

## Identifying the Assaultive Husband in Court: You Be the Judge

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Individual and institutional suppression of the truth frequently run parallel courses in history. Even when the truth is not actively suppressed, it is sometimes resisted because of the low status of its tellers. Such is the case with wife abuse.\* The ability of the individual perpetrators to conceal or justify their violence has been facilitated by a criminal justice system that has historically ignored or blamed the battered woman (Taub & Schneider, 1982; New York Task Force on Women in the Courts, 1986). But the criminal justice system is not alone in letting the abusive man off the hook. The downplaying of domestic violence and the tendency to blame the victim have been well documented among social service providers, medical personnel, clergy, and the media (Schechter, 1982). Too often, those who are in a position to intervene have failed to educate themselves about wife abuse. Biased perceptions about men and women have impaired nearly everyone's ability to identify wife abuse and consequently, our ability to hold abusers responsible for their violence. Even our questions betray a preoccupation with the victim's choices and responsibilities rather than those of the perpetrator. We ask, "Why does she put up with it?" rather than "Why does he beat her?" Finding the truth means moving beyond popular stereotypes and learning to ask the right questions. Court officers must be especially careful to ask plaintiffs whether they fear potential reprisals from the defendant in reporting domestic assaults.

As frightening as domestic abuse is, the experience of publicly disclosing it has been compared to stepping off a cliff. Disclosure not only puts the battered woman at greater risk for retribution from her abuser but it also severely jeopardizes her social and economic security. Research shows that, far from being irrational, these fears are well-founded. Women are most likely to be murdered while attempting to report abuse or to leave an abusive relationship (Sonkin, 1985; Browne, 1987). Many battered women report that their husbands have repeatedly threatened to kill them if they call the police or attempt to leave. Those who treat the abusive man confirm that the violence often escalates once the woman attempts to end the relationship. The abuser's threats of continued physical abuse are often accompanied by economic threats.

These commonly include threats to withhold child support and to sabotage her job plans. Some men make threats that are specific to the children, exploiting their wives' fears of losing the children once they report domestic abuse.

Most battered women's fears about calling the police or seeking court protection are logical reflections of her past experience with her abusive spouse. What appears from the outside as an irrational pattern of "crying wolf," becomes much more understandable when one identifies the specific scare tactics of the abuser. These, combined with inconsistent and sometimes hostile responses from the criminal justice system, reinforce the battered woman's fear that there is no real escape from the abuse.

\* the more general term "partner abuse" can be substituted for "wife abuse"

### **Characteristics of the Abusive Husband**

The following descriptive profile of the abusive husband is provided to help criminal justice workers become more sensitive to the concerns of battered women and more knowledgeable of (and hence less vulnerable to) the manipulation patterns of the abusive man. The profile is drawn not only from victim accounts and research findings but also my twelve year experience as a counselor of abusive

men at Emerge: A Men's Counseling Service on Domestic Violence, in Cambridge, Massachusetts. Founded in 1977, Emerge was the first program of its kind in the nation. Each characteristic listed has implications for all those who are in a position to identify abusive behavior and prescribe solutions.

### **1. Discrepancy in public versus private behavior**

Men who batter their wives often do not come across to those outside the family as abusive individuals. Often, the abusive man maintains the public image as a friendly, caring person who is a devoted "family man." This good reputation often leads neighbors and friends to conclude that his wife is exaggerating when she reports physical abuse. Police responding to these reports may be swayed by the calm demeanor of the perpetrator. By contrast, his wife may seem more agitated and hysterical, leading police officers to conclude falsely that she is the more aggressive party. This false picture is often repeated in court. Dressed in a suit and accompanied by counsel, the male defendant frequently comes across more credibly than the female plaintiff. This is especially true when the perpetrator is a professional man. In such a case, the picture the plaintiff paints of her husband's behavior may seem inconsistent with his stature in the community. Approximately one-third of the men counseled at Emerge are professional men who are well respected in their jobs and their communities. These have included doctors, psychologists, lawyers, ministers, and business executives. Police and court officers must look beyond the popular image of the abusive man as an easy-to-spot brute. While some abusers bear some resemblance to this stereotype, most do not.

### **2. Minimization and denial**

Living in a society that undervalues domestic life, abusive men do not expect their abusive behaviors toward women to be taken seriously. One man said it had never occurred to him that he could be arrested for such a "minor thing." This man's attitude that men's ill-treatment of women doesn't belong in the public sphere does not exist in a social vacuum. It is mirrored by recent public debates about the relevance of how public men treat their wives, particularly when allegations of wife abuse or infidelity are made. It is reflected by the historical reluctance of police and courts to intervene in "domestic disturbances" (Roy, 1977).

Few, if any, abusive husbands characterize themselves as men who beat their wives. A recent informal poll of clients at Emerge revealed that few men, even the most severe abusers, had thought of themselves in those terms. The abuser's tendency to minimize problems is comparable to the denial patterns of alcohol and drug abusers. Problem drinkers minimize their drinking by favorably comparing their own consumption pattern to "worst case" alcoholics—those who drink bottles of hard liquor on the street. Many battering husbands similarly minimize their violence by comparing it to "brutes who beat their wives every day." Besides spurning the "wife beater" label, most abusive men under report their violence. Research studies of violence-reporting patterns among husbands and wives have found that husbands are more likely than wives to under report their own violence (Szinevacz, 1983; Browning & Dutton, 1986). For instance, husbands are more likely to count even severe acts of violence (e.g. choking, punching, beating someone up) as self-defense rather than violence (Brygger & Edleson, 1984). Frequently, what abusers report as self-defense is in reality violent retaliation. While some men rationalize their violence, others merely lie about it. The previously mentioned poll of Emerge clients found that many had lied about their violence when asked by neighbors, relatives, and police.

### **3. Blaming others**

Perhaps the most common manipulation pattern of the abusive man is to project blame for his violence onto his wife. In treatment programs for abusers, statements like "she drove me to it," "she provoked me," "she really knows how to push my buttons" are common. Statements like these reveal the abuser's attempts to divert attention away from his own behavior and choices. Abusers in the early stages of treatment resist self-criticism by projecting responsibility for their violence onto others (Adams, 1988). This is similar to the alcoholic's tendency to blame other people, things, and circumstances for his drinking. The abusive husband, like the alcoholic, presents himself as a victim.

Too often, interveners get caught up in talking about the victim's behavior. This is a disservice to the abuser because it reinforces his denial of responsibility. When the topic of discussion shifts to his partner's behavior, the abuser is prevented from recognizing that he has choices in how he responds to her, and that some choices are more constructive than others. Often, the abuser manipulatively seeks allies in his attempts to monitor and police his wife's behavior. Abusers in later stages of treatment are able to critically identify this as a lack of respect for their partners. One man said, "I could never accept her the way she was; I always felt I had to 'correct' her. And it was easy to find other people to agree with me" (Emerge, 1989).

#### **4. Controlling behaviors**

Advocates for battered women have pointed out that wife abuse is more than isolated acts of physical violence. It is a cohesive pattern of coercive controls that include verbal abuse, threats, psychological manipulation, sexual coercion and control over economic resources (Dobash & Dobash, 2979; Schechter, 1982). The co-existence of these other controlling behaviors serve to remind the victim subliminally of the potential for physical abuse (e.g. yelling, threats, angry sulking) and to undermine her independence. The abuser's frequent criticisms of his wife erode her confidence and her own abilities. One abusive husband said he constantly tore down his wife's self-confidence because "I felt threatened whenever she felt good about herself." This man's wife said that it was only when she got support and validation from others that she began to trust that she could make it on her own. Social isolation is another tactic used by abusers to undermine their wives' autonomy (Walker, 1984). Accusations of infidelity or of "neglecting the family" serve to manipulate the woman into curtailing her contacts with friends, co-workers, and relatives.

#### **5. Jealousy and possessiveness**

Many battered women report that their husbands make frequent jealous accusations. For some abusers, this jealousy has an obsessive quality. These men constantly monitor their wives' whereabouts. Their surveillance activities often continue (and escalate) when their wives leave or attempt to end the relationship. These may include following her around, interrogating the children, eavesdropping on telephone conversations and making frequent telephone calls to monitor her activities.

It bears repeating that pathological jealousy of this kind is not evident in all men who abuse their wives. Its presence should be seen as a significant indicator of potential homicidality (Sonkin, 1985). Closely related to this is extreme possessiveness, which is often manifested by the abuser's unwillingness to accept the end of the relationship. Women who leave this type of man are subjected to ongoing harassment and pressure tactics, including multiple phone calls, homicide or suicide threats, uninvited visits at home or work and manipulation of the children.

#### **6. Manipulation of children**

There is considerable variation among abusive husbands as to whether their violence extends to the children. While child abuse is as frequent or more frequent than wife abuse for some abusive husbands, others have strong prohibitions against hitting their children. Regardless of whether children are directly abused, children are adversely affected by being exposed to wife abuse (Kalmuss, 1984). Children exposed to abuse are more insecure, more aggressive, and more prone to depression. Children in this situation commonly feel divided loyalties between their mothers and fathers. Research shows that childhood exposure to wife abuse is a significant predictor of future wife abuse (Hotaling & Sugarman, 1986).

Courts are often asked to decide custody and child visitation issues when battered women file for protective orders. Judges must be wary of the manipulation patterns of the abuser in making these decisions. For instance, abusive husbands commonly misuse child visitations as a way of gaining access to their wives. Abuse of child visitations not only compromises the battered women's safety but also has an adverse emotional impact on the children. Some abusers use their children as emissaries who are responsible for spying on Mom's activities or for convincing Mom to "let Daddy come home." Some abusers contest custody or child support agreements as a bargaining tactic designed to coerce their partners to reconcile or to drop criminal complaints. Prosecutors and judges should routinely encourage battered women to seek modification of child visitation agreements if such agreements are being abused, or if the child's or woman's physical safety is being jeopardized.

## **7. Substance abuse**

Research studies have varied findings about the degree of overlap between spouse abuse and substance abuse. One study found 70% of men arrested for domestic battery showed evidence of alcohol or drug abuse (Roberts, 1987). A survey of women who sought refuge in shelters for battered women found that 48% reported that their abusive husband abused alcohol. This variation in findings is attributable to the use of differing criteria in assessing the batterer's use or abuse of substances. There is also evidence to suggest that police are more likely to arrest a batterer when there is also evidence that he is under the influence of alcohol or drugs (Kantor & Straus, 1986).

Despite the high correlation, experts in the domestic violence field agree that alcohol or drug use does not cause men to batter their wives (Coleman & Straus, 1983). Acting as a socially approved disinhibitor, alcohol use becomes a convenient excuse for some men to hit their wives. The battering husband who abuses alcohol has two problems for which he must take responsibility. Alcohol or drug treatment alone will not stop the batterer's abusiveness. Recovering alcoholics exhibit high rates of abusive behavior. Despite this, one study found that courts in one state refer most alcohol/drug abusing batterers to alcohol or drug treatment programs only—without also referring to specialized batterer treatment programs (Roberts, 1987). Because probation officers and judges have been more sensitized to alcohol and drug problems, there is a danger of focusing exclusively on the substance abuse when the substance abuser is also abusive toward his wife. When the problems co-exist, it is critical for the individual to be evaluated for both kinds of treatment.

## **8. Resistance to change**

Like substance abusers who are still in the denial stage, most abusive husbands lack internal motivation to seek counseling or to change their behavior. It is estimated that less than 1% of men who batter are referred to specialized treatment programs for abusers. Approximately 20% of Emerge clients are court-ordered to attend the program. Though the rest, technically, are self-referred, most of these have sought counseling only once it became clear that their relationship would not continue unless they attended. For most of these men, the problem as they see it is that their wives have left them, not that they have been violent. Initially, the abusive man

bargains with his wife to change as little as possible (Adams, 1989). For instance, he may agree to attend one week of counseling in exchange for returning home or having criminal charges against him dropped. Fifty percent of Emerge clients drop out of treatment within the first month, a figure that is consistent with other programs. Some drop out as soon as they reconcile with their wives. Others drop out as soon as it becomes clear that reconciliation isn't possible. The typical battering man, like the alcoholic, brings a 'quick fix' mentality to counseling. His desire to restore the status quo outweighs his desire to change.

### **Summary**

For court workers to become aware of abusive behavior patterns does not condemn the abuser's chances for change. On the contrary, this insight helps interveners resist the abuser's manipulation patterns and more realistically appraise his suitability for rehabilitative efforts. Clearly, some perpetrators pose too great a danger to their wives for the courts to release them into the community. Assessments for potential lethality should be made in every spouse assault case. In my experience, the men who do make significant changes are those who accept legal sanctions and persevere with counseling. These men respect their wives' decisions concerning the amount and nature of contact she wishes to have with him. He learns to focus on his own rather than her behavior. Much depends on the public sanctions that the abuser encounters along the way. Courts have a critical role to play in this. They determine whether the abuser attends a treatment program, how long he stays in the program, and whether the victim's safety is ensured while he attends the program.

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