



Controlling Domestic Violence Against Men

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Abstract

People hit and abuse family members because they can. In today's society, as reflected in TV, movies, law enforcement, courts, and feminist propaganda, women are openly given permission to hit men. Presently 25%-30% of all intimate violence is exclusively female on male.

Primary aggressor laws usually result in arrest of the male and ignore research showing 50% of domestic assaults are mutual combat. The woman is thus encouraged to abuse her partner further until finally he will take no more. Such provocation of the human male is dangerous.

Studies consistently find women use weapons more often in assaults than do men (~80% for women; ~25% for men). Women are significantly more likely to throw an object, slap, kick, bite, or hit with their fist or an object.

There is no support in the present data for the hypothesis that women use violence only in self defense. Three common reasons women give for male abuse are: to resolve the argument; to respond to family crisis; and to *stop him bothering me*. Male abuse of a woman, requiring self defense, is one of the less-frequently stated reasons by women for their assaults.

Our research shows that a gender-balanced approach to domestic violence is essential in order to reduce both the frequency and severity of such incidents for both men and women. Present laws and practices appear to commonly have the opposite effect.

Why Do Women Hit Men?

Gelles (1997, p. 133) put it succinctly: *People hit and abuse family members because they can*. And in today's society, as reflected in TV, movies, and feminist doctrine, women are openly given permission to hit men. For example, a woman slapping a man in the face is rarely, if ever, viewed as *domestic violence*.

We are fighting a losing war against family violence until society withdraws permission from women to hit their intimate partners. The problem and causes of female violence must also be recognized and addressed.

It has been suggested that female assaults on males are almost always for reasons of self-defense. Outside of studies that come from clinical samples of women who seek services in domestic violence centers and social service agencies we have *not* found evidence to support that hypothesis.

Fiebert and Gonzales (1997) have looked at the reasons why women assault from a sample of 978 college women in California. Within a 5-year period, 20%, or 285 of the women surveyed admitted to physical aggression against their male partners.

There does not seem to be any support in the available data for the feminist proposition that women only use violence against men in self defense. The most-common reasons the women in the Fiebert and Gonzales (1997) study gave for assaulting their male partners included:

- My partner wasn't sensitive to my needs.
- I wished to gain my partner's attention.
- My partner was not listening to me.

The factor of the male being abusive to the woman was one of the less-frequently stated reasons for the female's assault.

Fiebert and Gonzales (1997) also asked for more profound reasons as to why the woman had assaulted her male partner. The five leading reasons the **women** gave to that query were:

- I believe that men can readily protect themselves so I don't worry when I become physically aggressive (24%).
- I have found that most men have been trained not to hit a woman and therefore I am not fearful of retaliation from my partner (19%).
- I believe if women truly are equal to men then women should be able to physically express anger at men (13%).
- I learned when growing up that I could be physically aggressive toward my brother and he would not fight back (12%).
- I sometimes find when I express my anger physically I become turned on sexually (8%).

In two Australian studies (Sarantakos, 1998, 1999), the most common type of male behavior that resulted in abuse was a minor violation of household rules.

In Sarantakos' studies the three most common reasons women gave for abuse of their male partners were:

- To resolve the argument.
- To respond to family crisis.
- To *Stop him bothering me!*

We are aware of two studies that have asked the questions of assault context and self-defense in the general population.

An English study by Carrado et al. (1996), summarized in Table 1, suggests that ~80% of assaults by wives on their husbands were for reasons other than self-defense. Items C and F in Table 1 were identified as clear examples of self-defense. Note that multiple reasons are often given for the same assault.

It is also of note that the victimization rate between men and women in Table 1 is nearly the same, 11% for women and 10% for men. Many other studies support that result (see tabulation by Fiebert, 1997). The result that violence by men and women in intimate relationships is roughly equal is one of the best replicated findings in all of the social sciences.

In Canada, Sommer (1994) examined a longitudinal study consisting of *married, cohabiting and remarried males and females between the ages of 18 and 65 years*. Data were collected at

Table 1: Results of 1994 national study from England on causes of violence (Carrado et al., 1996).

Reasons Given For Assaults		Assault by	
		Female	Male
A.	Get through to...	53%	64%
B.	Something said or threatened...	52%	53%
C.	Some physical action... (Self-Defense)	21%	27%
D.	Stop doing something...	33%	43%
E.	Make do something...	26%	26%
F.	About to use physical action. (Self-Defense)	17%	21%
G.	Influence of alcohol, etc....	13%	35%
H.	In character...	16%	27%
I.	Other	12%	7%
Percent of 1,978 respondents committing an assault		11%	10%

two points in time over a two year period from face-to-face interviews with 452 females and 447 males. Of these, 39% of the women and 26% of the men committed acts of violence against their spouses at some time in their relationship. 16% of the women and 8% of the men defined those acts as severe in nature.

90% of the abusive women did *not* strike their male partners in self-defense.

On the contrary, these women hit, kicked, threw something, and bit their male partners when they were furious, jealous, high on drugs or alcohol, frustrated, in need of control, or had impulse problems.

14% of the men who were attacked in Sommer s (1994) study needed to go to the hospital.

These studies suggest that only 10-20% of women in the general population assault their male partners for clear reasons of self-defense. Nearly the same percentage of women were found in the Fiebert and Gonzales (1997) study to use violence against their male partners for purposes of sexual arousal.

Dangerous Behavior Patterns

If we are to control domestic violence and abuse of men we must first recognize and define female archetypes that are predictive of such behavior:

- *Violence prone women.* A violence prone woman is a woman who, while complaining that she is the innocent victim of the malice and aggression of all other relationships in her life, is in fact a victim of her own violence and aggression. Pizzey (1998) provides considerable evidence that such individuals form an addiction to violence early in life.
- *Abused as a child:* A woman who was physically or sexually abused as a child, particularly during her teenage years, is a likely candidate to be abusive as an adult. She will also know all the games to play, just who to call, and what to say when the abuse begins.

- *A common warning sign is that a woman's partner can no longer do anything right.* What had seemed like a caring, loving person becomes an abusive, angry harpy who is critical of every action a man takes. She may also start to hit, push, or throw things. Such personality changes may be symptoms of a medical or mental problem that proper treatment might cure or control.
- *She hits or throw things:* It seems obvious, but it may just seem cute, or funny, or done in play. In one survey of college students, 20% of men who had been attacked by their girlfriends thought it was simply funny. It isn't!
- *Women with drug or alcohol problems.* By a *drug problem* we don't limit the term to illicit drugs. Women who abuse prescription drugs, particularly anti-depressants, or even over-the-counter medications, can be dangerous. Such habits often hide deeper-seated psychoses as well and the rate of recidivism is very high in such cases.
- *Eating disorders, lean and mean.* It is hardly a secret that a great many women suffer from eating disorders. Bulimia and anorexia appear to be of epidemic proportions in American females. For reasons of survival, humans are biologically programmed to go out and kill when they are hungry. Eating disorders may also coexist with BPD.
- *Borderline personality disorder (BPD).* Researchers, notably Dutton and Golant (1995, p. 140-155) and Gelles (1997, p. 80), have found a positive correlation of BPD with perpetrators of domestic violence. People with BPD are estimated to comprise ~2% of the general population; 10% of all mental health outpatients; 20% of psychiatric inpatients; 75% of those diagnosed are women; and 75% of the sufferers of this condition have been physically or sexually abused.
- *Other mental illnesses.* Bipolar disorder and manic depression, malignant narcissistic exhibitionism, attention deficit disorder (ADD), and conditions involving abnormally low levels of serotonin are known to be associated with violent behavior. Other brain/biochemical disorders and injuries are also known to play a significant role in precipitating violent behavior in some individuals. Such disorders as Munchausen's syndrome by proxy, or post-partum depression have also made many headlines. But this list is not inclusive.
- *Psychopaths.* There appear to be three common indicators that a man is at lethal risk from a psychopathic partner: paranoia, psychostimulants, and weapons. Pearson (1997, p. 97) lists the most consistent behaviors of psychopaths as: pathological lying, short attention span, grandiosity, manipulateness, recklessness, remorselessness, and an absence of fear. There is no known treatment for psychopaths.
- *The change of life or perimenopause.* About 10-15% of women suffer severe emotional or physical problems as they enter perimenopause. The average age at which this begins is 43, though it may occur as young as age 35. A hysterectomy, or surgical menopause, can also be associated with emotional problems including abusive and violent behavior.

Other forms of female aggression

Money

A woman's aggression may take many forms besides hitting or throwing things. A common issue is money. Cash may start disappearing, or she will run up credit card bills. Commonly, one day the man simply finds all their accounts have been drained and she is nowhere in sight.

There are also many reports of women filing a restraining order and then taking any available money or selling any belongings the man is forced to leave in the *victim's* possession.

Jealousy

Another way a woman may attack a man is through jealousy. For example, she becomes insanely angry if he so much as speaks to another woman.

Conversely, she may begin flirtations with every male around her, and business trips, or mini-vacations with her girlfriends may become a new feature of her life.

Violence Prone

Pizzey and Shapiro (1982) and Pizzey (2000) have recognized for many years that women are more violent in a domestic situation than men. This categorization must be understood to exclude men and women with recognised personality disorders and, particularly, men with criminal histories of violence who batter their women and children.

There must also be a clear distinction made by the general public between *battering*, and *family conflict* or what Johnson (1995) refers to as *common couple violence*. Family conflicts, for the most part, are not and must not be the province of the law or the concern of society in general.

Thus, the distinction must be made between:

- Men and women who accidentally become involved with a violent partner and now wish to leave and to never return again.
- Violence-prone individuals who, for deep psychological reasons of their own, seek out a violent relationship, or a series of violent relationships, with no intention of leaving.

It is essential to understand the differentiation between our use of the words *battered* and *violence-prone*. For us, a *battered person* is the innocent victim of another person's violence; a *violence-prone person* is the victim of their own addiction to violence. Note that gender is **not** a defining issue for battered or violence-prone individuals.

Where marital quarrelling involves pushing, shoving, kicking, throwing things and generally behaving like a terrorist, such orgasmic violent outbursts are largely ignored at present when they are done by women, but are taken seriously when they are perpetrated by men.

Since, in most cases, women control what happens behind the front door, children find themselves enslaved by violence-prone women whose unpredictable and terrifying behaviour will dictate the children's lives until they are old enough to escape, if they are lucky, or they are doomed to repeat the violence-prone pattern.

In England, as well as other countries, most of the domestic violence seen is amongst what is called the *socially excluded*. This is a very ironic title since most of the mothers in this catch all phrase have never been socially included so they have never learned the basic rules of how to communicate without using violence. Calling on thirty years of living all over the world and working with violent and dysfunctional families, Pizzey finds the worst damage is done when the mother of the family is violent and dysfunctional.

Of course it is a tragedy when the father is violent, but it is the mother, the central focus of a young child's life, who has the most influence. When a mother batters, abuses and neglects her child, the primary pain of that rejection and abandonment drives the child onwards, often in a massively destructive pattern for life.

Frequently the violence-prone mother is unable to bond to her children. When this happens the children tend to become affectionless, and unable to feel or to respond to normal human warmth and need for relationships.

In cases of violent personality disorders, e.g., psychopaths, borderline personalities, and malignant narcissistic exhibitionists there is no known cure. The suffering partner must recognize the need to leave that relationship as swiftly as possible and move as far away as circumstances allow. Society must also ensure the symptoms of such personality disorders are widely taught and to recognize that they occur as often in women as in men.

We have to hold mothers and fathers equally responsible for the emotional and physical well-being of their children. The big lie for the last thirty years is that it is fathers who are guilty of all violence and abuse in the family. There is no excuse for this lie anymore.

The bibliography produced by Fiebert (1997) and subsequent updates provide virtually irrefutable evidence that domestic violence is a human problem, not a gender issue. That intimate partner violence is perpetrated essentially equally by both men and women is one of the best established and replicated findings in the social sciences.

Family, or Emotional Terrorists

As with violence against women, domestic violence and abuse of men is by no means limited to simply physical assaults. In her work with family violence, Pizzey and Shapiro (1982) and Pizzey (1998) have long recognized that:

...there are women involved in emotionally and/or physically violent relationships who express and enact disturbance beyond the expected (and acceptable) scope of distress. Such individuals, spurred on by deep feelings of vengefulness, vindictiveness, and animosity, behave in a manner that is singularly destructive; destructive to the themselves as well as to some or all of the other family members, making an already bad family situation worse. These women I have found it useful to describe as family terrorists .

Such women often become even more violent as their partner tries to break away. Pizzey (1998) notes that for family terrorists:

While the family remains together, however miserable that togetherness might be, the terrorist maintains her power. However, it is often the separation of the family that promises to rend the terrorist's domain and consequently to lessen her power. Family dissolution, therefore, often is the time when the terrorist feels most threatened and most alone, and, because of that, most dangerous.

In this position of fear, the family terrorist sets out to achieve a specific goal. There are many possible goals for the terrorist, including: reuniting the family once again, or ensuring that the children (if there are children in the relationship) remain under the terrorist's control, or actively destroying the terrorist's spouse (or ex-spouse) emotionally, physically, and financially.

...The terrorist, and the terrorist's actions, know no bounds... Intent only to achieve the goal (perhaps hell-bent is the most accurate descriptive phrase) the terrorist will take such measures as: stalking a spouse or ex-spouse, physically assaulting the spouse or the spouse's new partners, telephoning all mutual friends and business associates of the spouse in an effort to ruin the spouse's reputation, pressing fabricated criminal charges against the spouse (including alleged battery and child molestation), staging intentionally unsuccessful suicide attempts for the purpose of manipulation, snatching children from the spouse's care and

custody, vandalizing the spouse's property, murdering the spouse and/or the children as an act of revenge.

In today's world the only defense a man may have when dealing with an emotional terrorist is distance.

Divorce and Domestic Violence

Family law attorneys and others estimate that allegations of domestic violence or abuse are made in as many as one third of divorce cases in Colorado.

False allegations of domestic violence or abuse are increasingly made against men during a divorce solely to gain advantage in child custody and property disputes, particularly over the marital home (Gardner, 1992; Tong, 2001).

As the male is rendered homeless and forced from his children with little redress by such allegations there is considerable animosity generated. Restraining orders may prohibit any communication between the couple making the settlement of their affairs infinitely more difficult and expensive.

Such malicious actions often escalate the violence, particularly where the woman uses such false allegations to cover her adultery. Dugan, Nagin, and Rosenfeld (1995) have found that:

Increases in the willingness of prosecutors' offices to take cases of protection order violation were associated with increases in the homicide of white married intimates, black unmarried intimates, and white unmarried females.

Getting a divorce may be just the beginning of a man's problems if there are children. Gardner (1992) established parental alienation syndrome as a common condition. Turketwell describes the divorce-related malicious mother syndrome and Tong (2001) provides case histories of the extent and damage of false allegations in these cases. A woman's latent emotional terrorism may also become active as the relationship dissolves (Pizzey, 1998, p.5).

Under current law and practices, a man has no recourse or protection from such abuse of process.

What Can A Man Do In Self Defense

A berserk woman is a frightening spectacle to even the most hardened police officer and females often attack their partners with dangerous implements. McLeod (1984) found that roughly 80% of women use some sort of weapon to compensate for the difference in size when they *seriously assault* their mates.

In such cases the male is faced with the eternal fight or flee paradox. Only it is probably his mate, and all too often the mother of his children, he faces in deadly combat.

Defense of self is certainly justifiable under such circumstances and *will* involve the use of force against a woman to restrain her unless he flees. However, if she is injured while attempting to restrain her, it is the *male* who will almost certainly be arrested and jailed under current laws and practice.

Thus, under current statutes and police training, a man must also defend himself as much against the excesses of the justice system as from his female partner.

What to do when the situation may escalate out of control

If one's intimate partner becomes increasingly ill-tempered and violent, and there are any weapons or potential weapons in the house, get rid of them if at all possible. Or make them inaccessible before the violence starts.

Women go to weapons either first or earlier than men. A man (or woman) should look around and see what is on the walls or in drawers that could be kept somewhere outside the house.

Gun collections, military or Masonic swords, decorative furnishings with sharp points, clubs, lamps, ashtrays, etc., should be removed or secured so that she can't grab them in the heat of anger.

All these weapons, and more, have been used in female assaults on men.

Stay out of the kitchen

Knives and scissors are weapons women commonly use in assaults. Boiling water or oil, hot grease, or kitchen implements are also leading candidates for use against a man. The proverbial rolling pin or frying pan upside the head isn't a joke. Thus, if trouble is brewing in the kitchen, move the argument out of there.

Take the discussion to another room where weapons aren't so convenient.

Do this quickly—try not to give her time to grab a knife or other kitchen implement. If she goes back into the kitchen, leave the house.

If possible, move the discussion to the living room, den, or other area. Try to get her to sit down on a sofa or in a chair.

If she will sit down, *her partner should sit down as well*. A male standing over her will appear threatening to her.

Avoid the bedroom

Straus and others (1980) pointed out that the bedroom is the deadliest room in the home.

If she's drunk or on drugs, the bedroom may bring up associations a man doesn't want to deal with. Don't go there!

Surveillance methods as a defense

Surveillance technology is both improving and becoming more affordable. While we are well aware of the potential for abuse of surveillance, the level of threat many men and their children face justifies virtually any defense they can mount.

We have been astonished at how frequently men are stalked by women and how difficult that is to prove. In such cases surveillance methods may be of some use although it is very unlikely the monitors will provide evidence admissible in court. But the fact that her actions are being recorded may be sufficient to deter some women. Surveillance is no deterrent to a psychotic of either sex, however.

There are basically three types of surveillance that can be done at reasonable cost and effort, audio, computer, and video. For all three methods it is **essential** that the verifiable time and date be an integral part of the recordings.

A private investigator may also be required, depending on the circumstances of the individual's case.

While it is a felony to destroy evidence, if one's intimate partner, or stalker, can get her hands on the recordings she is very likely to destroy them and the instruments without penalty. Thus, it is essential that the records be stored somewhere she does not have access to such as a safe deposit box, a drawer at work, a friend's house, etc.

Calling 911 may make the situation worse

If there is the need to phone someone, phone neighbors, relatives, or friends if it is at all possible they can help. We suggest 911, or any other police telephone number, should be called only if there is clear and present danger and a man has no other options. And cops don't get there instantly.

If in imminent danger, a man is well advised to flee if possible.

By the time police do arrive an angry woman often will have made up a story making it the man's fault. And the cops will buy her story 9 times out of 10. Reams of data document the man is most often the one arrested and jailed.

If the police are called and find probable cause, which is often loosely and subjectively defined, there is an 80-90% chance the male present will be arrested whatever the evidence and circumstances.

Conversely, if the male is not present, and there are no injuries or evidence of a fight, an arrest is unlikely.

Leave

If violence is building, a man is well advised to get out of the house quickly, and spend the night in a motel, with a friend, or even in his car.

An escape plan should be prepared in advance if possible a few items of clothing stored at a friend's house with some cash, a printout of all credit card numbers, and bank account information.

If possible, a man in this situation should establish a bank account in his own name, using a post office box as the address though that will be used against him in a divorce.

If there are children, he will also need copies of their birth certificates and their Social Security numbers.

A biological father should take the kids with him if possible in these situations. But he should not hesitate to leave without them because **a man can't help his children if he is in jail.**

If the father can't take his children immediately, he could try to get them to quickly and quietly go to a friend's house after he leaves if they are old enough to do that on their own.

If he does manage to take the kids it is usually best to leave them with his parents or other close relatives if possible rather than try and keep them with him.

Once a man leaves his home in such circumstances there is a very good chance he will never get to return under today's laws. He, and his children, will still be much better off if her violence is avoided and he is not arrested.

Recommendations

The rule of law

In lessening the impact of domestic violence and abuse on men, women, and children it is essential that it be recognized that these are **human problems**, *not a gender issue*.

Present practices of making arrests without a warrant often with little or no evidence of violence or probable cause, forcing men from their homes and children with nothing more than the clothes on their back, searches without a warrant, property seizures without legal redress, mandatory arrests based on nothing more than hearsay, assuming the accused is guilty until proven innocent, denial of the right to confront their accuser and obtain witnesses in one's defense, punishment and imprisonment that occurs before trial or without one, public censure for crimes men have not committed, and more, are acts of a police state and the policies of tyrants that rent the very fabric of our freedoms.

Historically, such oppression has dramatically raised the level of violence in a society.

There is no precedent to suggest tyranny and draconian laws will solve any social problem. Pizzey states unequivocally that *Any country that has tried to create a political solution to human problems has ended up with concentration camps and gulags*.

Thus, many of our present laws and practices are not only unjust, they are dramatically wrong. To protect men and women we must restore their civil liberties, as free people are demonstrably intolerant of violence and abuse of anyone, be it domestic partners or foreign countries.

Whatever actions are taken, it should be recognized that families are the cornerstone of our civilization, and that children want and need both parents.

Recognition of the role of medical problems in domestic violence

Straus and others (1980, p. 239) clearly recognized that domestic violence and abuse are often the result of medical problems that can be treated. Elliot (1988) has looked at neurological factors. Rosenbaum and others (1994) and Warnken and others (1994) have examined the propensity for relationship violence in males who have suffered head injuries. Women suffer head injuries as well.

To succeed in an approach to finding medical causes of domestic violence, both partners must be evaluated when problems occur in the family setting. It isn't *blaming the victim* to find out whether a woman, or a man, suffers from a possibly curable or controllable condition that exacerbates the family violence and abuse.

Where underlying problems exist, shouldn't we emphasize treatment of those conditions rather than the outward manifestation now regarded as domestic violence? And isn't it barbaric to imprison someone and tear them from their support because they have received an injury such as a blow to the head?

Substance abuse also falls in this category. But Colorado, and many other states, use a one-size-fits-all approach of 36 weeks of counseling to treat domestic violence offenders.

When one looks for clinical trials (URL ClinicalTrials.gov) of the effects of medications on domestic violence being done by the National Institutes of Health in the U.S., the only one found is a study of Prozac, with no other studies referenced.

Shouldn't we fix the problem, not the blame?

Mental health and domestic violence

It is becoming ever more evident that mental health conditions are involved in many cases of domestic violence and abuse. For example, Dutton (1995, p. 140-155) and Gelles (1997, p. 80) have correlated borderline personality disorder (BPD) with domestic violence. BPD affects an estimated 2% of the population and 75% of the diagnosed cases of this disorder are women.

Bipolar disorder is also often linked with violent and irrational behavior. Though restoration of a person's lithium balance is well known in the treatment of bipolar disorder, it is often not applied in dealing with domestic violence. In fact, many times a person is jailed and denied their medications, making the problem worse.

The same asinine approach has also been seen with agitated Alzheimer patients or caregivers.

Conversely, some conditions are not subject to treatment. Where psychopaths are involved, and there are as many women as men in this category, at best the present approach simply runs them through 36 weeks of counseling and encourages them to move on to their next victim.

Testing is now available to identify psychopaths and more rational management methods must be adopted. It is essential that both partners be tested, as psychopaths are among the most manipulative and deceptive of humans.

Family finances

Family finances are often a root cause of family violence and abuse. It makes more sense to educate the couple concerning money management rather than making the man sit through 36 weeks of lectures on the evils of the patriarchy after his wife battered him.

Nor is it of benefit to the man or woman to drain their already minimal treasury for the benefit of the domestic violence industry.

Mandatory arrest is a failure

Mandatory arrest has been widely put in place as a panacea for the evils of domestic violence and the shortcomings of previous interventions. Or, in police parlance, now *You call, we haul, that's all*. And, with this approach, the police department, the chief, and individual officers do not get sued for failure to act.

Colorado Springs, Colorado, was one of seven cities where the effects of mandatory arrest were studied before its enactment into law in 1994. There were four treatment conditions that were randomly chosen. On arrival the officer would radio back and be given instructions to do one of the following:

1. Issue an emergency restraining order and arrest the presumed offender, i.e., the male.
2. Issue an emergency restraining order and provide immediate crisis counseling for the offender.
3. Issue an emergency restraining order only.
4. Simply attempt to restore order. Considered to be the *business as usual* option.

According to Berk (1993, p. 330) *All the treatment conditions that included an emergency order of protection performed a little better than trying to restore order alone, but arrest did not stand out as most effective.*

Berk and others (1992) also documented that in cases where the couple are not married and the male is unemployed, mandatory arrest can *increase* the level of violence. With an increasing divorce rate, combined with couples who simply never marry, the unmarried population is growing. While unemployment had been at very low levels since the mandatory arrest laws were passed, with the current economic downturn we may be sitting on a time bomb.

We have also looked at the measurable effects of mandatory arrest from Colorado Springs police reports for the years 1990-1999. First, passage of the mandatory arrest laws in 1994 did *not* result in a giant leap in numbers of arrests. Instead, as shown in Table 2, the major effect is a dramatic drop in the number of calls to 911 in domestic disturbances after 1994.

It is our contention that the people who *don't* call under the mandatory arrest laws are those who have experience with the system and have become afraid of it. It is also very likely these are the people most in need of help. Our conclusion is that the current laws mandating arrest and *no drop* prosecution make a bad situation worse.

Buzawa and Buzawa (1993) strongly argued that the *victim* should be given more options when the police are called despite the feminist mantra of a cycle of violence.

Johnson (1995) argues that there are two forms of violence in families: *common couple violence* that is found in general population samples and the more extreme *terroristic* violence commonly referred to as *battering*. Actual battering, in which a cycle of violence is a real prospect, is apparent in only about 3-4% of the cases of domestic abuse or violence encountered. In the remaining 96-97% of the cases of *common couple violence* the current policies act primarily to destroy the family or the relationship, and can breed fear, anger, suspicion, and resentment in those caught up in the Kafkaesque nightmare of domestic violence charges.

Prior to the current mandatory arrest laws, police officers in most jurisdictions could not make an arrest for a misdemeanor unless they actually witnessed a crime. Even where an arrest was permitted, many officers didn't for a variety of reasons.

Instead of attempting a better balance, the pendulum in many states has swung to the current draconian practice of stating the officer *shall arrest* in domestic violence cases if he finds probable cause.

It is quite evident from the arrests for simple assault shown in Table 2 that, even under current mandatory arrest laws, police rarely find sufficient probable cause in domestic disturbances to justify an arrest. But apparently the fear of an arrest deters many citizens from calling for help (see Table 2), however desperately they may need it.

Our suggestion is that the English common-law practice of allowing an officer to make an arrest for a misdemeanor when he has probable cause to believe that violence has occurred, or may occur without intervention, be reinstated.

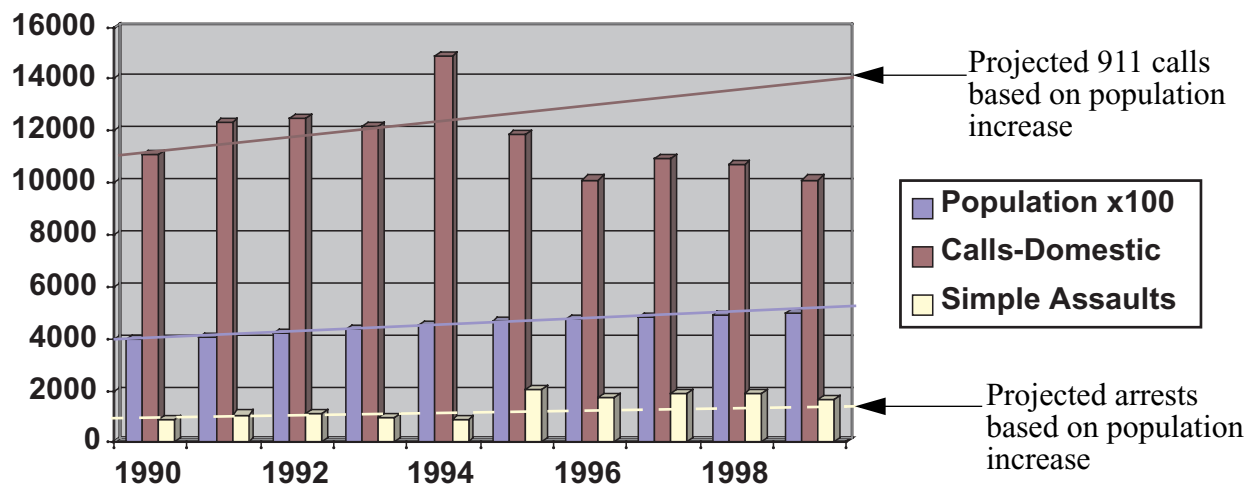
Thus, we propose the substitution of *may arrest* for the current *shall arrest* in the law. That puts discretion back in the hands of frontline officers, who are on the scene, and best qualified to judge what action is appropriate for the situation they find.

Primary aggressor

Straus and others (1980) first noted that in about half the couples studied it wasn't a case of one person assaulting the other but that both committed violent acts. Cook (1995) has presented

Table 2: Ten-year compilation of calls for assistance in domestic situations in Colorado Springs versus arrests for simple assault. Mandatory arrest and no drop laws were passed in Colorado in 1994.

Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Population	397,282	403,369	420,037	434,150	453,216	464,775	472,429	479,935	490,044	499,994
Calls Domestic	11,090	12,297	12,472	12,210	14,916	11,843	10,129	10,966	10,673	10,124
Arrests Simple Assaults	885	1,080	1,128	959	897	2,014	1,755	1,898	1,869	1,630
Arrests/ 911 calls	8%	9%	9%	8%	6%	17%	17%	17%	18%	16%



Population: Colorado Springs metropolitan area. U.S. Census Bureau
Calls and arrests: Annual reports of the Colorado Springs Police Department.
 Arrests for simple assault include other offenses than those involving domestic violence.
 As a rough estimate, DV cases are 50% of the arrests for simple assault.

data collected from military couples that shows mutual violence occurs 60-64% of the time in abusive relationships (Table 3).

Anyone who has been married knows that domestic disputes typically involve both parties. Experience with human nature suggests it usually takes two to tangle.

Table 3: Perpetrator of violence based on U.S. Army data (Cook, 1995).

	Spouse only	Self only	Both violent	Total
Male soldiers	23%	13-14%	62-64%	8,500
Female soldiers	17-23%	23%	60-64%	1,246
Total sample size was 55,000 married soldiers of whom 8,500 males and 1,246 females experienced some level of domestic violence.				

Thus, it is specious to presume that a peace officer, no matter how well trained, can make a determination in the turmoil of a domestic disturbance where a couple have both been violent that one or the other is the *primary aggressor*.

Police should **not** act as judge and jury in a free society.

In practice, police may arrest both the man and woman when confronted with such situations. We have not seen any evidence that such dual arrests do anything but multiply the problems of both.

The fallacious approach of promoting the arrest of males over females frequently compounds the abuse a man suffers from a violent partner as there are no constraints on her actions.

Primary aggressor laws may also increase the danger for a woman in such situations should her partner be provoked beyond the bounds of reason by this injustice.

When danger threatens

Present domestic violence laws go against logic, reason, and common sense regarding the treatment of women in times of danger. Historically, whenever possible women have been removed to a place of safety in perilous times. Today, though we spend billions on providing shelters for battered women, when police are called we remove the male by means of an arrest and leave the woman exactly where an enemy can most easily find her.

Wouldn't it make more sense to take a woman found to be in peril to a shelter where she can be safe until the danger passes? The officer might then make an arrest, issue a summons to one or both of the parties, or take no further action other than to advise and separate, depending on the circumstances and evidence he found at the scene.

Under current mandatory arrest laws police training is quite simple. When police respond to a domestic disturbance call *someone has got to go*. All too frequently that is the male by default regardless of the truth of the matter. And the truth is a matter to be sorted out by due process in a court of law, not by a police officer.

Too often reports of domestic disturbances are based on hearsay that isn't borne out by investigation. Further, we must stop treating women as incapable of making their own decisions in these situations. When, as is often the case, the woman does not feel she is in real danger from her partner, she should be allowed to sign a release of liability acknowledging that order had been restored.

Such procedures would also go a long way to restoring due process to our justice system as, if necessary, a hearing by a magistrate could then be held in the light of day after everyone had

calmed down. This approach would also minimize the destructive effects an arrest has on many families and relationships.

Conclusions

Many of the present methods for intervening in domestic disturbances are as much a problem of correcting injustices and practices of the current legal system as it is of protecting men from violence and abuse by their intimate partner.

New approaches to minimizing domestic violence and abuse are needed for both men and women as the current systems are demonstrably flawed.

In our view, these advances would include at least the following:

- Recognition that domestic violence and abuse are human problems, not a gender issue.
- Restoration of civil liberties, notably due process, the bedrock issue of any democratic nation.
- Revising mandatory arrest laws to state an officer *may* arrest rather than *shall* arrest.
- Eliminate attempts to designate one person, primarily the male, as the primary aggressor.
- Recognition of, and treatment for medical and mental health problems in domestic situations for either or both partners.
- Recognition that domestic violence and abuse are often mutual, and equal justice demands equal treatment.
- Take women in danger to a place of safety.

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