

Rethinking Domestic Violence

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TO MARTA, MY WIFE AND LIFE COMPANION

The tragedy for me is that I had a vision whereby people who were infected by dysfunctional and violent parenting could find a place that would give them a chance to learn how to live in peace and harmony. This dream was destroyed along with all my evidence and projects. The feminist movement resolutely refuted any argument that women should be allowed to take responsibility for their choice of relationships. The image of women as victims, as helpless childish dependents upon brutal men worldwide, has damaged relationships between the sexes.

- Erin Pizzey (founder of the first women's shelter in England), "Domestic Violence Is Not a Gender Issue"

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Preface

Lastly, there are idols which have immigrated into men's minds from the various dogmas and philosophies, and also from wrong laws of demonstration. These I call idols of the theatre, because in my judgment all the received systems are but so many stage-plays, representing worlds of their own creation.

– Francis Bacon, *Novum Organum*

Two major social phenomena concerning gender have occurred during the latter part of the twentieth century in most North American and Western European countries. Women's rights have finally been acknowledged after centuries of religion-based political repression. Also, the violence occurring against women in intimate relationships has finally been exposed.

In patriarchal countries, violence against women still persists as a "right" that men believe they have. I was reminded of this during a recent speech in Rome where a therapist told me of cultural practices in Sardinia, which include a man's "duty" to kill his wife if he believed she was cheating on him (and destroying family honour). "Family honour" societies are typically highly religious.

For these historical reasons (see Chapter 1), it has been tempting for feminists to view intimate violence as part and parcel of the domination of women. This is true for societies that remain truly patriarchal. In North America, however, a different data pattern has begun to emerge, one that also follows from a feminist model but not from a woman-as-victim model. In Canada and the United States, women use violence in intimate relationships to the same extent as men, for the same reasons, and with largely the same results. As will be described in Chapters 5 and 6, this notion was originally dismissed as fictional, the violence thought to be self-defensive, or the consequences trivial. The data strongly suggest otherwise, despite a research agenda that can only be described as attempted "dogma preservation."

What has occurred in North American governments at national and local levels has been a simplistic conceptualization of intimate-partner violence (IPV) that has resulted in a denial of violence against men and also of bilateral complicity in violent couples. This has led to a prohibition on treatment that could better benefit victims of intimate abuse – both males and females – and a reliance on superficial “psychoeducational” models that are limited to “attitudes.” Because of a need to find a “bad guy” – generated from adaptation of the Marxist view of the bourgeoisie to fit “men in general” – considerable distortion of the data of IPV has occurred. This conceptualization has generated arrest policies (see Chapter 12) and treatment policies (Chapter 14) that forbid treatment. Yes, that’s correct, *forbid* treatment, replacing it with what is called “intervention,” which is really no more than “thought reform” as described in Robert Lifton’s great work, *Thought Reform and the Psychology of Totalism*. The mindset of “women as victims” is enshrined in legal and government policy structures, where homeostasis now operates against effective policy.

Despite this political myopia, some impressive research has charted abusiveness in both genders and over long periods of time. We now know from the work of Terrie Moffitt and her colleagues (discussed in Chapter 7) that we can predict perpetration of IPV as early as age fifteen in both genders. Some of my own retrospective work on convicted male abusers and that of others (especially the groundbreaking work of Alan Schore on “affective neurodevelopment”) suggests much earlier origins (see Chapter 4). Neglect of essential conditions for secure attachment and child rearing is a huge contributor to adult abusiveness.

In this book I have limited policy issues to “after the fact” intervention for intimate abuse. It is most obvious, given these early developmental antecedents, that prevention of abuse must start at birth. In fact, according to the work of Schore (described in Chapter 4), the first eighteen months of life allow healthy or unhealthy development of neural structures that govern emotion. Intimate relationships inevitably generate emotion, and behaviour in these relationships is being shaped from birth. Schore’s work also shows how “maturational windows” recycle and provide therapeutic opportunities into adulthood.

It may be that public policy for adult IPV regulation is following a dialectical course. The thesis would have been the period of neglect of the topic up to the early seventies; the antithesis is surely the simplistic paradigm that exists today: that all perpetrators are male and all victims female. The evidence is overwhelmingly against this view, and the phenomenon of interest now is the slavish adherence to an ineffectual ideology to the point of sup-

pressing its very goal: diminution of IPV. One hopes for a synthesis in which the complexities of subtypes of couple violence patterns, motives, sexual orientation, and personality disorders are assessed by professionals, replacing the “one size fits all” monolithic model currently in practice. Intimate-partner violence exists in heterosexual, gay, and lesbian couples and across cultural groups and social strata. Whatever variations are introduced by these group memberships rest on top of a universal issue: intimacy and how to handle it. Ernest Becker’s insightful words in the epigraph at the beginning of this preface point to the dyadic and problematic nature of “relationship” in the human condition.

Existing approaches to “family violence” intervention are examined in this book (Chapters 12, 14, and 15) and found lacking. The research evidence from the best-designed studies – those that use representative community samples and study them longitudinally (see Chapters 6 and 7) – finds a personality disorder in the majority of people who abuse intimates. The success of intervention strategies rests largely on the type of person to whom they are applied. This is true regardless of whether a couple is heterosexual or homosexual. In cultures where intimate abuse is not normatively acceptable (as is the case in North America), personality disorders represent the complex of ideas that generate counter-normative behaviours. This reality has been concealed by misleading theories that wife assault is normatively acceptable, an absurd assertion without empirical support.

Public policy must be driven by recognition of attachment-based personality disorder as central to therapeutic change. Psychoeducational groups do not address this issue and, according to independent outcome studies, have been a total failure. Cognitive-behavioural treatment can address personality disorder, and some steps have been taken to include it in perpetrator treatment. Intimate Abuse Circles (Chapters 15 and 16) may work under certain prescribed circumstances (as an alternative for those who do not wish criminal justice system intervention), but they probably would not work with personality-disordered persons.

This book is obviously about more than the domestic assault of women. It is a modern history of social intervention on a specific problem that shows how such intervention can be misguided by the political conceptualization of the problem. It would be preferable to see policy made by pragmatists and “dust bowl” empiricists who are willing to set and undo policy on the basis of what the data tells them about success and failure, rather than on attempts to prolong an ideological view. If we really want women (and men) to be safe, we must take a broader and more enlightened view of this complex problem.

I owe a huge intellectual debt to the following people. First and foremost, Murray Straus has been the consummate social scientist, asking the tough questions, carrying out methodologically sound research, and not flinching from the answers suggested by his data, even under unwarranted personal attacks. J.Q. Wilson and Ivan Illich shaped my thinking about the limits of legal policy, reinforced by the studies by Lawrence Sherman and his colleagues and by Laura Dugan (discussed in Chapter 12).

John Bowlby and Alan Schore are geniuses who are just starting to get their due. Bowlby integrated psychoanalysis with sociobiology. Schore is integrating Bowlby's attachment theory with developmental neuropsychology. Ernest Becker always presides over any discourse on the problems of the human condition.

Among personal colleagues, I would like to thank Kim Bartholomew for always goading me into asking tougher questions of my own data and that of others. She is super-smart and a great colleague. Daniel Sonkin has always been supportive and has rescued me in prior projects that were dying on the vine. Along with Kim, he has kept my interest in attachment research alive and has generated a whole new approach to incorporating this issue into abuse treatment. Ehor Boyanowsky taught me to never turn away from the tough, if politically incorrect, data sets. In this Murray Straus has also been a consistent exemplar of what a social scientist should do: report the data that will be unpopular as well as the rest.

I was pleasantly surprised at the solid studies of Terrie Moffitt, Miriam Ehrensaft, Marilyn Dugan, and John Archer, among others. These were real additions to a research field that is variable in quality at best. For the benefit of future researchers, this book not only points out the methodologically best work but also singles out some of the worst.

There are several other people who helped enormously on this book. Jessica Broderick did all the detective work, finding articles in journals both obscure and mainstream. Rene Lane brought me back from the brink of computer psychosis on several occasions. Laura Devlin and Makenzie Chilton helped in the pinch. Last, but not least, my cyber think-tank: Lisa Scott, Grant Brown, Ken Corso, Mariel Davison. Thanks for engaging and debating ideas from a variety of perspectives.

Rethinking Domestic Violence

1 The History of Spouse Assault

How vast is the number of men, in any great country, who are a little higher than brutes ... This never prevents them from being able, through the laws of marriage, to obtain a victim ... The vilest male-factor has some wretched woman tied to him against whom he can commit any atrocity except killing her – and even that he can do without too much danger of legal penalty.

– John Stuart Mill, *The Subjection of Women*

First, let us get our terms straight. “Domestic violence” refers to any violence occurring between intimate partners (same sex or other sex, married or unmarried) and against children. Our focus is on intimate partner abuse, not child abuse. The abuse can take many forms: physical, sexual, or emotional.

This book examines mainly physical violence (with a view to improving system intervention). Some of the research also covers emotional violence, but usually associated with and measured by physical violence as the criterion. The terms “wife assault” and “spouse abuse” will be confined to married relationships. The term “intimate partner violence” (IPV) will be used for violence that occurs in a variety of intimate relationships: married, cohabitating, gay, and straight. The important common factor is that these relationships are emotionally bonded. Historically, feminists have focused on wife assault to the neglect of violence perpetrated by women and violence in same-sex relationships.

Researchers usually define “severe” assault as actions with a relatively high likelihood of causing injury to the victim.¹ Hence, kicking, biting, hitting with a fist or object, beating up, or using a weapon against a victim are all actions regarded as constituting severe assault. These actions not only are likely to carry medical consequences for the victim but also are in practice considered “arrestable” by police. Other assaultive acts (e.g., slapping, pushing, shoving, grabbing, throwing objects at the victim) are less likely to evoke

medical or criminal justice consequences. The term “battering” denotes repeated forceful blows, although the term is frequently and inappropriately used to describe the actions of anyone charged with assault, even if they never “battered” anyone. Technically and legally, you can assault someone just by placing your hands on their body. The problem with this imprecision in the language is that it confounds less serious actions and perpetrators (for example, a man who has physically pushed his wife – the most frequent act of spousal aggression) with the more severe (a man who has literally held captive, repeatedly beaten, and injured his wife). The difference in severity requires correspondingly different explanations (the minor act may be situational or bidirectional, the latter more likely to connote serious psychological problems) and different criminal justice system policies.

Some might object that this classification system neglects the effects of the actions it classifies. Shoving someone down a flight of stairs, for example, may have more serious consequences than hitting them with a rolled up newspaper. However, a definition of spouse assault that focuses on severe abuse allows us to connect our understanding of the psychology of violent actions to the criminal justice policy used to reduce their likelihood and enables this book to make use of research that classifies violent acts according to severity (for example, by using the Straus Conflict Tactics Scale; see Chapter 3). Nevertheless, the section on measurement considers “outcome of assault” issues such as injury or psychological trauma. Many assessment scales now assess outcome as well as action.

A second objection against basing the study of violence toward intimate partners on discrete physical actions is that these actions constitute only the “tip of the iceberg.” Physical assault frequently is accompanied by verbal abuse, psychological abuse, and threats or actions of destruction toward children, pets, and personal property. This constellation of destructive actions, some would argue, more fully represents a continuum of coercive control and therefore constitutes the proper subject matter for a psychology of interpersonal violence. This argument is an important one and will be considered at various times in this book. Indeed, in the development of “assaultiveness” physical abuse and psychological abuse combine to form a toxic environment.

However, a level of explanation for IPV directed at social intervention must focus on behaviours that society agrees are unacceptable and require the intervention of agents from outside the family. While some disagreement exists over how far society should go to control IPV, there would probably be little agreement whatsoever over the appropriate degree of social inter-

vention into “family coercion.” The law focuses on physical (or sexual) assault, not on psychological abuse. Whatever our philosophical and political beliefs tell us about the pathological component of coercion in social systems, society rarely becomes involved in altering the use of coercion in families until that coercion involves physical force or threats.² As we shall see, physical assault provides the most effective focus for policies of intervention into family dysfunction. At the same time, IPV may of course have a common psychological substratum with other, less dramatic coercive actions. Chapter 9 on psychological causes of IPV describes research that used both physical and psychological abuse as outcome measures, matched up with psychological profiles of the perpetrators.

In summary, the definition of IPV used in this book is chosen with a view to intervention, and the questions that arise about the causes of such assault will bear on the strategies a society might invoke to reduce its incidence.

A Brief Social and Legal History

The development of social history methodology in the last twenty years has provided the means for studying the life of average citizens in various historical periods. We now have available studies of the social evolution of love, sex, sex and power, manners, folly, even torture.³ A comprehensive social history of IPV remains to be written, largely because the private nature of the event creates problems for historians in gaining access to adequate data. Typically, feminist historians have focused on the history of misogyny permitting wife assault. Other forms of IPV have not been studied historically.

What little historical work has been done has focused on attitudes of misogyny, especially in theological tracts such as the *Malleus Maleficarum*, Gratian’s *Decretum*, or the writings of St. Paul and St. Augustine, and on legal sanctions (or lack thereof) on wife assault.⁴ The theological tracts are relevant because of the great influence they exerted in both guiding and exonerating behaviour, especially during the Middle Ages. The *Decretum* (c. 1140), for example, the first “enduring systematization” of church law, specified that women were “subject to their men” and needed castigation or punishment for correction. This punishment was made necessary by women’s supposed inferiority and susceptibility to the influence of devils. Jacob Sprenger’s *Malleus Maleficarum* and the extreme views of St. Paul and St. Augustine carried misogyny to an extreme. Women’s susceptibility to diabolic influence was the rationalization for murdering women during the Middle Ages in order to suppress witchcraft.⁵ It is interesting to note that one basis for suspecting a woman of witchcraft was male impotence.

Modern concepts of personal responsibility for violent behaviour were foreign to the medieval mind, in which violence was excused as part of a great cosmological scheme or justified as being in the best interest of the victim (to help her avoid the influence of devils). As we shall see in later chapters, this tendency to externalize the causes of violent behaviour is still common in males who assault women, although cosmic influences as a favourite excuse have been replaced by alcohol and by attributing the cause of the violence to the female victim. Female susceptibility to diabolic influence has been replaced as an exonerative cause of male violence by the concept of female masochism, or provocation.⁶ Until the 1990s, Brazil had a legal defence for spousal homicide that only required the man to suspect his wife was having an affair. Given the attachment distortion known as “conjugal paranoia” (discussed below), this is tantamount to arguing that misguided beliefs excuse violence.

Unfortunately, we know little about the prevalence of wife assault during the Middle Ages. In sixteenth-century France, community members would dress in carnival costumes and impose pranks and mocking serenades called *charivaris* upon members of the town whose actions deviated from the local norms.⁷ This dramaturgical social control sometimes focused on any husband who allowed his wife to beat him. The unfortunate male was dressed up, seated backwards on a donkey, draped with kitchen paraphernalia, and punched in the genitals. That no such derision descended upon battered women suggests to Davidson that wife beating was normative, since only counter-normative behaviour was punished by the *charivaris*. George describes a similar practice in England called “riding Skimmington” used by the towns and communities to satirize and deride the beaten husband.⁸ George, too, views such ritual as ridiculing those who transgressed against the social order (such as violent wives, victimized husbands). Hence the inference that wife beating was accepted while husband beating was not.

Davidson also cites the eighteenth-century Napoleonic Civil Code, which influenced French, Swiss, Italian, and German law, as vesting absolute family power in the male and as recognizing violence as a ground for divorce only when the courts decided that it constituted attempted murder.⁹ Hence the male had a legal right to use violence up to the point of attempted murder to protect his absolute power within the family.

This situation also apparently existed in England, prompting John Stuart Mill in 1869 to write his famous essay *The Subjection of Women*, which Davidson cites as the “first significant document to spark the raising of public consciousness about the plight of battered wives.”¹⁰ In this essay, Mill decried “bodily violence towards the wife,” which he viewed as arising from

men's "mean and savage natures," which were checked and resisted in public transactions but went unchecked at home because their wives could not repel or escape them and because they viewed their wives as chattels "to be used at their pleasure." Mill ascribed these actions, in the paradigm of the time, as being perpetrated by lower-class men. He found it impossible to believe a well-bred upper-class British gentleman would resort to such behaviour. The French had no such illusions. Their term for wife-beating was "*le vice anglais*." However, in England they knew wife abuse was "caused" by social class. Now, we believe that gender is the "cause."

Mill's essay helped spark controversy about family violence and a report to the British Parliament in 1874. At that time British Common Law allowed a man to beat his wife with a rod no bigger than his thumb. This "rule of thumb" was believed to be humane because it replaced an older law that allowed beating "with any reasonable instrument."

By the end of the nineteenth century, wife assault even by the "rule of thumb" had become illegal under British Common Law and in many American states.¹¹ However, in practice, the criminal justice system in England, the United States, and Canada routinely ignored family violence unless a murder occurred. This discrepancy between the law and legal policy was made clear by the actions of the women's movement in the 1970s to identify wife assault as a social problem of considerable magnitude and incidence and to point out the lack of action by the criminal justice system to punish wife assaulters.

The New Protest against Wife Assault

The history of sociolegal policy to control family violence is eloquently described by Elizabeth Pleck in her book *Domestic Tyranny*, from which much of the following information is drawn.¹² Sociolegal policy to control family violence appears to have been implemented first by the Puritans in the colony of Massachusetts (1640 to 1680), which had laws against wife beating and "unnatural severity" to children. The Puritans considered wife-beating to be a sin and believed in strong community intervention (a "holy watching" of saintly people). Their courts developed a post called "tithingman" who was to visit ten families and report "stubborn and disorderly children and servants, prostitutes, drunkards, and Sabbath breakers" to a magistrate for punishment. Initially, Puritans were required to undergo a religious conversion much like today's Christian evangelicals. The notion of "punishment for correction" was derived from a religious base: that the father was the head of the family and could punish his wife and children with impunity. After 1670, Pleck noted, historical anecdotes indicate an increasing reluctance by the Puritans to become involved in domestic problems.

Puritans believed child abuse was a sin, too, but had a far broader concept of acceptable corporal punishment than we currently hold in North America. Anything that did not cause permanent physical damage was acceptable. This rule also applied to corporal punishment of servants. That being said, the Puritans revered the two-parent, father-dominant household. Neglect of a child's "Christian education" was more likely to get a child removed from a home than corporal punishment and physical abuse.

In non-Puritan society at that time, wife beating was punished informally. Pleck cites an example from Boston in 1707 when nine men tore the clothes off a neighbour and flogged him for having beaten his wife. In the 1750s the Regulators of Elizabethtown, New Jersey, painted their faces, dressed up like women, and whipped reputed wife beaters. More typically, the man, if he belonged to a church denomination, was brought to trial within the church community.

The last quarter of the nineteenth century also saw an increase in the use of tort protection for battered wives resulting from advocacy by both feminists and the Women's Christian Temperance Union. The WCTU believed that men were morally inferior to women and more susceptible to alcohol, which was seen as the cause of wife beating. They succeeded in passing legislation in twenty states to expand tort protection for victims of violence so that saloon keepers or saloon owners could be sued for damages caused from injury inflicted by an intoxicated person. Pleck points out that women usually won in court, although few could afford to sue.¹³ The WCTU, famous for its opposition to alcohol as the root cause of wife abuse, also fought to make drunkenness a ground for divorce and to secure property settlements for drunkard's wives. Antebellum feminists believed wives had a moral duty to divorce drunkards and placed the emancipation of women ahead of duty to preserve the family. They argued that a mother and child were better off living alone than remaining bound to a drunk. Similar arguments are made in divorce courts today regarding physical abuse apart from alcohol abuse. The exact causal role between alcohol abuse and wife abuse is not clear. Most likely, as we shall see below, both are symptoms of identity issues and concomitant emotional reactions in abuse perpetrators.

Pleck argues that the history of the criminalization of family violence reflected widespread contemporary social attitudes about the family.¹⁴ Historically, when the rights and privileges of the family (e.g., family privacy, freedom from government interference) were viewed as paramount, interest in criminalizing family violence waned. However, when family violence was seen as threatening not only its victims but the social order as well, support for criminalization increased.

Attitudes that develop during periods of disinterest in criminalizing family violence include an idealization of the family and a typical set of beliefs: that parents have the right to physically discipline children, that a husband has the right to have sexual access to his wife, that nagging women or disobedient children often provoke the beatings they receive, that wives and children need a male economic provider, and that the law should not disrupt this traditional pattern of support except in extreme circumstances.

As the eighteenth century progressed, legal thinkers distinguished between public and private behaviour. Sir William Blackstone's *Commentaries on the Laws of England* expressed the view that crimes were acts that produced mischief in civilized society, while private acts that produced moral disapproval were deemed vices and were not considered a legitimate subject of law.¹⁵ Hence, the family came to be considered a private institution, beyond the purview of legislation designed to enforce morality (which had been the reason for the Puritan interest in legislating against family violence).

In her review of nineteenth-century court decisions, Pleck concluded that courts decided to punish husbands when permanent injuries were inflicted and to treat other wife assaults as "trifling cases" where the court would not interfere with "family government."¹⁶

John Stuart Mill in 1850-51 published a series of newspaper articles on the plight of women, sparked by the concerns of his mistress, Harriet Taylor. The ensuing publicity helped spark controversy about family violence and a debate in the British Parliament in the 1850s. In 1853 and 1856 the British Parliament twice considered flogging wife assaulters. These proposed "whipping post" laws were voted down as "cruel and unusual punishment" (although whipping posts were routinely used by the British navy for insignificant offences).¹⁷

In the United States from 1858 to 1870, Elizabeth Stanton and Susan B. Anthony wrote, spoke, and demonstrated against wife abuse.¹⁸ Both activists sought to reveal the "darker side of marriage" and both were discredited in the usual way, through character assassination (in this case, guilt by association with presumed adulterers). Stanton argued that abuse stemmed from a man's presumed ownership of his wife and children.¹⁹

A wave of interest in reform occurred between 1874 and 1890 in England, the United States, and Canada. At this time societies for the prevention of cruelty to children were founded.

After the Civil War, American judges and lawyers campaigned to have wife assaulters flogged. President Theodore Roosevelt, in his annual message to Congress in 1904, decried "brutality and cruelty toward the weak" and said: "The wifebeater, for example, is inadequately punished by imprisonment,

for imprisonment may often mean nothing to him, while it may cause hunger and want to the wife and children who have been the victims of his brutality. Probably some form of corporal punishment would be the most adequate way of meeting this crime."²⁰ At the same time, female advocates of temperance helped pass laws giving tort protection to the wives and children of drunkards. Since many of these men also abused their families, these laws often benefited victims of abuse. Pleck attributes this revival of interest in judicial sanctions to an upswing in interest in the state's responsibility to enforce public morality. Family violence was taken seriously because it was believed to lead to other forms of crime. Pleck sees this generalized fear of crime as emanating from the chaos and upheaval and increase in violent crimes that followed the American Civil War. As after most wars, intra-societal violence increased in the postwar era. In this case the violence was blamed on the "dangerous classes," which included blacks, immigrants, and homeless men. Abused children were viewed as potential members of these "dangerous classes."

By 1899, in the United States there were hundreds of societies to protect children but only one to protect women. While Victorians believed that women were abused by drunken men, they still believed (despite Stanton's and Anthony's lectures) that women should sacrifice themselves for the sake of the family. Strong support existed, however, for the flogging of wife beaters to "give them a taste of their own medicine." This idea was proposed unsuccessfully four times in the British Parliament between 1854 and 1875. In the United States, flogging bills were proposed in twelve states and in the District of Columbia. Most supporters were eminently respectable – mainly Republican male lawyers, district attorneys, and grand juries. (In the 1980s, Republicans and feminists joined forces again to combat pornography.)²¹ They were supported by suffragist leaders. Congress (in 1906), and most state congresses that considered the matter, defeated whipping post legislation on the ground that it was cruel and barbaric. Where the whipping post existed (e.g., Maryland, Delaware, and Oregon), it was used disproportionately against black males convicted of wife beating. In Delaware, six whites and fifteen blacks were flogged for wife beating between 1901 and 1942.²² Eventually, public opinion turned, and the whipping post began to be seen as cruel and unusual punishment, even in the states that had enacted it.

By the end of the nineteenth century, wife assault even by the "rule of thumb" had become illegal under British common law and in many American states.²³ However, in practice, the criminal justice system in England, the United States, and Canada routinely ignored family violence unless a murder occurred. This discrepancy between the law and legal policy was made

clear by the actions of the women's movement in the 1970s to identify wife assault as a social problem of considerable magnitude and incidence and to point out the lack of action by the criminal justice system to punish wife assaulters.

During the first quarter of the twentieth century the perception of family violence as a serious crime began to diminish. With the creation of family courts and social casework, criminal justice system sanctions for family crime came to be viewed as inhumane and outmoded. The attitudinal shift was toward rehabilitation and family privacy. This era could be called the Age of Denial: families did not talk publicly about intimate violence any more than they talked about sex. Police didn't want to get involved when they received "domestic disturbance" calls. Typically couples were told to keep the peace for the remainder of the evening, that if the police had to come back they would arrest. As we shall see below, this strategy underestimated the violence potential in intimate relationships.

The Age of Denial

In Chapter 12 we will see some of the earliest studies of police handling of "domestic disturbance" calls. One study found that battered women had been assaulted thirty-five times on average before calling the police. (Actually, it was a self-selected sample of 28 percent of all women who called the police who supplied this statistic. It is reasonable that, given their willingness to be interviewed, they constituted an extreme group even among women who called police with domestic violence problems.)

The gist of the problem at that time (up until the 1980s) was that police wanted no part of violent domestic disputes, nor did judges. Family violence was a "dirty little secret" exemplified by the title of Erin Pizzey's groundbreaking book on the topic (see below) called *Scream Quietly or the Neighbours Will Hear*.²⁴ Several studies of police handling were performed during this "Age of Denial," and they basically revealed that police at that time rarely made arrests during violent domestic disputes. The one exception was when the male challenged their authority.

Two methods were used to study police handling of "domestics." Loving and Farmer used the first method, giving questionnaires to 130 police officers of assorted ranks from sixteen police agencies.²⁵ Police responded that they would make an arrest in domestic violence situations if a crime had been committed or the likelihood of recurring violence was high. In rating the importance of factors influencing their decision to arrest, they mentioned the following in decreasing order of importance: commission of a felony, serious injury to the victim, use of a weapon, use of violence against the

police, likelihood of future violence, previous legal action against the assailant, previous injury to victim or damage to property, and alcohol/drug intoxicated assailant. Factors that would lead them not to arrest in decreasing order of importance were a refusal by the victim to press charges, a victim's tendency to drop charges, and lack of serious injury. Of course, as Loving and Farmer point out, there is no way of knowing, on the basis of this study, whether these factors would be given similar weight under actual intervention conditions.²⁶ In Chapter 12 the problem of police intervention will be revisited.

Waaland and Keeley devised simulated police reports (seventy-one descriptions of cases) containing seven informational cues: the man's occupational status, history of wife assault, assailant's behaviour toward the officers, extent of the victim's injuries, drinking by the assailant, drinking by the victim, and verbal antagonism of the assailant by the victim. With the exception of occupational status, three levels of each cue were presented in fifty-six unique combinations (order of information was randomized with a few restrictions).²⁷ Police (twenty-six patrol officers in Oregon) were asked to make judgments of both the husband's and wife's responsibility for the incident and to assign one of four possible legal outcomes for the offender.

The authors found that officers believed an abusive husband to be more responsible for the violence than his wife but varied extremely in these judgments. Victim antagonism and victim drinking influenced attribution of responsibility, but attribution of responsibility did not influence police decisions to arrest. Decisions to arrest were most strongly influenced by victim injuries (which accounted for 85 percent of the variance in composite arrest decisions). The assailant's behaviour toward investigating officers and his assaultive history made smaller but significant contributions to arrest decisions.

Not coincidentally, at the time the data were collected the State of Oregon had recently adopted legal standards for domestic intervention, potentially influencing officers to appear to be "going by the book." Interestingly, despite the high probability of social desirability influences, very low arrest rates were obtained in this study. Although 36 percent of the victims were depicted as severely injured, half the officers did not prescribe arrest under these conditions. Multiple bruises and blackened eyes were not considered sufficient causes for legal action, although they are explicitly evidence of unlawful assault under Oregon law.²⁸

Ford provided a hypothetical example of a domestic disturbance to 439 law enforcement officers in Indiana and correlated their self-reported likelihood of arrests to a variety of attitudes and stereotypes about victims of wife

assault.²⁹ Ford's hypothetical example contained sufficient grounds to establish probable cause (in the opinion of judges, prosecutors, and defence attorneys). Only 20 percent of officers, however, indicated a greater than 50/50 chance that they would arrest under these circumstances. Since the state policy mandated arrest where reasonable and probable grounds existed, this 20 percent rate certainly did not represent police as providing a researcher with a procedurally correct answer. Factors that contributed most heavily to the disinclination to arrest were police perceptions that the couple was in a continuing relationship and that the woman had not made a serious effort to leave (and their belief that she should take action on her own to leave). In weighing the conflicting stories given by the hypothetical man and woman at the scene, the notion that "if things were as bad as she says, why doesn't she leave?" influenced police beliefs of whether probable cause existed. Police who were most likely to report they would arrest tended to do so because they expected the violence would recur.

Observational Studies

The most obvious method to circumvent the social desirability issues raised by hypothetical studies is direct or indirect observation of actual police practice. Indirect observation means the examination of police records and the reconstruction of their arrest decisions through multivariate analysis of the information provided in the records.

Using this method, Berk and Loseke examined 262 official police reports on domestic disturbance interventions and generated a multiple regression model to predict whether police would arrest or not in these reported cases.³⁰ The variable that had the greatest weight in predicting whether or not the police would arrest was the victim's willingness to sign a citizen's arrest warrant. The next most powerful predictors were (1) alcohol use or intoxication by the male and (2) allegations of violence by the victim. Neither injury to the victim nor property damage had any significant effect on arrests. In addition, when the victim was the person who called the police, arrest rates dropped. Berk and Loseke do point out that the "injuries" variable approached significance ($p = .08$) and that a more sensitive measure of severity of victim injuries might have produced a significant result.³¹

To a certain extent, before the officer arrives at the scene a police "theory" of the case begins to develop, fuelled by personal beliefs about male-female violence and the dispatcher's descriptions of the current situation. Berk and Loseke suggest that when the police arrive they begin to look for signs that verify their theory of what caused the conflict.³² Berk and Loseke propose, as have others, that police intervention decisions are not pure products of legal

requirements or departmental policy but rather are the result of an admixture of personal attitudes and occupational, informal norms that combine with more formalized policy.³³ Hence, altering police intervention practice would require not only specific policy directives but also changes in recruitment and training that have attitudinal objectives and are buttressed by systemic support from prosecution and judges.³⁴ In fact, as we shall see, the by-passing of line officers in states that went to “mandatory arrest” produced resentment and subversion of the policy by police.³⁵

An early field observation of police intervention was conducted by Black on data collected in 1966. Field observations of 108 domestic dispute interventions involving married couples revealed that, although sixty-five cases involved violence, only thirteen arrests were made.³⁶ Black reported that police acted more coercively with black and working-class couples and in a more conciliatory fashion with white middle-class couples. Again, this finding is of great relevance when combined with studies on the effects of race on recidivism reported in Chapter 12.

Worden and Pollitz examined direct reports of trained observers who witnessed 167 domestic disturbances in twenty-four different police departments as part of a Police Services Study conducted at Indiana University.³⁷ The authors corroborated results from Berk and Loseke’s “indirect” study. Both studies found that the probability of police arrest increased substantially with the woman victim’s promise to sign a warrant, with the male’s appearance of having been drinking, and with the woman’s allegations of violence. Both studies found that arrest did not increase if one disputant had been injured. Worden and Pollitz also confirmed the finding that disrespectful behaviour toward the police increases the likelihood of arrest. Observers coded citizens’ behaviour into categories such as “apologetic, sarcastic, disrespectful and hostile.” The “disrespectful” category increased the probability of arrest by 43 percent.

Smith and Klein had trained civilians to ride on 900 patrol shifts, and they observed 5,688 police-citizen encounters in twenty-four American metropolitan areas.³⁸ Of these, 433 involved an interpersonal dispute where the dispute was in progress when the police arrived. For methodological reasons, 100 of these cases were omitted, leaving a data base of 333. It should be pointed out that these were not all husband-wife or even male-female disputes. For these 333 cases, arrests were made by police 15.3 percent of the time. The main determinants of arrest in this study were: (1) the complainant’s statement that they wanted an arrest, (2) the demeanour of the offender, (3) whether the offender had been drinking, and (4) the socioeconomic status

of the area where the house was located. The arrest rates by socioeconomic status were as follows: high status 5.5, middle status 1.9, low status 21.2 percent. Among factors that had no effect on the decision to arrest were: (1) the race of the parties involved, (2) whether or not one party was injured, and (3) whether weapons were involved. There was no significant difference in arrest rate between domestic disputes and non-domestic disputes. The authors concluded that the police appeared reluctant to arrest in both domestic and non-domestic disputes.

The police decision about arrest versus other alternatives initiates a chain of criminal justice policy decisions about wife assaulters. The objective of these decisions is to prevent wife assault from recurring. How might this objective best be achieved? What constellation of decisions by police, prosecutors, and judges might operate to reduce recidivist assault? It is to these questions that we now turn our attention. To find out what is commonly done in cases of wife assault, we will begin by reviewing available empirical studies that bear on the criminal justice response to wife assault discussed in Chapter 12. One thing that will become apparent is that arrest has different effects on different people (by race, socioeconomic status, and even psychological makeup), so we need to know something about the perpetrators.

The Rediscovery

The “rediscovery” of family violence in the 1970s is usually attributed to the pioneering work of C.H. Kempe, who first identified the “battered child syndrome.”³⁹ His description of x-ray evidence of young children with multiple fractures at various stages of healing cast doubt on parents’ explanations that the children had been injured in a single mishap. At this time, laws were passed requiring professionals to report child abuse to police or social agencies, and now mandatory reporting laws exist in virtually all states and provinces.⁴⁰ However, the intervention of choice has been rehabilitation, not punishment. Pleck argues that the domination of child assault reform by medical and social work professionals has resulted in the problem being defined as psychological illness in the parent requiring social services and mental health treatment.⁴¹

In contrast, wife assault reform advocates were mainly lawyers and feminists who saw social inequality and a lack of proper law enforcement as major contributors to the problem. The battered women’s movement viewed marital rape and wife assault as crimes and sponsored legislation to increase criminal penalties and make it easier for women to file criminal charges and gain access to civil remedies.

The Shelter Movement

The first “whistle blower” in the age of denial was Erin Pizzey, who also established the first women’s shelter in England in 1971 for women fleeing abusive relationships. Her landmark book, *Scream Quietly or the Neighbours Will Hear*, documented the collusion in covering up domestic violence.⁴² Ironically, Pizzey ran afoul of the shelter movement when her later book, *Prone to Violence*, was published in 1982. In that book Pizzey argued that repeat victims of abuse develop a type of addiction to being battered.⁴³ The women’s movement viewed this as victim-blaming and shunned Pizzey. Research by Harlow and Harlow, as well as by Solomon, which we shall review below, lends credence to Pizzey’s theory that initially repulsive experiences can later become addictive, especially when they involve the frustration of the attachment system.⁴⁴ Lenore Walker mentioned Pizzey briefly in her own classic, *The Battered Woman*.⁴⁵ It is indicative of the paradigm that developed about domestic violence that Pizzey’s landmark book was not

1.1 Erin Pizzey’s philosophical stance

The premise of our work is that every baby needs to feel love and happiness. A baby will bond these instinctive feelings to whatever people and situations are available. It is the birth-right of every child to be surrounded by nurturing and loving parents in an atmosphere of peace. In a non-violent family, a child grows up in such an atmosphere, and then, working from the secure base of being loved, will develop an independent and choosing self that is able to recreate happy love both in future relationships and with its own children. In a violent family, however, this birth-right to love and peace is betrayed, because from the moment of conception the child lives in a world where emotional and physical pain and danger are always present. The child then bonds to pain. This bonding becomes an addiction to pain. The child then cannot grow to form an independent self, because he or she is slave to this addiction. Throughout life, the person then recreates situations of violence and pain, for those situations stir the only feelings of love and satisfaction the person has ever known.

Whether the children of violent families learn to find satisfaction through the inflicting or the receiving of emotional and physical pain, the violence that these people live on is merely an expression of pain. The role of the caring community is to undo this fundamental betrayal of people who have been emotionally disabled by their violent childhoods. By creating a loving environment in which deep internal work can be done to help violence-prone people to understand and to overcome their addiction to pain, these people can then learn to trust and be happy in love instead of pain.

Source: Erin Pizzey, from the preface of *Scream Quietly or the Neighbours Will Hear*.

even mentioned in Linda MacLeod's *Battered but Not Beaten: Preventing Wife Beating in Canada*.⁴⁶

The Research Studies

Murray Straus was as important to research on domestic violence as Erin Pizzey was to the shelter movement. Dr. Straus, professor of Sociology at the University of New Hampshire, performed many early studies of the incidence of family violence (which we will see in detail in coming chapters). Over time he answered such questions as: how frequent is family violence, what are the most violent family relationships, what role does alcohol play in increasing the risk for family violence, are there racial differences, what about family power structure, what is the most "at-risk" age, are there gender differences, what is the impact of physical punishment of children on their later use of violence? Although this book will address many of these questions, the reader is advised to read Straus and Gelles' *Physical Violence in American Families*, for a complete picture.⁴⁷ In that encyclopedic work, Straus and Gelles report data from 8,145 American families in one of the most comprehensive data sets ever developed on family violence. Straus and Gelles' work has produced controversial results. Their finding that being spanked as a child was a risk factor for later violence in a dating relationship is one of the most cited studies in child development.⁴⁸ Similarly, his finding that on surveys using the Conflict Tactics Scale (more about it below) women used violence in intimate relationships more than men led to his lectures being picketed by feminist activist groups and extreme attacks on his methodology (more about this below).

Our culture has historically exhibited certain patriarchal values observable in religion and social custom. Working against the backdrop of this history, feminism quite naturally saw an antidote in ending social oppression of women. Wife assault, kept largely out of the public view and tolerated by prevailing attitudes, was regarded by feminists as an evil symptom of patriarchy. This argument will be examined in detail in Chapters 4 and 5.