



Deconstructing the “stakes” in high stakes gatekeeping interviews: Battered women and narration

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Abstract

While gatekeeping encounters imply risk in as much as the gatekeeper acts as an actuary who controls entry into desired spaces and/or access to necessary resources, this article examines some of the less obvious stakes that are put at risk in gatekeeping encounters. Through a discourse analysis, Latina women narrators, in the context of producing testimony in the high stakes gatekeeping encounter of the protective order interview, are shown to put at risk: (1) both their positive and negative face; (2) their ability to control constructions of their identity; (3) their credibility and sincerity as perceived by interviewers, members of their community or even the public at large; and (4) their control over their case. I discuss how these concepts are related to the “second assault” or “victim-blaming” that survivors sometimes report to find within sociolegal settings. To know what it means to “advocate” for battered women, it is necessary to understand the more obscure dangers involved in narrating taboo subjects.

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1. Introduction

As guest editor for a special issue of *Discourse & Society* entitled, “The violence of text and talk,” Patricia O’Connor (1995:309) begins her remarks by stating:

At first sight, discourse and violence seem each other’s antithesis. In international conflicts, ‘talks’ are often encouraged to prevent or to end aggression and war. People engaged in personal fights are expected to get on ‘speaking terms’ again. Psychiatrists make a living listening to, and sometimes commenting upon, the stories of personal conflict and problems, narratives that by themselves may have therapeutic value. It seems that where violence destroys, discourse is constructive . . .

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Yet, immediately after O'Connor sets up the dichotomy of violence and discourse as destruction and construction respectively, she questions its very existence. She notes, "the innocence of talk and text" cannot be taken for granted, as discourse also may have the capability to "... enact, cause, promote, defend, instigate and legitimate violence" (O'Connor, 1995:309). While not exactly about the way discourse can cause violence *per se*, this article explores the related concepts of how discourses about violence—specifically, how narratives given to represent past violence—relate to issues of *risk*. The following discussion will explore narrative as it is associated with different types of risk by disentangling from the discourse of interviewers and interviewees what some of the *stakes* are in high stakes gatekeeping interviews.

The data I show below reveal that Latina women in the United States may put quite a bit at risk when they narrate domestic abuse in the context of producing testimony in the high stakes gatekeeping interview encounter known as the protective order interview. A protective order is a court injunction mandating that an abusive intimate partner stay away from a complaining party for a specified period of time. Protective order interviews are designed so that women can tell their abuse stories in legally relevant ways in order to apply for a protection from abuse order. In these high stakes application interviews, I argue, women may put at risk: (1) both their positive and negative face (see also Trinch, 2001a); (2) their ability to control constructions of their identity; (3) their credibility and sincerity as perceived by interviewers, members of their community or even the public at large; and (4) their control over their case. I also will discuss how these risks are related to the "second assault" or the "victim-blaming" mentality that victims of gender-related violence claim they find within sociolegal settings. The term "sociolegal" is used here to refer to those social services and legal agencies that comprise the institutional landscape that victim-survivors of domestic violence must traverse in order to seek and receive assistance. Generally, irrespective of whether these agencies are state- or privately sponsored shelters, police precincts or courts of law, they all require that victims narrate abuse to the institutional authorities that work there. Additionally, each agency contributes to the domestic violence processing (cf. Martin, 1997, on rape processing) that victims undergo once they come in contact with "the system."

In its broadest sense, we may think of *narrative* as the linguistic act of recounting events that occurred in the past for some present or future purpose (cf. Labov and Waletzky, 1967; Linde, 1999; Polanyi, 1985; Trinch, 2001b). Here, we will look at the narratives of violence that Latina women tell to legal authorities in the institutional and legal space of the protective order application interview.

Protective orders, also known in some jurisdictions as restraining orders or protection from abuse orders or PFAs, are available to survivors of domestic violence in all 50 states in the U.S. and in the District of Columbia. The application process varies from region to region, but many states have clinics or devote sections of the state attorney's office to helping survivors seek these orders. In most instances, assistance consists of an interview conducted by a court advocate, a volunteer or a paralegal. These interviewers ask questions and sift through the applicant's answers for those that have legal significance, so as to write a report of domestic abuse (Trinch, 2003). For these types of legal procedures, the written report is referred to as an affidavit or a declaration, and it is counted as sworn testimony that will be read by a judge. Though it is the judge who has the final "say" as to whether an order will be granted, these interviewers possess a great deal of power in the application process.

Elsewhere (Trinch, 2001a) I argue that protective order application interviewers take gatekeeper footings in their communicative interactions with clients. Gatekeeping interviews are discursive encounters comprised of interviewer and interviewee, in which the interviewer, who is an institutional representative, questions an interviewee, who is a lay person seeking a tangible

good, some service or a particular type of assistance from an organization or institution. In these types of institutional interviews, the gatekeeper is authorized to make decisions, presumably based on evidence presented by the interviewee, that will affect the interviewee's life (Erikson and Shultz, 1982). The interviewer tends a metaphorical gate, which essentially means that he/she regulates the interviewee's passage or entry into "bureaucratic, technological, or legal institutions" (Scollon and Scollon, 1981:4).

But victim-survivors of domestic violence risk more than just being unable to obtain a protective order when they engage in this type of gatekeeping encounter. That is, while their interviewers certainly have the power to determine whether a victim will be allowed or denied passage to the next phase of the application process, what is at *stake* in these *high stakes gatekeeping interviews* is arguably much more varied than the single, final result of (not) obtaining an order. Research indicates that it is not obvious that what women want out of these encounters is, in fact, only a protective order (Trinch, 2001a, 2003). Many women never return to court to finalize the order. While it may be that something changes for them between the time of their interview and the date of their court appearance, it also may stand to reason that some women narrate abuse in institutional settings because they wish to accomplish something other than, or perhaps, in addition to, getting an order. This possibility leads me to ask what discursive awards might be available or at stake for victim-survivors when narrating in protective order application interviews.

The *American Heritage Dictionary* defines the word, "stake," as a noun and a verb. As a noun, "stake" refers to "money or property risked in the wager or gambling game," "the award or prize awarded the winner of a contest or race; purse," "a race offering a reward or prize to the winner," "a share or interest in an enterprise, esp. a financial share." As a noun, "stake" can also be the object of a preposition in the construction, "at stake," meaning "in jeopardy." As a transitive verb, "to stake" is defined as "to gamble or risk; hazard." In these protective order interviews the award is never monetary, and if, as I argue, neither is it always or perhaps only a protective order, then what are the other possible awards or prizes that victim-survivors can take away from such an interaction? Put conversely, what—besides getting a protective order—is it that victim-survivors gamble or risk when they engage in this high stakes gatekeeping interview? As I will show below, some women may risk losing face, their identity as good mothers, their credibility, and control over their case.

2. The protective order interview as a face-threatening speech event

Brown and Levinson (1987) define *face* as a social image that people obtain through interaction, but which can also be threatened in conversation. According to this theory, a speaker's *face* is a whole consisting of two parts: *positive face*—or a speaker's desire to be perceived in the best possible light; and *negative face*—or a speaker's desire to have his/her actions unimpeded by his/her interlocutors. Since all interaction is seen as a site where both positive and negative face can be threatened, Brown and Levinson posit that politeness phenomena occur universally to reduce the menacing nature of communication for both speakers and their listeners, who obviously become speakers at various points in the interaction as well.

The protective order interview, in more ways than one, is, for clients and interviewers, a potentially risky speech event. These interviews are comprised of a series of what might be considered face-threatening acts. In the literature on domestic battering, several researchers claim that coming forward and reporting abuse is a difficult experience for women (see Fineman and Mykitiuk, 1994). The client, in approaching a figure of authority with the admission that she has withstood physical violence, sexual assault or mental abuse from an intimate partner,

automatically puts herself in an unfavorable light. She must admit her inability as a woman to control her intimate partner—a culturally sanctioned and important task for both minority- and majority-group women. The victim-survivor must also admit that she has been in an abusive relationship for a period of time before seeking help or before leaving the relationship. While Anglo, Asian and African-American women are also likely to be torn between leaving an abusive relationship and maintaining their family structure, research shows that Latina women are more likely to stay in abusive relationships for longer periods of time and that they are less likely to seek state intervention (Torres, 1991; Williams and Holmes, 1981). In this respect, it might be that Latina women find themselves in a cultural double bind. On the one hand, Latina women, as a bi-cultural group, may feel pressure from Anglo society to abandon the abusive partner. On the other hand, Latina women may feel pulled by Latino cultural norms of forgiving male transgressions, whether they be marital infidelities, emotional, economic or physical mistreatment or control (see González-López, 2005). For cultures in which the family must be maintained at all costs, the dominant U.S. legal model of separation and divorce—perhaps equally at odds with the cultural and religious ethos of Anglo or non-Latino groups in the U.S.—puts the women in this study in a position of being damned by culture if they leave and damned by U.S. institutions if they stay.

Furthermore, the interview is replete with speech acts that question the clients' whereabouts, motives, reasons for staying, reasons for leaving, parenting and sex life. The subject matter in these interviews is of an intensely personal nature, because clients and interviewers discuss sexual acts, alcohol addiction, and illegal behaviors such as violence, child neglect, drug use, and the possession of unlicensed weapons. The context requires that interviewers ask clients questions that, in all likelihood, they have rarely had to answer before. Because of the very private and even socially stigmatized topics discussed in the interview, and due to the necessary disclosure of intimate details of the domestic situation, the discourse of this institutional encounter may be face-threatening to both interviewers and their clients. Even though it is also quite likely that women seeking institutional assistance have determined that they can no longer be silent about abuse, talking about these difficult themes is unavoidably face-threatening in at least some respects.

2.1. Face-threatening questions: intimate partner's drug and alcohol abuse

Below are several extracts that demonstrate the sensitive nature of the discussions that take place in protective order interviews. The topics in these excerpts range from the abusers' excessive alcohol consumption and illegal drug use to the marks they leave via bruises on the clients' bodies. The questions shown below are those with which interviewers tend to begin the gatekeeping encounter. Excerpts 1–3 show how interviewers ask about abusers' drug and alcohol use. Transcription conventions can be found in [Appendix A](#).

Excerpt #1: Client is asked if abuser has alcohol problem¹

- P: O.K. And you've been together as common-law for sixteen years?
 C: Sixteen years.
 P: And you have one child together.
 C: We do.
 P: And you separated as of when?

¹ All names, dates, places and other potentially identifying characteristics have been changed to protect the anonymity and confidentiality of the research subjects who agreed to participate in the study.

- C: Well, let's see. We've been separated for two years and we got back together in May of this year.
- P: So your last separation was May?
- C: Yeah, I'd say May.
- P: O.K., so then four months ago. Does he have a substance abuse problem, alcohol or drugs?
- C: Alcohol.

Excerpt #2: Client is asked if abuser has illegal drug or alcohol problem

- P: O.K. I have a couple questions, then you can tell me what he's been doing. Um, let's see. Does he have a substance abuse problem? Alcohol or drugs that you know of?
- C: Alcohol and marijuana.

Excerpt #3: Client admits abuser has an illegal drug problem

- P: Do you know the hours he works? No, O.K. does he have a substance abuse problem? Alcohol or drugs?
- C: He does drugs.
- P: Do you know what kind of drugs?
- C: Heroin.

It may not be obvious from the transcriptions that these potentially disarming questions come so early in the interview, but in Excerpt #2 the discourse context shows how quickly interviewers start with what might be considered questions that threaten face. In Excerpt #2, the paralegal gives an introduction to the interview format by saying, "O.K. I have a couple questions, then you can tell me what he's been doing." Almost without missing a beat, she begins by asking personal questions with, "Um, let's see. Does he have a substance abuse problem? Alcohol or drugs that you know of?" When the answer is alcohol or marijuana the question seems less threatening than it does when it fetches answers such as 'cocaine' or 'heroin', as it does in Excerpt #3. While these women may want protection from abuse, they may not want to see their husbands or their childrens' fathers in legal trouble for taking illegal drugs. And even though alcohol is not illegal, the stigma of alcoholism that attaches to family members of alcoholics is well documented (McKellar and Coggans, 1998; Room, 2005). The answers to these questions are entered into a database, so they are not necessarily recorded in documents that have the women's names on them, yet this is not always made clear to women in the interview.

2.2. Face-threatening requests: remove clothes, narrate bruised body

In Excerpt #4 below, the paralegal asks the client if she brings any physical evidence of abuse on her body. In other words, the paralegal asks the client whether she has bruises from the attack. The client needs to take her pants off to show the paralegal her legs. In instances like these, paralegals essentially request visual access to a client's body. As in this case, when the bruising has occurred on parts of the client's body that are not easily accessible, the client must remove articles of clothing in the paralegal's office. In Excerpt #4, not only does the client need to disrobe, but once she does, her bruises are subjected to scrutiny, evaluation and judgment. The paralegal examines the bruises on the client's legs and states, "That one's real light, but I can . . . Yeah, they're fading away, but . . ." The client learns that those which have faded are not suitable

for the photograph of her body that the paralegal wants to include with the statement. I am not arguing that this client or any of the others would object to these questions or to this type of evaluation of their bodies by these paralegals. However, one cannot avoid noticing the ways in which such interaction could be face-threatening and embarrassing.

Excerpt #4: Narrating bruises on the body

- P: Did you sustain any bruising?
 C: Yes. My legs. Both legs.
 P: Are your bruises still visible where I can take a picture? Or are they faded?
 C: I guess so.
 P: Let's see?
 C: There's one.
 P: That one's real light, but I can
]
 C: Yeah, they're fading.
 P: Yeah they're fading away but
 C: I have bruises over here, both legs.

Excerpts #1–4 above are not offered to illustrate that the clients represented in them were caused to feel ill at ease by the questions asked. Rather, these data are presented to show how densely peppered these interviews are with potentially face-threatening acts. Below, however, Excerpt #5 provides evidence that the client is embarrassed by what she has to disclose in response to the questions the paralegal asks.

2.3. Face-threatening conversation about victim's sex life

Excerpt #5 shows how clients can become embarrassed by even the most innocuous seeming paralegal questions. Indeed, as a discussion about an act of consensual sex between the victim and her abuser ensues, the laughter that accompanies the narrative indicates that perhaps both the paralegal and the client in Excerpt #5 acknowledge that what is being revealed by the client is face-threatening.

Excerpt #5: Account of consensual sex in the middle of domestic violence narrative

- P: O.K., have you heard from him since he was released?
 C: On Easter.
 P: And what happened? Did something happen, or what did he want? Or did you want to see him or ((paralegal giggles/snickers)).
 C: Oh, well we have two kids together so he came over to have Easter lunch.
 P: Easter dinner together.
 C: Uhuh.
 P: Was there any kind of confrontation?
 C: We, we ah, ((5 second pause)) we slept together ((client laughs))
 P: Umhum. Is this at your home, your?
 C: Umhum.
 S: So he stayed the night.
 C: No he didn't stay the night. ((client laughs))

In the American legal system, victims of violent acts have a difficult time being perceived as credible if they willingly engage in conversation with their attackers. A woman who has consensual sex with her abuser will be unable to avoid questions of her credibility as a victim and of her sincerity as a complainant. Perhaps it is the very fact that the client was not forthcoming with an explanation for her recent visit with the person against whom she now claims to want an order of protection that leads the paralegal to laugh or snicker at the end of her question: “And what happened? Did something happen, or what did he want? Or did you want to see him or.” The client answers—“Oh, well we have two kids together so he came over to have Easter lunch”—an understandable reason for her having temporarily been with her abuser. Because affidavits are written in a formulaic manner whereby the most recent incident of abuse is recorded first, the paralegal seeks an account of a ‘confrontation’ from the most recent Easter gathering by asking, “Was there any kind of confrontation?” And the client, apparently aware of the fact that her answer is going to sound absurd, laughs after she states, “We, we ah, ((5 second pause)) we slept together.” In this case, it is not only the client’s laughter that suggests that she is uncomfortable with the truth of her own answer. Further evidence supporting this reading of the client’s embarrassment regarding what she has to report can be found in both the hesitation “ah” and the five-second pause. [Brown and Levinson \(1987\)](#) treat humor as a positive face enhancing strategy—as a means of creating solidarity by which a speaker signals some common ground with a hearer. Others ([Ervin-Tripp and Lampert, 1992](#); [Pogrebin and Poole, 1988](#)) however, have suggested that humor can be used to defend oneself, to relieve tension or to cope in difficult situations. [Holmes et al. \(2001\)](#) find that humor is utilized in the workplace as a self-effacing device that people use to combat possible judgment or to alleviate pressure in instances when they know they have done something wrong. This client seems to be using her laughter in just such a way.

The violence discussed by these Latina women takes place in an intimate-partner setting, and, therefore, narratives sometimes include accounts of physical or mental abuse and sexual violence alongside accounts of cooperative activities and even consensual sexual intimacy. Still, in narration during a protective order interview, the occurrence of both violence and sexual intimacy sounds incongruent. This lack of cohesion in the victim’s account is face-threatening to both parties for several reasons. First, the paralegal needs an account of victimization that will make sense to anyone who hears it and that cannot be easily dismantled by an adversary. Second, even in very violent accounts of rape, women’s victimization is seen as a precarious identity in North American cultures (see [Bourgois, 2004](#); [Sanday, 1990](#)) and courts ([Ehrlich, 2001](#); [Matoesian, 1993, 2001](#)). This is especially true if victims are perceived to have failed to struggle to a standard of the ‘utmost’ resistance. The utmost resistance standard adheres to the logic that a woman should fight her attacker until she either manages to get away or until he kills her. If she lives to tell about a rape, the telling itself begs the question of whether a rape occurred. The victim in Excerpt #5 knows that she, as a victim, is going to be difficult for her interlocutor to interpret. Her complaint of abuse is incompatible with the fact that she willingly and recently had sex with her abuser. Her laughter suggests that she knows the incongruent facts that she reports do not put her in a favorable light. The facts of her intimate-partner abusive relationship make her look improper, illogical and inappropriate. The catch here is the same for all battered women: Domestic violence victims will always have to answer for their perceived ‘willingness’ to be with an abusive man. This phenomenon is exacerbated in the case of the client shown in Excerpt #5 because, in her case, “being with” means “having sex with.”

The details of violence that occurs within an intimate partner relationship are often incongruous with societal expectations of victimization. Unavoidably, part of what makes talking

about domestic violence difficult is the very fact that violence and intimacy form part of the same story. Thus, the protective order interview is a face-threatening speech event because it puts women and their interviewers in a situation where seemingly incompatible facts need to be first discussed and then reformulated so that they can be recorded in a way that convincingly makes an interpretable case of victimization.

That said, I should also point out that we cannot ignore the possibility that some clients may see the institutional interview space as one that is sufficiently outside of what they might perceive to be a restrictive cultural sphere of the home or personal family network. Thus, some clients may experience a certain freedom of expression in this public forum that their domestic spheres may have precluded. Indeed, the year-long ethnography conducted for this project revealed that Latina women who sought institutional intervention were forthcoming when narrating abuse. In fact, they often had more to say than the interviewer wanted to hear. Likewise, while there is plenty of evidence to suggest that the face wants of interviewers are also threatened, given the types of questions they must ask and the answers they must hear, the interview is designed as a conversational space predicated upon the expectation of a discussion of illegal activities and stigmatized topics. Nevertheless, there are instances in which interviewers, in the course of doing their jobs, might, through their speech, put their clients at risk of losing face in these gatekeeping encounters.

3. Losing control of identity

A person's identity is related to her desire to be highly regarded by her interlocutors as well as to her need to be able to move about the world as she pleases. This relationship between *face* and identity is clear in Spanish where the translation for face is "imagen" or image. Just as we can study how people want to be perceived, we can also see through language the ways in which speakers try to articulate who they are in talk. As Potter and Wetherell note (1987:179), "... the language of the self and mental life is a public one which is available for analysis ... In practice, much of the phenomenon of the mind is intersubjectively constituted as the person speaks, writes, reminisces, talks to others ... the question of how, precisely, a person's description of their mental state represents or matches that mental state becomes irrelevant."

And since identity is not a timeless constant (Mishler, 2006; Zimmerman, 1998) but a contextual social construction (Hall, 1996; Kroskrity, 2000), narratives are often a discursive arena in which narrators and their interlocutors together construct each other's identities (Schiffrin, 1996) through a process of negotiation and text making (Bauman and Briggs, 1990) (for an excellent review of discourse and identity see de Fina et al., 2006). The issue of identity raises a conundrum in these interviews. On the one hand, women must be seen as victims if they are to receive assistance from the district attorney's office. But, on the other hand, being seen as a victim is not necessarily anyone's idea of being seen in the best possible light (see Goffman, 1963). Thus, women are caught between a rock and a hard place as they attempt to exert the fact that they have been victimized along with the fact that they are not only or merely victims, but rather that their identity can be characterized in several ways other than that of "victim" as well. In many of these interviews this conflict of identity constructions can be seen, and, through these data, we can understand how identity is at stake in protective order application interviews. Though it might be nearly impossible for a woman to be perceived in a positive light if she is a victim, it is also a problem for women if, for some reason, they cannot be portrayed as an "ideal victim." I will show and describe this phenomenon below.

3.1. Client's identity as a mother is at stake

In Excerpt #6 below, we see how a client attempts to forge or enact the positive identity ascribed to mothers in both Latino and U.S. dominant cultures. Arguably, the client does this because she wants the paralegal to endorse her position of control over her child, a position that mothers are presumably allowed across cultures. At this moment, however, the interviewer's communicative behavior suggests that she is more interested in establishing the client's victim-identity than she is in helping the client create her maternal identity. The excerpt begins in line 1 with the paralegal asking for a piece of the chronology of the last violent incident in which the abuser had threatened the woman. Notice how the client begins to answer with a focus on violence in lines 2–5, but then quickly (line 7) tries to steer the discussion away from her own victimization to a position of her own agency. The client continues this narrative line in lines 7–9.

Excerpt #6: Divergent aims of identity-construction

- 1 P: Mhmh. Uh, what happened after that?
 2 C: Um, well, like I said, he just kept calling me names, you know bad names, ugly
 3 names, cussing me out, you know, stuff like that, and, finally when he hung up, and the
 4 next day in the morning, he woke, he called me and I woke up. And he told me he had
 5 gotten a letter from social security saying that, asking him if he was the baby's father.
 6 P: Mhmh
 7 C: And the reason they were calling him because, I had applied for, well, I just turned it
 8 in for the baby but, I was applying for social security for the baby, 'cause the father's
 9 disabled. The baby's father's disabled, so he's entitled to that money.
 10 P: Mhmh.
 11 C: But he told me he was gonna deny the baby, that the baby was his. That his name was
 12 on the birth certificate, on the baby's baptism
 13 P: Mhmh
 14 C: um, he was there at the hospital when I was having him.
 15 P: So he's denying him?
 16 C: Yeah.
 17 P: And you haven't gone to court to determine, to () that he is actually the
 18 father or anything, right?
 19 C: Right. Right. I told, I asked them that if there's any way that we can get a blood test,
 20 and they said, "**No, we take his word for it.**"
 21 P: Who said this?
 22 C: The social security people. When I called.
 23 P: Mhmh.
 24 C: They said that the only way he you could get a blood test is if you go to court.
 25 P: Right. Um, that can be done through the attorney general's office, that way you can
 26 apply for child support, too,
 27 C: That's what I wanted]
 28 P: [if he works. Does he work?
 29 C: **No, he gets a monthly check from the government. (.) That's what I had wanted**
 30 **to, to see if he'll, if I can get child support, um, hopefully not visitation rights**
 31 **though. If he does]**
 32 P: **[That just depends.**

- 33 C: **[I would have to be with the baby. And I told him this, too. I told him, () if he**
 34 **was to ever come see the baby, he cannot take the baby out alone. If he takes the**
 35 **baby, I'm going with him.**
 26 P: O.K., **back to March 12th, he called you and told you that he had gotten some**
 37 **paperwork from social security, right?**

Mahoney (1994) discusses the social, cultural and legal tendencies in the U.S. to create meanings of victimization and agency as dichotomous. The clients in this study, however, see themselves as having characteristics that go beyond their victim-status, and hence they air concerns like those voiced by the client in Excerpt #6. The interviewer, following in the dichotomous tradition of creating victims and agents, ends this part of the conversation by directing the client's discourse back towards a focus on her victimization (lines 36–37). Arguably, what the client stands to lose in this part of the interaction is her identity as a mother, as I explain below.

Though the topic of the client's narrative is "parents," it seems that her purpose is to define what the term "parents" means. With this narrative the client attempts to construct parental identities for herself and for her child's father through both what she says and by how she says it. Her narrative marks the fact that the terms "father" and "parent" are not self-evident, because a person can be a "father" or a "parent" in the biological sense, while at the same time being neither in the social sense.

Rather than focusing on her victim-identity, the client instead uses her narrative turn to stake out her authority as the child's primary caregiver, in fact, as his mother. In lines 7–9 she admits that she wants the financial support that the child's father's situation can afford, but she is careful to argue against his social support as a "father" figure in lines 29–30 and 33–35. This client is looking for economic assistance for her baby from the government, which she believes makes funds available to children whose parents are on disability benefits.

Through this discourse, the client performs as the child's mother, that is, as someone concerned about the economic wellbeing of her child and as the person with the authority and awareness to secure it. By stating that the government would make disability benefits available to her son, she shows that she knows what he is entitled to because of his biological father's disability. At the same time, the client emphasizes that the alleged abuser is no "father" at all in the social sense. And, for this reason, as the child's mother and protector, she will not allow the biological father to be with the child alone. In a knowing manner, she offers the following proof of his biological paternity: (a) the alleged abuser's name is on the baby's birth certificate as his father (lines 11–12); (b) the alleged abuser was present at the baby's baptism (line 12); and (c) the alleged abuser was present at the hospital when the baby was born (line 14). These tests, while not biological, are used by the client as evidence that proves paternity, and, therefore, to make a strong case that her child should be receiving such governmental benefits. The paralegal introduces the more "formal" proof of paternity (i.e., a blood test) in lines 17–18 as a means of establishing the abuser's responsibility. In so doing, she indicates to the client that a blood test is the ultimate predictor of paternity. Interestingly, though, this attempt to instruct the client about scientific measures of establishing paternity seems only to fuel the client's conviction that she is indeed an authority on these matters. The client states that she already knows about blood tests (lines 19–20), but that when she requested that a blood test be done on her baby's father, the "authorities" said that if a father claimed a person as his child, "his word" would suffice as proof of paternity. It is likely that the state's willingness to accept a father's word in paternity cases for disability benefits or child support has been

instituted to facilitate the issuance and receipt of such benefits for women and children. But this example reveals how such a practice, in cases of domestic abuse, can become yet another tool with which the male abuser can manipulate or control his female partner.

Also, acting in accordance to her mother identity, the client dictates her rules for visitation as a matter of fact rather than as a negotiable matter in lines 29–31. The paralegal, however, with her remarks, reveals to the client that, in this instance, being the child’s mother is not enough to have the final word on who gets to visit with the child, and how those visits should be carried out, irrespective of what she may think about the biological father. Countering the client’s statement about visitation with an interruption in line 32, the paralegal states, “That just depends,” which implies that there is a higher authority that makes those decisions. The paralegal elides the obligatory complement of the verb “depends.” In other words, she refrains from going into detail regarding the conditions on which visitation will depend. But ethnography reveals that parental visitation arrangements depend on the state’s decisions. Many clients were told that in the state’s eyes, both parents—unless one is somehow shown to be unfit—have rights to visit their children.

The client in lines 33–34 presses on and ignores the interruption. And this time the paralegal allows the client to talk, but she does not help to co-create the mother-identity. Instead, the paralegal avoids openly challenging the client’s point, but she also remains silent on it. Once the client finishes, the paralegal abruptly in line 36 changes the subject with the prepositional phrase, “Back to . . .” With this discourse marker, the paralegal indicates that the talk at hand will not continue, and she directs the client’s discourse again to the last threatening incident. In so doing, the paralegal returns to the topic of victimization, the theme they had been discussing before the conversation about child support got underway. The paralegal thus shows that before she will construct the client as anyone other than a victim, she must first establish that the client has been the target of family violence.

Instances such as these are very common in these interviews. Clients—surely wanting to be seen as victims of domestic abuse—also seem to have reasons to want to stake out a more positive identity for themselves. Paralegals, however, tend to focus mostly on the victim identity, probably because it is the one that will help win the protective order. Because paralegals must focus narrowly on this one aspect of these women’s realities, they often, as was the case above, ignore the other identity claims women make. It is in this disconnect of the gatekeeping interview that women put at risk their other and/or more positive identity characteristics.

4. Clients put their credibility and sincerity at risk

Ironically, and by way of contrast to the type of risk outlined above, the examples below reveal how gatekeeper discourse puts a victim’s credibility and her control at risk. While the example above reveals how some women are not comfortable taking a singular victim role in these institutional narratives, the examples below will show how being a victim is not always the issue that gatekeepers consider when deciding whom to help. Paralegals also sift through their clients’ stories to ensure that they are “good” victims. Good victims are those deemed able to be helped by institutional assistance. When elements in a woman’s narrative indicate that she is less than a perfect victim in an institutional sense, she may risk feeling blamed or having her intentions questioned by interviewers. In perhaps one of the most strident examples of an interviewer’s attempt to make certain that her client will be an ideal victim, the data in Excerpts #7, 8, and 9 indicate how paralegals can send the not always so subtle message, “You are not a good victim.”

4.1. *Loss of credibility*

Excerpts #7, 8 and 9 come from the same woman's interview. Excerpt #7 comprises a series of paralegal-questions and client-answers. This excerpt is taken from the beginning of the interview, and in it we see how the paralegal not only sets the tone for the interaction, but also begins to establish herself almost immediately as a gatekeeper in the encounter.

Excerpt #7: Divergent discourse, disparate topics and gatekeeper footings

- 1 P: And I have on the computer, they did a protective order. Do you know what happened
2 with that protective order?
3 C: Um, he, my family, for one, my family wasn't behind me. And so it was just me
4 against everybody else.
5 P: Mhmh.
6 C: And um, my parents convinced me to drop the protective order, and uh, we started
7 going to counseling, and I was like, "O.K.," so I went along. I went ahead and went back
8 home.
9 P: Did it make it to court? You know, was he served?
10 C: Yes.
11 P: O.K. and you dropped it on the date?
12 C: ((must nod her head to indicate "yes")). And then, a week later, guess what? (.) And
13 then my parents said, "Well you're the one who dropped it." "Well y'all are the ones who
14 made me." ().
15 P: When was your court date for that?
16 C: I don't remember.
17 P: Was it in May or in June?
18 C: I, I don't . . .
19 P: You have no idea? Oh, O.K.

From the start, this paralegal indicates that she intends to act as a gatekeeper with, and not as an advocate for, this client. The gatekeeper footing comes through when her questions are compared to and juxtaposed with the client's answers. If we extract all of the paralegal's questions from lines 1, 9, 11 and 19, and all of the client's answers (lines 3–4, 6–8, 12–14) and place them in columns so that each group can be read contiguously, something interesting happens. By extracting and separating interviewer discourse from that of the interviewee as I have done in [Table 1](#), it becomes evident that while the two conversational participants are talking to one another, they are talking about very different things.

The fact that the two columns could be read as two separate and coherent monologues suggests one of two possibilities: either (a) the client and the paralegal clearly ascribe importance to very different acts within the narrative they have just begun to work together and against each other to create; or (b) the victim perceives almost immediately that her credibility as a victim is being questioned because she is acting defensively in response to the paralegal's questions.

The paralegal's questions are not, in and of themselves, offensive. But the politeness devices embedded in her discourse hint that the paralegal is trying to mitigate the threats to the client's credibility that are inherent in her questions. For one, rather than asking the client if she has been to the office before, she begins in line 1 by saying, "And I have on the computer, they did a protective order." With this statement, she introduces evidence and facts about the woman that

Table 1
Talking to each other about different things

Paralegal's questions	Client's answers
P: And I have on the computer, they did a protective order. Do you know what happened with that protective order?	C: Um, he, my family, for one, my family wasn't behind me. And so it was just me against everybody else. (In between, paralegal responds with backchannel device, "Mhmh"). C: And um, my parents convinced me to drop the protective order, and uh, we started going to counseling, and I was like, "O.K.," so I went along. I went ahead and went back home.
P: Did it make it to court? You know, was he served?	C: Yes.
P: O.K. and you dropped it on the date?	C: ((must nod her head to indicate "yes")). And then, a week later, guess what? (.) And then my parents said, "Well you're the one who dropped it." "Well y'all are the ones who made me." ().
P: When was your court date for that?	C: I don't remember.

allow her to appear, on the one hand, as omniscient, and on the other, as disinterested. She is able to refer to the prior order as if it had a life of its own. The question, "Do you know what happened to that protective order?" (lines 1–2) and the statement that preceded it introduce the topic of a dropped order in a presumably non-threatening way through the use of impersonalization. The client is not asked directly if she herself dropped the order; rather, she is politely asked to tell what she knows about it. Because the client in lines 3 and 4 responds defensively by trying to thwart blame and attach it to others ("Um, he, my family, for one, my family wasn't behind me. And so it was just me against everybody else"), we could argue that she sees through and maybe is even tipped off by the politeness formula. The interviewee seems to know her interviewer is dismayed by the fact that she stopped action on the prior petition for an order.

Using the "statement + question" formula to make the initial inquiry in this interview (lines 1–2), the paralegal also shows—from her privileged position as the selector of topics—where her priorities are. That she continues trying to get to the bottom of the dropped order defines her concerns. In this first section of the interview, the paralegal focuses very precisely on the legal mechanics (line 9) and the dates of actions taken (line 11). Perhaps even more telling than what the paralegal says here is what she does not say. Basically, she insists on focusing on the legal system, as did the paralegal in Excerpt #6. In so doing, this paralegal also ignores the interests of the client. The client, though, keeps her focus squarely within the realm of her social networks and how they have affected her and her decisions to obtain legal assistance (lines 3–4, 6–8, and 12–14).

Both interviewer and interviewee are involved in a conversation about prior discourse, or language that occurred before the moment of their interaction. The paralegal is essentially asking about the previous institutional dialogue the client must have had with one of the paralegal's co-workers, who must have petitioned for the first order. The client, however, centers on the conversations she had with her parents about that order.

Prior discourse is represented as reported speech, or language uttered by a speaker or a hearer at some point before the current speaker's speaking. As Tannen (1999) argues, however, reported speech, though often considered to be a factual representation of what a third party said prior to the current speech event, is, in actuality, not likely to be an exact reproduction of anything that was really said in the past. In fact, Tannen makes the point that a narrator's use of reported speech is as creative in real, everyday conversations as it is in literary fiction. For this reason, Tannen

prefers to talk about the way narrators incorporate other peoples' voices into their narratives as "constructed dialogue." Constructed dialogues are often used by speakers as a way of summoning other people to carry the burden of making their points for them in conversation.

The client in the above example suggests many things through her reported speech or her constructed dialogue. First, that she introduces a dialogue that involves her parents shows that she is not just a battered woman and someone's wife, but also a daughter to some other people. In this way, this client is also staking out other identities. It could be that the client constructs this dialogue to relay the complexity of her family relations and the various types of power—not just legal or marital—to which she must submit. It might also be that she wants to relate all the elements that come to bear when she makes decisions to stay, leave, file charges and/or petition the court for assistance. Additionally, it could be that the woman finds the paralegal's discourse to be challenging her in some way. Perhaps the client perceives the paralegal as engaging her in an interrogation or inquisition as opposed to an interview with a series of unbiased questions. Though the paralegal has not explicitly asked her 'why' she stopped the application process the last time she applied, this is the question the client chooses to answer, as she continues to explain that she did not have her parent's blessing when she filed the first order. While it is not clear whether the client constructs her discourse as excuses—"accounts which admit the relevant act was bad in some way, but claim . . . performance was influenced or caused by some external agency"—or as justifications—that ". . . claim certain actions are in fact good, sensible or at least permissible in the circumstance" (Potter and Wetherell, 1987:75–76)—she shows that she senses more than just fact-finding behind the interviewer's questions. Her answers are longer than the answers a strict interpretation of the questions would require, and thus, they violate Gricean maxims of quantity and relevance (Grice, 1975). But, I argue, her flouting of these maxims points to her understanding that the paralegal is questioning her credibility as a victim who wants to pursue legal help. It seems that by involving her parents here, the client attempts to dissimulate what she perceives might be criticism for her prior (in)actions. The client seems to be saying that the fact that she has not been a good victim is not her fault, but her family's fault. Further evidence for this reading is shown in the second excerpt taken from the middle of this interview.

4.2. *Victims put the sincerity of their request for legal help at risk*

After hearing the entire story of the last violent incident—one in which the abuser had held a gun to the client's head—the paralegal leaves to consult with the assistant district attorney (a.d.a.), who is responsible for the protective order docket. It is also important to note that at the time of the interview, the abuser had been arrested and was awaiting trial on charges from the last violent episode. The excerpt shown below begins just after the paralegal returns from her consultation with the attorney.

Excerpt #8: Questions sincerity of victim's plea for legal help

- 1 P: Were you referred to come back over, or um, you came on your own? Who referred
 2 you?
 3 C: They told me to come back, um, ah, let's see, the police told me that they would get
 4 this done, but then I had to come back to get a permanent one, or something like that.
 5 P: Mhmh. O.K. So they, they recommended that you get, 'cause you don't have to do
 6 this. **The attorney wants to know if this is what you want, or were you just referred**
 7 **to come and you came?**

- 8 C: This is what I want. Because, you know, I, I went through this before, and I was stupid
 9 enough to stop it. And if I wouldn't have stopped it, then this would have never
 10 happened.
- 11 P: O.K., because you were living together at the time that it was filed the first time and
 12 you were hoping to get him out of the house? Or?
- 13 C: Right.
- 14 P: O.K., O.K. so he never moved out, you dropped it, and you just stayed together.
- 15 C: Yeah.
- 16 P: **O.K., 'cause the attorney is concerned that it's been four weeks and you're back
 17 to apply for another one, and we usually tell you when you want to drop it that it's
 18 not gonna be easy the second time to get one. So, she's saying that we'll, we'll do it,
 19 but, if you want to drop again, that we won't automatically drop it, we're gonna
 20 take you before to the judge.**
- 21 C: That's fine.
- 22 P: And let you talk with the judge and put it all on the record. O.K.? Um, but I'm going to
 23 have to come back in and have you sign your statement 'cause I have to have that
 24 prepared.
- 25 C: O.K.
- 26 P: So, um, let me give you this back. Well, you know what, I need a copy because I have
 27 to file it with the protective order, let me do that. And, I'm not sure if I need anything.
 28 Has he done anything else since um, May, um since you dropped the order?
- 29 C: No.
- 30 P: This is the first incident?
- 31 C: Yeah.
- 32 P: O.K. (.) And he's going to get out of jail in. . .
- 33 C: On the ((date)), well, he says the ((date)).
- 34 P: O.K., that's right, it's, it's been awhile. **What took so long to, to come in**

It is not the client's credibility *per se* that is in jeopardy here. After all, the police and the courts, by arresting, charging and setting an appearance date, have corroborated her claims sufficiently for the purposes of the d.a.'s office. And, it is unlikely that the paralegal's seeming reluctance to file results from the type of impasse created when the institution's definition of violence differs from the client's. For this d.a.'s office, my ethnography shows that "threat with a deadly weapon" is the pinnacle of any gradation of violence they may apply to these narratives. Put simply, if there is enough evidence to incarcerate the abuser on a criminal charge, there is certainly enough to file a petition for a civil protective order based on the client's account. Therefore, it is clear that the paralegal is not questioning the client's veracity here. Instead, what this paralegal is questioning is the client's sincerity in her desire to pursue an order. Firmly planting her footing as gatekeeper for the institution, the paralegal—with her interrogation-like questions beginning in line 1 of this excerpt insinuates that she does not trust that the client genuinely wants an order.

In this excerpt it is the paralegal that incorporates a "constructed dialogue" by employing the indirect reported speech of the assistant district attorney as shown in lines 5–7 and 16–20. The attorney also might have this question about the client, but we can only be certain the paralegal does, for it was the paralegal that went to the attorney with the doubt in the first place.

This case is illuminating because it speaks to the contextual nature of discourse and meaning. Though my ethnography shows paralegals typically urge their clients to make police reports and to stay involved with authorities, this case offers an interesting and telling exception. While the

official line at the d.a.'s office holds that women need not "report" violence to the police in exchange for a protective order, in interview after interview, these paralegals, in one way or another, request making a police report as if it were a condition for their filing the petition. Elsewhere (Trinch, 2003), I have analyzed the paralegal's reliance on police reports as a way to strengthen a case, because it places the weight of the police record behind the petition. Maybe women who are willing to involve law enforcement seem more trustworthy and more sincere in their pursuit of legal solutions.

In the above example, though, the paralegal is suspicious of the client's intentions precisely because of her prior involvement with the police. The paralegal, through constructed dialogue, suggests that the a.d.a.—a gatekeeper who is also a "higher up"—is skeptical about the client's application. With her employment of reported speech, the paralegal is able to deflect the responsibility for making this accusation to the a.d.a. Here reported speech is a politeness device that allows the paralegal to portray herself as the advocate and the a.d.a. as the gatekeeper. In fact, in addition to the reported speech that gives what she says its textual and authoritative status (e.g., in line 6, "... the attorney wants to know"; in line 16, "... 'cause the attorney is concerned"; and in line 18, "... So, she's saying ..."), this paralegal uses a point of view operation to skirt incriminating herself as the gatekeeper. For example, her use of the plural pronoun "we" instead of "I" and the impersonalization device of the empty pronoun "it" suggest that actions taken and consequences faced if the client changes her mind again will not be of this paralegal's doing. We see this in utterances such as the following from lines (16–20 in Excerpt #8):

O.K., 'cause the attorney is concerned that it's been four weeks and you're back to apply for another one, and we usually tell you when you want to drop it that it's not gonna be easy the second time to get one. So, she's saying that we'll, we'll do it, but, if you want to drop again, that we won't automatically drop it, we're gonna take you before to the judge.

What we find in the above excerpt is not the classic victim-blaming scenario where a service provider holds the victim accountable for the violence perpetrated against her. Nor is this excerpt a case in which the client is being asked, "Well, why were you there?" "If you were afraid of him, why did you go to bed with him?" or "If you know how he gets, why didn't you just give him the money he asked for?" Such questions would imply to a victim that she could have prevented the abuser's violent behavior if only she had acted in a different way. The type of "second assault" we have here is more elusive. In classic victim-blaming instances, the client's motives are questioned *vis-à-vis* the abuser's actions. In this case, the paralegal is arguing that what is questionable is not the victim's story, but rather her motives in relation to the civil and criminal justice system. It seems that the paralegal is suggesting that it is she and her office that have something *at stake* by supporting a client—even if really and undeniably a victim—who might then decide against going through with the order. Of no apparent concern to this paralegal are the risks this client faces. These risks include compromising the client's sense of sincerity, her notions that people will believe in her, her ability to decide for herself what is best for her in the moment-to-moment context of the abuse in which she lives, continued and future assistance by the state, her trust in the state, and all control of her case.

Though it is impossible to know how the client reads the paralegal's discourse or even to know exactly how the paralegal intends it, we can conclude from what is said that it is not because she believes her to be glib or crafty that the paralegal seems to question the client's motives. Rather, this paralegal seems to press the client because she believes the client does not really know what she wants. The paralegal's question about the police in Excerpt #8, lines 5–7 ("... O.K. So they recommended that you get, 'cause you don't have to do this. The attorney wants to know if this is

what you want, or were you referred to come and you came?’), and her statement that the client need not apply for an order, suggest that the paralegal-interviewer does not perceive the client to be deceptive, only that she sees her as unaware of her own desires. Being indecisive, as we will see, is punishable and can result in the client’s being excluded from legal arenas of assistance.

5. Clients put their control over the way their cases are handled at risk

The following and final excerpt from this interview provides further evidence that the paralegal worries very little about the client’s overall wellbeing. Again we see that the message the paralegal sends is focused on ensuring that the client understands that her own actions somehow can put the paralegal and her office at risk.

Excerpt #9: Who is really at risk in high stakes gatekeeping encounters

- 1 P: He still has his job then?
 2 C: Yes. So far. And he’s trying to get, talk to his lawyers to find out if he can get
 3 out on a work release.
 4 P: Mhmh.
 5 C: And, I don’t know how to handle that, you know. Um, he, he was, the only source of
 6 income we had. And I think it would be nice that, if he could work, but I also
 7 don’t want him out. ‘Cause if he gets out]
 8 P: [‘Cause it sounds like, let me make sure, there’s a child, you have a child?
 9 C: Yeah.
 10 P: ‘Cause it sounds like you have a lot of communication with him. He’s calling you
 11 from jail and you’re talking to him]
 12 C: [He’s calling every
 13 P: [exchanging information, so ...
 14 C: [every other day just about. And I
 15 don’t, I don’t know how to handle that. (.) Because]
 16 P: [You can have your number changed
 17 C: [the way that ... See it’s not my phone.
 18 P: Oh, O.K.
 19 C: That’s that’s why. And my parents told him to call as often as he wants and, but he’s
 20 not stepping foot in my house so]
 21 P: [So they won’t let you, that number be blocked, so he can’t call it.
 22 C: Probably not.
 23 P: **O.K., yeah, that just concerns me that there’s still all this communication, and**
 24 **that when we go to court, you’re gonna change your mind again.**
 25 C: No, I’m not. Not again.
 26 P: O.K., let me make a copy of this

The paralegal’s final remark shown in lines 23–24 confirms the gist of the analysis of this paralegal as a gatekeeper rather than as an advocate. Even when such linguistic mechanisms as topic control, co-construction of identities, the avoidance of emotional themes, point-of-view operations, interruptions and the like ostensibly point toward gatekeeping functions, as is the case here, it is also possible to read the interaction as one in which the interviewer is merely giving the client choices, gathering information, and then responsibly informing her of her options. In other

words, without this final piece of evidence, it might also be concluded that the paralegal is merely doing her job as an advocate by making the victim aware of what the system considers to be important and by keeping her informed about her possibilities.² But, this final excerpt supports the conclusion that the paralegal's discourse, from the start, takes an offensive stance, because she distrusts this client's ability to be an ideal institutional victim. Here, the paralegal accepts responsibility for questioning the client's intention. By lines 23 and 24 of Excerpt #9, her prior use of the plural pronoun "we" has been converted to the singular "me" in her statement, "O.K., yeah, that just concerns me that there's still all this communication, and that when we go to court, you're gonna change your mind again." By blatantly stating her concern, the paralegal lets the victim know that a change of heart (or mind) is not acceptable, and in fact that it will be exceedingly unwelcome.

Furthermore, this excerpt drives home the point that the paralegal does not care about the client's personal situation. The client, seemingly, though somewhat surprisingly, oblivious to the paralegal's stance, appears to be asking for help or advice regarding her husband, who continually calls her from jail. By stating in lines 5–7, "And, I don't know how to handle that, you know. Um, he, he was, the only source of income we had. And I think it would be nice that, if he could work, but I also don't want him out. 'Cause if he gets out," the woman admits that she is at a standstill and does not know how to change her circumstances. In lines 19–20, the client states that her parents continue to support her abusive husband by telling him to call as much as he wants. Again, the client creates a narrative of a complex social and family network to show how she and her abuser are linked together through more than just their own marriage (Riessman, 1987; cf. Conley and O'Barr, 1990). That is, in addition to being someone's daughter, in this section the client states that she is also someone's mother—and that "someone" is also the abuser's child. Being economically dependent on the abuser is another dimension that she cannot easily resolve. She and her child need his income.

The interviewer, acting as gatekeeper, though, seems to want to construct the perfect victim: a woman who has suffered from domestic violence, but who neatly breaks off her relationship with her abusive spouse and with whom, despite their mutual child and her parent's acceptance of him as a member of their family, she has no subsequent contact. As this client counters this image with a depiction of why and how this is not a plausible scenario for her, the interviewer shows her institutional inclination and allegiance. In addition to continuing to try to solve the victim's problems by suggesting several measures she might take to make a cleaner break with the abuser (lines 10–11, 16, and 21), the paralegal unabashedly states her apprehension. She comes out and says that she is reluctant to put the support of her institution behind an indecisive victim, in lines 23–24.

Aside from the ways that the cases of the two clients above (the one in Excerpt #6 and the one shown in Excerpts #7, 8, 9) illustrate some of the risks that women encounter in narrating private violence in a public setting, the interviews of these two women have also been selected because they both include content regarding the ways in which battered women deal with their partners. Moreover, they indicate that the law has contradictory criteria with respect to how women ought to interact with their abusers.

² Though this point may seem to contradict my entire argument, I am sensitive to criticism that people without the assistance of such paralegals might not have any idea whatsoever as to how to construct their stories. So, on the one hand, it may seem that women are being channeled and directed into legal discourse—somewhat against their will—while, on the other hand, those who have no assistance may also have no idea how to go about getting things from the system.

In Excerpt #6, the client states that she wants access to the benefits that the abuser's children are supposed to have, because she is the mother of one of his biological children. She does not wish to speak with him, however, and she does not want her children to be involved with him (see Excerpt #6, lines 29–31). She wants only the money that is due to his children. This client, however, is told by the paralegal that she does not have the authority to determine whether the biological father will have visitation with his child. Mahoney (1994) notes that no-fault divorce often renders domestic violence invisible in custody cases, and this is exactly what the client is being told about the state in which she lives. The Latina women who participated in this study were often told by paralegals that their children's fathers had equal access and equal rights to the kids. When children are involved and the state blindly protects fathers' rights to have contact with them, some type of contact between the victim and the alleged abuser is inevitable. Unfortunately, and according to many of the women's narrations, this situation also provides batterers with opportunities to continue controlling and abusing women.

In Excerpts #7, 8 and 9, the paralegal, acting on the state's behalf, espouses a paradoxical position. She suggests that the client has too much frequent contact with the abuser, and she indicates that there should be no contact between the victim and her abuser, regardless of the situation or the circumstances. What is coherent and consistent about the seemingly contradictory positions presented in Excerpt #6 versus Excerpts #7, 8, and 9 is that the state has the authority to dictate the relationship between a batterer and a victim, and the victim has very little say about it. While these clients might indeed have difficulties in negotiating the separation from their abusers—especially where their children are involved—what is striking about these interviews is that the paralegals offer no alternatives. In both instances, these paralegals choose to guard their institutions rather than deal with their clients' needs. There is no validation of the clients' feelings or ideas, and their narrow focus on institutional concerns might send the message that the clients do not count.

Feminist scholars have complained that mandatory arrest, prosecution and reporting in cases of battering can do more harm to women than good (Mills, 1999; Mahoney, 1994). The rationale behind these aggressive legal remedies is three-fold. First, it is believed that abusers, who have and who exercise great power and control over their victims, can often coerce victims into dropping their cases against them. Second, if abusers understand that their arrest and prosecution is not in the victims' hands, but rather within the states' purview, legal professionals reason that abusers will not direct their anger—provoked by prosecution—towards victims. And third, as proactive policies, mandatory arrest, prosecution and reporting are meant to counteract any indifference legal and law enforcement officials might have towards domestic abuse cases (see Mildorf (2002) for an example of such indifference among medical doctors).³

6. Discussion: connecting micro- with macro-sociolegal disempowerment of women

Mills (1999) develops a model for legal service providers to empower battered women by adopting and applying some tenets of listening and relating to them from clinical psychology. Mandatory, premature, state interventions undertaken against a woman's wishes, she argues, are likely to rob a victim of a chance to heal, because they reinforce the abuser's judgment of her, and they limit how she can proceed and interact with the sociolegal system. According to Mills,

³ Mildorf (2002) finds that physicians skirt the topic of intimate-partner battering when women bring it up in conversation, because they perceive that talking about it will "open up a can of worms" that they, for one reason or another, are not equipped or willing to deal with.

embedded in such state policies are a series of actions that parallel abusers' emotional violence toward their victims. These emotionally abusive behaviors include rejection, degradation, terrorization, isolation, unresponsiveness, and confinement. Though mandatory arrest differs from the paralegal's informal, yet apparently also inflexible, "no-stop-on-petition-for-protective order" policy that she articulates in Excerpts #7, 8 and 9, such potentially damaging speech acts are rife in her discourse.

Returning to Excerpt #7, where we saw how the speech of the paralegal and that of the client diverged, the paralegal's verbal behavior could be characterized as unresponsive and, ultimately, as a speech act of rejection. As the paralegal continually ignores the client's contention in this excerpt, the client could glean from the interaction that the paralegal rejects or discounts her reasons for having stopped action on the prior petition. Mills argues that abusers utilize emotional unresponsiveness as a mechanism to show detachment and lack of involvement with their victims. Under Mills' conceptualization, this paralegal's questions could disempower a client, because they show her to react to the case rather than taking the time to relate to the woman. For Mills, a more positive interaction could ensue if state actors would accept women by showing that they will stay connected to them whenever they return for help. Relational responses should include respect for the women's current wishes and for their prior choices as well as reassurance that makes women feel heard and understood.

If Excerpt #7 shows the paralegal to parallel the emotionally abusive verbal behavior of detachment, then the data in Excerpt #8 indicate how sociolegal discourse can reproduce the emotional and mental abuse of threats and judgments. Mills discusses forced testimony as itself a type of terrorization and public humiliation. In lines 18–20 of Excerpt #8, the paralegal uses the verb "take" to describe what will be done if the victim fails to cooperate ("... So, she's saying that we'll, we'll do it, but, if you want to drop again, that we won't automatically drop it, we're gonna take you before to the judge"). Her statement implies that some force will be enacted upon the client against her will if need be. By threatening that the client will be made to speak in front of the judge if she decides again to stop action on the order, the paralegal is admitting that the office, like the abuser himself, is willing to force the client to do something. She basically attempts to obtain a guarantee from the client through coercion or intimidation.

Essentially, the client's free will is at stake here, as she is being extorted. The speech act of a judgment comes in at the end of Excerpt #8 in line 34 when the paralegal insinuates that the victim did something wrong by not appearing in her office sooner, with her question, "What took so long to, to come in?" Embedded within this wh-question is a presupposition that there was a reasonable time frame for the client to have appeared, and that it has expired. The judgment here is that it took the client longer than it should have.

In Excerpt #9 there is further evidence that the paralegal is putting the client at risk of feeling rejection and social isolation. Her responses to the client routinely reject the experiences the client puts forward as obstacles to freeing herself from the abuser. Instead of engaging the client about the barricade she perceives, the paralegal offers only a type of future isolation by warning that the legal system will not always be open to her (lines 23–24 "O.K., yeah, that just concerns me that there's still all this communication, and that when we go to court, you're gonna change your mind again"). By restating her concerns about the client's intentions, the paralegal implies that the woman's case might not be worth taking: she is a wildcard.

The paralegal's telling the client that she will be taken before the judge and made to put everything on the record if she again decides to drop the petition constitutes a threat. In this instance, being forced to speak with a judge and told to "put it all on the record" threatens to humiliate the victim in public by demanding that she testify in front of the judge (see Excerpt #8,

lines 20 and 22–24). This tactic seems to make assistance contingent upon the client's guarantee to do as she is told. Here, we see how clients can lose all control over their situation if they meet with legal authorities that are unrelenting about institutional procedures and unforgiving about situational and contextual factors that might inhibit a woman's journey toward separation. In addition, research shows that less than supportive interactions with the state tend to make battered women less willing to rely on state intervention in the future (Bowman, 1992; Ferraro and Pope, 1993). In this way, the abuse of such discursive power might, in the end, put women's lives at risk if they feel that the doors to the legal system have shut them out.

Throughout this interview, the paralegal takes a gatekeeping stance that might be putting much more than a protective order in jeopardy for this victim. These data have been presented to show how discourse analysis can reveal the risks to which domestic violence victims are exposed in these high stakes gatekeeping interviews. We have seen that clients might meet with gatekeepers who have the authority to determine whether there will be entry into or passage through the institution, as well as with gatekeepers who have the discursive power to determine the types of identities clients will be able to construct. There are also gatekeepers who will threaten clients with potentially damaging consequences if clients do not appear to be "perfect victims."

7. Conclusion: being 'tough' on domestic violence is sometimes 'tough' on victims

The district attorney's office, a bureaucratic institution with limited time, money and human resources, as well as a reputation for being "tough" on domestic violence, does not want to rescind more petitions than is necessary. These paralegal gatekeepers are in dialogue with the courts as much as they are with clients. Therefore, could it be that each individual paralegal and/or a.d.a. risks losing face when they bring before the court clients who are either uncertain about what they want or who have untenable cases?

In a legal system where consistency of accounts and of actions often forms the basis of an airtight complaint, it might be quite understandable that sociolegal institutions, like the district attorney's office, feel the need to protect themselves against narrators whose identities are too contradictory (i.e., victim-survivors) and whose actions, from context to context, are inconsistent. Nevertheless, to focus exclusively on the needs and the rules of the current system disregards the needs and realities of its constituents. An institutional focus also ignores the risks clients face when narrating for help. The examples above display some of the ways in which the risks of narrating in high stakes gatekeeping encounters can be understood to go beyond the obvious. If violence is defined as "the abusive or unjust exercise of power," then institutions which claim to be protecting the public from violence might want to pay more attention to how they go about doing that. The micro-analysis of these data suggests that the legal system's 'tough' and, paradoxically, sometimes 'uncritical' response to abusers in violent intimate-partner relationships also may result in a system that might be unduly tough on victims.

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Appendix A. Key to transcription conventions

The transcription conventions used in this paper have been adapted from those found in Matoesian (1993:53–56). They are as follows:

P: refers to the paralegal or volunteer interviewers.

I: refers to the interpreter in the interview.

C: refers to the client in the interview.

[A single left-hand bracket indicates an overlap.

(.00) Timed intervals indicate pause-lengths to nearest second.

() Single empty parentheses indicate that audio material is inaudible.

(with words) Single parentheses that enclose words indicate transcriber's best guess.

((with words)) Double parentheses enclosing words denote the description of a sound such as ((laughter)) and/or commentary provided by the researcher about the interaction.

(.) A period enclosed by parentheses indicates a brief pause or less than a second.

Bold type refers to utterances in the transcription that are particularly important to the analysis

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