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American Bar Association Commission on Domestic Violence

Myths and Facts About Domestic Violence

Lawyers have a duty to confront and challenge misperceptions about domestic violence because such stereotypes may affect the relief that they can obtain on behalf of clients. At a minimum, law students should be educated about the following myths and realities:

Myth: Victims of domestic violence like to be beaten.

Fact: Victims of domestic violence have historically been characterized as masochistic women who enjoy being beaten. Evidence does not support this anachronistic psychological theory. Rather, victims of domestic violence desperately want the abuse to end, and engage in various survival strategies, including calling the police or seeking help from family members, to protect themselves and their children. (Dutton, *The Dynamics of Domestic Violence*, 1994) Silence may also be a survival strategy in some cases. Moreover, enduring a beating to keep the batterer from attacking the children may be a coping strategy used by a victim, but does not mean that the victim enjoys it.

Myth: Victims of domestic violence have psychological disorders.

Fact: This characterization of battered women as mentally ill stems from the assumption that victims of domestic violence must be sick or they would not "take" the abuse. More recent theories demonstrate that battered women resist abuse in a variety of ways. (Dutton, *The Dynamics of Domestic Violence*, 1994) In addition, most victims of domestic violence are not mentally ill, although individuals with mental disabilities are certainly not immune from being abused by their spouses or intimate partners. Some victims of domestic violence suffer psychological effects, such as post-traumatic stress disorder or depression, as a result of being abused. (Dutton, *Post-Traumatic Stress Disorder Among Battered Women*, 1994)

Myth: Low self-esteem causes victims to get involved in abusive relationships.

Fact: Traditional theories presumed that individuals with adequate self-esteem would not "allow" themselves to be abused by intimate partners or spouses. In fact, studies have demonstrated that victims of domestic violence fail to share common characteristics other than being female. (Cahn & Meier, 1995) There is little support for the theory that low self-esteem causes victims to become involved in abusive relationships, however, some victims may experience a decrease in self-esteem as a result of being abused, since perpetrators frequently degrade, humiliate, and criticize victims.

Myth: Victims of domestic violence never leave their abusers, or if they do, they just get involved in other abusive relationships.

Fact: Most victims of domestic violence leave their abusers, often several times. It may take a number of attempts to permanently separate because abusers use violence, financial control, or threats about the children, to compel victims to return. Additionally, a lack of support from friends, family members, or professionals, such as court personnel, law enforcement officers, counselors, or clergy members, may cause victims to return. Since the risk of further violence often increases after victims separate from their abusers, it can be even harder for victims to leave if they cannot obtain effective legal relief. Victims who receive appropriate legal assistance at an early stage increase their chances of obtaining the protection and financial security they need to leave their abusers permanently. While some victims may become involved with other partners who later begin to abuse them, there is no evidence that the majority of victims have this experience.

Myth: Batterers abuse their partners or spouses because of alcohol or drug abuse.

Fact: Alcohol or substance abuse does not cause perpetrators of domestic violence to abuse their partners, though it is frequently used as an excuse. Substance abuse may increase the frequency or severity of violent episodes in some cases. (Jillson & Scott, 1996) Because substance abuse does not cause domestic violence, requiring batterers to attend only substance abuse treatment programs will not effectively end the violence. Such programs may be useful in conjunction with other programs, such as batterer intervention programs.

Myth: Perpetrators of domestic violence abuse their partners or spouses because they are under a lot of stress or unemployed.

Fact: Stress or unemployment does not cause batterers to abuse their partners. Since domestic violence cuts across socioeconomic lines, domestic abuse cannot be attributed to unemployment or poverty. Similarly, advocates note that if stress caused domestic violence, batterers would assault their bosses or co-workers rather than their intimate partners. Domestic violence flourishes because society condones spouse or partner abuse, and because perpetrators learn that they can achieve what they want through the use of force, without facing serious consequences.

Myth: Law enforcement and judicial responses, such as arresting batterers or issuing civil protection orders, are useless.

Fact: There is a great deal of debate about the efficacy of particular actions by law enforcement or the judiciary. Research on the usefulness of mandatory arrest or civil protection orders has yielded conflicting results. (See Buzawa & Buzawa, 1996; Sherman & Berk, 1984; Zorza, 1994) Most experts agree, however, that actions by one piece of the system are only effective when the rest of the criminal justice and civil systems are functioning, (Zorza, 1996; Wanless, 1996) and that improved protocols can decrease domestic violence related homicides. (telephone interview, Ann O'Dell, 1996) Thus, law enforcement officers must make arrests, prosecutors must prosecute domestic violence cases, and courts must enforce orders and impose sanctions for criminal convictions. It is important for batterers to receive the message from the community that domestic violence will not be tolerated, and that the criminal justice and law enforcement systems will be involved until the violence ceases.

Myth: Children are not affected when one parent abuses the other.

Fact: Studies show that in 50-70% of cases in which a parent abuses another parent, the children are also physically abused. (Bowker et al., 1988) Children also suffer emotional, cognitive, behavioral, and developmental impairments as a result of witnessing domestic violence in the home. (Jaffe, 1990) In addition, some children (especially boys) who experience domestic

violence in their homes grow up to repeat the same behavioral patterns. (Hotelling & Sugarman, 1986).

For example, an advocate at a shelter in North Florida reported that one abuser threatened to come to the shelter and kill the victim and anyone who stood in his way. The abuser revealed that he knew where the shelter was because he stayed there as a child when his mother ran away from his father. (Hassler, 1997).

Myth: Domestic violence is irrelevant to parental fitness.

Fact: Because children often suffer physical and emotional harm from living in violent homes, domestic violence is extremely relevant to parental fitness. (ABA News Release, 1997) A history of domestic violence can indicate that the perpetrating parent physically or emotionally abuses the child as well as the other parent. In addition, abusers frequently use the children as pawns to continue to control the other parent. Further, an abuser's focus on controlling the victim undermines the abuser's ability to parent because the primary concern is not the child. Courts should consider the effects of the abuser's behavior on the children when determining custody and visitation arrangements.

Some courts mistakenly penalize the victim in custody cases by assuming that the victim is emotionally unstable because of the violence or because the victim "let the violence happen." In most states, however, custody statutes now recognize that domestic violence is relevant to the abuser's parental fitness. Courts in most states are required to consider domestic violence as a factor in custody determinations or employ a presumption that perpetrators should not receive custody of the children. (The Family Violence Project of the National Council of Juvenile and Family Court Judges, 1995)

Sources Cited

Mary Ann Dutton, *The Dynamics of Domestic Violence: Understanding the Response from Battered Women*, 68(9) Fla. Bar J. 24, 26 (1994).

Id.

Mary Ann Dutton, *Post-Traumatic Stress Disorder Among Battered Women: Analysis of Legal Implications*, 12 Behav. Sci. & the Law 215, 219 (1994).

Naomi Cahn & Joan S. Meier, *Domestic Violence and Feminist Jurisprudence: Towards a New Agenda*, 4 B.U. Pub. Int. L. J. 339 (1995) (discussing stereotypes of battered women).

Irene Anne Jillson & Bettina Scott, *Violence, Women and Alcohol: Reducing the Risks, Redressing the Consequences*, Dep't of Health & Human Services, Draft Report, Jan. 1996.

Do Arrest and Restraining Orders Work? (Eve S. Buzawa & Carl G. Buzawa, eds., 1996); Lawrence W. Sherman & Richard A. Berk, *The Minneapolis Domestic Violence Experiment*, Police Foundation Reports 1 (Apr. 1984); Joan Zorza, *Must We Stop Arresting Batterers? Analysis and Policy Implications of New Police Domestic Violence Studies*, 28 New Eng. L. Rev. 929 (1994).

Joan Zorza, *Must We Stop Arresting Batterers? Analysis and Policy Implications of New Police Domestic Violence Studies*, 28 New Eng. L. Rev. 929, 964 (1994). See also, Marion

Wanless, *Mandatory Arrest: A Step Toward Eradicating Domestic Violence, But Is It Enough?*, 1996 U. Ill. L. Rev. 533, 569.

After domestic violence training was implemented in 1991 by the San Diego Police Department, the rate of domestic violence arrests increased, and the rate of domestic violence related homicides was drastically reduced by 59%. Telephone Interview with Anne O'Dell, Retired Detective Sergeant, San Diego Police Department (June 14, 1996).

Lee H. Bowker et al., On the Relationship Between Wife Beating and Child Abuse, in *Feminist Perspectives on Wife Abuse* 158, 159, 162 (Kerstii Yllo & Michelle Bograd eds., 1988).

Peter Jaffe, *Children of Battered Women* 28 (1990).

Gerald T. Hotaling & David B. Sugarman, An Analysis of Risk Markers in Husband to Wife Violence: The Current State of Knowledge, 1(2) *Violence and Victims* 101, 106 (1986). The Third Report of the Governor's Task Force on Domestic and Sexual Violence 2 (Robin S. Hassler, ed., 1997).

More than 90% of lawyers and psychologists who attended a joint educational conference of the American Bar Association Section of Family Law and the American Psychological Association concurred that a person's ability to parent effectively is affected by whether or not he or she is a spousal batterer. *Lawyers and Psychologists Question Abusers' Ability to Parent*, ABA News Release, April 23, 1997.

The Family Violence Project of the National Council of Juvenile and Family Court Judges, *Family Violence in Child Custody Statutes: An Analysis of State Codes and Legal Practice*, 29 *Fam. L. Q.* 197, 199 (1995).

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