

Violence Against Women and the U.S. Supreme Court: Recent Challenges and Opportunities for Advocates and Practitioners

Violence Against Women


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Abstract

The U.S. Supreme Court has frequently grappled with violence against women, with three major cases decided since 2000. Although the law can be a powerful tool to minimize the risk of violence against women, it can also be an obstacle to interventions. As legislators, prosecutors, and advocates implement legal interventions to respond to violence against women, the Supreme Court has increasingly been called on to interpret these laws and assess their constitutionality. This legal note examines recent Supreme Court jurisprudence that addresses interventions to prevent violence against women and explain how practitioners can tailor interventions to respond to these decisions.

Keywords

domestic violence, law, U.S. Supreme Court

Introduction

It may be surprising to some just how often the U.S. Supreme Court has grappled with the issue of intimate partner violence in recent years. Since 1990, at least 11 cases have addressed, expressly or through implication, violence against women, including three major cases since 2000. In fact, during its 2008 term, the Supreme Court agreed to hear two additional cases with important implications in this area (*Giles v. California*, 2008; *United States v. Hayes*, 2008). However, given the magnitude of domestic violence as a public health problem in the United States, others may be less surprised. As those who work to prevent such violence well understand, intimate partner violence will affect

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