spaces women occupy). People who present marginalized identities of all sorts (sex, gender, race, ability, sexual orientation, immigrant status, age and others) and people who live in communities of concentrated disadvantage experience abuse at higher rates, by intimate partners, by strangers, and by the state. See generally Beth E. Richie, *Foreword* to *DOMESTIC VIOLENCE AT THE MARGINS: READINGS ON RACE, CLASS, GENDER, AND CULTURE* xvi (Natalie J. Sokoloff ed., 2005) (observing that violence is different for people who live in communities where disadvantage is concentrated and arguing for an analysis of difference rather than sameness). I also recognize that cisgender men and boys who do not present marginalized identities also experience domestic abuse. I wish to acknowledge all these experiences without undermining “global recognition . . . that women and girls are more likely to be victims of [domestic abuse], seriously injured or killed by males.” Michaela Rogers, *Challenging Cisgenderism Through Trans People’s Narratives of Domestic Violence and Abuse*, 22 *SEXUALITIES* 803, 816 (2019); see also Susan Archer Mann, *The Scholarship of Difference: A Scholarship of Liberation?*, 70 *SOCIO. INQUIRY* 475, 486 (2000) (discussing the tension between acknowledging difference without “‘annihilat[ing]’ group concepts like gender, race, and class”).

2. ELLEN PENCE, *IN OUR BEST INTEREST: A PROCESS FOR PERSONAL AND SOCIAL CHANGE* 12, 32 (1987); see Appendix.

accomplish that goal, such as “coercion and threats” and “intimidation.” The rim of the wheel identifies “physical” and “sexual” violence as the actions holding together and fortifying the tactics of an abusive partner’s control.

The Wheel sprung from activists’ focus group interviews with two hundred “battered women,”<sup>3</sup> conducted in the early 1980s.<sup>4</sup> First printed in a modest spiral bound manual with cover art drawn by a volunteer, the Wheel has been the predominant model of domestic violence in the U.S for thirty years. Advocates use the Wheel to explain domestic violence to people who experience abuse, people who are abusive, law enforcement, judges and juries, and the general public. The Wheel has spread around the globe, been translated into more than forty languages, and adapted to scores of distinct cultural contexts.

What the world does not know is that the Wheel was originally accompanied by a chart. The “Institutional and Cultural Supports for Battering Chart” (“the Chart”), designed as a close companion of the Wheel, focused on structures outside the relationship that increase one partner’s capacity to abuse the other. Women in discussion groups would connect an intimate partner’s tactics (pictured in the Wheel) to institutions, cultural values, and beliefs (listed on the Chart).<sup>5</sup> Examples provided on the Chart included “police, courts, media, medical, clergy, business, education, human services.”<sup>6</sup> According to Ellen Pence, one of the creators of the Wheel and Chart, this process of connection was one of women “bringing together the personal and the political.”<sup>7</sup>

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3. I often use the term “battered women” in this Article to describe people who experience abuse because these are the words that activists in Duluth, Minn., who created the Wheel and Chart used. They used the term “woman” to refer to biological sex, partly because at that time gender and biological sex were seen as virtually synonymous, and partly because at that time battering was seen as an issue that affected women. For the same reason, in this Article I also use the term “battering” when I refer to their work in the late 1970s and early 1980s. When I am not discussing those activists’ work, I use the terms “gender-based violence,” “domestic violence,” and “intimate partner violence,” as described in Bograd, *supra* note 1.

4. These groups occurred in Duluth, Minn., and were part of the work of the Domestic Abuse Intervention Project, discussed *infra* Section II.C.

5. See Appendix.

6. PENCE, *supra* note 2, at 32.

7. *Id.* Here, Pence was referring to a theme of the women’s liberation movement of the 1960s that anchored all her work, which was the

growing awareness of the systemic nature of women’s collective oppression . . . expressed in the popular slogan: “The personal is the political and the political is the personal.” Women’s liberation is the first radical movement to base its politics—in fact, create its politics—out of concrete

In sharp contrast to the Wheel's ubiquity, the Chart has all but disappeared. Anthropologist Joshua Price, the only scholar to observe this phenomenon, argued that when stripped of the Institutional and Cultural Supports for Battering Chart, the Wheel neglects structural sources that support domestic violence.<sup>8</sup> Price goes further, arguing that when people who experience abuse, or the advocates who assist them, use the Wheel without the Chart, the Wheel masks structural violence by drawing attention exclusively to the individual, private violence encapsulated in the Wheel.<sup>9</sup>

In 2020, white leadership of anti-domestic violence coalitions across the country formally acknowledged their history of indifference to institutional violence—particularly racialized institutional violence.<sup>10</sup> Because the disappearance of the Chart almost certainly contributed to the focus on individual rather than structural sources of domestic violence, it is imperative to understand how the original Wheel-Chart dyad was severed, losing its front and center interrogation of the role and responsibility of institutions, cultures, and beliefs.

This Article maps the creation, use, disuse, and disappearance of the Institutional and Cultural Supports for Battering Chart, a subject previously unexplored in legal scholarship. It relies primarily on original sources—the words, captured in interviews and writings—from the Wheel-Chart's creators.

The Article proceeds in four parts. Part I demonstrates the ubiquity and influence of the Wheel and the obscurity of the Chart. Part II unearths the history of the Wheel and Chart, demonstrating that when created, the Wheel-Chart dyad was part of a political curriculum for battered women's education groups that was intended to inspire not just personal, but institutional and

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personal experiences. We've learned that those experiences are *not* our private hang-ups. They are shared by every woman, and are therefore political.”

Ellen Pence, *Safety for Battered Women in a Textually Mediated Legal System* 24 (1997) (Ph.D. Thesis, University of Toronto) (on file with author) [hereinafter Pence, Unpublished Thesis]; see also Carol Hanisch, *The Personal is Political*, in *NOTES FROM THE SECOND YEAR: WOMEN'S LIBERATION* (Shulamith Firestone & Anne Koedt eds., 1970).

8. PRICE, *supra* note 1, at 21–44.

9. *Id.* at 22.

10. *Moment of Truth: Statement of Commitment to Black Lives*, WASH. STATE COAL. (June 30, 2020), <https://wscadv.org/news/moment-of-truth-statement-of-commitment-to-black-lives/> [<https://perma.cc/J59C-SXVS>]. More recently, activists have raised awareness of structural causes of domestic violence in reaction to the Supreme Court's overruling of *Roe v. Wade*. See, e.g., Marisa Iati, *Without Abortion, Advocates Worry that Abuse Victims Will Be Trapped*, WASH. POST (July 11, 2022) (activists link housing, workforce development, and access to services to terminate pregnancy to domestic violence). See generally Gianna DeJoy, *State Reproductive Coercion as Structural Violence*, 17 COLUM. SOC. WORK REV. 36 (2019).

cultural transformation. Part III uncovers factors that likely contributed to the Chart's disappearance. Part IV explores the connections between this disappearance and three essential movement challenges that feminist activists and scholars have long identified. One is the lack of focus on structural causes of domestic violence. Second is the set of problems that flows from the professionalization of the movement, whereby people experiencing abuse are viewed as clients to whom services are delivered, rather than partners with whom activists forge new paths toward social change. Third is the movement's reliance on criminal law and alliance with law enforcement to achieve its goals. The Article concludes with directions for future research.

#### I. THE UBIQUITY OF THE WHEEL AND OBLIVION OF THE CHART

The Power and Control Wheel is omnipresent in the anti-domestic violence field. Since its creation in the early 1980s, the Wheel has been translated into multiple languages, including Māori, Hungarian, and Icelandic.<sup>11</sup> The Wheel is displayed prominently on the United Nations' webpage as a definition of abuse.<sup>12</sup> It has been adapted to apply to the occurrence of intimate partner violence in multiple cultural contexts—immigrant, military, teen dating, LGBTQ, and religious, to name only a few.<sup>13</sup> It reliably can be spotted on the walls of local agencies that seek to prevent

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11. PRICE, *supra* note 1, at 25.

12. See *What Is Domestic Abuse?*, UNITED NATIONS, <https://www.un.org/en/coronavirus/what-is-domestic-abuse> [<https://perma.cc/ZEL7-2L2D>].

13. A quick search in *Google Images* produced Wheels adapted for these contexts, *see infra* note 28; *see also* Christina Herron, *Resource Discovery: Power and Control Wheel Models*, ONEOP (Jan. 25, 2016), <https://oneop.org/2016/01/25/resource-discovery-power-and-control-wheel-models/> [<https://perma.cc/3TKL-SYVZ>] (“There are approximately 70 Power and Control Wheels that range in topics from domestic violence, abuse later in life, child abuse, bullying, advocacy empowerment wheel, equality wheel, police perpetrated domestic violence, immigrant power and control, alcohol and other drug abuse, etc.”).

domestic violence<sup>14</sup> as well as on the websites of leading national anti-domestic violence organizations.<sup>15</sup> It has appeared in soap operas.<sup>16</sup>

Anti-domestic violence advocates use the Wheel as a model to explain domestic violence to people who experience abuse<sup>17</sup> as well as people who are abusive.<sup>18</sup> They use it in curricula for social service providers,<sup>19</sup> police,<sup>20</sup> attorneys,<sup>21</sup> judges,<sup>22</sup> and the public.<sup>23</sup> Expert witnesses use the Wheel to

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14. See *Understanding the Power and Control Wheel*, DOMESTIC ABUSE INTERVENTION PROGRAMS, <https://www.theduluthmodel.org/wheels/faqs-about-the-wheels/#why-pc-created> [<https://perma.cc/7RNA-27NN?type=image>].

15. Two prominent national anti-domestic violence organizations displaying the Power and Control Wheel include the National Domestic Violence Hotline and the National Coalition Against Domestic Violence. See *Power and Control Break Free from Abuse*, NAT'L DOMESTIC VIOLENCE HOTLINE, <https://www.thehotline.org/identify-abuse/power-and-control/> [<https://perma.cc/D63F-NPDC>]; *Dynamics of Abuse*, NAT'L COAL. AGAINST DOMESTIC VIOLENCE, <https://ncadv.org/dynamics-of-abuse> [<https://perma.cc/R4MT-B6T2>].

16. *Understanding the Power and Control Wheel*, *supra* note 14 (“The wheel is used in many settings and can be found in manuals, books, articles, and on the walls of agencies that seek to prevent domestic violence. It has even been seen by millions on national television shows and soap operas!”).

17. See, e.g., Claire Verney, *Power and Control: Using the Duluth Wheel in Practice*, DOMESTIC VIOLENCE ASSESSMENT CONSULTANCY & TRAINING (May 26, 2021), <https://www.dvact.org/post/power-and-control-using-the-duluth-wheel-in-practice> [<https://perma.cc/8NZS-NAVP>] (“When working with victims/survivors the wheel can be used to point out the behaviours that have been used against them and name the abuse. In many cases victims can be unaware that the controlling behaviours used against them are abuse.”).

18. ELLEN PENCE & MICHAEL PAYMAR, EDUCATION GROUPS FOR MEN WHO BATTER: THE DULUTH MODEL 32 (1993) (demonstrating use of the Wheel in the first of a twenty-six-week curriculum for men who batter).

19. Margaret E. Johnson, *Redefining Harm, Reimagining Remedies, and Reclaiming Domestic Violence Law*, 42 U.C. DAVIS L. REV. 1107, 1119 (2009) (demonstrating the prevalence of the Wheel as “almost a required text for service providers who work with women who are subjected to abuse”).

20. Telephone Interview by Grace Beaster with Carol Thompson (Jan. 26, 2022) (notes on file with author) (“The Blueprint model [CCR] was developed by Ellen [Pence] working with the St. Paul Police Department to develop a stronger coordinated community response with more in-depth work . . . the Blueprint was the plan to have people from each of those departments work together so that their policies did not fight each other; their policies were in cooperation with holding men accountable.”).

21. See, e.g., ROCKY MOUNTAIN CHILDREN’S LAW CENTER, ROCKY MOUNTAIN CHILDREN’S LAW CENTER GUARDIAN AD LITEM MANUAL (2021) (on file with author).

22. See, e.g., *Immigrant Power and Control Wheel*, NAT’L JUD. INST. DOMESTIC VIOLENCE, [https://www.njidv.org/media/com\\_resources/documents/16-c-immigrant-power-and-control-wheel.pdf](https://www.njidv.org/media/com_resources/documents/16-c-immigrant-power-and-control-wheel.pdf) [<https://perma.cc/QMC4-HMYH>] (providing an Immigrant Power and Control Wheel on its resource page).

23. See, e.g., Bureau of Domestic and Sexual Violence Prevention, *Safety and Sobriety Manual Best Practices in Domestic Violence and Substance Abuse January 2005*, ILL. DEP’T HUM. SERVS., <http://www.dhs.state.il.us/page.aspx?item=38490> [<https://perma.cc/DZA2-ULJG?type=image>] (describing the use of wheels in community education).

explain domestic violence to jurors.<sup>24</sup> Indeed, the Wheel is so ubiquitous in the field that many have argued that its influence has been too great, causing it to squeeze out alternative approaches to domestic violence in batterers' treatment programs,<sup>25</sup> in law,<sup>26</sup> and in the social sciences.<sup>27</sup>

Today, a Google search of the words "Power and Control Wheel" yields 103,000 results, including 246 images.<sup>28</sup> In contrast, a Google search of the words "Institutional and Cultural Supports for Battering" yields nine results, including twenty-one images (none of which contain the Chart, and two of which are the Wheel).<sup>29</sup>

24. See, e.g., *People v. Coons*, 495 P.3d 961 (Colo. 2021) (the Colorado Supreme Court's upholding of expert testimony about the Power and Control Wheel, and its reproduction of the Wheel in its opinion).

25. See, e.g., Carolyn B. Ramsey, *The Stereotyped Offender: Domestic Violence and the Failure of Intervention*, 120 PENN. ST. L. REV. 337, 363–64 (2015) (demonstrating that the Duluth Model has been and continues to be the predominant model of batterer intervention in the United States and arguing that it "eventually established a twenty-six-week program '[t]o help men change from using the behaviors on the Power and Control Wheel . . . .' [A]lthough the Duluth model is sometimes self-described as 'a group rehabilitation process,' from the outset the DAIP's message to batterers was punitive and focused on deterrence: 'Either stop it or lose increasing amounts of your personal freedom.'").

26. See, e.g., LEIGH GOODMARK, *A TROUBLED MARRIAGE: DOMESTIC VIOLENCE AND THE LEGAL SYSTEM* 34 (2012) (demonstrating the prevalence of the Power and Control Wheel, and arguing that "despite its more expansive definition of domestic violence, the Wheel, too reinforced the legal system's understanding of abuse as primarily physical with other tactics used to greater or lesser extents to augment control" and arguing that this one-size-fits-all definition facilitated an over-reliance on the criminal legal system as a solution to the problem of domestic violence); see also Jane Stoeber, *Transforming Domestic Violence Representation*, 101 KY. L. REV. 483, 487 (2013) ("The dominant models used in the law to explain domestic violence, namely, the Power and Control Wheel and the Cycle of Violence, provide only limited insight into intimate partner abuse . . . . By focusing on the abuser's actions, both the Wheel and Cycle are consistent with the trend toward criminalizing domestic violence offenses.").

27. See, e.g., Kristin Bumiller, *The Nexus of Domestic Violence Law Reform and Social Science: From Instrument of Social Change to Institutionalized Surveillance*, 6 ANN. REV. L. & SOC. SCI. 173, 175 (2010) ("Participants in an experimental treatment program in Duluth, Minnesota, codified the theory in the early 1980s. Known as the Duluth Model, its premises have been consolidated and disseminated throughout the world in the form of an eight-sectored 'power and control wheel'. . . . The study of domestic violence policy was and continues to be profoundly influenced by early activists' conception of the problem. Most activists portrayed fundamentally important theoretical and empirical issues as settled, and the Duluth Model has had a strong hold on the field. This uniform understanding of the problem and its solution likely contributed to the failure of the movement to develop a multifaceted picture of domestic violence and a tendency to underrepresent the empirical complexities of domestic violence situations.").

28. *Google Search Result for "Power and Control Wheel,"* GOOGLE (Mar. 25, 2023), <https://www.google.com/search?q=%22power+and+control+wheel%22> [<https://perma.cc/7GF4-L7KQ>].

29. *See Google Search Result for "Institutional and Cultural Supports for Battering,"* GOOGLE (Mar. 25, 2023),

The fame of the Wheel, but oblivion of the Chart, resonates with my own experience working in the anti-domestic violence field. Before becoming an attorney, I entered the field in 1992 as staff in a domestic violence shelter in rural Oregon.<sup>30</sup> The shelter provided the Power and Control Wheel in a manual during orientation. Later in my training as a lawyer representing people who experience abuse in civil and family cases, I frequently saw and used the Wheel in trainings and classes. As an academic, I have written about it. But in thirty years of experience with the Power and Control Wheel—as advocate, attorney, and academic—I had never seen the Institutional and Cultural Supports for Battering Chart.

That changed in 2021, when I encountered the work of anthropologist Joshua Price. When writing his Ph.D. thesis in 2012 on the topic of structural violence in the lives of women experiencing abuse, Price observed:

I have seen the first part of the P&C Wheel in practically every program I have been to or heard about, including several versions in Spanish. It has been translated into forty languages worldwide . . . . But generally speaking, the entire two-tiered approach, used as an educational tool, has been absent. The second part of the code, that part that seeks to uncover and describe institutional and cultural collaboration with the batterer, is often eliminated.<sup>31</sup>

Reading Price’s work, I was floored by the fact that I had not even heard of the Chart. I was fascinated by the idea that the early movement activists who created the Power and Control Wheel envisioned its use as not merely a model of domestic violence in individual relationships, but as a partner to a tool that could identify and address the larger, structural issues at play. I felt compelled to unravel the mystery of what happened to “the other part” of the Power and Control Wheel.<sup>32</sup> I contacted Joshua Price, lawyers in the field, feminist legal scholars, anti-domestic violence advocates, and the executive director of a local advocacy agency for survivors of intimate partner abuse,

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<https://www.google.com/search?q=%22institutional+and+cultural+supports+for+battering%22> [<https://perma.cc/G3PK-VTJP>]. Only two of these images contained the Chart. See *Google Image Search Result for “Institutional and Cultural Supports for Battering”*, GOOGLE (March 25, 2023), <https://www.google.com/search?q=%22institutional+and+cultural+supports+for+battering%22> [<https://perma.cc/4YUM-MZGS>] (select “Images”).

30. I worked at the Domestic Violence Resource Center, located in Hillsboro, Oregon.

31. PRICE, *supra* note 1, at 24–25 (emphasis in original).

32. One effort included publishing a short article for practitioners asking that anyone with knowledge of the Chart contact me. See Tamara Kuennen & Jennifer Eyl, *What Happened to “Part Two” of the Power and Control Wheel?*, 27 DOMESTIC VIOLENCE REP. 17 (2022).



to inquire if they had ever seen or heard of the Chart. Not one of these scholars and practitioners knew of the Chart's existence.<sup>33</sup>

I then went to the source. Sadly, Ellen Pence, considered the Wheel's primary creator, is deceased.<sup>34</sup> Michael Paymar, a co-creator,<sup>35</sup> recalled the Chart's publication in 1987 in a manual entitled *In Our Best Interest*<sup>36</sup> but was not involved with the creation of that publication.<sup>37</sup> He suggested contacting the battered women's activists—the *women* activists, particularly—who worked closely with Pence at the time the Wheel-Chart dyad was created. The two surviving women are Coral McDonnell and Shirley Oberg, eighty-two years old and eighty years old respectively, at the time of this writing.

I exchanged several emails with Coral McDonnell<sup>38</sup> and visited with Shirley Oberg in her home in Duluth, Minnesota in December of 2022.<sup>39</sup> During this visit, and by telephone before my journey to Duluth, I also spent time with Jill Abernathey, Shirley's sister and longtime activist. I also found that many of Coral's, Shirley's, Jill's, and other early activists' stories had already been preserved. It is to their stories I turn.

## II. THE HISTORY OF THE WHEEL AND CHART

Not only were the 1970s an exciting time in U.S. feminist activism, but Duluth, Minnesota, was the creative heart of the women's movement's focus on violence. Among the city's many talented activists, Ellen Pence and Shirley Oberg stood out as extraordinary leaders. They, in close collaboration with the first battered women's shelter in Duluth, would create the Domestic

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33. With one exception: Kit Gruelle, an advocate for survivors for more than thirty years, recalled the Chart but did not know what happened to it. Only upon interviewing Jill Abernathey (described in more detail *infra* Part II), when I provided her a fully written draft of the present manuscript, did I learn of one organization, Praxis International, using a version of the Chart. Interview with Jill Abernathey, in Duluth, Minn. (Nov. 18, 2022) (notes on file with author).

34. Ellen Pence is discussed *infra* Section I.B.

35. See, e.g., *POWER AND CONTROL: DOMESTIC VIOLENCE IN AMERICA* (New Day Films 2010) (Pence attributes creation of the Wheel to the battered women who shared their stories and to her collaboration with Michael Paymar and Coral McDonnell of the Domestic Abuse Intervention Project).

36. Discussed *infra* Section I.D.

37. Telephone Interview with Michael Paymar (Jan. 21, 2022) (notes on file with author).

38. E-mail from Coral McDonnell to author (between Sept. 2022 and Dec. 2022) (on file with author). McDonnell was unable to see me because of illness when I visited Duluth, Minn., in December 2022.

39. Interview with Shirley Oberg and Jill Abernathey, in Duluth, Minn. (Dec. 11, 2022) (notes on file with author).

Abuse Intervention Project, the birthplace of the Power and Control Wheel and Institutional and Cultural Supports for Battering Chart.

*A. Duluth, Minnesota: 1976–1978*

Today, feminism in the United States has fallen into “a state of profound malaise,”<sup>40</sup> but the battered women’s movement of the 1970s was politically charged and catalyzed by activists committed to making visible the hidden oppression of women at the hands of their partners, the state, and society. It all started, according to countless tellings, with women coming together to talk about what was happening in their homes. Women found other women, and they compared notes. These women got the word out to more women and formed groups in which they felt a sense of belonging, where they were heard rather than silenced when they spoke of abuse. The groups came together to form coalitions, open shelters, start hotlines, and provide not just support but education and consciousness raising to and for each other.<sup>41</sup> There was a “radical feminist, grassroots, and democratic spirit underlying most of the earliest movement efforts.”<sup>42</sup>

Such is the story of the formation of the first women’s groups in Duluth, Minnesota.<sup>43</sup> In 1976 three women—Shirley Oberg, Jean DeRider, and Pat Hoover—found each other in a support group for “women in transition,” a seventies euphemism for women who were in the process of separation or

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40. Michelle Goldberg, *The Future Isn’t Female Anymore*, N.Y. TIMES (June 19, 2022), <https://www.nytimes.com/2022/06/17/opinion/roe-dobbs-abortion-feminism.html> [<https://perma.cc/NCV6-7ZZR>].

41. POWER AND CONTROL: DOMESTIC VIOLENCE IN AMERICA, *supra* note 35 (For example, Sharon Rice-Vaughan recalled founding a shelter in Minneapolis, Minn.: “And one of the earmarks of that adventure was how little we knew about what we were really doing and had no idea in the beginning, especially of the problem of battering. It was not about that. And I think that it’s an interesting social change movement, because it didn’t really come out of a political feminist analysis. It really came out of a grass roots group who just, who created a telephone service for women for legal information, in the legal aid office, and ended up with all kinds of women calling and wanting a place to stay.”).

42. SUSAN SCHECHTER, WOMEN AND MALE VIOLENCE: THE VISIONS AND STRUGGLES OF THE BATTERED WOMEN’S MOVEMENT 2 (1982).

43. ELIZABETH ANN BARTLETT, MAKING WAVES: GRASSROOTS FEMINISM IN DULUTH AND SUPERIOR 13–14 (2016) (“As elsewhere, they began with women talking with each other, sharing their stories and their truths, discovering common issues and struggles, and acting to address needs and transform society. Most began as relatively structureless, consensus-based, and mission-driven collectives with a commitment to equal pay, equal voice, and rotating positions, and suffered similar frustrations with seemingly endless discussions to resolve organizational minutia. Like many other feminist organizations, an initial period of euphoria, energy, and growth was followed by the difficulties that came with expansion and reliance on foundations and government agencies for funding.”).

divorce.<sup>44</sup> After a handful of sessions, the group facilitator brought up the topic of fighting in relationships, and Oberg recounted that her boyfriend had hit her that very week, for calling him a name.<sup>45</sup> Soon after, Hoover and DeRider disclosed similar experiences, and for the next several weeks found themselves lingering in the parking lot in conversation after the support group ended.<sup>46</sup> The women moved their discussion to a Perkins Cake & Steak, and they decided to meet again (and again, and again), to talk about their shared experiences.<sup>47</sup> They got the word out and soon needed to find a larger meeting space to accommodate the many women who wanted to give voice to their pain and learn together about their collective experience.<sup>48</sup> “These spirited, powerful women happened to find each other at just the right moment in time.”<sup>49</sup>

Early in 1977, the three attended a “speak-out and workshop” where one of the speakers was from the first battered women’s shelter in the nation.<sup>50</sup>

44. Pence, Unpublished Thesis, *supra* note 7, at 16; *see also* SAFE HAVEN SHELTER, WOMEN’S COALITION ORAL HISTORY PROJECT 42 (2015), <http://safehavenshelter.org/wp-content/uploads/2012/09/Safe-Haven-Oral-History-Transcript-Collection.pdf> [<https://perma.cc/WQK7-C5BU>].

45. Pence, Unpublished Thesis, *supra* note 7, at 16. In December 2022, Oberg clarified that this “so-called boyfriend beat the hell out of me. When I came out of it, I left him.” Interview with Shirley Oberg, in Duluth, Minn. (Dec. 11, 2022) (notes on file with author).

46. Shirley Oberg recalled:

[The therapist] used this term “battered women,” although I didn’t really think it was meant for someone in my situation, I did know that I had something in common with those women. I know Jean and Pat did too, because after the group all three of us hung around the parking lot smoking and ever so carefully testing how much of what was happening in our lives was safe to talk about. This post-group parking lot kibitzing went on for another two or three sessions. We finally moved it to Perkins where the first mention of us actually trying to open a shelter in Duluth was raised.

Pence, Unpublished Thesis, *supra* note 7, at 16.

47. PENCE, *supra* note 2, at 1 (“[A]s the therapist left and the janitor started turning out the lights, the women decided to continue their conversation at Perkins Cake and Steak House. The Women’s Coalition began that evening. Three women, still angry, still afraid, still physically recovering and still in danger, instantly understood the power of finding each other.”).

48. *Id.* *See generally* BARTLETT, *supra* note 43, at 37 (describing a group of feminist therapists’ support groups, conducted at the Human Development Center in Duluth in the late 1970s, and how the conversations that occurred in these groups made evident that many women suffered from physical and emotional abuse and the dire need for a shelter for battered women, and the three women, Shirley Oberg, Jean DeRider, and Pat Hoover who decided to do something about it and who formed the Women’s Coalition for Battered Women).

49. BARTLETT, *supra* note 43, at 15.

50. *Id.* at 77. That shelter was Women’s Advocates, located in St. Paul, Minnesota.

Perhaps, the three thought, we could do more than meet with women in the community. They saw possibility.<sup>51</sup> As Oberg recalled,

There were institutional representatives from the county attorney, the city attorney, the social services, and the victims. All of these people went home, and there were three of us, battered women, who stayed, who really were inspired that this might be possible, that there could be a shelter for battered women.<sup>52</sup>

The workshop was the “spark that lit the flame”<sup>53</sup> because, as Oberg recently put it in a nutshell, “We saw strong women!”<sup>54</sup>

We began in the year of 1977. We were poor women. It was certainly a grassroots movement. We had no bureaucratic skills. [Laughs.] We were told that we should form a corporation; that would give us power. We were given these articles of incorporation for a chemical dependency agency and we just changed the name, so this became the corporation. We got an office at the YWCA and we got a red telephone. And this red telephone was going to be a hotline.<sup>55</sup>

Thus, Oberg, DeRider, and Hoover in 1978 opened the first domestic violence shelter in Duluth, called the Women’s Coalition for Battered Women.<sup>56</sup> This was a remarkable accomplishment, given that they’d only met two years earlier. “We were hustlers,” Oberg recalled.<sup>57</sup> Out of this Women’s Coalition, they convened more formal “education groups” in the community.<sup>58</sup> These groups were different in kind from other women’s support groups.<sup>59</sup> Unlike support groups, education groups were intended to

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51. Interview with Shirley Oberg, in Duluth, Minn. (Dec. 11, 2022) (notes on file with author).

52. SAFE HAVEN SHELTER, *supra* note 44, at 97.

53. BARTLETT, *supra* note 43, at 77 (quoting Shirley Oberg).

54. Interview with Shirley Oberg, in Duluth, Minn. (Dec. 11, 2022) (notes on file with author).

55. SAFE HAVEN SHELTER, *supra* note 44, at 97–98.

56. PENCE, *supra* note 2, at 1; BARTLETT, *supra* note 43, at 37. Before being called the Women’s Coalition, the shelter was known as the Northeastern Coalition for Battered Women. Currently it is called Safe Haven Shelter and Resource Center. See Cathryn Curley, *Acknowledging 25 Years*, SAFE HAVEN SHELTER (May 2003), <http://www.safehavenshelter.org/wp-content/uploads/2012/09/Acknowledging-25-Years.pdf> [<https://perma.cc/UUG8-T65S>].

57. Interview with Shirley Oberg, in Duluth, Minn. (Dec. 11, 2022) (notes on file with author).

58. PENCE, *supra* note 2, at 1.

59. *Id.* at 3.

raise political consciousness and inspire actions for social change.<sup>60</sup> Pioneering activist Ellen Pence, with Oberg, was one of the architects.

### *B. Ellen Pence*

Ellen Pence was a passionate community organizer.<sup>61</sup> In the mid-1970s she had been working with a shelter in Minneapolis called Harriet Tubman,<sup>62</sup> and from 1977 to 1980 she served as the Minnesota State Director of Programs for Battered Women.<sup>63</sup> The women in Duluth who founded the Women’s Coalition recall consulting with Ellen very early on,<sup>64</sup> and particularly remember her encouragement of their desire to form a non-hierarchical collective.<sup>65</sup> They described her as “a huge force to contend with,”<sup>66</sup> an “idea person,”<sup>67</sup> a “heroine.”<sup>68</sup> To work with her “was twenty-four/seven, it was just exciting. Talk about the dreams and how could we make this happen?!”<sup>69</sup> Ellen was “always visioning and thinking ahead”<sup>70</sup> and “really tied it all together with her ideas about a model that we could use to address the issue.”<sup>71</sup>

In 1980, Pence moved from the twin cities to Duluth, a community where she saw potential for large-scale and meaningful social change.<sup>72</sup> Duluth was

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60. Jill Abernathy, who participated in the women’s education group in 1986, when the Power and Control Wheel was brand new, recalled, “There’s quite a difference between a women’s support group . . . and an education group . . . . An education group changes the way you see yourself and move and act in the world.” Interview by Beth Bartlett with Jill Abernathy, in Duluth, Minn. (Dec. 18, 2014) (transcript on file with author).

61. Shirley Oberg described Pence as the “best-ever” community organizer. Interview with Shirley Oberg, in Duluth, Minn. (Dec. 11, 2022) (transcript on file with author).

62. SAFE HAVEN SHELTER, *supra* note 44, at 44.

63. Pence, Unpublished Thesis, *supra* note 7, at 17.

64. SAFE HAVEN SHELTER, *supra* note 44, at 44.

65. *Id.* at 47–48 (describing: Ellen’s encouragement to the women who founded the first shelter in Duluth to advocate, with their Board; the importance of a collective model of governance; and Ellen being integral to the opening of the physical shelter and its funding).

66. *Id.* at 86.

67. *Id.* at 87.

68. *Id.* at 153.

69. *Id.* at 109.

70. *Id.* at 63.

71. *Id.* at 190.

72. *Id.* at 29 (stating that Pence wanted to try out a new model of advocacy on behalf of battered women in Duluth because Pence had been working with the shelter staff there, had relationships with them, and wanted a smaller community than the Twin Cities for an experimental approach); *see also* Interview with Shirley Oberg, in Duluth, Minn. (Dec. 11, 2022) (notes on file with author) (stating that “[Pence] came to Duluth and wanted us to start DAIP [Domestic Abuse Intervention Project]”).

an exciting place to be—one where, if you could envision a change, you could make it happen.<sup>73</sup> With her zeal for community organizing, one thing Pence valued deeply was grassroots-led, democratic social change. But she observed that, as early as 1980, the battered women’s movement was in danger of being displaced by professionals and institutions in the community. She reflected:

Many of the first groups offered for battered women were based on the same consciousness-raising groups that had characterized so much of the women’s movement in the late 1960’s and early 1970’s . . . . Those first sessions at the Perkins Restaurant were powerful experiences, but within two years of opening the shelter doors, that power had been lost in the maze of self-improvement groups. The turning from a political to a psychological understanding of battering is the result of the increasing influence on the battered women’s movement, and on the women’s movement in general, of traditional mental health therapeutic models. We must constantly be aware of the tremendous pressures to view women’s oppression as a sickness rather than as a political, social and cultural condition.<sup>74</sup>

Oberg agreed, and in an effort to combat this “shift to ‘therapism,’”<sup>75</sup> Oberg urged the Women’s Coalition to add to their self-help and support groups for battered women some “experimental women’s groups” that applied the theories of Brazilian educator and reformer Paulo Freire.<sup>76</sup> Freire’s *The Pedagogy of the Oppressed* presented a theory of education intended to teach literacy to the poor while simultaneously sparking students to critically analyze dominant and oppressive systems.<sup>77</sup> The now celebrated book, considered foundational to the critical pedagogy movement, advocated

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73. BARTLETT, *supra* note 43, at 11 (“The big small-town character of the Twin Ports, combined with the particulars of its culture, politics, and geographical location, created just the right conditions to . . . become one of the more influential and innovative centers of feminist movement in the state, nation, and world.”).

74. PENCE, *supra* note 2, at 1.

75. Bonnie Mann, *Working with Battered Women: Radical Education or Therapy*, in *IN OUR BEST INTEREST*, *supra* note 2, at 104–16.

76. Interview with Shirley Oberg, *supra* note 72 (“I told Ellen about Paolo . . . . Ellen relied on me for all the reading I was doing[:] Ann Jones, who wrote *Women Who Kill*, [and] Ghandi . . . . I was always reading and Ellen would always express gratitude about me bringing her back to the importance of the women.”); see also SAFE HAVEN SHELTER, *supra* note 44, at 69 (quoting interview by Gina Temple-Rhodes with Coral McDonell, in Duluth, Minn. (Dec. 29, 2014) (describing Shirley Oberg as the “powerhouse” for finding feminist books and resources and getting them out to women)).

77. See generally PAULO FREIRE, *PEDAGOGY OF THE OPPRESSED* (1970).

cultural change and liberation through critical thought and free communication.<sup>78</sup>

Pence enthusiastically embraced Freire's work. She adamantly believed that to understand oppression one must start with the actual experiences of the oppressed, and not from theories about the causes of oppression. She saw synergy between Freire's centering of dialogue as a means of education with what feminists and battered women in the early 1970s had been doing: coming together in consciousness-raising groups to talk and share stories about the concrete conditions of their lives.<sup>79</sup> Application of Freire's pedagogy might re-instill the original vision of oppression as a political, social and cultural—rather than psychological—issue.

“While our understanding of battering has always been rooted in a feminist analysis, we did not know how to apply that analysis to the teaching process until we began reading Freire's work and attempting to use his methods in working with women's groups.”<sup>80</sup> These experimental women's groups, the “education groups” that Oberg urged, are by all accounts the birthplace of the Power and Control Wheel<sup>81</sup> and the Institutional and Cultural Supports for Battering Chart.<sup>82</sup>

Before discussing these groups in detail, however, one important part of the scene remains to be set. This is the founding, by Pence and Oberg, of the “Domestic Abuse Intervention Project,” an organization whose approach to combatting domestic violence became so famous that it later became known simply as “the Duluth Model.”

### C. *The Domestic Abuse Intervention Project—1980*

The Domestic Abuse Intervention Project's “Duluth Model” was and is an interagency, coordinated, community response to domestic violence. In a nutshell, Oberg and Pence convened nine key institutional players in the community with whom women interacted on a day-to-day basis and created agreement amongst these players about how they would treat battered women and battering men.<sup>83</sup> “We were the first grassroots group to break through the

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78. Justin Wyllie, *Review of Paulo Freire's Pedagogy of the Oppressed*, NEW OBSERVER (June 7, 2012), <https://newobs.wordpress.com/2012/06/07/review-of-paulo-freires-pedagogy-of-the-oppressed-2/> [https://perma.cc/7BDS-ZC6T].

79. *Id.*

80. PENCE, *supra* note 2, at 1.

81. *See infra* Section II.E.

82. *See infra* Section II.D.

83. PENCE & PAYMAR, *supra* note 18, at 17 (“In 1981 nine Duluth agencies, under the umbrella of the Domestic Abuse Intervention Project (DAIP) adopted written guidelines, policies

barrier of institutional resistance to establishing community-monitored interagency policies (including policies mandating arrest, promoting aggressive prosecution, imposing increasingly harsh penalties on repeat offenders, and requiring a feminist-based educational model for abusers).<sup>84</sup> Now replicated around the world, the Duluth Model was a new, radical idea in 1980.<sup>85</sup>

At that time, Oberg, as one of the co-founders of the Women's Coalition,<sup>86</sup> was appointed to the statewide advisory task force on domestic violence shelters that Pence directed.<sup>87</sup> She first met Pence through this connection and the two began ongoing discussions about what more could be done for battered women in Duluth.<sup>88</sup> During the same period, activists at the national level were looking for test sites for innovative models. Pence wrote:

Here's how the Duluth project started. In 1978 Cindy Landfried, who had been brutally abused by her husband for 3 years, shot and killed him. A locally convened grand jury decided not to indict the nineteen year old woman for murder. Cindy's case led to intense public debate on the responsibility of community services to intervene and stop domestic violence. At the time of the shooting, shelter activists from across the United States were meeting to find a city that would introduce a proactive domestic assault intervention plan.<sup>89</sup>

Oberg and Pence convinced the national group, as well as the women who had created the Women's Coalition, that Duluth was the right place for an experimental project.<sup>90</sup> As documented by Professor Beth Bartlett:

Shirley and Ellen wrote a grant to fund a six-month trial and approached the Duluth police chief about doing an experiment in which half the officers answering domestic abuse calls would make

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and procedures governing the responses of practitioners in law enforcement, court, and human service agencies to cases of domestic assault.”).

84. Pence, Unpublished Thesis, *supra* note 7, at 1–2.

85. *Id.* at 30 (explaining the fame of DAIP by acknowledging how, although legal advocates in other cities had effected changes in every aspect of criminal court intervention, DAIP “got national recognition because it was the first community-based reform project to successfully negotiate an agreement with the key intervening legal agencies to coordinate their interventions through a series of written policies and procedures that limited individuals’ discretion on the handling of cases and subjected practitioners to minimum standards of responsibility”).

86. *See supra* discussion in Part I.

87. BARTLETT, *supra* note 43, at 37.

88. *Id.*

89. ELLEN PENCE & MARTHA MACMAHON, A COORDINATED COMMUNITY RESPONSE TO DOMESTIC VIOLENCE 1 (1997).

90. *Id.*; BARTLETT, *supra* note 43, at 37.



an arrest if they had probable cause to believe an assault had occurred, and the other half would respond as they normally would . . . . The Women's Coalition was a key partner in the experiment. "The DAIP was organized as an ally of the shelter," wrote Ellen. The shelter would follow up on arrests, be the access point for women coming into the criminal justice system [as victims], and educate women about the political reality of violence against women.<sup>91</sup>

Oberg recalled of the founding of the Project: "The partnership between Ellen and myself was a praxis where we put the theory and the practice together."<sup>92</sup>

Shortly after they obtained funding, Oberg and Pence hired the first staff member, Coral McDonell, who had been volunteering with the Women's Coalition.<sup>93</sup> McDonnell took responsibility for following-up with women whose partners were arrested, along with an on-call group of staff from the Women's Coalition.<sup>94</sup>

McDonnell provided insight on the Coalition's process for helping women involved domestic abuse situations get help at the shelter:

An advocate would go in the middle of the night or whenever to visit the woman whose partner had been arrested. Kind of to give her information, and help her figure out how the system was going to work, and see if she wanted to come to the shelter and stay for a while. So it was the shelter's role to do that, but we connected them so that we could all be working together.<sup>95</sup>

Oberg described her role with the Domestic Abuse Intervention Project as one of spearheading critical thinking and empowerment groups with women:<sup>96</sup>

Once the Domestic Abuse Intervention Project was in force . . . my position was to bring education to women's groups, [and] that education was based on Paulo Friere's Pedagogy of the Oppressed and bringing women information that would empower them and [sic] their voices be heard. We were called the Women's Action

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91. BARTLETT, *supra* note 43, at 101.

92. Interview by Beth Bartlett with Shirley Oberg, in Duluth, Minn. (Dec. 16, 2014) (on file with author).

93. BARTLETT, *supra* note 43, at 101.

94. SAFE HAVEN SHELTER, *supra* note 44, at 64.

95. *Id.*

96. *Id.* at 106.

Group. How we would determine an action was, “What was the most critical to their reality?”<sup>97</sup>

#### D. *The Women’s Curriculum: In Our Best Interest*

Having now set the scene—the Women’s Coalition having been open for two years and the Domestic Abuse Intervention Project newly formed—we can dive into the action: the creation of the Wheel and Chart. What follows is a nitty-gritty accounting of that creative process. As will be seen, the Duluth activists interpreted and applied the work of Paulo Freire to create curricula for women experiencing abuse and for men perpetrating abuse. The Wheel appears in both curricula—though the Wheel and Chart appears only in the women’s.

##### 1. The Creation of a Women’s Curriculum

With Oberg’s contagious excitement about the ideas of Paulo Freire and Pence’s forceful personality and community organizing acumen, the two led the way toward creating a Freirean curriculum for women’s discussion groups.<sup>98</sup> *In Our Best Interest*, published in 1987 under Pence’s name (with seven contributors), sets forth the outreach, teaching processes, and tools that the Women’s Coalition had developed in the early 1980s.<sup>99</sup> It was their hope that other programs would use the curriculum to design groups of their own.<sup>100</sup> Oberg and Pence focused on a particular type of discussion group: an “education” group, intended to provoke social and political change.<sup>101</sup> It is in

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97. *Id.*

98. *See supra* discussion in Section II.B.

99. On the inside cover of *In Our Best Interest*, Pence acknowledged the following contributors: Bonnie Mann, Mary Margaret Flynn, Yolando Bako, Anne Marshall, Jan Martin, Shirley Oberg and Nancy Burns. PENCE, *supra* note 2. Based upon my reading and research, Shirley Oberg appears to be more than a “contributor.” Oberg recently explained her idea to start the education groups and run them with Freirean methods. *See* Interview with Shirley Oberg, in Duluth, Minn. (Dec. 11, 2022) (on file with author).

100. PENCE, *supra* note 2, at 1.

101. *Id.* at 5–6 (“[T]he majority of self-help or counseling groups offered to women . . . view women as marginal members of society (e.g. displaced homemakers, women in crisis, battered women, divorced women). These groups focus on helping participants become more like women who are not beaten, divorced, or exploited. While the roles of sexism, economic exploitation and violence in women’s condition are superficially acknowledged, the underlying message is that something about the participants causes their mistreatment . . . . As facilitators, we can create a place where batterers and their conspirators in the system cannot control the discussion, where they cannot interpret the facts, where they cannot silence us. We can create that place only if we understand how easy it is to carry within us the consciousness of those who oppress us . . . . This

this manual that the Power and Control Wheel with the Institutional and Cultural Supports for Battering “code” first was published.<sup>102</sup>

This “code,” a term coined by Freire for a teaching tool to focus a discussion,<sup>103</sup> was painstakingly developed. In *In Our Best Interest*, Pence described in detail Freire’s five-step methodology and how she and her collaborators applied it.<sup>104</sup> A team of discussion group facilitators, advocates, and formerly battered women worked together to design each code and each session.<sup>105</sup>

First, as laid out by Freire, any curriculum of education for social change must engage the learner in a process of discovery about issues that really matter to their lives.<sup>106</sup> Thus, the first step was to conduct surveys of women in the community to unearth what it was they wanted to discuss.<sup>107</sup> The manual discusses one such survey from 1984, involving multiple meetings to design a survey of over one hundred questions that was mailed to several hundred women.<sup>108</sup>

Pence and her colleagues generated lists of issues that arose repeatedly in the surveys. One such list of forty-two issues was published in *In Our Best Interest*, but the women who answered the surveys raised many more.<sup>109</sup> The authors highlighted twelve items that involved abusive behaviors of women’s intimate partners<sup>110</sup> and seven that involved institutions or representatives of institutions that reinforced the use of these abusive behaviors.<sup>111</sup>

manual examines an alternative approach to understanding who we are in this world. It centers on the world of battered women, but that world is ultimately the world of all women. This curriculum is based on the work of Paulo Freire . . .”).

102. But note that the Power and Control Wheel in isolation, without the Chart, was first published in 1986 in ELLEN PENCE & MICHAEL PAYMAR, *POWER AND CONTROL: TACTICS OF MEN WHO BATTER* (Minnesota Program Development, Inc. 1986), discussed *infra* Section II.E.

103. PENCE, *supra* note 2, at 10.

104. *Id.* at 6.

105. *Id.* at 7.

106. *Id.*

107. *Id.* at 6 (“No matter how many women come to the doors of our programs, we cannot assume that we know what they want from groups unless we ask and listen to their responses.”).

108. *Id.* at 98 (describing the convening of a meeting with the responders and several of the Women’s Coalition education group members, where they “divided into five groups, each looking at the responses to one of the sections of the questionnaire: police, courts, shelter, DAIP and educational group responses. Each small group was supposed to look at the women’s answers and come up with recommendations . . . . There were thirty-one recommendations for change”).

109. *Id.* at 8–9.

110. Some examples are: “Is emotional abuse battering? Why doesn’t he want me to go back to school or get a job? Why do men think they can treat women like servants?” *Id.* at 8.

111. Some examples are: “Why don’t the police have to do something when they come on calls? Why does the welfare department back him up? Why can he threaten to take my children away, and it isn’t illegal?” *Id.*

The second step was to identify themes,<sup>112</sup> which emerged from the issue lists. For example, the survey team noted that many batterers used the same tactics; these tactics had the similar effects on targeted women, and many institutional policies reinforced batterers use of their tactics.<sup>113</sup>

The third step was to analyze each theme to determine if it was generative.<sup>114</sup> From Freire's point of view (as interpreted by Pence), a theme was "generative if it can be analyzed from three perspectives: personal, institutional, and cultural."<sup>115</sup> Pence *et al.* included ten themes in their curriculum: what "battering" is; the effects of battering on women; what "freedom" would look like; why men batter; victim blaming; the tactics of men who batter; when survival skills turn on us; the power to force submission; women's anger; and mind games.<sup>116</sup>

The fourth step involved translating each generative theme into a teaching tool that could be used to focus a group discussion.<sup>117</sup> This teaching tool was referred to as a "code." A code could be a picture, role-play, guided meditation, song, chart, or exercise—anything that could serve as a useful reference point to anchor a discussion.<sup>118</sup> A code was meant to provide a small snapshot of a person's day-to-day experience in the world, capturing what was really going on in their lives.<sup>119</sup>

Finally, in step five, group leaders planned the actual discussion.<sup>120</sup> They constructed questions to elicit the actions group members had taken already with regard to the subject of a given code as well as those that would help the group members to imagine possible future actions targeted at personal, institutional, and cultural levels.<sup>121</sup> Actions included holding a series of silent vigils and discussion groups on the issue of rape, organizing a speak-out of welfare recipients regarding legislation that would reduce payments, and

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112. *Id.* at 9.

113. *Id.*

114. *Id.*

115. *Id.*

116. *Id.* at 29–91.

117. *Id.* at 10.

118. *Id.*

119. Personal Notes of Ellen Pence, Co-Founder, Duluth Domestic Intervention Proj. (on file with author) ("Freire's method for remaining concretely grounded in the lives of women is the use of codes. He bypasses the prefabricated world of concepts and abstract theories by conducting listening surveys. From these listening surveys he develops codes which are simply small snapshots, pictures or poems that relate to the daily experience of the people who are in the educational groups. These codes need to reveal what is going on in people's lives.").

120. PENCE, *supra* note 2, at 13.

121. *Id.* at 13.

participating in legislative education days at the state capitol on issues affecting women.<sup>122</sup>

In sum, the manual offered a “teaching process” for women’s programs to design groups and actions of their own.<sup>123</sup> It also offered concrete tools, such as the Power and Control Wheel and Institutional and Cultural Supports for Battering chart, discussed in detail below.

## 2. The Wheel-Chart “Code”

Abusive behaviors that appeared repeatedly in surveys suggested to Pence *et al.* that “battering consists not only of physical abuse and threats, but also of abusive acts which reinforce the physical violence. If we examine each of the acts individually we may be misled as to its intent, cause and impact.”<sup>124</sup> Thus, “Theme One” of the *In Our Best Interest* curriculum, entitled “*Battering: What Is It? Why are Batterers So Powerful?*” was intended to help participants define the nature of violent relationships.<sup>125</sup> In this group, participants would begin to see that abuse is a system of behaviors that a partner uses to establish power and control.<sup>126</sup>

The code for this group consists of two graphics: the Wheel and the Chart.<sup>127</sup> The Wheel and the Chart interact as follows, “The tactics on the Power and Control Wheel appear again as the core of the chart on Institutional and Cultural Supports for Battering. The chart provides space for the group to fill in institutional and cultural supports for the abusive tactics on the wheel.”<sup>128</sup> As envisioned, these graphics together would be used to facilitate discussion of Theme One, with the goal of identifying action steps toward transformation on three levels: personal, institutional, and cultural.

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122. *Id.* at 98–99.

123. *Id.* at 1 (“This manual is not a ‘ten-week course on working with battered women.’ We offer instead a teaching process and some tools we’ve developed which we hope will help other programs design groups of their own.”).

124. *Id.* at 9.

125. *Id.* at 31. Although women are defining for themselves the nature of violent relationships, Pence, in the description of this group session, sets out the definition: “Battering not only consists of seemingly isolated acts of individual abusers. It encompasses a much larger system of actions of abusers and of the community institutions which support woman abuse.” *Id.*

126. *Id.*

127. *Id.* at 33. “The code for this group is two graphics, both found on the following page. It depicts abusive tactics used by batterers to control their partners. The first graphic is the Power and Control Wheel. The second graphic is a chart to be filled out by the group showing how community institutions support batterers.” *Id.*

128. *Id.* at 12.

The discussion group would entail the following: First, the Wheel would be posted or handed out to group members. Then, the facilitator would ask group members to state examples of tactics that each of their partners used to control them.<sup>129</sup> The facilitator would listen for women to add new tactics—spokes—to the Wheel, as necessary, to fully capture their lived experiences.<sup>130</sup> This point is important, for as we shall see later, the Wheel is no longer used as a provocateur of women’s self-definition of abuse, but rather as a fully-developed model for what “domestic violence” is.<sup>131</sup>

Once all tactics were surfaced and all the new ones added to the Wheel, the facilitator would turn to the Chart and ask the group to share examples of the ways institutions, as well as commonly held community beliefs facilitate or “enhance individual batterers’ ability to use these tactics.”<sup>132</sup> The *In Our Best Interest* curriculum listed nine examples of the types of responses generated in discussion groups when women completed this part of the code. Of the nine listed, five involved the legal system’s treatment of women:

- Judges lecture women during protection order hearings, stating that they too are part of the problem, or they issue mutual restraining orders when the woman hasn’t used violence;
- Judges order women into counseling when they have not used violence;
- Judges refuse to enforce their own court orders requiring counseling or no contact with women;
- Courts threaten lesbian battered women with the loss of their children when they ask the court for protection; and
- Prosecutors threaten women who are afraid to pursue prosecution, saying that if they don’t follow through on their complaints, they won’t be able to use the courts for protection again.<sup>133</sup>

In this stage of the process, the facilitator went beyond creating a list of the examples; they asked probing questions to allow group members to explain how these outside forces affected them, as well as how they affected

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129. *Id.* at 33.

130. *Id.* (“[T]he facilitator asks group members to give examples of tactics their abusers used to control them. Some women may wish to add new tactics to the wheel and give examples.”); *id.* at 56 (“The facilitator draws the chart on the board, listing the nine tactics that are illustrated on the Power and Control Wheel, and any other tactics that women may have added to the wheel . . .”).

131. See discussion *infra* Section IV.B.

132. PENCE, *supra* note 2, at 33.

133. *Id.* at 33–34.

their partners' behaviors.<sup>134</sup> The goal was for participants to gain a fuller understanding of the ways institutional and cultural norms reinforce battering behavior at the individual level.<sup>135</sup>

After all the personal (through the Wheel) and institutional and cultural (through the Chart) tactics of and supports for abuse were discussed, the leader would move the group to a second phase of discussion: identifying actions for transformation. This transformation was meant to occur, in accordance with Freire's vision, on three levels—personal, institutional, and cultural. Key to this discussion stage is drawing out from the group actions they already have taken to protect themselves. Then they would focus on future actions for change, beyond or in addition to, exclusively personal transformation. Facilitators would be ready to offer women a “variety of opportunities to generate and participate in action. Without such opportunities, the education process is incomplete.”<sup>136</sup>

Actions included meeting with legislators at the capital; writing op-eds; protesting; organizing sit-ins; exchanging poetry; and conducting silent vigils.<sup>137</sup> As stated by Jean DeRider, founding member of the Women's Coalition, “You just can't patch everybody up. You gotta make changes in the system.”<sup>138</sup> For this reason, Pence and her collaborators imported Freire's methodology to Duluth activism.

#### *E. The Men's Curriculum: Education Groups for Men Who Batter*

Early on, though not at its outset, the Domestic Abuse Intervention Project added the facilitation of men's education groups to its work.<sup>139</sup> Pence reflected:

By 1980 there was a sinking feeling across the country that the question, “What about the men?” was bigger than the solution of arrest and jail. Judges and probation officers asked, “How are you going to help them?” They meant “rehabilitate.” Suddenly the

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134. *Id.* at 34.

135. *Id.*

136. *Id.* at 13–14.

137. *Id.* at 98–99.

138. SAFE HAVEN ORAL HISTORY, *supra* note 44, at 56.

139. BARTLETT, *supra* note 43, at 101 (describing how, months after hiring McDonnell, the next staff member that DAIP hired was Dale Brown, to follow up with men who were arrested and facilitate a men's group).

battered women's movement was asked to fix batterers in exchange for women's protection.<sup>140</sup>

With less consternation, Coral McDonnell recalled that the Domestic Abuse Intervention Project

had a bunch of men who we recruited early on to be the men's jail visitors. When we first were planning the program, before we started, when we were making all the plans, we sat around with a group of women and just threw out a bunch of names of good men in the community we could call on to come and volunteer.<sup>141</sup>

Michael Paymar was one of the volunteers who would visit men in jail.<sup>142</sup> Later he worked with men in men's groups, and the DAIP hired him as a men's group coordinator.<sup>143</sup> With Pence, he wrote the first educational curriculum for the men's groups, *Power And Control: Tactics of Men Who Batter*.<sup>144</sup> This curriculum was written in 1986 and for several years available only to those who attended training by the DAIP staff.<sup>145</sup> The curriculum was revised before being published widely in 1993 as *Education Groups for Men Who Batter*.<sup>146</sup>

Like *In Our Best Interest*, the men's curriculum was based on the work of Paolo Freire.<sup>147</sup> The curriculum therefore contained Freirean codes, though in the men's curriculum the codes were called "teaching tools."<sup>148</sup> One such tool was the Power and Control Wheel, which appeared on page three of the book.<sup>149</sup> Here, however, the Wheel appeared without the Chart.

In the introduction of *Education Groups for Men Who Batter*, Pence and Paymar discuss creation of the Wheel for the men's curriculum. They wrote:

140. Ellen Pence, *Batterer Programs: Shifting from Community Collusion to Community Confrontation*, in *VIOLENCE AGAINST WOMEN CLASSIC PAPERS* 372 (Bergen et al. eds., 2005).

141. Interview by Tineke Ritmeester with Coral McDonnell, in Duluth, Minn. (July 14, 2008) (transcript on file with author).

142. MICHAEL PAYMAR, *VIOLENT NO MORE: HELPING MEN END DOMESTIC ABUSE* 4 (3d ed. 2015).

143. *Id.* at 4–5.

144. The curriculum was first published in 1986 and revised in 1990. The publisher was the Minnesota Program Development, Inc., the umbrella organization of which the Domestic Abuse Intervention Project was one part.

145. PENCE & PAYMAR, *supra* note 18, at 65 ("Up to now, our curriculum package has been available only to those who attend training sponsored by the DAIP's National Training Project.").

146. *Id.* ("In publishing this work, we share the Duluth model with the increasing number of individual practitioners and community programs intervening with men who batter.").

147. *Id.* at 72 ("The analysis of critical thinking that underlies this curriculum is based on the work of Brazilian educator Paolo Freire.").

148. *Id.* at 31 (reproduction of the Power and Control Wheel, described as a teaching tool).

149. *Id.* at 3.



In 1984, based on group interviews with women attending educational classes offered by the Duluth battered women's shelter, we began developing a framework for describing the behavior of men who physically and emotionally abuse their partners. Many of the women criticized the theories that described battering as cyclical rather than as a constant force in their relationship; that attributed the violence to men's inability to cope with stress; and that failed to acknowledge fully the intention of batterers to gain control over their partners' actions, thoughts, and feelings. Challenging the assumptions about why women stay with men who beat them, more than 200 battered women in Duluth who participated in 30 educational sessions sponsored by the shelter designed the Power and Control Wheel, which depicts the primary abusive behaviors experienced by women living with men who batter. It illustrates that violence is part of a pattern of behaviors rather than isolated incidents of abuse or cyclical explosions of pent-up anger, frustration, or painful feelings.<sup>150</sup>

In a documentary film released in 2010, Pence and Paymar reflected further on the origins of the Wheel for the men's curriculum. Pence explained:

And when we decided "What are we gonna teach?" [the men,] we went to the women's groups and said "Ok, if we can get these guys for eight weeks or 10 weeks or 15 or however long we get 'em, what do you want us to teach 'em?" And out of that, eventually came the Power and Control Wheel, out of those sessions with the women . . .<sup>151</sup>

In the same documentary, Paymar observed:

Almost every woman in that small group would tell a similar story. So we started to see that there was a pattern that was developing, and there were all kinds of abusive behaviors that we were hearing. But there were several that really stuck out. And that's how the wheel started to evolve. There was a pattern of emotional abuse, psychological abuse, coercion, of intimidation, sexual abuse, this sense of entitlement that a lot of the batterers had in their own relationships. So we narrowed it down to several tactics that batterers would use to control their partners. The wheel then became a definition of what battering is.<sup>152</sup>

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150. *Id.* at 2.

151. POWER AND CONTROL: DOMESTIC VIOLENCE IN AMERICA, *supra* note 35.

152. *Id.*

In sum, in the early 1980s, the Domestic Abuse Intervention Project developed two codes that involved the Power and Control Wheel. One, consisting of both the Wheel and Chart, was published in DAIP's women's curriculum in 1987. The other, comprised of the Wheel in isolation, was published in its men's curriculum in 1986 (and more widely in 1993). Both codes had their origins in the women's education groups.

Unfortunately, *Education Groups for Men Who Batter* does not contain the same detailed record of the development of the Wheel for the men's groups, as does *In Our Best Interest* for the women's. Thus, there is no explanation for why the Chart did not appear in the men's curriculum. Perhaps this was because the men's curriculum was filled with other Freirean codes created explicitly for the purpose of making visible to men both institutional and cultural supports for battering.

For example, the "control log," a primary teaching tool used throughout the curriculum,<sup>153</sup> asks men to keep track of situations and actions they used each week to control their partners.<sup>154</sup> The log requires that men document the "beliefs and intent" behind their actions, and a routine practice during group sessions was to surface the societal values and socialization of men that brought about such beliefs.<sup>155</sup> Another such code was the "pyramid of hierarchy." The facilitator drew a pyramid on a whiteboard, asking the group to think about an organization that had an impact on them, such as a church or their place of work, and to dissect who is at the top of the pyramid, how they got there, who is immediately under, who is at the bottom, and where the individual man fits in that system.<sup>156</sup> The group then discussed how various actors influence other actors in the hierarchy; who benefits from the hierarchy; who is hurt by the hierarchy; what would happen if the hierarchy were more democratic; and how similar the hierarchy is to the group members' families of origin.<sup>157</sup> The book detailed that "[t]hroughout the 24 weeks discussions will emerge that can best be understood by returning to the image of the pyramid and asking questions about the relationship of this discussion to the hierarchical or authoritarian context in which the situation is occurring."<sup>158</sup>

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153. PENCE & PAYMAR, *supra* note 18, at 35.

154. *Id.* at 36.

155. *Id.* at 42 ("These belief statements bring the group to the discussion about societal values and the socialization of men and women . . . . The concept that the natural order of things is hierarchical is important to explore with the men because it is at the heart of their belief in their natural right to be in charge and, therefore, to set and enforce rules and roles.").

156. *Id.* at 42-43.

157. *Id.*

158. *Id.*

The men's curriculum, like the women's, was chock full of exercises, drawings, videos, vignettes, and role plays to make visible to men what institutions, systems, and beliefs exist outside of relationships that supported their own belief systems. A central role of facilitators of the men's curriculum, like facilitators of the women's, was to help men think critically and reflectively about the role of culture.<sup>159</sup>The Institutional and Cultural Supports for Battering Chart, however, was not among the codes that appeared in the men's curriculum.<sup>160</sup>

### III. HOW THE CHART DISAPPEARED

Alas, though the women's curriculum and the men's curriculum were developed at about the same time,<sup>161</sup> from the same source,<sup>162</sup> and by the same cast of characters—namely, Ellen Pence, Shirley Oberg, Coral McDonnell, and Michael Paymar—it has been and continues to be the men's curriculum, and not the women's, that is attributed credit for creation of the Power and Control Wheel.

Many factors likely have contributed to this phenomenon. For starters, members of the Domestic Abuse Intervention Project themselves attribute the Wheel's creation to the men's curriculum, without mention of the women's. They have done so historically and do so currently. For example, Coral McDonnell, one of the Wheel's creators, in 2008 stated: “[T]he DAIP program became kind of a national model, and we developed training and materials and brought a lot of people here . . . . And the *power and control wheel, of course, came out of the curriculum for working with men who batter.*”<sup>163</sup>

Similarly, the current webpage of the Domestic Abuse Intervention Programs<sup>164</sup> explains the creation of the Power and Control Wheel as follows:

In 1984, staff at the Domestic Abuse Intervention Project (DAIP) began developing *curricula for groups for men who batter* and

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159. *Id.* at 71–73.

160. I asked Shirley Oberg why the Chart did not appear in the men's curriculum. She did not know and did not work on the men's curriculum. Interview with Shirley Oberg in Duluth, Minn. (Dec. 11, 2022) (notes on file with author).

161. By all accounts, they were developed in the first half of the 1980s.

162. By all accounts, the source was the battered women who participated in the education groups run by the DAIP and the Women's Coalition.

163. Interview by Tineke Ritmeester with Coral McDonnell, in Duluth, Minn. (July 14, 2008) (transcript on file with author) (emphasis added).

164. The Domestic Abuse Intervention Project is part of a larger organization called the Domestic Abuse Intervention Programs. BARTLETT, *supra* note 43, at 118.

victims of domestic violence. We wanted a way to describe battering for victims, offenders, practitioners in the criminal justice system and the general public. Over several months, we convened focus groups of women who had been battered. We listened to heart-wrenching stories of violence, terror and survival. After listening to these stories and asking questions, we documented the most common abusive behaviors or tactics that were used against these women. The tactics chosen for the wheel were those that were most universally experienced by battered women.<sup>165</sup>

Additionally, Pence herself attributes creation of the Wheel to the men's curriculum. After publishing the Institutional and Cultural Supports for Battering Chart in *In Our Best Interest*, Pence did not again write about the Chart. On one hand, this is surprising, given the volume of work she produced about institutional, versus individual, advocacy on behalf of battered women.<sup>166</sup> On the other hand, perhaps it should not be surprising, given that Pence devoted most if not the entirety of her career to institutional advocacy, and characterized all her work, including her co-authorship of the men's curriculum, as institutional advocacy.<sup>167</sup> To put it differently, Pence may have been of the opinion that the Institutional and Cultural Supports for Battering Chart never "disappeared" or was "absent" in the ways that I have described, because everything that the Domestic Abuse Intervention Project did was, in essence, the very work that the Chart set forth as needing doing.<sup>168</sup>

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165. See *Understanding the Power and Control Wheel*, *supra* note 14 (emphasis added).

166. See, e.g., Ellen Pence, *Advocacy on Behalf of Battered Women*, in SOURCEBOOK ON VIOLENCE AGAINST WOMEN (Renzetti et al. eds., 2001) (offering observations about the state of institutional advocacy in the U.S. battered women's movement); Pence, *supra* note 140, at 390 (describing the DAIP and concluding that its greatest contribution was to "demonstrate how a local advocacy group could reshape institutional responses to male violence"); Martha McMahon & Ellen Pence, *Making Social Change: Reflections on Individual and Institutional Advocacy with Women Arrested for Domestic Violence*, 9 VIOLENCE AGAINST WOMEN 47 (2003) (discussing strengths and weaknesses of institutionalized responses to domestic violence); Pence, Unpublished Thesis, *supra* note 7, at 33 (describing institutional versus individual advocacy); PENCE & MCMAHON, *supra* note 89, at 20 (offering a model of advocacy "to change those institutionalized ways of doing things that put women at risk of domestic violence"). Not one of these writings discusses the Institutional and Cultural Supports for Battering Chart.

167. BARTLETT, *supra* note 43, at 121 ("Shortly before her death, Ellen shared these reflections on the significance of the Domestic Abuse Intervention Project: 'In the end the DAIP's greatest contribution was its demonstration of how a local advocacy group could reshape institutional responses to male violence . . . We made gender visible in a justice system that purported to be blind to all of the privileges it routinely maintained.'").

168. Interview by Tineke Ritmeester with Ellen Pence, in Duluth, Minn. (May 21, 2006) (transcript on file with author) ("I have always engaged in institutional class advocacy. I've not been much of an individual advocate. Mostly my work has always been on the power issues or the structure issues or the institution.").

Another factor contributing to the obscurity of the women's curriculum, where the Wheel-Chart dyad was birthed, may be the historic and ongoing confusion about the difference between three distinct terms of art: the Domestic Abuse Intervention Project, the Duluth Model, and the men's curriculum. All three terms have been, and continue to be, used synonymously. The "Duluth Model" and the "Domestic Abuse Intervention Project" are both terms that Pence herself used to describe the coordinated community response that was created in Duluth.<sup>169</sup> But both are often confused with "batterers' treatment."<sup>170</sup> Thus, when people attribute the Wheel *solely* to the men's curriculum, without crediting the women's, they are incorrect.

This confusion in terminology was not helped by the fact that, when Pence and Paymar published *Education Groups for Men Who Batter*, they chose this byline: "The Duluth Model."<sup>171</sup> When they revised and published again, the new men's curriculum was called *Creating a Process for Change for Men Who Batter*, but the byline remained: "The Duluth Curriculum."<sup>172</sup>

All this confusion is exacerbated by the worldwide fame of both the men's curriculum and the Duluth Model (of coordinated community response). *Education Groups for Men Who Batter*, now *Creating a Process for Change for Men Who Batter*, became the prevailing model of batterer intervention in the United States.<sup>173</sup> Duluth's coordinated community response model won

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169. PENCE & MCMAHON, *supra* note 89, at 1.

170. *Id.*

171. PENCE & PAYMAR, *supra* note 18.

172. ELLEN PENCE & MICHAEL PAYMAR, *CREATING A PROCESS OF CHANGE FOR MEN WHO BATTER, THE DULUTH CURRICULUM* (Minnesota Program Development 2003).

173. *See Ramsey, supra* note 25, at 360, 360 n.101 (documenting that the DAIP batterer treatment model since the 1990s has been the prevailing model in the U.S. and providing a survey of states in Appendix A).

national<sup>174</sup> and international<sup>175</sup> awards, and was adapted internationally for use in many different cultures.<sup>176</sup>

Yet, as noted by Shirley Oberg, there is a certain irony to the fact that the men's curriculum rather than the women's has received all the credit for the creation of the Power and Control Wheel:

What I felt, or maybe I was getting burnt out, was that the popularity or the emergent fame of the Domestic Abuse Intervention Project had more to do with the men. So this was given all the attention, and around the country, they would want training from the Domestic Abuse Intervention Project. They couldn't quite afford the women's curriculum, "*In Our Best Interest . . .*"<sup>177</sup>

In short, for the above reasons and perhaps others as well, *In Our Best Interest*, the women's curriculum where the Wheel-Chart dyad first appeared, was utterly overshadowed by the men's curriculum. Consequently, when the history of the Power and Control Wheel is recounted, the history of the Institutional and Cultural Supports for Battering Chart is omitted.

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174. SUJATA WARRIER & KRISTINE LIDZAS, RE-IMAGINING COORDINATED COMMUNITY RESPONSE: A FOCUS ON SURVIVOR-CENTERED DESIGN, BATTERED WOMEN'S JUSTICE PROJECT 2, 13 n.1 (Feb. 2022). The report argues that the coordinated community response model needs to be re-envisioned to be relevant today, noting that the Domestic Abuse Intervention Program "has been the most widely replicated approach to addressing domestic violence throughout the world" and citing its national recognitions at n.1: "For example, this model won the Innovations in Government Award, sponsored by the Ford Foundation and the Kenney School of Government at Harvard University . . . . Additionally, in 1998 Open Society Institute supported the implementation of the Duluth Model CCR in 19 countries."

175. In 2014, the DAIP won the International Future Policy Award, presented by the World Future Council, UN Women, and the Inter Parliamentary Union of the United Nations. Press Release, Inspirational US Policy Wins Prestigious International Prize on Ending Violence Against Women (Oct. 14, 2014), <https://www.unwomen.org/en/news/stories/2014/10/future-policy-awards> [<https://perma.cc/2MTP-ZTY7>]; see also Domestic Abuse Intervention Programs, "*The Duluth Model*": *Coordinated Community Response (CCR) Wins Prestigious International Prize for Best Policy Worldwide*, THE DULUTH MODEL (Oct. 14, 2014), <https://www.theduluthmodel.org/future-policy-award-2014/> [<https://perma.cc/B5F9-Y79V>] ("On Tuesday, October 14, [2014] the Duluth Model's 'Coordinated Community Response to Domestic Violence,' a partnership between Domestic Abuse Intervention Programs (DAIP), and criminal justice agencies of the City of Duluth and St. Louis County, was named world's best policy. Out of 25 international nominations, the 'Duluth Model' was the only policy to be awarded the 2014 Future Policy Award for Ending Violence against Women and Girls, or Gold Award. The Future Policy Award is the only international award which recognizes policies rather than people, and the 'Duluth Model' is the first humanitarian policy to be honored in the history of the award.").

176. MICHAEL PAYMAR & GRAHAM BARNES, COUNTERING CONFUSION ABOUT THE DULUTH MODEL 12 (2007).

177. Interview by Beth Bartlett with Shirley Oberg, in Duluth, Minn. (Dec. 16, 2014) (transcript on file with author).

The overshadowing came at a steep price. Further recounted by Oberg, reflecting on *In Our Best Interest*: “I don’t know; I don’t know what happened – this whole Domestic Abuse Intervention Project was set up for women, and yet now there aren’t any women’s advocates or educators. Where are the women’s voices now? I’m really asking that question. Do you know?”<sup>178</sup>

Oberg left the Domestic Abuse Intervention Project in the late 1980s. When she did, the Women’s Action Group faded away.<sup>179</sup> The WAG, as it was called, was described by the battered women who participated in it as “the first moment that I felt valued”<sup>180</sup> and “lifechanging.”<sup>181</sup> It was described by Coral McDonnell as “the highlight for all of us”<sup>182</sup> and by Pence as “the best work I ever did.”<sup>183</sup>

Oberg’s question—what happened to the women’s voices—perfectly captures why understanding the disappearance of the Chart matters so much and is a critical question for activists today.

#### IV. WHAT THE LOSS OF THE CHART TEACHES

The disappearance of the Wheel-Chart dyad is both exemplary of, and contributive to, three overlapping, longstanding challenges faced by the movement to end violence against women. One is the lack of focus on the structural sources of violence in women’s lives. The second is the professionalization of what began as a deeply political, activist-focused

178. Interview by Tineke Ritmeester with Shirley Oberg, in Duluth, Minn. (July 14, 2008) (transcript on file with author) (emphasis added).

179. Interview by Beth Bartlett with Shirley Oberg, in Duluth, Minn. (Dec. 16, 2014) (transcript on file with author) (“I’m so disappointed that in the DAIP since I left there hasn’t been anyone who’s had that position. Like when we started in 1980, ’81 there was a position—a woman’s advocate, woman’s coordinator. Now there wasn’t—the 90’s—Ellen left—and it was always the men’s curriculum. In the DAIP, there was nothing about women. They were claiming that if they did all this, the women would be safe. Well, there she was. Where was her community? Where was her voice?”); Interview by Tineke Ritmeester with Coral McDonnell, in Duluth, Minn. (July 14, 2008) (transcript on file with author) (confirming that the DAIP did not re-hire another Women’s Action Group coordinator and that the Women’s Action Group faded away); see also BARTLETT, *supra* note 43, at 113 (discussing how, when Oberg left, the Women’s Action Group left with her, and documenting the void left without Oberg’s energy and commitment, as observed by both the battered women and the activists who worked with her).

180. Interview by Beth Bartlett with Babette Sandman, in Duluth, Minn. (Dec. 11, 2014) (transcript on file with author).

181. Interview by Beth Bartlett with Jill Abernathey, in Duluth, Minn. (Dec. 16, 2014) (transcript on file with author).

182. Interview by Tineke Ritmeester with Coral McDonnell, in Duluth, Minn. (July 14, 2008) (transcript on file with author).

183. BARTLETT, *supra* note 43, at 108.

movement. The third is the turn to law, and particularly to regressive criminal laws and policies to effect progressive social change.

*F. Loss of Focus on Structural Causes*

In her 1982 groundbreaking book, *Women and Male Violence: The Visions and Struggles of the Battered Women's Movement*, Susan Schechter observed with both regret and foreboding the transformation of a political, grassroots movement to an industry of professional service provision.<sup>184</sup> Regret, because in the two years it took from the start of the book to its completion, some of her fears were already realized. Foreboding, because she saw more of the same to come. I rely heavily in this Part on *Visions and Struggles* because of the respect it garners in the field; its comprehensiveness; the fact that Pence and her collaborators undoubtedly relied upon it in their work; and because Pence and her collaborators did, in fact, rely on Schechter for development of the content of the first curriculum they wrote for men who batter.<sup>185</sup>

Schechter discussed at length the need for the movement to focus on the conditions that create violence against women.<sup>186</sup> Those conditions, in her view, were male domination within and outside of the family, supported by institutions in society.<sup>187</sup> Pence and her colleagues agreed with that diagnosis, explicitly attributing responsibility, in the introduction to *In Our Best Interest*, to the role of institutions “that blamed women for being beaten.”<sup>188</sup> Schechter and Pence were two of many voices of the time urging the

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184. SCHECHTER, *supra* note 42, at 2–3 (Schechter sought to, and did, memorialize the grueling efforts of battered women’s activists to achieve major successes, even as she watched the requirements of funders and bureaucracy of government bog down the radical political spirit and insights of feminist activism).

185. PENCE & PAYMAR, *POWER AND CONTROL: TACTICS OF MEN WHO BATTER* iv (Minnesota Program Development, Inc. 1986) (“In addition to those people from Duluth who helped us develop this curriculum, we wish to acknowledge especially . . . Susan Schechter . . . who spent three days with us developing the focus and overall content of the course.”).

186. SCHECHTER, *supra* note 42, at 209–56. These pages, which comprise a third of the text of the book, are two separate chapters entitled *Toward an Analysis of Violence Against Women in the Family* and *Services and Politics: The Need for a Dual Focus*.

187. *Id.* at 209 (“Woman abuse is viewed here as an historical expression of male domination manifested within the family and currently reinforced by the institutions, economic arrangements, and sexist division of labor within capitalist society. Only by analyzing this total context of battering will women and men be able to devise a long-range plan to eliminate it.”). It is important to note that many activists of marginalized identities did not view gender oppression as the sole or even primary form of oppression they experienced. *See* AYA GRUBER, *THE FEMINIST WAR ON CRIME* 46 (2020) (tracing activists’ exclusive focus on gender oppression rather than intersectional oppressions).

188. PENCE, *supra* note 2, at 5.



movement to pay more attention to structural causes of violence against women.<sup>189</sup> BIPOC and activists of other marginalized identities urged the centering of structural causes of gender-based (and race-, class-, and other-based) forms of violence in the development of solutions,<sup>190</sup> though their voices were not sufficiently heard, or were ignored.<sup>191</sup> The ongoing need to focus on intersecting structural causes of, rather than individual relational factors surrounding, domestic violence is a persistent thread in the feminist literature.<sup>192</sup>

189. PRICE, *supra* note 1, at 21 (“From the beginning of the second wave of feminism in the early 1970s, feminist activists made the connection between violent relationships and the institutions that supported violence against women.”).

190. *See, e.g.*, DEL MARTIN, BATTERED WIVES (1976); The Combahee River Collective, *A Black Feminist Statement*, in CAPITALIST PATRIARCHY AND THE CASE FOR SOCIALIST FEMINISM 362, 365–66 (Zillah R. Eisenstein ed., 1979); ANGELA Y. DAVIS, WOMEN, CULTURE & POLITICS (1984); FEMINIST PERSPECTIVES ON WIFE ABUSE (Kersti Yllo & Michele Bograd eds., 1988); KERRY LOBEL, NAMING THE VIOLENCE: SPEAKING OUT ON LESBIAN BATTERING (1986); TRACI C. WEST, WOUNDS OF THE SPIRIT: BLACK WOMEN, VIOLENCE, AND RESISTANCE ETHICS (1999).

191. *See, e.g.*, BETH E. RICHIE, ARRESTED JUSTICE: BLACK WOMEN, VIOLENCE, AND AMERICA’S PRISON NATION 16 (2012) (describing how, for the past 25 years, mainstream anti-violence organizations have not and do not adequately address the concerns of women of color); *see also* WARRIER & LIDZAS, *supra* note 174, at 7–8 (“Lost in the national narratives were voices of survivors from racially, ethnically, culturally marginalized groups, survivors from the LGBTQ communities, various disabled survivors, and those from poor neighborhoods to name a few.”); *see also* Gretchen Arnold & Jami Ake, *Reframing the Narrative of the Battered Women’s Movement*, 19 VIOLENCE AGAINST WOMEN 557, 561–62 (2013) (describing the origins of two organizations that emerged from mainstream anti-domestic violence agencies’ failure to address intersecting forms of oppression: INCITE!, “a national activist organization of radical feminists of color advancing a movement to end violence against women of color and or communities through direct action, critical dialogue and grassroots organizing,” and QAWS (Queer Asian Women’s Services), providing holistic services extending beyond interpersonal violence issues and promoting grassroots efforts to address community-defined needs in ending gender-based violence); Beth E. Richie et al., *Colluding with and Resisting the State: Organizing Against Gender Violence in the U.S.*, 16 FEMINIST CRIMINOLOGY 242, 250 (2021) (“One of the positive, unintended consequences of the gender-essential analysis and subsequent service delivery models designed by white, middle class, battered women’s advocates was the proliferation in the mid-1970s to 1980s of writings and autonomous grassroots programs specific to the cultural needs of ‘other’ women. Groundbreaking programs such as Women of All Red Nations and the White Buffalo Calf Women’s Society in South Dakota, Asian Women’s Shelter in California, Violence Intervention Program in East Harlem, New York, Communities Against Rape and Abuse (CARA) in Seattle, Connections for Abused Women and their Children in Chicago, Abused Deaf Women’s Advocacy Services in Seattle, and other identify-specific programs began to populate the domestic abuse service landscape across the country.” (citations omitted)).

192. *See, e.g.*, Richie, *supra* note 1, at xvi–xvii (“As a collection this volume assumes that structural arrangements seriously complicate individual options for women who are marginalized and that no one monolithic response will work to eradicate individual or systemic abuse.”); LEIGH GOODMARK, DECRIMINALIZING DOMESTIC VIOLENCE 22 (2018) (arguing that criminalization “allows policymakers to ignore the larger structural economic, social, and political factors that

The Power and Control Wheel and Institutional and Cultural Supports for Battering Chart were intended to assist women in pinpointing precisely which institutions and cultural beliefs needed to be transformed to stop violence within the home.<sup>193</sup> The Chart elicits why batterers are “so powerful”—because they have the backing of institutions, cultural values, and cultural beliefs.<sup>194</sup> Women could use their raised consciousness about this political aspect of domestic violence to identify concrete actions for change.

As Price articulately pointed out, when stripped of the Chart, the Wheel is no longer the pedagogical tool for critical consciousness and action intended by Pence, Oberg, and others who contributed to *In Our Best Interest*—one that would be situated within larger societal processes of oppression and domination.<sup>195</sup> When the Wheel is viewed in isolation from the Chart, the sole focus is the individual relationship.

What is worse is that it is not the relationship as a whole that is examined, but only the tactics. What is missing is the highly personalized context in which the tactics occur, which would be surfaced if used in a dialogue. Individuals’ Wheels would vary depending on what they highlight and add. Their Charts would vary too depending upon the individual’s identity and given institutions’ differentiated impact on BIPOC, LGBTQIA, disabled, elder, and other marginalized communities. The common thread would be that larger forces uphold the abuse within the relationship. Thus, we have lost

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contribute to intimate partner violence”); GRUBER, *supra* note 187, at 17 (proposing a neofeminist, distributional approach to law reform where gender, class, race and economic status contribute to the problem of intimate partner violence); ANNE P. DEPRINCE, EVERY 90 SECONDS 20–21 (2022) (arguing for an intersectional approach to end violence against women); Richie et al., *supra* note 191, at 253 (offering a genealogy of the battered women’s movement in the U.S., arguing that future direction must account for where domestic violence “*emerges* from and what must be done *to respond to it* requires that anti-violence programs attend to State-sponsored violence, as deeply injurious, disparate, and oppressive as abuse at the interpersonal, intimate and ‘private’ level”).

193. PENCE, *supra* note 2, at 36 (“This discussion helps to identify actions women can take on personal, cultural and institutional levels to decrease the ability of abusers to control women . . .”). It is important to note that the focus on violence “within the home” is a contested concept, and that BIPOC activists argued that state-inflicted violence must also be addressed. *See, e.g.*, Richie, *supra* note 1; discussion *infra* Section IV.C.

194. PENCE, *supra* note 2, at 5.

195. PRICE, *supra* note 1, at 32 (“Only by using the second chart, Institutional and Cultural Supports for Battering, can one tie the private to the public—or more accurately, who is implicated in maintaining intimidation. This might include friends who don’t ask questions, agents of the law, the law itself, emergency room staff, religious authorities, neighbors, kin, and so on. I emphasize this because the depoliticization of the Power and Control Wheel hinges on this separation of one diagram from the other.”).

a methodology that did not merely surface commonalities; it also underscored how different abuse works in differently situated lives.<sup>196</sup>

Price argued that, as time passed and the Wheel itself became institutionalized, something more insidious occurred. The analysis of structural supports for battering did not merely cease to exist. Rather the analysis was lost “in a way that *masked* the link between public and private violence.”<sup>197</sup> He offers by way of example a Power and Control Wheel that was translated into Spanish and revised for immigrant women:

[S]ections of a revised Wheel read “threatening to report you to the INS’ and ‘threatening to withdraw the petition to legalize your immigration status’ and ‘hiding or destroying important papers’ and ‘threatening to report her children to immigration’ . . . . [I]t is important work, identifying and connecting these forms of abuse but the Wheel does not discuss how the background legal structures, tough immigration laws, immigration agents themselves, detention and deportation process, and nativism and xenophobia are significant sources of harm for immigrant women.<sup>198</sup>

Pence and her colleagues had an entirely different original vision. They sought to illuminate victim-blaming structures and social forces. They wanted to make the invisible visible. They wanted women to gain important insight through the process of “stepping back out of the relationship, out of the family, out of [their] community. Stepping way back, out of the forest.”<sup>199</sup> They wanted this process to occur in neighborhoods through interactive dialogue. They intended for these dialogues to conclude with concrete actions designed to create institutional and cultural change.

### G. Professionalization

In *Visions and Struggles*, Schechter chronicled the causes of the shift in the battered women’s movement from a grassroots political movement in which activists partnered with battered women to blaze trails of social change, to a professional service industry in which advocates-as-experts delivered services to clients. Rather than agitating institutions, activists became assimilated into institutions. Schechter attributed this shift largely to the perpetual challenge of finding funding, and specifically funding without

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196. I wish to thank Professor Courtney Cross for a conversation we had in August 2021, for pointing out the particular losses I describe in this paragraph.

197. PRICE, *supra* note 1, at 22.

198. *Id.* at 41–42.

199. PENCE, *supra* note 2, at 16.

untenable strings attached. This battle was exhausting, both pragmatically and emotionally. Shechter provided examples such as the time-consuming work of navigating funders' institutional culture;<sup>200</sup> the construction of women as "victims" necessary for conservative organizations' palates or as "needy" for social service agencies';<sup>201</sup> the increased administrative burdens;<sup>202</sup> the requirements imposed for specialized training or education;<sup>203</sup> the requirements for a hierarchical rather than collective governance structure;<sup>204</sup> and critically, funders' tendency to downplay if not discourage the work necessary to create social change.<sup>205</sup> In the years it took Schechter to complete the book, she observed that women were increasingly called "clients,"<sup>206</sup> battering called "spousal abuse,"<sup>207</sup> and the work of activists called "services."<sup>208</sup>

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200. SCHECHTER, *supra* note 42, at 85–86 (providing examples of the condescension and sexist jokes about battered women that were a norm of some institutional cultures, the endless paperwork required of others, and the tedious bureaucracy of still others).

201. *Id.* at 95 ("In approaching funders and community groups, activists encountered charitable and professional values that emphasized helping the 'needy' and often unwillingly assigned to women the permanent status of helpless 'victim.' The pervasive influence of psychological explanations for social problems was seen as funding agency after funding agency defined battered women as a mental health issue.").

202. *Id.* at 102 ("Shelter founders and directors often became full time administrators . . . . Boards had to assume frightening responsibilities for finances . . . . Residents were sometimes lost in the shuffle.").

203. *Id.* at 96 ("[I]n some states funding agencies required that a social worker with a master's degree supervise all paid staff. Other states are beginning to demand similar qualifications, although in many areas such requirements have not been placed on battered women's programs.").

204. *Id.* at 93 (describing changes in division of labor and organizational structure that came with increased funding); *id.* at 100 (describing pressures by governance structures of social service agencies and boards of directors to reconsider collective governance and move toward hierarchy).

205. *Id.* at 98 ("In many cases, the funding agencies downplayed or discouraged social change. Federal Title XX funds can be used for services only, not for community education. Helping victims was tolerable while changing the social conditions that created these victims was far less desirable, measurable, or fundable.").

206. *Id.* at 4 ("Seven years ago battered women were not the 'clients' that they are in some programs today, but rather participants in a joint struggle.").

207. *Id.* at 3 ("[B]y 1977, activists had forced the words 'battered women' into public consciousness. Soon thereafter funders, researchers and professionals began to proclaim a 'spouse abuse problem.'").

208. *Id.* at 95 ("As funding increased, even the most politically sophisticated programs noted subtle changes in their treatment of women residents. For example, when individual shelters fought for and won welfare or Title XX reimbursements, they also had to fill out forms and account for 'units of client services.' Many of these 'units' are credited according to the individual counseling and advocacy sessions provided. As a result, worker after worker has commented that she slowly and unconsciously started to call battered women 'clients.' Greater attention was paid

Schechter was among the first of many feminist activists and scholars to diagnose the problem of the professionalization of the movement.<sup>209</sup> Shirley Oberg was also among them. In 1982, just two years after she co-founded the DAIP and four years after she founded the Women's Coalition, Oberg wrote:

Did Martin Luther King [sic] organize 200,000 clients to march on Washington? When Gloria Steinem speaks out against pornography, does she refer to those of us she speaks for, as clients? Movements don't have clients. Or residents. Or shelters which provide fertile grounds for the blossoming of a power dynamic between an altruistic giver and a lucky, grateful recipient. . . . Suffice to say, if we were a movement, we wouldn't be wondering about the role of the battered woman in it.<sup>210</sup>

The *In Our Best Interest* curriculum, designed to be replicated by other shelters, was an explicit attempt to reverse direction.<sup>211</sup> Yet by the time it was published in 1987, the DAIP was well-integrated with professionals—both social service and law enforcement providers alike. Thirty years later, Pence observed that the professionalization of the movement had not been stalled, and perhaps could not be:

to the individual woman's counseling needs and less to group sharing, peer support, and teaching battered women to advocate for one another.”).

209. See, e.g., Richie, *supra* note 1, at xvi (“Despite the progress in bringing mainstream attention to the issue of violence against women, we might ask how much of the work has focused on providing individual social services at the expense of addressing the structures that leave women vulnerable to abuse.”); G. Kristian Miccio, *A House Divided: Mandatory Arrest, Domestic Violence, and the Conservatization of the Battered Women's Movement*, 42 HOUS. L. REV. 237, 293 (2005) (“The shelters had lost their historical and political moorings, and such dislocation altered a movement's vision.”); LISA A. GOODMAN & DEBORAH EPSTEIN, LISTENING TO BATTERED WOMEN: A SURVIVOR-CENTERED APPROACH TO ADVOCACY, MENTAL HEALTH, AND JUSTICE 41 (2008) (“With increased funding sources, advocacy programs for battered women proliferated in private and public settings, from shelters to prosecutors' offices to hospitals. However, this expansion changed the nature of the advocacy offered. As the field became increasingly fragmented, advocates often reluctantly focused on holistic services designed to address the goals identified by the clients themselves and increasingly on specialized areas of assistance.”). For an extensive analysis of the way in which nonprofits can be assimilated into the project of state domination through funding, see generally Andrea Smith, *The Revolution Will Not Be Funded*, in INCITE! THE REVOLUTION WILL NOT BE FUNDED: BEYOND THE NON-PROFIT INDUSTRIAL COMPLEX (2007).

210. SHIRLEY OBERG, AN EXAMINATION OF THE ROLE OF THE BATTERED WOMAN IN THE MOVEMENT 1–3 (1982).

211. PENCE, *supra* note 2, at 103 (“Like many other programs across the country, we in Duluth are facing intense pressure to become a part of the social fabric of the community, to fall into place with other community institutions. The reward offered is ongoing funding. We are deeply committed to the organizing model and to direct action, to identifying our struggle as a political social struggle.”).

I think what we've lost in the Battered Women's Movement is this real sense of sisterhood with battered women. It's become institutionalized professionalized in a way where we no longer have that sense of sisterhood that proved so much of our work in those early years and made us overcome huge barriers to women and made lots of big institutional changes. We can't go back to those days but we have to recapture the momentum that we had that was about sisterhood that doesn't exist as strongly today.<sup>212</sup>

It is this shift toward professionalization, and away from grassroots partnering with battered women, that Joshua Price faults for the disappearance of the Chart, and specifically the Wheel-Chart "pedagogy."<sup>213</sup> In addition to the eradication of the pedagogical focus on structural causes of abuse, Price discusses a second way that the Wheel was coopted. As it became increasingly institutionalized, the Wheel method for identifying abuse was transformed to a prepackaged model of understanding abuse.<sup>214</sup>

Price's argument resonates with my own experience. When I was trained in 1992 as a shelter advocate, I was provided a hard copy of the Power and Control Wheel, minus the Chart, and was told that the Wheel represented "the" definition of domestic violence. For the next thirty years, until finding Price's work, I replicated my shelter mentors' use of the Wheel by providing my audience with a power point of the Wheel, explaining in a nutshell, "This is how domestic violence is defined in the field."

One need not look far to find further examples of the Power and Control Wheel being used as a model template of abuse (i.e., professionalized), rather than as a method for provoking discussion and self-discovery of what is or is not abusive in an intimate relationship (i.e., grassroots/consciousness-raising). For instance, the website for the National Hotline to End Domestic Violence states: "Domestic violence is a pattern of behaviors used to gain or maintain power and control. At The Hotline, our frame of reference for

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212. Interview with Ellen Pence, *in* POWER AND CONTROL: DOMESTIC VIOLENCE IN AMERICA, *supra* note 35.

213. PRICE, *supra* note 1, at 22 ("At some point . . . part of their [activists who invented the Wheel] work became co-opted by oppressive economic and organizational forces. As one counselor in New York told me in an interview, 'We follow the "Duluth Model" of Ellen Pence. If you want funding in New York, you must use that model.' . . . Success in one set of terms – public recognition, increased funding – has resulted in a failure to sustain its more ambitious political critiques.").

214. *Id.* ("Though originally open to a diversity of understandings of violence, including the collusion of a range of social and cultural forces in violence towards women, it [the Wheel] now seems generally to be used to provide a template to describe violence against women as if it followed a single pattern.").

describing abuse is the Power and Control Wheel.”<sup>215</sup> Another agency’s website describes how the Wheel can be used: “When working with victims/survivors the wheel can be used to point out the behaviours that have been used against them and name the abuse. In many cases victims can be unaware that the controlling behaviours used against them are abuse.”<sup>216</sup>

Price points to Pence’s own statement, later in her life, as evidence that the Wheel had become a professionalized template rather than a political provocation of the diversity of experiences that might be deemed abusive.<sup>217</sup> During an interview in 2010, Pence said of the behaviors listed on the Wheel: “The ones that are on there I think are core tactics that almost all abusers use.”<sup>218</sup> This characterization of the Wheel is in direct opposition to the initial vision she and her collaborators set forth in *In Our Best Interest*, which had been to incorporate Freire’s interactive, discussion based methodology.<sup>219</sup> Pence’s notes about Freire observe: “Instead of starting in some kind of a theory and saying to women, ‘Here, this is how you should think about your condition,’ it starts out asking women, ‘What is your condition and where did that come from?’ As a result, women begin to develop their own theory.”<sup>220</sup> Freirean theory—Michael Paymar reminds us—“relies on dialogue and critical thinking rather than traditional learning (banking of knowledge) in which the teacher feeds the student information.”<sup>221</sup>

Understanding this misuse of the Wheel as a model, rather than methodology, sheds light on the larger problem of the professionalization of the anti-domestic violence movement in two ways. First, it demonstrates how professionalization does “not truly involve women in the process,”<sup>222</sup> as

215. See *Power and Control Break Free from Abuse*, *supra* note 15; see also *Dynamics of Abuse*, NAT’L COAL. AGAINST DOMESTIC VIOLENCE, <https://ncadv.org/dynamics-of-abuse> [<https://perma.cc/G737-GZPF>] (“Illustrations of the power and control wheel and the post-separation power and control wheel are particularly helpful tools in understanding the overall pattern of abusive and violence behaviors used by abusers to establish and maintain control over their partners both within and following a relationship.”).

216. See Verney, *supra* note 17.

217. PRICE, *supra* note 1, at 22.

218. *Id.* (citation omitted).

219. “This manual is not a ‘ten-week course on working with battered women.’ We offer instead a teaching process and some tools we’ve developed which we hope will help other programs design groups of their own.” PENCE, *supra* note 2, at 1; see also *supra* Section II.D.

220. Personal Notes of Ellen Pence, *supra* note 119.

221. PAYMAR & BARNES, *supra* note 176, at 11.

222. PENCE, *supra* note 2, at 1–2 (describing why they incorporated Freire’s educational model: “[A]fter several years, we felt increasing discomfort with the process we were using. Our lecture/discussion format provided information but did not truly involve women in the process of discovery. There was an imbalance of power in our ‘giving’ women information and their receiving it. We began to experiment with Freire’s teaching methods.”).

Pence once put it. Second, it demonstrates how professionalization keeps activists mired in an apolitical, “astructural” analysis of violence against women—here, viewing it from an exclusively “personal, psychological” lens.<sup>223</sup> These attributes, coupled with a reliance on criminal law, caused a significant fracture in the movement, as discussed below.

#### *H. Reliance on Criminal Law*

It is not unusual for social movements to turn to law to achieve the change they seek.<sup>224</sup> The battered women’s movement was no different.<sup>225</sup> As Pence explained, “Within the battered women’s movement, there was little disagreement that it was the role of advocacy programs to challenge institutional practices that prevented women from getting the full protection of the legal system.”<sup>226</sup> What has set apart the battered women’s movement has been its staunch embrace of “crime logic,”<sup>227</sup> or the criminalization of

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223. *Id.* at 5 (“Over the past ten years the nature of women’s groups offered by shelters and battered women’s programs has evolved from a cultural and social analysis of violence to a much more personal psychological approach . . .”).

224. *See, e.g.*, MICHELLE ALEXANDER, *THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS* 279–80 (2012) (describing the mythology that the Supreme Court’s decision created regarding the centrality of law in creating social change, and the reliance on lawyers and litigation in the civil rights movement). *See generally* GERALD N. ROSENBERG, *THE HOLLOW HOPE: CAN COURTS BRING ABOUT SOCIAL CHANGE?* (2008).

225. GOODMARK, *supra* note 26, at 16 (“Feminists had long seen legal intervention as essential to the protection of women subjected to abuse . . . . Making domestic violence illegal and actionable sent the message that such abuse was not socially sanctioned and would, in fact, invite the coercive power of the state on behalf of the woman subjected to abuse.”); *id.* at 18 (arguing that the passage of the Violence Against Women Act in 1994 “cemented the position of the legal system as the primary responder to domestic violence in the United States”); RICHIE, *supra* note 191, at 77 (“From some perspectives, it seemed logical that as the anti-violence movement focused on gender oppression it would follow the example of other social movements—like the civil rights movement and the more broadly focused feminist movement—and demand that the government use its authority to remedy social inequality, to punish those who use violence, to compel state bureaucracies to act to protect those who are hurt, and to support intervention programs through the allocation of public resources for services.”).

226. MELANIE F. SHEPARD & ELLEN PENCE, *COORDINATING COMMUNITY RESPONSES TO DOMESTIC VIOLENCE: LESSONS FROM DULUTH AND BEYOND* 9 (1999).

227. Donna Coker, *Crime Logic, Campus Sexual Assault, and Restorative Justice*, 49 *TEX. TECH L. REV.* 147, 150 (2016) (“Crime Logic refers to a set of beliefs and attitudes that dominate United States criminal justice processes as well as popular responses to interpersonal harm. Crime Logic is reflected in (1) a focus on individual culpability rather than on collective accountability; (2) a disdain for policy attention to social determinants of behavior; (3) a preference for narratives that center on bad actors and innocent victims; and (4) a preference for removing individuals who have harmed others as though excising an invasive cancer from the body politic.”).



batterers as a solution to the problem of violence against women.<sup>228</sup> Indeed, the battered women's movement "emerged over the last three decades as one of the clearest cases where a [social] movement has turned to criminalization as a primary tool of social justice."<sup>229</sup>

The goings-on in Duluth in the early 1980s played a role in the turn to a carceral approach. As Pence bluntly summed it up:

Because we were the first city in the country, actually, to get a mandatory arrest policy, get prosecutors to consistently prosecute you know, wife beaters, to get the courts to sentence them with something other than marriage counseling or a fine, because we were the first to do all of those kind of things, Duluth became quite well known around the country in terms of being pioneers in the whole idea of making . . . really creating some kind of significant consequences to men who battered their partners and that meant that we started going around the country.<sup>230</sup>

The DAIP first received large-scale federal funding for its coordinated community response in 1995.<sup>231</sup> Since that time, federal funding has substantially rewarded those programs that implement the Duluth Model.<sup>232</sup>

228. Deborah Epstein, *Effective Intervention in Domestic Violence Cases: Rethinking the Roles of Prosecutors, Judges, and the Court System*, 11 YALE J.L. & FEMINISM 3, 13–16 (1999) (describing battered women's activism for improved police and prosecutorial responses). See generally GOODMARK, *supra* note 26.

229. JOHNATHAN SIMON, GOVERNING THROUGH CRIME: HOW THE WAR ON CRIME TRANSFORMED AMERICAN DEMOCRACY AND CREATED A CULTURE OF FEAR 180 (2007).

230. Interview by Tineke Ritmeester with Ellen Pence, in Duluth, Minn. (July 14, 2008) (transcript on file with author).

231. Maura A. Shader-Morrissey, *Batterer Intervention Program Facilitators' Perceptions of the Efficacy of Current Behavior Intervention Models 3* (2012) (M.S.W. thesis, Smith College), <https://scholarworks.smith.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1683&context=theses> [<https://perma.cc/M5GJ-26QF>] (“[I]n 1995 . . . the Domestic Abuse Intervention Project (DAIP) . . . received a grant from the Centers for Disease Control and Prevention to address domestic violence, gender dynamics, victim safety, batterer accountability, issues of power and control, and community coordination; all aspects which now encompass the Duluth Model.”).

232. Sheetal Ranjan & Jared R. Dmello, *Proposing a Unified Framework for Coordinated Community Response*, 28 VIOLENCE AGAINST WOMEN 1873, 1875 (2022) (“The Violent Crime Control and Law Enforcement Act of 1994 explicitly included grants for nonprofit private organizations to establish projects in local communities, involving many sectors of the community to coordinate intervention into and prevention of domestic violence, marking the first time CCR was funded by a federal mandate in the United States. Since 2003, the U.S. Centers for Disease Control and Prevention (CDC), through its Domestic Violence Prevention Enhancements and Leadership through Alliances project, has funded local CCR coalitions to provide primary prevention-focused training, technical assistance, and financial support . . .” (internal citation omitted)).

As noted by staff at the Battered Women's Justice Project, "The 'Coordinated Community Response to Domestic Violence' model has been the most widely replicated approach to addressing domestic violence throughout the world,"<sup>233</sup> a claim supported by recent empirical data.<sup>234</sup>

Pence believed ardently at the outset of the DAIP that by working with institutions, activists could be agitators of institutional change.<sup>235</sup> They could influence the practices of police, district attorneys, probation officers, judges, and social service providers to stop blaming women for abuse, hold accountable men who were committing the abuse, and thereby effect change in cultural beliefs that perpetuated abuse.<sup>236</sup>

By 2005, however, Pence reflected:

[A]lthough we acknowledged that turning to the criminal justice system to protect women was a limited strategy, we focused all of our skills, analysis, resources, and energy on changing that one institutional response. This approach may not have been such a problem had we not simultaneously entered the Reagan and post-Reagan era. The DAIP reached its programmatic high just as conservatives were using the criminal justice system to cover up the evidence of an unjust economic order . . . . Although the battered women's movement had a far larger vision for community protection of women and children than reforming police and court responses, it was unable to even come close to reaching that vision. The DAIP was in too many ways compatible with the conservative view that social problems are due to a criminal element in society and that its offenders were products of dysfunctional families and neighborhoods. The call to criminalize batterers came at a time when the newly empowered right wing found it an acceptable, fundable, tolerable feminist project.<sup>237</sup>

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233. See WARRIER & LIZDAS, *supra* note 174, at 2.

234. Ranjan & Dmello, *supra* note 232 (providing a comprehensive summary of the prevalence of coordinated community response models across the U.S. and arguing that there are so many iterations that a unified theory of these models is necessary); see also *supra* notes 174–176.

235. "Ellen works on a large[] canvas; she has undertaken the task of changing systems by unpacking the workings of social institutions that affect battered women. Her analyses of these ubiquitous systems are sharp but her challenges subtle . . . . By the time she leaves a meeting with systems workers, most only liminally [sic] realize that she has shifted their thinking and altered their cherished institutions permanently to safeguard women more adequately in the future. That is the power of Ellen's advocacy." Shamita Das Dasgupta, *My Friend, Advocate Ellen Pence*, 16 VIOLENCE AGAINST WOMEN 985, 986 (2010).

236. Pence, *supra* note 140, at 374–75.

237. *Id.* at 389.

If the vision of the battered women's movement was to achieve structural and cultural change by relying on the state, one problem indeed was the timing of the mainstream movement's turn to criminalization. Feminist scholars have lamented the effects of growing neoliberalist politics on the once progressive agenda of the movement.<sup>238</sup> But Pence's reflection that criminalization may not have been such a problem "had the timing been better" is less convincing given BIPOC activists' early—and ongoing—warnings of the dangers inherent in an alliance with the criminal legal system.<sup>239</sup>

Neither Pence nor her collaborators were "Pollyannaish about the repressive nature of the criminal justice system."<sup>240</sup> But the question of whether to use that system was to them in some ways rhetorical, given that women who came to the Women's Coalition and DAIP were already being dragged into juvenile court for being bad mothers and calling the police when they were being assaulted.<sup>241</sup> Partnering with the courts and with law enforcement "was one of those you're damned if you do and you're damned if you don't things,"<sup>242</sup> a tension reflected writ large in the movement at the time.<sup>243</sup>

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238. RICHIE, *supra* note 191, at 102 ("The combination of these conservative trends and the narrow images of women (without attention to issues of race, sexuality, and class) by the anti-violence movement results in pernicious and persistent male violence toward Black women (who live in disadvantaged communities which are socially marginalized."); Deborah M. Weissman, *The Community Politics of Domestic Violence*, 82 BROOK. L. REV. 1479, 1480, 1511–14 (2017) (arguing the anti-domestic violence movement has been "unable to shift from paradigmatic neoliberal responses that emphasize the features associated with the carceral state while appearing indifferent to the structural sources of domestic violence as a social problem"); KRISTIN BUMILLER, IN AN ABUSIVE STATE: HOW NEOLIBERALISM APPROPRIATED THE FEMINIST MOVEMENT AGAINST SEXUAL VIOLENCE 2 (2008) ("The growth of neoliberal politics has provided even more reason for skepticism as feminists find their innovations incorporated into the regulatory and criminal justice apparatus.").

239. See RICHIE, *supra* note 191, at 83 ("Instead of giving serious consideration to these concerns about disproportionate and distributive justice as they were being raised, or attempting an exploration of unintended consequences of these legal changes for women who have a more marginalized social status, the mainstream anti-violence movement put a considerable amount of time and energy into modifying (but ultimately supporting) legislative and legal changes such as law enforcement policies that encourage, if not mandate, arrests. Despite notable objections that were raised in isolated forums, legal and legislative reform work went forward largely unchallenged."). For a history of the ongoing nature of feminist BIPOC activists' critiques, see ANGELA Y. DAVIS ET AL., *ABOLITION. FEMINISM. NOW.* 77–122 (2022), discussed *infra* notes 242–245 and 252–254.

240. Pence, *supra* note 140, at 389–90.

241. SHEPARD & PENCE, *supra* note 226, at 10.

242. *Id.*

243. See Mimi E. Kim, *Challenging the Pursuit of Criminalisation in an Era of Mass Incarceration: The Limitations of Social Work Responses to Domestic Violence in the USA*, 43

In the late 1990s, women activists of color—whose warnings were not heeded—grew a network of support to challenge the “mainstream/whitestream” anti-violence movement’s continued reliance on the criminal legal system.<sup>244</sup> By 2000, a group of eighteen women of color decided to “finally and absolutely reject the reformist project of trying to hold dominant anti-violence organizations accountable for their complicity with and reliance on the carceral state.”<sup>245</sup> They convened The Color of Violence: Violence Against Women of Color conference to respond to the growing concern that the once-radical analysis of gender violence had become so mainstream that essential elements of the movement had been erased.<sup>246</sup> From the conference sprang a critical and long-lasting collective: INCITE! Women of Color Against Violence (later Women, Gender Non-Conforming, and Trans People of Color Against Violence).<sup>247</sup> Together with Critical Resistance, a separate movement of thousands of BIPOC and some white activists to abolish the “prison industrial complex,”<sup>248</sup> they issued a statement calling on social justice movements to develop strategies and analyses that address both state and inter-personal violence, particularly violence against women.<sup>249</sup> BIPOC-led collectives and organizations had been doing, and have continued to do, just this.<sup>250</sup> By 2015, two large scale national surveys revealed that many people experiencing abuse were reluctant or refused to call the police for help.<sup>251</sup> BIPOC leadership saw this writing on the wall.

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BRITISH J. SOC. WORK 1276, 1277 (2013) (describing the tension between the movement’s widespread coordinated responses between domestic violence advocates and law enforcement “result[ing] in what many would deem to be enviable social movement achievements” with, on the other hand, a betrayal of the social movement’s emancipatory roots).

244. DAVIS ET AL., *supra* note 239, at ix.

245. *Id.* at 53.

246. *Id.* at 54.

247. *Id.* at 54–57.

248. See generally Critical Resistance & Incite!, *Critical Resistance-Incite! Statement on Gender Violence and the Prison-Industrial Complex*, 30 SOC. JUST. 141 (2003).

249. *Id.* at 143–44.

250. Two such organizations that I have relied upon are Creative Interventions and Alliance for Boys and Men of Color. See CREATIVE INTERVENTIONS, CREATIVE INTERVENTIONS TOOLKIT: A PRACTICAL GUIDE TO STOP INTERPERSONAL VIOLENCE 2 (2012), <https://www.creative-interventions.org/wp-content/uploads/2020/10/CI-Toolkit-Final-ENTIRE-Aug-2020-new-cover.pdf> [<https://perma.cc/9JUT-ZR2S>]; ALLIANCE FOR BOYS AND MEN OF COLOR, <https://abmoc.org/> [<https://perma.cc/J9LT-VPP4>]. Additional organizations are described DAVIS ET AL., *supra* note 239, at 94–96, 118–22; Andrea Smith, *Looking to the Future, Domestic Violence, Women of Color, the State, and Social Change*, in DOMESTIC VIOLENCE AT THE MARGINS, *supra* note 1, at 425–31; Richie, *supra* note 191; Arnold & Ake, *supra* note 191, at 557.

251. Two national studies were conducted in 2015. One study, conducted by the ACLU, surveyed more than 900 domestic violence service providers about their clients’ experiences with

Almost twenty years after the INCITE!-Critical Resistance statement issued, and in response to the murders of George Floyd, Breonna Taylor, Tony McDade, Ahmaud Arbery, and an “endless list of Black Lives stolen at the hands and knees of police,” white leadership in the movement apologized for their history of indifference to the violence of the criminal legal system.<sup>252</sup> Specifically, they acknowledged their failure to “listen to Black feminist liberationists and other colleagues of color in the movement who cautioned [them] against the consequences of choosing increased policing, prosecution, and imprisonment as the primary solution to gender-based violence.”<sup>253</sup>

Founding members of INCITE! recently revisited the INCITE!-Critical Resistance mission statement, noting that it is a critical moment for the future of social justice movements.<sup>254</sup> Feminist and abolitionist movements should be viewed as inextricably bound, they argue, but the abolition movement’s “collective feminist lineages are increasingly less visible.”<sup>255</sup> It remains to be seen whether white leadership in the changing anti-violence movement will continue to make progress toward the multiple, and abolitionist-inspired,<sup>256</sup> goals of the Moment of Truth Statement. One of its explicit aspirations included support of decriminalization.<sup>257</sup>

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police. ACLU, RESPONSES FROM THE FIELD: SEXUAL ASSAULT, DOMESTIC VIOLENCE AND POLICING 1 (2015) [https://www.aclu.org/sites/default/files/field\\_document/2015.10.20\\_report\\_-\\_responses\\_from\\_the\\_field\\_0.pdf](https://www.aclu.org/sites/default/files/field_document/2015.10.20_report_-_responses_from_the_field_0.pdf) [<https://perma.cc/G2C2-WK39>]. An overwhelming majority of the survey respondents (88%) reported that police “sometimes” or “often” do not believe survivors or blamed survivors for the violence. *Id.* A similarly large majority (83%) reported that police “sometimes” or “often” do not take allegations of sexual assault and domestic violence seriously. *Id.* The other, conducted by the National Domestic Violence Hotline, surveyed survivors themselves. TK LOGAN & ROB VALENTE, NAT’L DOMESTIC VIOLENCE HOTLINE, WHO WILL HELP ME? DOMESTIC VIOLENCE SURVIVORS SPEAK OUT ABOUT LAW ENFORCEMENT RESPONSES (2015), <https://www.thehotline.org/wp-content/uploads/media/2020/09/ndvh-2015-law-enforcement-survey-report-2.pdf> [<https://perma.cc/4HMB-YMP2>]. In the National Domestic Violence Hotline survey, just over half of the 637 women surveyed reported that they had never called the police for help when they experienced domestic violence. *Id.* at 2. Of these, 80% stated they were somewhat or extremely afraid to call and would not call in the future. *Id.* at 4. Of the people who had previously called the police, 67% stated they were somewhat or extremely afraid to call the police in the future. *Id.* at 8.

252. See *Moment of Truth: Statement of Commitment to Black Lives*, *supra* note 10.

253. *Id.*

254. DAVIS, ET AL., *supra* note 239, at xi.

255. *Id.* at xii, 82–85.

256. *Id.* at 77 (describing the “small group of evolving abolition feminists” who wrote the Moment of Truth statement).

257. See *Moment of Truth: Statement of Commitment to Black Lives*, *supra* note 10 (stating its support of decriminalizing survival with a link to <https://www.8toabolition.com/repeal-laws-that-criminalize-survival>).

## V. CONCLUSION

The battered women's movement achieved extraordinary success. The movement also has been subjected to pointed criticism, from within and from outside. Three such criticisms were explored here. The dominance of the Power and Control Wheel and the eradication of its companion Institutional and Cultural Supports for Battering Chart both illustrate the importance of these criticisms and provide a narrative lens through which we can understand when and how the movement took a crucial wrong turn.

Because the cooptation of the Wheel-Chart pedagogy has not before been discussed in feminist scholarship, future research could use this lens to more closely examine the movement's overreliance on the criminal legal system to address domestic violence, the importance of engaging people experiencing abuse in designing community-based responses that meet their day-to-day needs, the creation of a democratic process for so doing, and the protection of these practices from oppressive outside forces. In a larger context, the loss of this single document—the Institutional and Cultural Supports for Battering Chart—could provide a case study demonstrating how a social movement can fall prey to conservative forces.

Appendix: *In Our Best Interest*, p.32



**Institutional and Cultural Supports for Battering**

Tactics of Power and Control	Institutional and Community decisions which support individual batterer's ability to use abusive tactics (police, courts, media, medical, clergy, business, education, human services).	Cultural Values and Beliefs that support batterers.
Physical Abuse		
Sexual Abuse		
Isolation		
Emotional Abuse		
Economic Abuse		
Minimizing and Denying		
Using Children		
Threats		
Using Male Privilege		
Intimidation		