

A Domestic Violence Research Tool

Injustice anywhere is a threat to justice everywhere.

Martin Luther King, Jr.

The Reason and Purpose of this Paper

In 2000 Congress asked the National Research Council (NRC) to provide to congress a detailed research report on violence against women. In the 2005 congressional reauthorization process for the Violence Against Women Act not a single member of the NRC was asked to testify.

In the first sentence of, *Advancing the Federal Research Agenda on Violence Against Women* <http://www.nap.edu/catalog/10849.html> the authors write, "Knowledge from research on the violent victimization of women has advanced significantly during the past decade."

Unfortunately, similar to congress, too many domestic violence agencies, advocates and members of the criminal justice system continue with policies that fail to reflect contemporary knowledge from recent research studies.

The purpose of this paper, which is interactive online at our website, www.Familynonviolence.org, is to place many of these studies and articles into the hands of those who directly or indirectly affect our public polices concerning domestic violence intervention.

New and relevant research will be added so that this report does not, as many advocates and public policy makers have, continue to have 20th century research drive 21st century policies, procedures and legislation.

Studies Ignored

Contemporary domestic violence intervention and criminal justice policy often does not reflect the insight and knowledge provided by contemporary scientific empirical studies. As the years pass that gap seems to increase as research presents new information to light the way for change.

According to the National Academies Press book report, *Advancing the Federal Research Agenda on Violence Against Women*: "A National Research Council committee found that the design of prevention and control strategies...aim to decrease the number of new cases of assault or abusive behavior, reduce the risk of death or disability from violence, and extend life after a violent event – *frequently is driven by ideology and stakeholders interests rather than by plausible theories and scientific evidence of cause* [italics added]."

"Rigorous inquiry into violence against women *is precluded when scholars fail to distinguish among what constitutes an act of violence, abuse, or battering* [italics added] . . . If we want to be able to determine whether critical aspects of abusive and violent behaviors against women (e.g., their prevalence, incidence, and distribution) differ from those of

other kinds of violent behavior, we need to employ consistent definitions and measures."

"Finally, there is emerging and credible evidence that the general origins and behavioral patterns of various forms of violence, such as *male violence against women and men and female violence against men and women, may be similar* [italics added]."

<http://www.nap.edu/books/0309091098/html/>

It must be recognized that violence against heterosexual women does not simply begin when a heterosexual male reaches the age of 18 nor does it end when they are 65. Violence is a family affair regardless of age, gender, or sexual orientation.

Some violence against heterosexual adult women by some heterosexual adult men does have social, cultural, and individual factors that distinguish that particular form of violence from violence in general. However, the issues of dominance, power, control, economics, intimacy, jealousy, retribution, and venue are gender neutral and run through all acts of domestic violence regardless of age, gender or sexual orientation.

To discover the way out of our present dilemma, we must first tell the truth, the whole truth, and nothing but the truth. Holding only one position and disregarding all others is to disregard reams of national studies, research, and data that disavow and dispute any and all single, stand alone, grand theories.

The purpose of this paper is to provide a simplified access to the many studies and sources of information in the various media for practitioners and advocates in their effort to provide support and guidance to *all victims of domestic violence regardless of age, gender or sexual orientation*.

We need to be equally concerned about the cause and consequences of domestic violence for both our daughters and our sons. Many domestic violence advocates and many of our public policy makers, with the assistance of the multi-billion dollar Violence Against Women Act (VAWA), have concluded that we need to be only or primarily concerned about the cause and consequences of violence against women.

Unbiased Research and Intervention

Too many domestic violence advocates are predisposed, as domestic violence websites document, to believe adult heterosexual women are the primary victims and adult heterosexual men the primary offenders.

A sample of 1.4 million men and women who were admitted to a hospital emergency room documents that 50% of the women and 8% of the men reported being injured in a fight with their intimate partner.

<http://www.ojp.usdoj.gov/bjs/abstract/vi.htm>.

Another study found that wives were often involved in mutual violence and displayed as much or more anger and intense verbal hostility, however not injurious physical assaults, against their husbands. During these violent episodes it was only the wives who reported being fearful.

<http://www.journals.apa.org/prevention/volume3/pre0030021.c.html#c4>

Far too many criminal justice policies, court interventions and treatment programs focus primarily on females as the victims of all forms of domestic violence while ignoring, minimizing, and trivializing the problems of those males who are victims of domestic violence.

Lessons Learned

It is most often within the familial hierarchy, rather than the outside adult world, that we first learn that assertive behavior, physical aggression and economic dominance are associated with the issue of power and control. The struggle within the family is often about who will be most responsible concerning the allocation, distribution, preservation, or passing on of family resources.

Historically, men were held responsible to protect, fight and die to defend and protect the resources within the family and were thereby rewarded with more authority, responsibility and privilege.

Who Gets to Hit And Why

Violence is an accepted means of protecting resources. The 2004 presidential campaign focused primarily on who would best protect the country. Hitting another person to change or alter their behavior is age dependently legal in all fifty states and is not labeled violence, rather it is labeled spanking or corporal punishment.

However, one adult hitting another adult to change or alter their behavior is illegal in all fifty states and is labeled domestic violence. A society that condones some forms of family violence, while claiming that violence among others is reprehensible is apparently a society that is still struggling with its moral and ethical values.

The U.S. Department of Health and Human Services, Children's Bureau report, Child Maltreatment 1996: *Reports From the States to the National Child Abuse and Neglect Data System*, documents that 17,590 children were physically abused by men and 21,757 children were physically abused by women.

<http://www.calib.com/nccanch/pubs/factsheets/ncands.cfm>

The findings from the National Violence Against Women (NVAW) report, "*Full Report of the Prevalence, Incidence, and Consequences of Violence Against Women*", document that 40.0 percent of surveyed women and 53.8 percent of

surveyed men reported being physically assaulted by a parent, stepparent, or other adult caretaker as a child.

<http://www.ncjrs.org/pdffiles1/nij/183781.pdf>

The Family Violence Prevention Fund (FVPF) claimed in an ad appearing in the June 15, 2003 issue of the *New York Times*: "We know the realities of violence against women and children . . ." The FVPF wants fathers to sit down with their sons and teach them that violence does not equal strength and to say "no more" to violence against females. This is a noble, yet limited goal.

<http://endabuse.org/programs/display.php3?DocID=9933>

Our Daughters and Sons

The report, *Gender and Contextual Factors in Adolescent Dating Violence*, notes that many recent high school dating violence studies document that between 14.5% and 24.4% of female adolescents and 3.3 to 9.9% of male adolescents report they experienced some physical and/or sexual violence in their dating relationship. Both adolescent and adult females suffer more serious injuries than males.

<http://www.athealth.com/Consumer/disorders/datingviolence.html>

The same report documents approximately 38% of boys and 34.9% of girls reported overall violence. About 13% of boys and 22% of girls report they were the victims of severe physical violence. Between 1/4 and 1/3 of these violent incidents were initiated by the adolescent girls. The differential is even less when forced sexual activity is excluded.

The National Center for Victims of Crime (NCVC) Dating Violence Resource Center reports that, "Twenty percent of teenage girls and young women have experienced some form of dating violence – controlling, abusive, and aggressive behavior in a romantic relationship." There is no mention of boys as victims.

http://www.ncvc.org/ncvc/main.aspx?dbID=DB_DatingViolenceResourceCenter101

The National Center for Victims of Crime once noted that 45% of females and 43% of males reported being the victim of violence from a dating partner at least once. Why is that information now missing from the NCVC website? Why are there little to no resources now at the NCVC concerning the victimization of teenage boys or young men?

Jane Doe is the Massachusetts Coalition Against Sexual Assault and Domestic Violence. Jane Doe documents that 1 in 5 female high school students report being physically and/or sexually abused by a dating partner. <http://www.janedoe.org/know.htm> Why does Jane Doe ignore the reported physical and/or sexual abuse of male high school students?

This "1 in 5" example is based on the 1999 Massachusetts Youth Risk Behavior Survey. The survey documents that 18 percent of females and 7 percent of males report they were hurt physically or sexually by a date or someone they were going out with. Also 16 percent of females and 6 percent of

males report that someone had sexual contact with them against their will. Jane Doe ignores the male victimization.
<http://www.doe.mass.edu/hssss/yrbs99/letter.html>

In 2001 the national data from the same survey reveals that 23.9 % of girls and 43.1% of boys reported being in a physical fight, 2.9% of girls and 5.2% of boys reported they were injured in a fight, 9.8% of girls and 9.1% of boys reported being physically hurt by a boyfriend or girlfriend and 10.3% of girls and 5.1% of boys reported they were forced to have sexual intercourse.
<http://www.cdc.gov/HealthyYouth/yrbs/index.htm>

Another report states that nearly 9 percent of girls and 6 percent of boys report some type of abusive date-related experience.
<http://www.apa.org/releases/dateviolence.html>

Equality of Justice

One might expect that *all victims of domestic violence* regardless of age, gender or sexual orientation would receive equal care and concern through research studies, intervention programs and the criminal justice system. However, public domestic violence policies and public and private domestic violence websites document that adult heterosexual women are considered to be the *primary* or *most important* victim.
<http://www.mincava.umn.edu/>

The *Bureau of Justice Statistics Sourcebook* 30th Ed. 2002 documents that sentencing for all crimes imposed on males are longer than the sentences imposed on females for the same crime.
<http://www.lib.msu.edu/harris23/crimjust/stats.htm#reports2>

The National Institute of Justice report, *Extent, Nature, and Consequences of Intimate Partner Violence* reveals that law enforcement officers respond differently to women who are victims of domestic violence incidents than they do to male victims.
www.ncjrs.org/pdffiles1/nij/181867.pdf

Most domestic violence intervention programs continue to view the issue of domestic violence primarily as violence against heterosexual women. Criminal justice training manuals sponsored by the Violence Against Women's Office concerning domestic violence intervention nearly universally refer to the victims as heterosexual women and their abusers as heterosexual men.

Law enforcement officers responding to domestic violence incidents, have been trained to "expect" that males will be the offenders and female's their victims.
<http://www.vaw.umn.edu/library/bwjp/>

Law enforcement officers frequently interact with men who are involved in criminally violent behavior far more often than women. This is true, however, the fact is that the majority of these men are chronic criminals, who exhibit violent behavior in general, and do not represent the behavior of the vast majority of men in American society.

Women are more likely than men to *report* domestic violence incidents than men. Law enforcement officers are *significantly* [italics added] more likely to take a report and to arrest or detain a male if the alleged victim of the reported incident is female.
www.ncjrs.org/pdffiles1/nij/181867.pdf

By law, domestic violence in all fifty states has become far more complex an intervention than either "violence against women" or "battering behavior." Because most domestic violence advocates continue to equate "violence against women" and "battering behavior" with "domestic violence," the issue has become an enigma meaning different things to different people.

In The Beginning

In 1981 a group of citizens in Duluth, Minnesota became frustrated with a lack of commitment by the criminal justice system concerning "wife beaters." With private funding they founded the Duluth Abuse Intervention Project (DIAP). The project was a coordinated community-wide effort that contained a number of agreed upon written protocols that were intended to connect the police, the court system and social service agencies.

The Duluth police department put in place a policy mandating their officers responding to a domestic violence incident to identify the probable offender and make an arrest if there is an injured victim present. It was agreed that, if men beat or battered their wives, they should be arrested, sanctioned, and perhaps placed in an effective treatment/counseling program. It is a good policy.

The Duluth courts and social service agencies have specific advocates trained to assist the victims in all steps of the post-arrest process. Recognizing that many offenders would return to their home after their arrest, and that many victims did not want the offender to be jailed, the Duluth intervention put in place a court-ordered education and counseling program for the offenders. The majority of law enforcement officers at that time agreed that the Duluth approach appeared to be a good idea.
<http://www.duluth-model.org/>

Today the founder of the DIAP, many law enforcement officers and others in the criminal justice system have their doubts about our mandatory policies and contemporary ("one-size-fits-all") domestic violence intervention. So where have we gone wrong?
<http://www.ncjrs.org/pdffiles/crimdom.pdf>

How We Lost Our Way

Susan R. Paisner, a criminologist with more than 20 years experience, recently wrote in the *National Bulletin on Domestic Violence Prevention* that the key to *effective* "domestic violence" training is to make the *dynamics of domestic violence* very, very clear.

However, Paisner and the majority of domestic violence advocates, appear to lack an understanding of *domestic violence* as it is defined by statute law in all fifty states.

Domestic violence is defined by law, in all fifty states as not primarily violence against women nor as battering behavior. The following is an example of domestic violence law in Massachusetts. M.G.L. c. 209A, defines violence as the occurrence of one or more of the following acts between family or household members:

1. Attempting to cause or causing physical harm;
2. Placing another in fear of imminent serious physical harm; or
3. Causing another to engage involuntarily in sexual relations by force, threat or duress.
4. Where there is no battery, a warrantless arrest for "abuse" may properly be made by effecting an arrest for simple assault under c.265.13A. The most relevant definition of "abuse" closely approximates the common law description of the crime of assault.

The crime of assault can be committed in the following ways:

- (a) by an attempted battery, i.e. the defendant took some overt step to commit an intentional battery;
- (b) an immediate threatened battery must include an overt and menacing gesture, the conduct of which reasonably caused the victim to fear an imminent battery;
- (c) an act placing another in "reasonable apprehension" that force may be used. Mere words alone are not sufficient without an overt act on the part of the defendant."

However, it is important here to note that there need be no apparent marks or injuries to the victim. An overt act is sufficient to place the victim in fear of serious physical harm. Hence, the arrest and/or the ensuing assault complaint would be based on the application of G.L.c. 209A and G.L.c.265.13A.

Family or household members include:

- Same sex relationships.
- Persons who are or were married to one another
- Persons who are or were residing together in the same household
- Persons who are or were related by blood or marriage
- Persons who have a child in common regardless of whether they have ever married or lived together
- Persons who are or have been in a substantive dating or engagement relationship

In all fifty states domestic violence can range from a shove to pounding on the table to emphasize a point. In some states it can be "the fear" by some third party that someone else may be abused. In some states domestic violence may include acts that affect another individual's emotional, mental, or psychological condition. In other states some domestic violence advocates want to include acts that violate the integrity, dignity and/or liberty of a person.

Currently, domestic violence intervention is a problematic series of multifaceted and complicated events and *dynamics* reaching far beyond the original intent of those advocates in Duluth, Minnesota.

The Fallacious Argument

There is no agreement on just what constitutes "*domestic violence, an injury or even what abuse,*" is or is not. For example, annual intimate partner victimization rates generated by the Bureau of Justice Statistics (BJS) and the National Crime Victimization Survey (NCVS) are substantially lower than those generated by the National Violence Against Women (NVAW) Survey.

The 1992 National Alcohol and Family Violence Survey found that approximately 1.9 percent of married/cohabiting women were severely assaulted by a male partner annually and approximately 4.5 percent of married/cohabiting men were severely assaulted by a female partner annually.

The vast majority of domestic violence researchers and studies document that "one-size-does-not-fit-all." Victims who most need help are often at the lower end of the socioeconomic educational strata of society with little to no community or family support.

The number of women and men who report being emotionally abused, pushed or slapped by an intimate partner once or occasionally during their lifetime differ dramatically from those who suffer broken noses, blackened eyes, or other chronic physical beatings.

<http://www.ncjrs.org/pdffiles1/nij/183781.pdf>

Victims All

The vast majority of researchers agree that both women and men can be domestic violence offenders and/or victims and that a substantial number of women can be just as assertive, aggressive and coercive as men. Many women's violent acts against their male partners can not be explained away only as acts of self-defense.

<http://www.ncjrs.org/pdffiles1/170018.pdf>

Although men are often assaulted by their partners, assaults by men have the capability of inflicting greater physical injury, financial deprivation, and emotional pain. However, if female violence against males may not cause greater injury, does that mean it cannot be just as painful an experience? Is it not a fundamental belief of gender feminists that emotional or psychological abuse can be just as damaging as physical injury? Is not everyone, regardless of age, gender, or sexual orientation deserving of understanding, compassion, equal justice and protection?

The Uniform Crime Report data on forcible rape refer only to women, ignoring the fact that 92,748 males are forcibly raped each year. Although there is no uniform definition of what a "sexual assault" or "rape," is, according to a survey of high school students, the Youth Risk Behavior Surveillance System (YRBSS) documents that 11.9% of female students and 6.1% of male student report having been sexually assaulted. 12.3% of Black students, 10.4% of Hispanic students, and 7.3% of White students reported having forced sexual intercourse.

<http://www.cdc.gov/ncipc/factsheets/svfacts.htm>

Victims Ignored, Minimized and Trivialized

A 1994 federally sponsored family violence conference estimated the annual incidence of abuse of family members is at 2 to 4 million for children, nearly 4 million for women, and 1-2 million for elder adults. The conference did not acknowledge a man or men as victims of domestic violence. www.ncjrs.org/pdffiles/redfam.pdf

The Domestic Abuse Helpline for Men (DAHM) is located in Maine. However, the Maine Coalition to End Domestic Violence refuses to allow DAHM to become a member of the state coalition. <http://batteredmenshelpline.org/>

In a report for public policy makers by the National Conference of State Legislatures, *When Violence Hits Home: Domestic Abuse and Families*, it is noted that *some men* may be abused by women but there is no mention of the number of those "*some men*." What the author excludes is data indicating that about 1.3 million women and 835,000 men are physically assaulted by an intimate partner annually in the United States. <http://www.ncsl.org/programs/cyf/dvbookintro.htm>

A National Institute of Justice report, *Violence by Intimates: Analysis of Data on Crimes by Current or Former Spouses, Boyfriends, and Girlfriends*, documents that between 1976 and 1996 31,260 women were murdered by an intimate. What is often ignored is that this very same report also documents that for the very same time period 20,311 men were murdered by an intimate. <http://www.ojp.usdoj.gov/bjs/pub/ascii/vi.txt>

The National Coalition Against Domestic Violence (NCADV) website proclaims it is the only national organization providing a voice for local *domestic violence programs* [emphasis added] and battered women. However, it appears the NCADV picks and chooses the voice of its victim's. The website for years claimed that "Every 15 seconds a woman is battered." The NCADV ignores or minimizes male victimization <http://www.ncadv.org/>.

Homicides

Researchers and scholars document that women and men are equal in initiating low or moderate levels of domestic violence incidents. As the intensity of the violence rises, the danger of serious or chronic injury for women increases far more rapidly than it does for men. <http://www.csulb.edu/~mfiebert/assault.htm>

Though most domestic violence websites claim the home is the most dangerous place for women and children, the more affluent and educated a neighborhood is, the safer it is, both inside and outside the home. Homicides and all forms of domestic violence occur far more frequently in disadvantaged neighborhoods with economically and emotionally distressed households.

In 1980 the FBI Supplementary Homicide Reports documents that 2,094 males and 1,609 females were

murdered by a family/intimate. In 1990, it was 1,600 males and 1,427 females. In 2,000, 928 males and 1,133 females were murdered by a family member or intimate partner.

The Supplementary Homicide report documents that between 1980 and 2000, 28,586 (48%) females were the victims of a family/intimate homicide. During that same period there were 31,509 (52%) male victims. The yearly decrease in intimate/family homicides during this period for both males and females is reflective of the decrease in the total number of homicides nationwide <http://ojjdp.ncjrs.org/ojstatbb/ezashr/>.

While murder is the most serious of crimes, the Bureau of Justice Statistics documents that it is also the least common. Most domestic violence incidents are minor assaults such as pushing, shoving, slapping, etc.

The Bureau of Justice Statistics Factbook, *Violence by Intimates*, documents that intimate partner violence accounts for about one fifth of the total amount of violence against females. www.ojp.usdoj.gov/bjs/pub/pdf/vi.pdf

The majority of domestic violence homicides are committed by people with histories of criminal behavior, violent and aberrant behavior who were physically or sexually abused as children, and suffer from alcohol or other substance abuse.

Some men kill unrelated men far more often than most women. There is no reason to expect that behavior to differ inside the home than outside the home. Homicide both inside and outside the home are most often committed by men who exhibit reckless and violent behavior both inside and outside the home. When men who do not display reckless or violent behavior kill their spouse and/or children these events are often murder/suicides [Evolutionary Psychology of Homicide](#)

Individuals with no history of criminal behavior commit a smaller number of domestic violence homicides and do not represent the general populace. They often display extreme narcissistic behavior, have addiction problems, display pathological jealousy, become extremely depressed at the prospect of losing their partner, or blame their intimate partners for the loss of their economic standing or professional and personal esteem.

Homicide/Suicides

One out of every four domestic violence homicide is a homicide/suicide and homicides/suicide is almost exclusively committed by a male. Another study documents that little more than two of every four men who kill their wives and children commit suicide <http://psych.mcmaster.ca/dalywilson/pubs.html>

The *Boston Globe* annually lists the names of people who died as a result of domestic violence. In 2003 there were 13 incidents in Massachusetts resulting in a homicide. Five of the 13 incidents were homicide/suicides. Inexplicably, the *Globe* excluded the violence-related suicide as a life lost due to domestic violence. The lesson we all must learn from

homicide/suicides is that all deaths are important and vital to all family members.

Dynamics

The last three decades of research reveal that varied interventions are needed for the many different dynamics that domestic violence presents. Domestic violence advocates need to understand that this behavior can sometimes begin with or be as simple as belittlement or demeaning behavior towards another family member. In other cases the violence or abuse may be linked to illnesses, mental disorders, injuries (particularly of the head), dementia, or other factors. Jealousy, infidelity, and financial distress may also be domestic violence factors.

Many intimates experience low levels of aggression such as shouting, pushing, shoving, slapping, or threats at some time during their relationship. Most of these conflicts are minor and resolve themselves with time, or the relationship dissolves. However, under current laws officers frequently become involved in these conflicts when neighbors or others call the police.

Violent behavior is often fueled, but not caused, by alcohol or drug use. While the abuse of drugs and alcohol lessens reason and logic, most researchers agree that substance abuse is not the fundamental casual factor of the aggressive or violent behavior.

Violent incidents *are* obviously the concern of society and law enforcement. Unfortunately, there is no clear demarcation line between a family conflict and battering behavior. At present, society and law enforcement, because of the policies of mandatory arrest and no drop prosecution, too often ignore the desires of families.

The forms and patterns of family violence are not the same for all families. Social, economic, and educational factors, while not decisive, often do play an important role. Women with a lack of resources, in some socioeconomic situations are at a greater risk for physical, sexual, emotional, and economic abuse. However, some women at all socioeconomic levels initiate violence and can be just as assertive and aggressive as men.

The “cycle of violence” dynamic often associated with “battered” women may be typical only for the more severe forms of domestic violence. Risk factors for both perpetrators and victims are often familial and intergenerational. The risk of chronic and violent abuse is greatest, but not exclusive to abusers who are violent outside the family or have a history of criminal behavior. Risk factors for both victimization and perpetration are dramatically increased when one partner or both have a history of psychological problems or criminal behavior.

Ideological Feminism

Two of the most common questions asked by domestic violence advocates over the last decade are:

- Why don't law enforcement officers recognize domestic violence when they see it, or put more bluntly: Why don't they [law enforcement] get it!?
- Why don't law enforcement officers show more compassion and concern towards the victims of domestic violence?

The majority of “feminists” still believe in “equal” rights as do the vast majority of men and women in America. However, I would define as *ideological feminists* as those who believe that women's rights are “primary” and more important than victim rights in general or civil rights in particular.

Ideological feminists believe that domestic violence occurs because misogynist men objectify women and want to have the power to control the behavior of women. *Ideological feminists* believe that men beat, batter, and objectify women and want to suppress women's rights. In promoting that belief, *ideological feminists* ignore, minimize and trivialize male victimization.

Ideological feminism has fueled the contemporary gender conflict because it is conducive to their specific agenda. *Ideological feminists* continue the specious claim that one in every three women in American society is abused or fifty percent of all married women will be abused. These claims not only trivialize and marginalize male victims; they have also minimized and marginalized “battered women.”

In the NIJ report, *Violence Against Women: Identifying Risk Factors*, the authors claim that during four years of college, 88% of women had experienced at least one incident of physical or sexual victimization. What is not mentioned is that the same general methodology would show the victimization rate for males would most likely exceed 50%.

Mandatory arrest, no-drop prosecution and making almost everyone a victim of domestic violence unnecessarily take community resources away from those who are socially, economically, and educationally deprived, who lack community and family support and who need assistance the most.

A majority of domestic violence organizations, as their websites document, continue to believe that domestic violence is *caused by men who are in general, misogynists*. These organizations ignore the fact that there is not a single empirical, scientific study that can document this *ideological feminist* ideology as valid. They stress that men do not respect women and that contemporary masculine mores and norms *cause* men to view women as property to be used and abused and/or sexually assaulted at will in order to support and maintain the patriarchy. *Ideological feminists* assert that those men who do not abuse or sexually assault women condone such violence by turning a blind eye, a deaf ear, and a mute voice toward the behavior of men who do.

Enlightenment

In the September 23rd edition of the Boston Globe, Ellen Goodman returns to the roots of feminism and its goal of equality for our daughters and sons. She writes, “*Get over*

the stereotype of women as peaceful.” and *“Indeed, in studies of domestic violence women initiate violence nearly as often — though not as lethally — as men.”* Goodman lets it be known that some women can not only be, they *often are*, just as violent as some men.

Goodman quotes from the book *“Same Difference”* that “It’s a fantasy that women are so much more caring and empathetic than men. In all the systematic research, men and women come out about equal.” Goodman, the authors of this book, and the majority of women understand that when some women believe they will be rewarded for their violent behavior, they will behave the same as some men. This is a basic psychological and sociological concept that gender feminism is unable or unwilling to accept.

One of the most important reports that documents how the criminalization of all family conflicts can lead to the mass incarceration of people in general and men in particular is published by the Ms. Foundation for Women
http://www.ms.foundation.org/user-assets/PDF/Program/safety_justice.pdf

Often there is little justice in the justice system. One only need to remember that it was the “justice system” that upheld Jim Crow laws for many decades.

Injustice is often ignored, particularly for those at the higher end of the socioeconomic educational ladder, who do not think the failure of the legal system will ever visit their homes.

Some Still Don’t Understand

The data from all empirical scientific surveys and studies clearly indicate domestic violence is not only or primarily violence against heterosexual women. The vast majority of researchers agree that it is a multifaceted complex familial styled dynamic that encompasses a wide range of behaviors and causative factors.

Many family conflicts are beyond the scope of the confrontational and adversarial legal system. However, the majority of contemporary domestic violence interventions continue to disregard and ignore those complexities.

Why Don’t [The Various Groups] Understand?

A lack of agreement on *what domestic violence is* continues to cause confusion and disarray between law enforcement, domestic violence advocates, and public policy makers and the general public.

Domestic violence advocates want to train law enforcement based on their ideological vision. The fact is that law enforcement must be guided by Federal and individual state law and the policies and procedures of their department.

How can domestic violence advocates provide training for law enforcement officers when there are dramatic differences between individual agency ideological philosophy and state law concerning the definition of domestic violence?

<http://www.familytx.org/research/articles/deconstructingduluth.html>

Cause

In the college text, *Family Violence: Legal, Medical, and Social Perspectives*, Harvey Wallace notes that thousands of people have been interviewed, tested, observed and evaluated in an attempt to discover what *causes* domestic violence. All researchers agree that there is no single correct answer and that there are, in fact, many different dynamics involved and many different reasons or causes.

The text notes a variety of theories: psychopathology, substance abuse, social learning, exchange, frustration-aggression, ecological, sociobiology or evolutionary, culture of violence, patriarchy, general systems, social conflict, and resource. Almost all agree that it could be one or a combination of these theories that will *cause* an individual to abuse those they profess to love.

Law enforcement and others in the criminal justice system are most concerned with consequences. The sociological or psychological causations are of little concern to law enforcement officers.

Who first physically attacked the other and *caused or initiated* the assault is most important concerning criminal charges. The relative size or strength of a person or who wins or loses is inconsequential concerning legal precedence or standing.

The size and strength of the participants provide no clues to law enforcement about who assaulted whom first and who refused to discontinue the assaultive behavior. It should be fundamentally understood that law enforcement can not have in place a process that automatically finds the larger or strong person guilty in all incidents of physical assaults.

Many domestic violence advocates believe that the majority of women use violence primarily or exclusively to protect themselves. However, the report *Violence Against Women: Identifying Risk Factors* documents that approximately two out of three women initiate the physical encounters and six out of ten admit that their assaultive behavior is not defensive or being used to protect themselves from imminent harm.

Intent, malice aforethought and who initiated the incident are the *legal precedence* and *causal factors* that must be recognized by the criminal justice system. What is most important for law enforcement is how domestic violence is defined by statute law and what the officers are mandated to do under specific circumstances in their state. Mandatory arrest laws have caused mutual arrests and the arrest of females to rise at an alarming rate.

Expressive violence rises from feelings of anger, rage, or hate. Violence is *instrumental* when an offender rational uses force or violence to achieve short or long term goals. “Family conflict” is most often expressive and may frequently involve little more than a loud argument and some pushing, shoving or posturing.

“Battering behavior” is instrumental and violent. These two *domestic violence* behaviors are very different, yet, because of the law, they must be treated in a “one-size-fits-all” fashion.

Battering Behavior

A “battered victim” is one whose life is thoroughly, extensively, and completely controlled by an abuser. The victim’s behavior is purposely altered to satisfy the abuser’s desires while living in a familial- or intimate partner- styled relationship. The majority of “battered heterosexual victims” are women, not men. The laws in all fifty states do not differentiate this behavior from family conflict.

The batterer manipulatively and deliberately uses psychological methods, physical violence, economic subordination, threats, isolation, and a variety of other manipulative behavioral and controlling tactics to force compliance. Sociologist and researcher Michael P. Johnson labels this behavior “intimate terrorism.” Where battering occurs only one partner is violent and controlling, and the other is violent only while resisting an assault in fear for their life. There are some couples where both partners exhibit “mutual violent control.”

<http://www.personal.psu.edu/faculty/m/p/mpj/boothfinal2.htm>

Most victims *do not rationally choose to stay* in violent relationships but some do because they do not understand either that their problem is outside the mores and norms of society or why the relationship has gone wrong. Some fear for their safety and the safety of their children if they leave. Other victims remain because they were raised in a violent home or neighborhood.

Thus the violence they face is not viewed as aberrant or abnormal. Some do not realize or understand they can leave or lack the education or economic resources to survive on their own. Some have little to no community support. Some will be ridiculed by their own family for leaving.

Regardless of circumstances or motivations, the only real solution for a victim in a battering relationship is to leave and put as much distance between themselves and the batterer as possible. Erin Pizzey is renowned for pioneering shelters for battered women to enable them to escape. However, she laments that there are almost no such resources for abused men.

Family Conflict

Family conflict is the face of domestic violence most often presented to social service agencies, law enforcement officers, district attorneys, judges, and others in the criminal and civil justice system.

There are many types of psychological and physical tactics employed by family members or intimate partners, regardless of age or gender, who attempt to “get their way.” Nearly all will attempt to coerce others in directions they see as most favorable to their desires, wants, and needs. Within limits such behavior is accepted as normal. For example, a woman

may cry to get what she wants or to control the outcome of an argument. A man may pound on the table or storm out of the house in similar circumstances.

Minor forms of family conflict can be mutual behaviors as each partner strives to achieve their ends and goals. However, repeated, prolonged psychologically-coercive behavior precedes, and sometimes predicts the development of physical assaults.

The danger of family conflict escalating into domestic violence is greatly increased when one, or both partners are narcissistic or suffer from other personality disorders, are self-centered, lack self-control, and tend to seek self-gratification with little concern for the feelings of others. Verbal abuse can hurt as much as physical assault and can escalate in the form of pushing, shoving, or a slap.

Who Still Doesn’t Understand

Esta Soler is the founder and president of the Family Violence Prevention Fund (FVPF). She asserts that certainly all violence is wrong regardless of who is the perpetrator. But *domestic violence* is not one person pushing another person one time because a couple has gotten into an argument. Soler claims that *domestic violence* occurs when there is an *ongoing pattern of fear, intimidation and violent assault.*”

Apparently Soler has little to no knowledge of the laws that must define *domestic violence* for law enforcement. In the world of law and the criminal justice system, *domestic violence does not require an ongoing pattern of fear, intimidation and violent assault.* What Soler is describing is “*battering behavior*” and not “*domestic violence*” as defined by the law.

There is not a single *domestic violence* law in this nation that matches Soler’s definition of *domestic violence*. Not a single law requires an *ongoing pattern of fear, intimidation and violent assault.*

The Cause of the Confusion

The National Institute of Justice sponsored study, *Controlling Violence Against Women* documents that “*The vast majority of law enforcement policies, procedures, statute law and mandatory and preferred arrest laws make no distinctions between ‘family conflict’ and ‘battering behavior.’*” This lack of distinction is the single most tragic mistake our public policy makers have made.

www.ncjrs.org/pdffiles1/nij/grants/197137.pdf

The criminal justice system now has in place in all fifty states mandatory and/or preferred arrest laws. The majority of domestic violence advocates who train law enforcement continue to insist law enforcement officers must arrest every time there is any probable cause that a domestic violence incident occurred.

In some communities, 20-30% of all “domestic violence” arrests are of females. Some domestic violence advocates are as convinced that the majority of these women who are

arrested are not batterers, as they are convinced that the majority of men arrested are batterers.

The majority of domestic violence advocates do not believe that women who are arrested are “batterers” and should not be arrested. And they are right. Most of these women are not involved in “battering behavior.” However they are involved in “domestic violence behavior” as defined by law. Domestic violence advocates, Soler included, do not understand that domestic violence law is not about “battering behavior.”

An ever increasing number of women are being arrested for domestic violence because, as all psychological and sociological studies document, women can be just as assertive and coercive as men concerning “family conflict” incidents. There is little questions that alcohol and substance abuse is indiscriminate with regard to gender.

<http://denver.rockymountainnews.com/news/justice/>

The National Incident Based Reporting System documents that approximately 50% of the domestic violence incidents to which law enforcement responds do not involve a heterosexual female and a heterosexual male living in a spousal or intimate styled relationship.

Violent and chronic “batterer” offenders often receive the same sentence as minor “family conflict” first time offenders. This may be directly attributed to the demand of a “one-size-fits-all” approach in reverse.

One Label Fits All

The lack of understanding of the dangers presented by some domestic violence offenders can be attributable, at least in part, to an overloaded justice system.

The NIJ report, *Effects of No-Drop Prosecution of Domestic Violence Upon Conviction Rates* states: “Finally, we do not know whether no-drop prosecution of domestic violence cases increases victim safety or places the victims in greater jeopardy.” Regardless, of 142 prosecutors surveyed 66% had adopted the no-drop policies.

http://www.policeone.com/columnists_internal.asp?view=77166&vid=80144

Never-the-less, the criminal justice system must become more adept at identifying, prosecuting and incarcerating chronic batterers and violent offenders. These people are not difficult to identify and they cause problems far beyond their numbers.

There is a long line of domestic violence advocates and public policy makers waiting in line to take credit for families they have helped over the last couple of decades. There are few willing to accept responsibility for the harm that has been done to many children, families, and marriages.

It is Time to Question Why?

There is little dispute among researchers and scholars that more women than men are the victims of battering behavior. However, advocates and the criminal justice system must

understand the importance of separating “family conflict” from “battering behavior.”

Author Harvey Wallace describes the challenge clearly. “The study of family violence is a complex, multifaceted experience. By its very nature, family violence involves physicians, nurses, psychiatrists, psychologists, family counselors, educators, social workers, attorneys, judges, and law enforcement officials.

All these professionals have expertise in their own area of specialization. However, they may not understand or appreciate the difficulties experienced by others in their areas of interest. For example, a member of the medical profession may be able to diagnose physical injuries but not understand the complexities of the courtroom.”

In a training guide that is been used to train law enforcement officers, an advocate demands that law enforcement must investigate every domestic violence call as if it were a homicide. The advocate chooses to ignore the fact that often law enforcement does not have the personnel or the resources to investigate *every domestic violence call* as if it were a homicide.

It is an impossible task. Does this advocate expect each and every dispute between siblings to be investigated as if it were a homicide? Everyone concerned must understand the limitations of the criminal justice system at changing human behavior.

The vast majority of domestic violence interventions are reactive and not proactive. We are fine-tuning a system that is constructed to wait until the victims are abused or battered and then expect them to show up on the doorsteps of our civil and criminal courts before we take action.

It is time to consider the lack of logic in proclaiming that one gender is “the primary victim” and one gender is “more important” than the other. It is time to refute the very bedrock belief of the ideological feminist movement that the needs of one gender should be placed ahead of another. We have spent the last few decades attempting to change this historical philosophic wrong and to provide equity of behavior towards all..

Domestic violence interventions must be *positive* and *inclusive*, not *negative* and *exclusive*. History documents that any belief system that proclaims that it alone holds the “ultimate truth” breeds intolerance and extremism. Remaining stuck at either end of any paradigm only serves to hinder a balanced and proper understanding of the issue.

The original premise of the feminist movement was and is correct, *equal treatment for everyone regardless of gender*. It is time to stand up, speak up, and demand for our daughters and sons, equal and just treatment from our public policy makers, domestic violence advocates and the criminal justice system concerning domestic violence programs and intervention.

September, 2005

It is the intention of Family Nonviolence, Inc. to update this online interactive paper as often as practical to ensure that the availability of the latest research.

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Comments on the paper are welcomed as long as they are positive and productive and not negative and counter productive. You can not simply state what is wrong without stating what you believe is right. Critics are numerous, those with solutions rare.

If the reader discovers are typos or broken links please contact the author at rldavis@post.harvard.edu.

ONLINE RESOURCE LIST AVAILABLE AT:

<http://www.safe4all.org/resource-list/>