

Appendix A – Offender Tracking Information System (OTIS)

BIOGRAPHICAL INFORMATION



MDOC Number:
569068

SID Number:
4360599X

Name:
TYLER DAVID MILLWARD

Racial Identification:
White

Gender:
Male

Hair:
Brown

Eyes:
Blue

Height:
5' 8"

Weight:
180 lbs.

Date of Birth:
10/13/1988 (36)

TYLER DAVID MILLWARD

Image Date:
8/5/2025

MDOC STATUS

Current Status:

Prisoner

Earliest Release Date:

11/12/2025

Assigned Location:

Central Michigan Correctional Facility.

Maximum Discharge Date:

10/17/2038

Security Level:

I

ALIASES

None

MARKS, SCARS & TATTOOS

Body Piercing- Lower Left Ear

Scar- Lower Back

Tattoo- Upper Right Arm - Thorns

PRISON SENTENCES

ACTIVE

Sentence 1

Offense:

Criminal Sexual Conduct, 3rd Deg (Student)

Minimum Sentence:

5 years 6 months 0 days

MCL#:

750.520D1E

Maximum Sentence:

15 years 0 months

Court File#:

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19112651-FH-C

Date of Offense:
07/01/2017

County:
Branch

Date of Sentence:
03/02/2020

Conviction Type:
Plea

Sentence 2

Offense:
Criminal Sexual Conduct, 3rd Deg (Student) Minimum Sentence:
6 years 5 months 0 days

MCL#:
750.520D1E Maximum Sentence:
15 years 0 months

Court File#:
1922618-FH-1 Date of Offense:
06/14/2017

County:
St. Joseph Date of Sentence:
06/21/2019

Conviction Type:
Plea

Sentence 3

Offense:
Witnesses-Bribing/Intim/Interf. Punishable 10 Yrs Crim. Case Minimum Sentence:
3 years 1 month 0 days

MCL#:
750.1227B Maximum Sentence:
10 years 0 months

Court File#:
190000000408-FH Date of Offense:
02/20/2018

County:
Calhoun Date of Sentence:
04/08/2019

Conviction Type:
Plea

Sentence 4

Offense:
Criminal Sexual Conduct, 3rd Deg (Student) Minimum Sentence:
7 years 0 months 0 days

MCL#:
750.520D1E Maximum Sentence:
15 years 0 months

Court File#:
180000003388-FH Date of Offense:
07/30/2017

County:
Calhoun Date of Sentence:
04/08/2019

Conviction Type:
Plea

Sentence 5

Offense:
Computers-Internet-Communicating to Commit Crime-15 Years> Minimum Sentence:
7 years 0 months 0 days

MCL#:
750.145D2E Maximum Sentence:
20 years 0 months

Court File#:
180000002655-FH Date of Offense:
07/24/2017

County:
Calhoun Date of Sentence:
04/08/2019

Conviction Type:
Plea

INACTIVE

Sentence 1

Offense:

Peace Officer-Lying -4 year or More Crime Minimum Sentence:
Investigation 1 year 4 months 0 days

MCL#: 750.479C2C Maximum Sentence:
2 years 0 months

Court File#: 180000002655-FH Date of Offense:
07/24/2017

County: Calhoun Date of Sentence:
04/08/2019

Conviction Type: Plea Discharge Date:
10/17/2020

Discharge Reason:

PROBATION SENTENCES

ACTIVE

None

INACTIVE

None

SUPERVISION CONDITIONS

None

Appendix B – Jeglic Winters (2025)



An analysis of sexual grooming in cases of child sexual abuse by educators[☆]

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ABSTRACT

Background: There is growing recognition that educator sexual misconduct is prevalent in kindergarten through grade 12 (K-12) schools. While there is some evidence that educators may use sexual grooming in the abuse process, this has yet to be systematically examined.

Objective: The present study aimed to investigate the extent to which adult survivors of educator-perpetrated child sexual abuse (CSA) reported experiencing sexual grooming behaviors.

Participants and setting: Twenty-four adult survivors of CSA who reported that the perpetrator was an educator completed an anonymous online study.

Methods: As part of a larger study examining sexual grooming behaviors, participants who reported a history of CSA responded to questions about the characteristics of their abuse, including whether they experienced sexual grooming behaviors as delineated by the content-validated Sexual Grooming Model and measured by the Sexual Grooming Scale: Victim Version.

Results: The results showed that sexual grooming behaviors were present in all (100%) cases of educator sexual abuse and across all stages of the sexual grooming process. The most commonly reported behaviors included that the educator was involved in youth-serving organizations (92%), selected a child who was overly compliant/trusting of adults (83%), was charming/likable/nice (71%), gave the child a lot of attention (67%), used seemingly innocent touch (67%), and used accidental touching or distraction while touching (67%). We also found that most of the abuse occurred on school property during the school day, while school was in session, and that one third of the educators who perpetrated the CSA were gym teachers or coaches.

Conclusions: The findings of this study, coupled with findings from past research, can inform policies for the prevention of child sexual abuse within educational settings.

1. Introduction

Reports of sexual abuse by educators have become increasingly commonplace in the media (Henschel & Grant, 2018). This media attention is seemingly warranted based on research suggesting that most child sexual abuse (CSA) that takes place in institutions occurs in schools (29 %; Falkenbach et al., 2017). Despite this, relatively little is known about CSA that takes place in school settings as national level data is lacking (Surface et al., 2014), with most information about educator-perpetrated CSA coming from sensationalized media reports (Barlow & Lynes, 2015; Cortoni et al., 2009; Darling et al., 2018; Shakeshaft, 2003).

The lack of national-level data is hampered by three factors. First,

since education in the United States (U.S.) is regulated at the state level, policies and data collection vary by state (U.S. Department of Education, n.d.). For example, some states will have their educator disciplinary actions publicly available (e.g., Pennsylvania and Illinois), while other states do not publicly share this information. Second, most of the research to date focuses on what is termed “educator sexual misconduct.” In her seminal report to the U.S. Department of Education, Charol Shakeshaft defined educator sexual misconduct as “behavior by an educator that is directed at a student and intended to sexually arouse or titillate the educator or the child” (p. 1, Shakeshaft, 2004). Therefore, this umbrella term can refer to both contact sexual abuse (e.g., kissing, fondling, touching of genitalia, penetration, or other physical contact), as well as non-contact sexual abuse (e.g., showing the student sexually

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explicit pictures; acts of exhibitionism; boundary violations of a sexual nature including sexual talk, jokes, taunts, gestures, or questions; Abboud et al., 2020; Shakeshaft & Cohan, 1994). Finally, the term “educator” has also been broadly applied to reference various school employees including classroom teachers, school administrators, support staff, bus drivers, coaches, and school counselors (Shakeshaft, 2004). Thus, data encapsulating the breadth and scope of the problem remains elusive.

While taking into consideration the aforementioned limitations, existing research nonetheless suggests that educator sexual misconduct in the U.S. is widespread (Abboud et al., 2020; Shakeshaft, 2003). In Shakeshaft’s 2004 report in which she reviewed existing literature on educator sexual misconduct, her best estimate of the prevalence based upon the methodologically-limited research was 9.6 % (6.7 % contact and 8.7 % noncontact). This suggested that the problem impacted between 4–5 million school children at some point during their time in kindergarten through grade 12 (K-12) schooling (Wondra, 2010). More recently, using official records from 17,604 school districts representing 50.9 million students, the U.S. Department of Education (2020) found that between 2017–2018 there were 14,152 allegations of sexual assault (defined as threatened rape, fondling, indecent liberties, or child molestation) and 786 allegations of rape or attempted rape (defined as forced sexual intercourse – vaginal, anal, or oral). This corresponds to a prevalence rate of 0.02 % for sexual assault and less than 0.001 % for rape or attempted rape, which represents a 53 % and 99 % increase, respectively, in reported rates from the last data collection in 2015–2016. In Canada, the Canadian Centre for Child Protection Inc. (CCCP, 2019) examined K-12 educator misconduct between 1997–2017 through disciplinary actions, published case law, and media reports and found 1,272 students who experienced abuse and 714 educators who perpetrated sexual abuse.

Notably, the numbers are based only upon official reports and are believed to significantly underestimate the true prevalence of the problem (Abboud et al., 2020). Indeed, Shakeshaft (2004) found that only 6 % of students formally reported the sexual misconduct. In an effort to overcome the reporting bias in the prior studies, Jeglic et al. (2023a) surveyed 6,632 college students in four U.S. states who recently graduated high school and found that rates of educator sexual misconduct, almost two decades after Shakeshaft’s seminal report in 2004, remain high. Overall, 11.7 % of their sample reported some form of educator sexual misconduct, which was primarily comprised of those who reported sexual comments (11 %), with fewer than 1 % reporting other types of sexual misconduct and abuse. Most (82.9 %) reported that the educator misconduct took place while they were in high school, with 13.6 % reporting that it happened in middle school and only 3.1 % reporting that it happened in primary school. Importantly, they found that those who reported experiencing educator sexual misconduct reported significantly more difficulties in psychosocial functioning, including increased alcohol and illicit drug use, past suicide attempts, coercive sexual experiences, and lower levels of psychological flourishing. Given the large number of U.S. students who are reporting educator sexual misconduct and its potential negative long-term impact, it is imperative that we better understand how educator sexual misconduct is perpetrated in order to prevent, investigate, and prosecute it.

1.1. Characteristics

Educators who perpetrate educator sexual misconduct are overwhelmingly male (57–96 %) and are most often classroom teachers (18–86 %) or coaches (15–25 %), although other employees have been implicated, such as support staff, custodians, bus drivers, administrators, and school counselors (American Association of University Women Educational Foundation, 2004, CCCP, 2019; Gallagher, 2000; Jaffe et al., 2013; Jeglic et al., 2023a; Moulden et al., 2010; Mototsune, 2015; Shakeshaft, 2004; Solis & Benedek, 2012).

The majority of those who experience educator sexual misconduct are female (range 54 – 77 %; CCCP, 2019; Jeglic et al., 2023a; Shakeshaft, 2004; Wishnietsky, 1991), with the most common abuse dynamic being a female student and male educator (Darling et al., 2018; Jaffe et al., 2013; Mototsune, 2015; Shakeshaft, 2004). Students who experience educator sexual misconduct in general tend to be in middle and high school (Jeglic et al., 2023a; Shakeshaft, 2004).

Few studies have determined situational characteristics related to educator sexual misconduct. Shakeshaft (2004) found that the abuse typically took place on school property, within classrooms or offices, in hallways, within vehicles (cars/buses), in the educators’ homes, or in secluded outdoor areas. Most cases of CSA in general have been found to take place during afterschool hours and in the summer, when children have less supervision (Colombino, 2017); however, the timing of the abuse has yet to be examined in cases of educator sexual misconduct.

2. Sexual grooming

It is believed that most CSA, including abuse that occurs within educational institutions, involves sexual grooming (Canter et al., 1998; Groth & Birnbaum, 1978; Jeglic et al., 2023a; Shakeshaft et al., 2022; Winters & Jeglic, 2022a; Winters et al., 2024). Broadly, sexual grooming refers to the manipulative behaviors employed by a perpetrator to gain the cooperation of the victim and avoid detection (Craven et al., 2006; McAlinden, 2006; Winters et al., 2022).

Winters and colleagues (2020) identified 42 behaviors that were deemed by experts in the field to be indicative of sexual grooming which formed the five-stage Sexual Grooming Model (SGM). The five stages include: 1) Selecting a vulnerable victim, 2) Gaining access and isolating the victim, 3) Trust development, 4) Desensitization to sexual conversations and physical contact, and 5) Post-abuse maintenance behaviors. These behaviors formed the basis of the Sexual Grooming Scale – Victim Version (SGS-V; Winters & Jeglic, 2022b), which has been used to measure the prevalence of sexual grooming in large samples of adult survivors of CSA (Winters & Jeglic, 2022b). On average, Winters and colleagues (2024) found that individuals who experienced CSA report 14 of the 42 grooming behaviors (range 0–36). They state that the type and frequency of sexual grooming behaviors employed by those who perpetrate CSA will vary based upon the age and gender of those involved (i.e., the victim and the individual perpetrating the abuse) and their relationships to one another (e.g., family, sibling, acquaintance, community member). Further, they speculate that sexual grooming behaviors may also vary based upon the context in which the CSA takes place (Winters & Jeglic, 2022a). Indeed, research has suggested that sexual grooming within child-serving organizations may be unique in some respects, such as victim vulnerabilities and behavior used to gain access and isolate the minor (Winters & Jeglic, 2022a).

2.1. Sexual grooming by educators

To date, scant literature has examined sexual grooming in the context of educational institutions. In a 2010 theoretical article, Knoll described sexual grooming tactics used by educators, and warning signs of educator sexual misconduct, and provided a case study describing sexual grooming behaviors used in a case of educator sexual abuse. In the CCCP study (2019), they reported that 80 % of male educators and 20 % of female educators used sexual grooming in the perpetration of CSA, broadly defined as “a conscious, deliberate, and carefully orchestrated approach used by the offender, which involves manipulating the perceptions of children and adults around children to gain their trust and cooperation. It is also used to normalize inappropriate behavior through desensitization, to reduce the likelihood that a child will be believed if they do tell” (p. 54–55). In 2018, Darling and colleagues studied 71 women who sexually abused children in the context of their employment, most of whom ($n = 43$; 61 %) were educators. They found that in most cases (77 %) there was evidence of sexual grooming, which

they coded as: sexualized contact via text/online; meeting outside organization; allowing/encouraging visits to perpetrator's home; mobile telephone contact; and online/social media contact. They reported other grooming behaviors (e.g., buying gifts and grooming the child's family) were rarely described in records (Darling et al., 2018). Smith (2023) conducted a grounded theory analysis of interviews with 10 perpetrators who were convicted of educator sexual abuse in one southern U.S. state and identified various themes. They concluded that most of the convicted educators targeted vulnerable victims, used technology to contact victims, engaged in inappropriate touching, and made efforts to be alone with the child. Efforts to continue the abuse once it started included bribes, emotional manipulation, threats, gifts, drugs, alcohol, and retaliation (Smith, 2023).

Jeglic and colleagues (2023a) found that depending upon the type of misconduct reported (i.e. verbal, visual, or contact), between 9–28 % of those students who reported educator sexual misconduct also reported sexual grooming behaviors such as receiving gifts, exchanging texts and emails, and receiving special attention from the educator. Shakeshaft and her colleagues (2022) coded expert reports written by Shakeshaft in civil litigation cases involving school employees between the years 2004 and 2020 based on an unpublished framework by Tanner and Brake (2013). They concluded that evidence of both grooming of the environment and sexual grooming of the victim was present in the cases they reviewed, which included “bonding, reliance, and attenuation (or normalization)” and “trap” phase behaviors (e.g., gift giving, isolation tactics; Shakeshaft et al., 2022 p. 6).

2.2. Current study aims

Based upon existing research, it is estimated that at least one in 10 U.S. students will experience educator sexual misconduct while in K-12, with between 1 % – 6.7 % experiencing educator sexual abuse (Jeglic et al., 2023a; Shakeshaft, 2004). However, little remains known regarding how educators are perpetrating the abuse. While there is an indication that educators may be engaging in sexual grooming (e.g., CCCP, 2019; Darling et al., 2018; Jeglic et al., 2023a; Shakeshaft et al., 2022; Smith, 2023), this has yet to be systematically studied, and existing findings are limited by various methodological issues. First, most studies have not clearly defined the construct of sexual grooming, or they have examined a few select sexual grooming behaviors which do not describe the process as a whole or they have used a conceptualization of sexual grooming that has yet to be validated. Second, several of the studies have utilized records, which limits the available information as not all grooming behaviors would be expected to be present in archival records. Finally, not all studies examined CSA perpetrated by educators; educator misconduct was instead broadly defined to include both contact and non-contact boundary violations such as using sexualized language, discussing sexual topics, and/or showing sexual images). To overcome some of the limitations of prior research, the purpose of this study was to explore the characteristics and sexual grooming behaviors as reported by adult survivors of CSA by an educator using the content-validated SGM.

3. Methods

3.1. Procedure

Data for this study were drawn from two larger studies that took place in 2022–2023 examining the characteristics of CSA as reported by adult survivors (Jeglic et al., 2023b; Winters & Jeglic, 2023). While the studies had distinct goals and thus, there were some minor differences in the methodology for these two studies (e.g., Jeglic et al., 2023b sampled both individuals who had and had not experienced CSA), the general methodology and survey questions administered to the survivors of CSA remained consistent which permitted us to combine the two datasets

into one. The methodology of these two studies are described below.

Data was collected through the online research platform Prolific. Prolific enables adult volunteers to complete research studies in exchange for monetary compensation and has been found to yield more diverse participant pools as compared to other crowdsourcing platforms such as MTurk (Palan & Schitte, 2018). Individuals signed up for the study through postings briefly describing the studies on the Prolific website and were linked to all screening, consent and survey materials on Qualtrics. To be eligible for participation in the studies, individuals were required to be over 18 years of age, reside in the U.S., and be able to speak and write in English. To be included in the dataset that was used for this study, participants in the Winters and Jeglic (2023) study had to report a history of CSA [“did you experience unwanted sexual contact (child sexual abuse) before the age of 18?”] in the screening materials while participants in Jeglic et al. (2023b) study reported after consenting whether or not they experienced unwanted sexual contact (CSA) prior to the age of 18. Only those who reported a history of CSA were included in the combined dataset used for this study. Those who met inclusion criteria and agreed to participate via an informed consent form completed a series of questions about their demographic information and characteristics of the CSA, as well as the SGS-V (Winters & Jeglic, 2022b – see description below). All participants were compensated either 4 or 5 USD at the completion of either the 30 or 40-minute survey and received a debriefing form with the primary investigators' contact information and mental health resources. Compensation is tied to the participants' Prolific ID and researchers do not have access to an individual's identifying information except their Prolific ID number used for compensation, which is removed immediately following compensation. Additionally, to ensure confidentiality IP tracking information was disabled. All procedures were approved by the primary investigators' Institutional Review Boards and adhere to the Code of Ethics of the World Medical Association (Declaration of Helsinki) for experiments involving humans.

3.2. Measures

3.2.1. Demographic and CSA characteristics

Participants completed questions regarding their current age, sex, gender, and race/ethnicity. They also described characteristics of the CSA, including their age at the time of the abuse, demographic characteristics about the perpetrator (i.e., sex, type of educator), the number of incidents, duration, type of unwanted sexual contact, time of abuse (i.e., season, time of day and week), and location of the abuse.

3.2.2. Sexual grooming scale – victim version (SGS-V)

All participants completed the SGS-V about the sexual grooming behaviors exhibited by the educator who perpetrated the sexual abuse (Winters & Jeglic, 2022b). The SGS-V is a 47-item self-report measure designed to be completed by adult survivors of CSA based upon the 42 behaviors and five stages of the content validated SGM (Winters et al., 2020). Individuals are asked whether they experienced any of 42 sexual grooming behaviors (Yes/No/Prefer not to answer) and if yes, they are asked to qualitatively describe the behavior. In addition, an “other” question is included to assess for any additional behaviors or tactics that were used in each of the five stages. Winters and Jeglic (2022b) found evidence of implementation feasibility and limited efficacy testing of the SGS-V in a sample of 115 adult survivors of CSA.

3.3. Participants

The final sample of individuals who experienced CSA from both datasets (after 118 cases with incomplete responses and failed attention checks were removed) was 943. Of those, 24 (2.55 %) reported that they experienced CSA perpetrated by a school employee (herein referred to as

“educator”) and comprised the sample for this study. Most of the sample was biologically female ($n = 16$; 66.7 %) although one-third were male ($n = 7$; 29.2 %); one reported their sex as “other” (4.2 %). The participants self-identified as women ($n = 15$; 62.54 %), men ($n = 7$; 29.2 %), and non-binary ($n = 2$; 8.3 %). Participants self-reported their race/ethnicity as White ($n = 16$; 66.7 %); multiracial ($n = 3$; 12.5 %); Black ($n = 2$; 8.3 %); Asian ($n = 2$; 8.3 %) and Latine ($n = 1$; 4.2 %). The average age of participants was 36.0 years ($SD = 10.8$; range 20–54 years).

4. Results

Means and standard deviations for continuous variables, and frequencies for categorical variables were tabulated and are presented below.

4.1. Characteristics of the abuse

As presented in Table 1, most individuals reported the educator was male ($n = 20$; 83.3 %), with an average age of 40.0 years ($SD = 10.8$; range 21–55 years). Slightly more than half of the educators were classroom teachers ($n = 13$; 54.2 %), with six being coaches (25.0 %) and two being gym teachers (8.3 %). The mean age of the individual who experienced the abuse at the time of the CSA was 13.9 years ($SD = 2.9$; range 5–16 years). Almost two-thirds of the sample indicated the CSA occurred between 1–3 times ($n = 15$; 62.5 %) and lasted less than 6 months ($n = 16$, 66.7 %). The most endorsed sexual abusive behavior was fondling/kissing ($n = 18$; 75.0 %). The abuse frequently happened on school property ($n = 15$; 62.5 %), during the school year ($n = 33$; 86.8 % in the fall, winter, or spring), on weekdays ($n = 19$; 95.0 %), and

Table 1
Characteristics of educator CSA.

Variable	Responses	<i>n</i> (%)
Sex of Educator	Male	20 (83.3 %)
	Female	4 (16.7 %)
Type of Educator	Academic Teacher	13 (54.2 %)
	Gym Teacher	2 (8.3 %)
	Coach	6 (25.0 %)
	Janitor	1 (4.2 %)
	Prefer not to Answer	2 (8.3 %)
Duration of Abuse	Less than one month	9 (37.5 %)
	One to six months	7 (29.2 %)
	Six months to one year	2 (8.3 %)
	One year to three years	5 (20.8 %)
	Three years to five years	1 (4.2 %)
Number of Abusive Incidents	Once	6 (25.0 %)
	Two to three times	9 (37.5 %)
	Four to five times	3 (12.5 %)
	6 to 10 times	2 (8.3 %)
	11 to 20 times	2 (8.3 %)
	21 to 50 times	1 (4.2 %)
	Prefer not to Answer	1 (4.2 %)
	Fondling/kissing	18 (75.0 %)
Type of Contact*	Digital/finger penetration	4 (16.7 %)
	Oral sex performed on victim	2 (8.3 %)
	Oral sex performed on offender	4 (16.7 %)
	Vaginal sex	5 (20.8 %)
	Anal sex	2 (8.3 %)
	Other	1 (4.2 %)
	Prefer not to Answer	1 (4.2 %)
	Fall	11 (55.0 %)
Season Abuse Happened*+	Winter	8 (40.0 %)
	Spring	14 (70.0 %)
	Summer	1 (5.0 %)
	Winter/Spring break	3 (15.0 %)
	Prefer Not to Answer	1 (5.0 %)
Time of Week Abuse Happened*+	Weekday	19 (95.0 %)
	Weekend	2 (10.0 %)
	Prefer not to Answer	1 (5.0 %)
Time of Day Abuse Happened*+	6am – 9am	1 (5.0 %)
	9am–12 noon	5 (25.0 %)
	12 noon– 3 pm	7 (35.0 %)
	3 pm – 6 pm	8 (40.0 %)
	6 pm – 9 pm	4 (20.0 %)
Location of Abuse*+	School	15 (75.0 %)
	Offender's Home	4 (20.0 %)
	Offender's Car	1 (5.0 %)
	Victim's Home	3 (15.0 %)
	Public Place	1 (5.0 %)

*Participants selected all of the type(s) of contact they experienced and therefore, each frequency and percentage were calculated using the total sample size.

+This information was only available for 20 of the participants so frequency and percentage were calculated using an $n = 20$.

Table 2

Summary of participant responses across the SGS-V stages.

SGM Stage	Number of SGS-V Items	Range of Observed Scores	Mean Score	Endorsed at Least One Item <i>n</i> (%)
Victim Selection	9	1–8	3.3	22 (100.0)
Gaining Access and Isolation	5	1–3	1.7	23 (100.0)
Trust Development	10	0–9	4.2	20 (91.0)
Desensitization to Sexual Content and Physical Contact	10	1–7	3.3	22 (100.0)
Post-Abuse Maintenance	8	0–6	2.7	19 (86.4)
Total*	42	8–24	15.3	24 (100.0)

*The totals were calculated not including the “other” and “prefer not to answer” option provided on the SGS-V.

Table 3

Prevalence of each sexual grooming behavior and qualitative examples.

SGM Item	Yes <i>n</i> (%)	No <i>n</i> (%)	Rather Not Say <i>n</i> (%)	Qualitative Example Responses
Victim Selection				
I was compliant and/or trusting of adults.	20 (83.3 %)	3 (12.5 %)	1 (4.2 %)	• I used to have a massive respect for authority. I trusted adults in a private, religious school that they had my best interests and would never hurt me. • I respected authority and didn't think it was my place to do anything about it • I listened very well to teachers and was generally a very obedient child
I lacked confidence and/or had low self-esteem.	13 (54.2 %)	10 (41.7 %)	1 (4.2 %)	• I was kind of a social outcast. • I was a shy teenager who was not sure of myself, my body, or thought that I wasn't deserving of those things.
I was lonely and/or isolated.	12 (50.0 %)	11 (45.8 %)	1 (4.2 %)	• I had very low self-esteem at the time and saw myself as ugly and fat • I was very unpopular and always made fun of by other students. • I mean I was an easy target considering I was the only kid in my class who used a wheelchair because of my disability – he knew I was a lonely outcast at school who often felt isolated by other classmates.
I was not close to my parents and/or they were not resources for me.	9 (37.5 %)	14 (58.3 %)	1 (4.2 %)	• I was one of the few queer people in the class from what I understood. • My parents were abusive. • My parents were fighting all the time. My mom stayed online and was having an affair. My father was an alcoholic who was barely home.
I lacked adult supervision.	7 (29.2 %)	16 (66.7 %)	1 (4.2 %)	• mother died, father had to deal with that for a while • My mom worked many hours, spent most nights alone • Neither of my parents kept a close enough eye on my brother and I. They were busy living their own life.
I felt unwanted or unloved by others.	7 (29.2 %)	15 (62.5 %)	2 (8.3 %)	• My parents had to work a lot so I was left on my own for most of the day • I was abused at home and picked on at school. • my parent literally did not want me • I felt like no one wanted to be friends with me and I would never find someone because I was ugly
I was a troubled child/teen.	5 (20.8 %)	18 (75.0 %)	1 (4.2 %)	• I came off as good but struggled with my mental health and maybe I came off that way? • I had all the “troubled teen” dog whistles. piercings pink hair etc. • My family was going through financial problems and my parents were on the verge of divorce. I had started experimenting with drugs and skipping class often.
I had a single mother and/or was in need of a “father figure.”	4 (16.7 %)	19 (79.2 %)	1 (4.2 %)	• My father was not in the picture. This teacher took an interest, asked questions, seemed like he cared. • I definitely think he took advantage of the fact we were raised by a single mom. He would drop my brother off after practice sometimes, so he knew our situation well.
I was a needy child/teen.	1 (4.2 %)	22 (91.7 %)	1 (4.2 %)	• I was really close to my father but he passed away when I was 13 • I had attachment issues.
Gaining Access and Isolation				
They were involved in youth-serving organizations	22 (91.7 %)	0 (0 %)	2 (8.3 %)	• High school teacher • he was the school janitor • He was one of the gym teachers at my high school
They did activities alone with me without other adults.	12 (50.0 %)	12 (50 %)	0 (0 %)	• training me for speech and debate • The incident happened at tutor hours • would invite me on a walk one on one

(continued on next page)

Table 3 (continued)

SGM Item	Yes n (%)	No n (%)	Rather Not Say n (%)	Qualitative Example Responses
They separated or isolated me from friends, other kids, and/or family.	6 (25.0 %)	17 (70.8 %)	1 (4.2 %)	• He would drive me home after practice or games. He would make me sit by him on the bus • Called me to stay behind after class. • He would always try to talk to just me when I was with my friends at lunch • I don't think he got close to my family to gain access to me, to be honest. I think it was an added bonus that he was trying to help my brother with baseball and I just happened to be around.
They spent time with my family to gain access to me.	1 (4.2 %)	23 (95.8 %)	0 (0 %)	
They took me on overnight stays or outings.	0 (0 %)	0 (0 %)	0 (0 %)	n/a
Trust Development				
They were charming, nice, and/or likeable.	17 (70.8 %)	5 (20.8 %)	2 (8.3 %)	• He was the favorite teacher, funny, relaxed, his class was always the fun one. • He acted like a nice guy, sort of a father figure. Maybe more like an uncle figure. • Everyone loved this coach. Anytime anyone would say anything negative about him there would be a group defending him.
They gave me a lot of attention.	16 (66.7 %)	7 (29.2 %)	1 (4.2 %)	• I was the teachers pet. Always chosen to do everything • acted very interested in my life • I was always called out in group settings for good performance, or made me demonstrate for the entire team
They spent a lot of time with me and/or communicated with me often.	11 (45.8 %)	10 (41.7 %)	3 (12.5 %)	• we would email and text a lot • kept me after class to review homework • calling, texting, and emailing
They were affectionate and loving towards me.	10 (41.7 %)	11 (45.8 %)	3 (12.5 %)	• they were loving, seemed to care about me • Always being nice, asking questions that showed they cared. Would always have snacks and treats to provide us • Teacher was very sweet towards me, almost like a mom.
They gave me compliments.	10 (41.7 %)	13 (54.2 %)	1 (4.2 %)	• Always addressed how nice I look, beautiful smile, fashionable • Told me I looked handsome sometimes, etc. • I was told how attractive I must be to my male peers, and if he was "30 years younger..."
They had insider status, a good reputation, and/or were considered a "pillar of the community."	10 (41.7 %)	13 (54.2 %)	1 (4.2 %)	• #1 reason people allowed him to do this stuff. Considered one of the premier teachers. • His name was associated with a lot of money donated to the school/community. • He had been working at the school for a long time and had a good reputation amongst the staff
They engaged in childlike activities with me.	7 (29.2 %)	16 (66.7 %)	1 (4.2 %)	• We bonded over music, games. • With all the students they'd try to get in on activities. • He would try to participate in races and games with me.
They showed favoritism towards me and/or formed a special relationship with me.	7 (29.2 %)	13 (54.2 %)	4 (16.7 %)	• I was always selected in class to be first, to be exempted, To have a special privilege • I could get away with things in class that others could not. • I was given special privileges like being able to drive myself to meets and not go with the team, and was constantly told how great I was.
They gave me rewards and/or privileges.	5 (20.8 %)	18 (75.0 %)	1 (4.2 %)	• would start me in basketball games • Gave me candy for answering questions correctly, let me out early for recess, etc. • car rides and restaurant trips
They provided me with drugs and/or alcohol.	2 (8.3 %)	21 (87.5 %)	1 (4.2 %)	• weed and liquor • Always had alcohol.
Desensitization to Sexual Content and Physical Contact				
They used seemingly innocent and/or non-sexual touching.	16 (66.7 %)	7 (29.2 %)	1 (4.2 %)	• Always welcomed me to group with a hug and a kiss on cheek • There was a lot of tickling to my upper body and stomach with my clothes on during this time of my life with him as my gym teacher. • Often hugged me, gave me kisses on the head/forehead.
They used accidental touching and/or distracted me while touching me.	16 (66.7 %)	6 (25.0 %)	2 (8.3 %)	• Would leave his hand on my shoulder, thigh when speaking and not remove it quickly • Would "accidentally" bump into me • At first yes, he was pretending to look for something in the glovebox, then rolled MY window down for me, and touched me both times
They gradually increased the amount of sexual touching over time.	13 (54.2 %)	8 (33.3 %)	3 (12.5 %)	• At first it was a hand on shoulder, then thigh, lower back, eventually buttocks • His hands would stay just a little too long and get a little too close. • it started off as a kiss on the cheek and a hug and then it got more serious
They used inappropriate sexual language and/or told dirty jokes.	7 (29.2 %)	16 (66.7 %)	1 (4.2 %)	• Sometimes would say an inappropriate joke that referred to sex • he taught the whole class about subliminal advertising, showing us the word "SEX" written in ice cubes. But alone he told me sexual jokes • He would use vulgar language to describe the female body, and sometimes would make it specific to women on the team.
They educated me about sexual behavior.	7 (29.2 %)	15 (62.5 %)	2 (8.3 %)	• Taught me about where babies came from. • she said she could teach me how girls liked it • Their classes had sexual education components.

(continued on next page)

Table 3 (continued)

SGM Item	Yes n (%)	No n (%)	Rather Not Say n (%)	Qualitative Example Responses
They talked about sexual things they had done.	6 (25.0 %)	17 (70.8 %)	1 (4.2 %)	she would tell me how she liked it. That they'd done "bad things sexually" et cetera. All the time. He would describe his sexual relationship with his wife and how he got his kids. Also would talk about what he had done when he was my age.
They exposed their naked body to me.	4 (16.7 %)	17 (70.8 %)	3 (12.5 %)	she lifted her skirt and asked if i liked what i saw.
They asked questions about my sexual experiences and/or relationships.	4 (16.7 %)	19 (79.2 %)	1 (4.2 %)	- she wanted to know what i have done and help me do things - He asked constantly if I still was a virgin, told me my experience as a gymnast would make me "incredible" at sex. - Asked if I had a boyfriend and if he could help set me up. - Again with the "health" appointments.
They watched me undressing.	2 (8.3 %)	20 (83.3 %)	2 (8.3 %)	
They showed me pornography photographs or videos.	1 (4.2 %)	22 (91.7 %)	1 (4.2 %)	n/a
Post Abuse Maintenance				
They told me not to tell anyone what happened.	11 (45.8 %)	12 (50.0 %)	1 (4.2 %)	- told me it was our special time - Told me to keep it between us - He said it was no big deal and there was no need to tell anyone.
They convinced me it was acceptable and/or normal behavior.	10 (41.7 %)	11 (45.8 %)	3 (12.5 %)	- He said it was normal for it to happen because he would take care of me - Told me others did it too. - Told me that it was fine and no big deal.
They encouraged secrets.	10 (41.7 %)	11 (45.8 %)	3 (12.5 %)	- Wanted me to continue going to study and telling the others in the group my mom was running late so I would be left alone after everyone left - Just that it would be our secret - it was all a secret
They told me they loved me and/or that I was special.	10 (41.7 %)	11 (45.8 %)	3 (12.5 %)	- Always said I was special, smart, unique - Told me I was the only one - He told me I was special and that I was amazing and perfect and no one was good as me.
They misstated the moral standards regarding touch.	8 (33.3 %)	12 (50.0 %)	4 (16.7 %)	- Justified and excused every action as part of becoming a woman - Trying to discuss their moral ideas on sex all the time. - He would say this happens to everyone and NO one else seems weird about it.
They gave me rewards, bribes, or allowed me to avoid punishment.	5 (20.8 %)	17 (70.8 %)	2 (8.3 %)	- He would punish me at soccer practice if I arrived late. I knew there were anterior motives. - I got away with things in class others could not. Like having drinks and food. Turning in work late.
They made me feel responsible for the abuse.	4 (16.7 %)	17 (70.8 %)	3 (12.5 %)	- He told me I was basically guaranteed captain if I just didn't say anything. - Said it was my fault for being so pretty and having such a great body. He couldn't resist - Said I "threatened" him
They threatened abandonment, rejection, or my family breaking up.	3 (12.5 %)	18 (75.0 %)	3 (12.5 %)	- Said if anyone found out I would be blamed - He told me the whole team would hate me if I said anything because he would leave. - she had a professional relationship with my family so would threaten that

between the hours of 9am to 6 pm ($n = 20$; 80.0 %).¹

4.2. Sexual grooming stages

All participants ($n = 24$; 100.0 %) reported at least one sexual grooming behavior with an average of 15.3 behaviors reported (range 8–24 out of 42 possible SGS-V tactics). Table 2 includes the scores for each SGM stage, including the mean, range, and percent of individuals who endorsed at least one behavior. Further, Table 3 describes the frequency and percentage of endorsement for each behavior, as well as examples of qualitative responses for each item.

¹ For the location, season, day and time of the abuse, participants were permitted to check all that apply, therefore n's and % were calculated by summing the categories listed and dividing by the total number of responses; thus, the n exceeds the number of participants.

4.2.1. Victim selection

All participants (100.0 %) reported at least one behavior in the victim selection stage, with an average of 3.3 behaviors (range 1–8). Most ($n = 20$; 83.3 %) indicated that they were compliant and/or trusting of adults, and approximately half ($n = 13$; 54.2 %) reported that they lacked confidence, had low self-esteem, or were lonely and/or isolated ($n = 12$; 50.0 %).

4.2.2. Gaining access and isolation

All (100.0 %) participants reported at least one gaining access and isolation behavior, with a mean of 1.7 behaviors (range 1–3). The most frequently endorsed gaining access and isolation tactic was the person who committed sexual abuse was involved in a youth-serving organization ($n = 22$; 91.7 %), while half ($n = 12$; 50.0 %) reported that the educator did activities alone with them without adults around. Only one (4.2 %) individual reported that the educator spent time with their family to gain access to them.

4.2.3. Trust development

Trust Development behaviors were endorsed by 91.0 % of the sample, with an average of 4.2 behaviors reported (range 0–9). The most frequently endorsed item was the educator who engaged in the CSA was perceived as charming, likable, and nice ($n = 17$; 70.8 %) and two-thirds of the sample reported that the educator gave them a lot of attention ($n = 16$; 66.7 %). Other behaviors endorsed by at least one-third of the sample included that the educator spent a lot of time with them or communicated with them often ($n = 11$; 45.8 %), provided affection ($n = 10$; 41.7 %), gave compliments ($n = 10$; 41.7 %), or had insider status or was considered a pillar of the community ($n = 10$; 41.7 %).

4.2.4. Desensitization to sexual content and physical contact

All individuals (100.0 %) reported sexual grooming behaviors in the desensitization to sexual content and physical contact stage, with a mean of 2.7 behaviors reported (range 1–7). Two-thirds of participants ($n = 16$; 66.7 %) reported that the educator used behaviors with seemingly innocent or non-sexual touching (i.e. hugs, arm around shoulder) and accidental touching (“accidentally” brushing against a child’s breast or genital area) and/or distraction while touching, before enacting the abuse.

4.2.5. Post-abuse maintenance

Most participants ($n = 19$; 86.4 %) reported experiencing behaviors in the post-abuse maintenance stage. Commonly endorsed behaviors in this stage included the educator telling the individual not to tell anyone what happened ($n = 11$; 45.8 %), convincing them it was normal/acceptable behavior ($n = 10$; 41.7 %), encouraging the sharing of secrets ($n = 10$; 41.7 %), and telling the individual that they loved them and/or they were special ($n = 10$; 41.7 %).

5. Discussion

This study is the first to systematically explore sexual grooming behaviors in cases of educator sexual abuse as reported by adult survivors of CSA. Overall, we found that sexual grooming behaviors were common in this relatively small sample, with all (100 %) individuals who experienced educator perpetrated CSA indicating that at least one sexual grooming behavior was used during the abuse, with a mean of 15.3 reported grooming behaviors.

5.1. Characteristics of the abuse

Similar to previous studies, the majority of educators who perpetrated the abuse were men (83 %) and classroom teachers (54 %). However, one third of the participants reported that the perpetrator was a gym teacher or coach. This is somewhat higher than previous research in which a sizeable proportion of educators who engaged in the misconduct were identified as either gym teachers or coaches (19.7 % in Jeglic et al., 2023a). While this may be due to the small sample size in this study, it is also possible that this number is higher given the study focused on contact CSA while other studies examined educator sexual misconduct (which was mostly comprised of verbal sexual misconduct) more broadly. Coaches and gym teachers have opportunities to have contact with students outside of a more structured classroom environment as sporting activities often take place during after-school hours when there is less oversight and supervision. Further, they often have offices that are not in highly trafficked areas, and the nature of the sport may involve physical touch or changing of clothes and showering (Jeglic et al., 2023a; Nurse, 2018). All of these factors may allow for increased opportunities for boundary violations and decreased detection.

This was one of the few studies to examine situational characteristics of educator abuse. Unsurprisingly, most of the abuse took place at school, either during school hours or immediately after school, and on weekdays during the school year. This is in line with Shakeshaft’s (2004) findings showing that most of the abuse took place in school. Contrary to

general findings on CSA wherein CSA takes place in the victim’s or perpetrator’s home during afterschool hours or summertime, during which children may lack adequate supervision (Colombino, 2017; Colombino et al., 2009), almost all the abuse took place during school hours or immediately after school during the school year only. This speaks to the access that educators have with students in the school environment, and that few educators were seeking to physically contact students outside of school-related activities. This has potential implications for situational crime prevention as discussed below.

5.2. Victim selection

All the individuals in the study reported at least one victim selection behavior, with most of the individuals (83 %) reporting that they were compliant and/or trusting of adults. The frequency with which participants who experienced educator CSA described themselves as compliant and trusting of adults is higher than what has been reported in cases of CSA in general (68 %; see Winters et al., 2024). In their qualitative descriptions of the behavior, multiple individuals reported that it was their respect for authority and their compliance to those in the role of the educator that caused them to not question or do anything about the abuse. This suggests that child abuse prevention programs should distinguish between being respectful and trusting of adults in positions of authority and blind compliance even when boundaries are violated. However, in previous studies of CSA, a lack of guardianship/adult supervision was identified as a risk factor for abuse (Jeglic et al., 2023b); however, in this case, only 29 % reported that this was a vulnerability for them. As noted above, the majority of the abuse took place on school grounds during school hours or during school sanctioned activities. As such, parental supervision (or a lack thereof) was not a significant risk factor for the CSA, as the educator was able to access the student during a time when the school was acting *in loco parentis*.

5.3. Gaining access and isolation

Educators are arguably individuals that have the easiest and unquestioned contact with minors aside from parents due to the nature of their role. Thus, as was observed in this study, they do not have to employ as many strategies in the gaining access stage to access potential victims. Further, we saw that a significant portion of the educators access the students through their role as educators, and all participants report that they met the educator who perpetrated the abuse through their roles within educational institutions. While it has been suggested that some individuals seeking to gain access to children seek positions within youth serving organizations to gain access to children, it is unclear at present how much educator sexual abuse is planful and how much is due to situational factors; thus, research is needed to understand the planful nature of the sexual grooming behaviors.

The most reported strategy in this stage was that the educator engaged in activities alone with the child. CSA most often takes place where others cannot observe it, this is an important risk factor within the school context. Given the number of students and staff present within the educational institution during the average school day, instances in which educators attempt to isolate children outside of their regular school duties (e.g., guidance counselor meeting with student) should be considered red flags for potential CSA and investigated. Finally, only one student reported that the educator befriended their family to gain access to them. While familial grooming is often reported in cases of CSA (see McAlinden, 2006; Winters & Jeglic, 2022c), this suggests that the access that teachers have to students does not require them to navigate parental supervision. Further, most educator sexual misconduct is reported among high school students who generally have more independence from parents (Jeglic et al., 2023a), and no longer require active supervision in the afterschool hours. Familial grooming may be more salient in cases involving younger children who still require active guardianship; however, this has yet to be determined empirically.

5.4. Trust development

Individuals who experienced educator sexual abuse in this study reported that they experienced an average of 4.2 trust development behaviors. Trust development behaviors form the crux of the grooming process, as this is where the individual hoping to perpetrate the abuse engages in behaviors that make them appear likeable and trustworthy to the individual whom they seek to abuse, as well as to outsiders such as institutions, communities, and families (known as institutional and familial grooming – see [McAlinden 2006](#) for description). Along these lines, most participants reported that the educator who perpetrated the abuse was perceived as nice, charming, and likeable (70.8 %), and many (41.7 %) reported that they had insider status, a good reputation, and/or were considered a pillar in the community. Teachers in general are well respected by students, families, communities, and institutions; indeed, past research examining the characteristics of educators who perpetrated educator sexual misconduct found that teachers who engaged in educator sexual misconduct were well liked by students and parents and had disproportionately received acknowledgements and awards for their educational service at the local, state, and national level ([Shakeshaft, 2004](#)). The perception of educational excellence and likeability within the community would enable these educators the ability to engage in the abusive behavior without suspicion ([Abboud et al., 2020](#); [Jeglic et al., 2023a](#); [McGrath, 1994](#); [Shakeshaft 2003](#)). Further, individuals who experienced educator perpetrated CSA reported that the educator provided them with attention, affection, and compliments; when coupled with psychological vulnerabilities, such as low self-esteem and feelings of loneliness, this could help the educator form an emotional bond with the student that could be exploited.

5.5. Desensitization to sexual content and physical contact

Desensitization serves to prepare a potential victim by introducing sexualized content and contact before the CSA occurs. In the present study, many individuals reported that the person used seemingly innocent touch (67 %), accidental touching or distraction while touching (67 %), and increased sexual touching over time (54 %). Importantly, these are observable behaviors given that they constitute physical contact between the educator and child. These desensitization behaviors have been stressed as key points of intervention, given that they tend to be most easily identified as potentially problematic ([Winters & Jeglic, 2016](#)) and are significantly more likely to occur in CSA compared to non-abusive relationships ([Jeglic et al., 2023b](#)). This is a key point for intervention for preventing sexual abuse in educational settings as there is no job-related reason (outside of sports that potentially require physical guidance at times, such as gymnastics) that an educator should be physically touching a minor student.

5.6. Post abuse maintenance

There are some instances when a person who perpetrated CSA will continue to sexually groom the victim after the abuse as a means of continuing the abusive behavior or to prevent detection. The results showed that the most common post-abuse maintenance behavior was telling the victim not to tell anyone what happened, which occurred in 46 % of cases. Participants also reported that they were convinced it was acceptable/normal behavior (42 %) and the educator encouraged secrets (42 %). These psychological tactics were seemingly used to silence the victim to ensure they would not tell others about the abuse. As described in the victim selection stage, most participants indicated they were overly compliant and trusting of adults, which makes these post-abuse tactics more likely to be effective given that the minors are predisposed to adhere to these directions. Research has shown that victims of CSA are more likely to experience worse psychological outcomes if they do not disclose (e.g., [Arata, 1998](#); [O'Leary et al., 2010](#)), likely due to a subsequent lack of social support or treatment resources.

5.7. Limitations

There were several limitations of the current study. First, given that the original studies were not specifically targeting individuals who experienced educator perpetrated CSA, the sample for this study was relatively small. However, this is one of the first studies to comprehensively examine sexual grooming behaviors in cases of educator perpetrated CSA, which enabled a much more nuanced understanding compared to past research wherein sexual grooming was largely coded from data available from files/records. Also, as this was a self-report study, we cannot verify the accuracy of the reports of educator perpetrated CSA and thus participation is subject to a reporting bias. While there is research suggesting that there may be increased participation in studies pertaining to sensitive topics when they are conducted anonymously online (see [Joyal & Carpentier, 2016](#)), there is also the risk that the responses are not accurate or that the participant did not understand what was being asked. Further, given that the average age of the participants was 40 years and the abuse happened on average when they were 14, their recollection for specific details of the educator abuse and sexual grooming behaviors may be impacted. While some research suggests that detailed memories of child maltreatment can last up to 21 years post abuse ([Alexander et al., 2005](#)), to increase the validity of the findings future studies could evaluate sexual grooming behaviors among recent survivors of educator sexual abuse. Many instances of educator CSA reported upon in this study happened more than two decades ago. While there is evidence that cases of educator sexual misconduct continue to involve sexual grooming (see [Jeglic et al., 2023a](#)), it is unclear how much sexual grooming behaviors have changed within educational institutions, especially in light of technological advances and policy reform in the past two decades. Additional research investigating sexual grooming behaviors with individuals who more recently experienced educator CSA is warranted. Finally, the data for this study were gathered as part of larger studies examining the experiences of adult survivors of CSA who were registered on the website Prolific. Thus, it is possible that the participants who chose to participate in the study were not representative of all individuals who experience CSA and educator perpetrated CSA specifically.

5.8. Implications and future directions

The findings of this study, coupled with past research on educator sexual misconduct, provide preliminary evidence suggesting that cases of educator perpetrated CSA may involve sexual grooming, which translates to several potential implications for policies and prevention of CSA within educational institutions.

Behaviors related to sexual content and touch were reported in all (100 %) of the cases of educator sexual abuse in this small study. Taken together with past research on grooming/boundary violations in cases of educator sexual misconduct (i.e. [Jeglic et al., 2023a](#); [Shakeshaft 2004](#); [Shakeshaft et al., 2022](#)), these findings suggest that schools should incorporate strict training and policies and procedures for instances of sexual conversations or physical touching between educators and students. These types of behaviors are observable and clearly not warranted based on the job responsibilities; therefore, these desensitization behaviors are important points of intervention before the abuse. While there is currently little research suggesting that educational interventions prevent sexual abuse, especially since the identification of grooming is subject to the hindsight bias ([Winters & Jeglic, 2016](#); [Scurich & Dietz, 2021](#); [Scurich et al., 2022](#)) there is preliminary evidence suggests that training on specific grooming behaviors may increase recognition of potentially abusive situations ([Jeglic et al., unpublished manuscript](#)).

There appears to be an overrepresentation of coaches and gym teachers among educators who engaged in sexual misconduct (see [Jeglic et al., 2023a](#); [Shakeshaft, 2004](#)), especially contact offenses, per findings of this study and past research. This suggests that students involved in

sport may be particularly vulnerable to experiencing educator sexual abuse. While there is increasing recognition of the prevalence of sexual abuse within sport (Brackenridge et al., 2008), this usually refers to sport that happens outside of the school context. Students who engage in school-based sports may also be at risk, and as such, administrators should consider how policies, environmental protections and procedures may be appropriate within their institutions to address this risk.

Preliminary evidence from this study suggests that most of the abuse occurred on school grounds during or immediately after school which has potential implications for situational crime prevention. There is growing emphasis on the role of environmental protections for the prevention of CSA within institutions (see Terry & Ackerman, 2008; Wortley & Smallbone, 2006; Wurtele, 2012; Wurtele et al., 2019). Environmental protections within school settings could include the installation of video cameras in areas that are less trafficked, such as stairwells and gym areas. Further given that educators sexual abuse, like all CSA, often happens when educators are alone with students, creating policies and spaces that prevent unmonitored individual access to students and allow for clear lines of sight such as open-door policies and the addition of windows in classroom doors including supply closets, equipment rooms, gyms, and athletic offices should be prioritized. While there is no specific data suggesting that these types of environmental protections prevent CSA, a recent study comparing self-reports of CSA between two cohorts of adults within youth serving organizations found significantly decreased rates of CSA reported by the younger cohort within the “Big 6” (i.e., 4-H, Big Brothers Big Sisters of America, Boys and Girls Clubs of America, Boy Scouts of America, Girl Scouts of the USA, and the YMCA of the USA) (Assini-Meytin et al., 2024). As these Big 6 organizations have been instituting broad based approaches to CSA prevention (screening, training, institution of policies and procedures related to CSA and environmental protections) in the last two decades the authors concluded that prevention policies may have the desired effects in reducing CSA in the Big 6 youth serving organizations.

6. Conclusions

This study examined CSA specifically within an educational institution. Prior research has estimated that the prevalence of CSA within institutions in general ranges between 0.1 to 10 % (Turner & Briken, 2015) with educator-perpetrated CSA ranging between 0.02 % – 6.7 % of all U.S. children (Jeglic et al., 2023a; U.S. Department of Education, 2020; Shakeshaft, 2004). Official data likely underestimate the scope of the problem (Abboud et al., 2020); however, if data from Jeglic and colleagues’ (2023a) recent self-report estimate is used, then 1.4 % of all students in K-12 may experience contact sexual misconduct by an educator at some point during their studies, which, when extrapolated to the U.S. population, translates to more than one million children (U.S. Census Bureau 2023). Given the potential negative long-term impact to children who experience educator sexual misconduct (Jeglic et al., 2023a; Shakeshaft, 2004), it is imperative that we better understand how it is perpetrated and what to do to prevent it. Sexual grooming behaviors are often tangible and occur before the offense, thus representing ideal targets for prevention efforts. While this study represents a significant step forward in analyzing the type and nature of sexual grooming behaviors that are evidenced in cases of educator CSA, more contemporaneous research on educator sexual abuse (with large samples) assessing the use of specific behaviors is needed to better protect children within the education system.

Declaration of competing interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

Data availability

Data will be made available on request.

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Appendix C – Jeglic Winters (2022)



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The Sexual Grooming Scale – Victim Version: The Development and Pilot Testing of a Measure to Assess the Nature and Extent of Child Sexual Grooming

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ABSTRACT

Sexual grooming has been deemed an integral component of child sexual abuse (CSA). However, the nature and extent of sexual grooming remains understudied in large part because an empirically-validated scale for child sexual grooming has yet to be developed. We developed the *Sexual Grooming Scale – Victim Version (SGS-V)* to assess the stages and behaviors described in the content-validated Sexual Grooming Model from a victim's perspective. The *SGS-V* was pilot tested with 115 adult victims of CSA. Overall, results supported the feasibility in terms of implementation and its limited-efficacy. The implications for prevention, investigation, treatment, and research are discussed.

KEYWORDS

Child sexual grooming; child sexual abuse; measurement; prevention; investigation

Sexual grooming is considered to be a core component of child sexual abuse (CSA) (Canter et al., 1998; Elliott et al., 1995; Williams, 2015). Sexual grooming has been implicated in CSA cases in religious settings [e.g., Catholic Church; Spraitz & Bowen, 2019; Tallon & Terry, 2008; Winters et al., 2021a], sports (Bjørnseth & Szabo, 2018), youth organizations (e.g., Boy Scouts of America; Shon & Tewksbury, 2020) and educational environments (Moulden et al., 2010), among others. Despite the significance of sexual grooming in the prevention, investigation, prosecution, and treatment of CSA cases, there remains a dearth of empirical literature on the subject. Of utmost importance, there has yet to be a comprehensive measure for the construct to examine the extent and types of tactics used in the sexual grooming process. To this end, the present study sought to first develop a self-report measure to assess for adult CSA victims' experiences with sexual grooming based on a content-validated model (Winters et al., 2020), the *Sexual Grooming Scale – Victim Version (SGS-V)*. Then, we piloted the *SGS-V* on a sample of adults who experienced CSA to investigate the feasibility of this newly proposed measure.

In-person sexual grooming

While CSA in general has been well studied, the research on sexual grooming has largely been theoretical or based upon case study (e.g., Bennett & O'Donohue, 2014; Craven et al., 2006). The few empirical studies on in-person sexual grooming focus on examining perpetrators (e.g., Christiansen & Blake, 1990; Conte et al., 1989; Elliott et al., 1995) or victims of CSA (e.g., Berliner & Conte, 1990); however, these studies tend to be outdated and utilized idiosyncratic

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operational definitions of the construct of sexual grooming. One reason for this is that, until recently, there was a lack of consensus about the tactics and behaviors that encompass the construct of sexual grooming. Further, there was no universally agreed upon definition which is needed in order to measure a construct (Bennett & O'Donohue, 2014).

In an effort to overcome some of these limitations, in 2017, Winters and Jeglic 2017 proposed four overarching stages of the sexual grooming process, including victim selection, gaining access and isolation, trust development, and desensitization to sexual content and physical contact. Then in 2020, Winters and colleagues further expanded the proposed Sexual Grooming Model (SGM) to incorporate fifth post-abuse maintenance stage (see Table 1 for the SGM stages). A two-part study by Winters et al. (2020) established content validity for the SGM using experts in the field. In part one, they conducted a comprehensive literature review using the terms sex* groom* and child* groom* from four main academic databases yielding 1,363 English language, peer-reviewed sources. After reviewing these sources, 51 articles and books were identified that included a description of sexual grooming behaviors enacted by in-person child sexual abusers. These behaviors were then coded which generated 77 possible sexual grooming behaviors. In part two of the study, a list of content experts who published the identified articles and books (see Winters et al., 2020) and who had valid e-mail addresses ($n = 44$) were asked to participate in an expert review survey where they rated the relevance of the five stages of the SGM to the sexual grooming process. Next, they were asked to rate how relevant each of the 77 behaviors was and which stage(s) of the SGM the behavior fell under. Eighteen experts completed the survey and using the Content Validation Index (CVI; Lynn, 1986), all five stages of the SGM were deemed relevant to the sexual grooming process (Winters et al., 2020). Further, of the original 77 behaviors, 42 (54.5%) were deemed relevant to the construct of sexual grooming, and each behavior was placed in the sexual grooming stage that was deemed most relevant by experts (see Table 1 for the SGM behaviors).

The next step toward advancing the field of sexual grooming was establishing a definition of the construct. Until recently, there were at least 13 proposed definitions using various terms and they were often too narrow or did not adequately capture the sexual grooming process (Bennett & O'Donohue, 2014; Craven et al., 2006; Winters et al., 2021b). In an effort to bring further cohesion to the field, Winters and colleagues (2021b) attempted to address the limitations of previous definitions and proposed a definition of child sexual grooming based upon the SGM as follows:

“The deceptive process by which a would-be abuser, prior to the commission of the child sexual abuse, selects a victim, gains access to and isolates the minor, develops trust with the minor and often other adults in the minor’s life, and desensitizes the minor to sexual content and physical contact. Post-abuse, the offender may use maintenance strategies on the victim following the sexual contact in order to facilitate future sexual abuse and/or to prevent disclosure” (Winters et al., 2021b, p.17).

Measuring sexual grooming

The final step needed to study sexual grooming empirically is the development of a validated measurement instrument. Understanding grooming patterns is integral to the detection, prevention, and treatment of CSA, but this is not possible without some way to assess for these behaviors. While some studies have coded sexual grooming behaviors from transcripts or

Table 1. Description of each stage and associated behaviors of the sexual grooming model.

SGM stage	Key characteristics and behaviors
(1) Victim selection	• Compliant/trusting of adults • Lacks confidence/low self-esteem • Lonely/isolated • Troubled • Needy • Unwanted/unloved • Not close to parents/parents are not resources for them • Single mothers/need of “father figure” • Lack of supervision
(2) Gaining access and isolation	• Involvement in youth-serving organizations • Manipulating family to gain access to child • Activities alone with children/excludes adults • Overnight stays/outings • Separate child from peers and family
(3) Trust development	• Charming/nice/likeable • Insider status/good reputation/ “pillar of the community” • Affectionate/loving • Giving the child attention • Favoritism/ “special relationship” • Compliments • Spending time with child/communicating often • Engage in childlike activities (e.g., stories, games, sports, music) • Rewards/privileges (e.g., gifts, toys, treats, money, trips) • Provide drugs and/or alcohol
(4) Desensitization to sexual content and physical contact	• Asking questions about child’s sexual experiences/relationships • Talk about sexual things they themselves had done • Inappropriate sexual language/dirty jokes • Teach child sexual education • Use of accidental touching/distraction while touching • Watch the child undressing • Exposing naked body • Show child pornography magazines/vides • Seemingly innocent/non-sexual contact • Desensitize to touch/increasing sexual touching
(5) Post-abuse maintenance	• Told not to tell anyone what happened • Encouraging secrets • “I love you/you’re special” • Rewards/bribes/avoid punishment • Persuade the child it was acceptable/normal behavior • Misstated moral standards regarding touch • Victim made to feel responsible • Threats of abandonment/rejection/family breaking up

records (Williams & Hudson, 2013; Winters et al., 2021b) or interviews (Whittle et al., 2015; Williams, 2015), to date there has yet to be a well-established, comprehensive, and empirically-validated measure of the sexual grooming process (Bennett & O’Donohue, 2014).

The first measure used to assess for the behaviors an offender may use in the CSA process (*modus operandi*) was proposed by Kaufman in 1994. The *Modus Operandi Questionnaire (MOQ)* is a 339-item self-report measure to examine various components of offender/victim interactions. The *MOQ* gathers offender’s self-reported strategies used to gain access to a victim, develop the victim’s trust, gain the victim’s compliance, and maintain the victim’s silence post-abuse. The *MOQ* has been shown to have adequate

internal consistency (.78-.93; Kaufman et al., 1998, 1997) and test-retest reliability (Smallbone & Wortley, 2000). While the measure is beneficial in exploring the various behaviors a child sexual abuser may employ, the *MOQ* does not explicitly examine the stages of selecting a victim and desensitizing the child to sexual content and physical touch, both of which appear to be important aspects of the grooming process. Additionally, this measure gathers an offender's perspective, rather than a victim's view of the behaviors, which may be impacted by social desirability or lack of insight/denial in responding.

Wolf et al. (2018) were the first to attempt to measure sexual grooming empirically from a victim's perspective using 14 items from the *Computer Assisted Maltreatment Inventory* (CAMI; DiLillo et al., 2010). The CAMI is an online survey designed to retrospectively measure maltreatment in childhood including physical, emotional, sexual, neglect, and exposure to domestic violence. Of the 30 items that measure CSA, 14 items were designed to assess perpetrator sexual grooming behaviors from the perspective of the victim and comprise the Grooming Subscale (Wolf et al., 2018). Using a sample of adults who experienced CSA ($n = 295$), Wolf and colleagues first conducted an exploratory factor analysis with half the sample yielding three factors of the Grooming Subscale, which produced acceptable fit indices, with the second half of the sample being used for a confirmatory factor analysis (see Wolf & Pruitt, 2019).

The Wolf et al. (2018) study represented a big step forward in terms of empirically measuring sexual grooming, however it was not without limitations. While the 14 items from the CAMI may reflect some sexual grooming behaviors, they were not designed to measure the entire grooming process and the three factors that emerged (i.e., verbal coercion, grooming that used drugs and/or alcohol, and grooming that used threats and/or violence) is not generally consistent with the models of sexual grooming (see Winters et al., 2020). Further most of items reflect behaviors from stages immediately preceding the abuse (i.e., developing trust tactics include verbal coercion or provision of drugs/alcohol) or after the abuse (i.e., post-abuse maintenance includes the possible use of threats) which significantly limits the measure's utility, as it is not comprehensively capturing the sexual grooming stages and behaviors. For example, 3 of the 14 items deal with sexual grooming using drugs and alcohol, which may not be used as much with younger victims and only represents one single sexual grooming tactic of many.

Given the limitations of the *MOQ* and CAMI Grooming Subscale, it is clear that a measure specifically designed to assess the entire construct of sexual grooming is needed. This is necessary to further the empirical literature on sexual grooming, in order to understand the frequency and types of behaviors used in the process. A measure can also be useful for numerous practical settings, such as in clinical work, law enforcement and the courts, and prevention programs. As such, the goal of the present study was twofold. First, we developed a new self-report measure to assess the nature and extent of sexual grooming from the perspective of victims of CSA, the *Sexual Grooming Scale – Victim Version* (SGS-V), based upon the content-validated SGM. Second, we conducted a pilot study of the SGS-V to examine feasibility of implementation and limited efficacy testing using a sample of adults who experienced CSA.

Method

Participants and procedure

The participants in the SGS-V pilot study were undergraduate students from a large urban university in Northeast United States who endorsed experiencing sexual abuse prior to the age of 18. The participants completed a larger study regarding current and past sexual behaviors of undergraduate students that was administered via an online survey. Following completion of an online informed consent form, all of the participants in the larger study completed demographic questions (sex, age, race/ethnicity, sexual orientation). If a person endorsed having been sexually abused prior to the age of 18, they were asked to complete a sub-set of questions related to their experience of CSA. Of the 483 participants in the larger study, there were 127 (26.3%) who endorsed experiencing CSA who completed these questions. Twelve of these 127 responses (9.4%) were removed from the final dataset due to incomplete data (i.e., they exited out of the survey before completing the SGS-V questions in full; $n = 6$) or they reported the age the sexual abuse began as age 18 or older ($n = 6$); thus, the final sample for the pilot study consisted of 115 participants. These participants first responded to a series of questions related to the characteristics of the CSA (e.g., number of offenders, age abuse began and ended, duration of abuse, types of unwanted sexual contact) and the offender (e.g., sex, age, relationship to victim). Then, they completed the SGS-V (described below) which asked if they experienced any of the 42 SGM sexual grooming behaviors (yes/no) and if they did, to qualitatively describe the behavior. Upon completion of the larger survey, the participants were thanked and provided a debriefing form. Participants received course credit in exchange for completing the research study.

The final sample of 115 participants is above the recommended sample size for piloting a new measure (i.e., approximately 30–50; Perneger et al., 2015). The sample consisted of 102 (88.7%) females, 10 (8.7%) males, and 3 (2.6%) individuals who identified their sex as “other.” The average age of participants was 20.18 years (range = 17– 51); one respondent did not provide their current age. Participants reported a range of ethnic/racial backgrounds, including Latinx ($n = 61$; 53.0%), Black ($n = 17$; 14.8%), Asian ($n = 13$; 11.3%), White ($n = 12$; 10.4%), biracial ($n = 4$; 3.5%), multiracial ($n = 3$; 2.6%), and “other” ($n = 5$; 4.3%). They identified primarily as heterosexual ($n = 64$; 55.7%), with 38 (33.0%) identifying as bisexual, 7 (6.1%) as homosexual, 3 (2.6%) as pansexual, and 3 (2.6%) as “other.”

The characteristics of the participants’ CSA experiences are presented in Table 2. Most victims experienced abuse by one perpetrator ($n = 70$; 60.9%), and the abuse most often lasted less than one month ($n = 53$; 46.1%) and occurred one time ($n = 40$; 34.8%). A range of sexual contact was reported, with the most frequently endorsed behavior being fondling/kissing ($n = 78$; 67.8%) and digital/finger penetration ($n = 46$; 40.0%). Most offenders were male ($n = 101$; 87.8%), and there was a wide range of relationships the offender had with the victim (e.g., friend, romantic partner, extended family member). Of the participants who reported their age of abuse ($n = 103$), the average age the CSA began and ended was 12.12 (range = 3–17) and 13.65 (range = 3–21), respectively.¹ Participants also reported the age of the perpetrator when the abuse began, with an average age around 20.90 (range = 6–52).

Table 2. Characteristics of victims' CSA experiences.

Variable	Response options	<i>n</i> (%)
Number of abusers ^a	One	70 (60.9)
	Two	31 (27.0)
	Three	8 (7.0)
	Four or more	6 (5.2)
Duration of abuse	Less than one month	53 (46.1)
	One to six months	18 (15.7)
	Six months to one year	7 (6.1)
	One year to two years	13 (11.3)
	Three years to five years	18 (15.7)
	Five years or more	5 (4.3)
	Declined to respond	1 (0.9)
Number of abusive incidents	Once	40 (34.8)
	Two to three times	22 (19.1)
	Four to five times	18 (15.7)
	6 to 10 times	17 (6.1)
	11 to 20 times	8 (7.0)
	21 to 50 times	9 (7.8)
	More than 50 times	11 (9.6)
Type of contact ^b	Fondling/kissing	78 (67.8)
	Digital/finger penetration	46 (40.0)
	Oral sex performed on victim	27 (23.5)
	Oral sex performed on offender	32 (27.8)
	Vaginal sex	37 (32.2)
	Anal sex	7 (6.1)
	Other	12 (10.4)
Offender's sex	Male	101 (87.8)
	Female	12 (10.4)
	Other	2 (1.7)
Offender's relationship to victim	Friend	21 (18.3)
	Extended family member	20 (17.4)
	Romantic partner or ex-partner	17 (14.8)
	Friend of a family member or friend	13 (11.3)
	Stranger (knew less than 24 hours)	10 (8.7)
	Acquaintance	7 (6.1)
	Step-parent	6 (5.2)
	Biological sibling	4 (3.5)
	Step-sibling	2 (1.7)
	Community member	2 (1.7)
	Parent	1 (0.9%)
	Grandparent	1 (0.9%)
	Declined to respond	11 (9.6%)

^aIf a person experienced abuse by more than one person, they were asked to complete the remaining CSA questions about the individual with whom they had the "most interpersonal contact" with.

^bParticipants could report more than one type of contact; thus, each frequency and percentage are based on the total sample size.

Materials

Sexual grooming scale – victim version (SGS-V)

The SGS-V is a measure developed based on the Sexual Grooming Model (SGM; Winters et al., 2020). The SGM is a content-validated model of in-person sexual grooming behaviors which includes five overarching stages of the process (victim selection, gaining access and isolation, trust development, desensitization to sexual content and physical contact, and post-abuse maintenance), as well as 42 specific sexual grooming behaviors that fall within each of these stages (see Table 1). The SGS-V gathers self-report data from respondents who endorsed

CSA victimization related to their experiences of these sexual grooming behaviors. The respondent is asked to select all of the behaviors they believed the offender used within each of the five stages (responding “yes” or “no” for each item). If they endorsed a particular behavior, they were then asked to qualitatively describe their experience. At the end of the inquires for each stage, respondents were also provided the opportunity to indicate if they experienced any other behaviors not previously listed and if so, to describe. Thus, there are a total of 47 sexual grooming items included in the SGS-V (i.e., 42 specific sexual grooming behavior items and 5 “other” items). See [Appendix A](#) for the SGS-V.

Results

Feasibility of a measure can be examined in numerous ways (Bowen et al., 2009). For the purposes of the present pilot study, we examined two areas deemed most applicable to the SGS-V. Specifically, we examined feasibility as it relates to *implementation* (i.e., the measure can be feasibly used to gather self-report data from victims about their experiences of sexual grooming) and *limited-efficacy testing* (i.e., whether the SGS-V pilot data produced the desired outcome data; Bowen et al., 2009). Regarding implementation, the SGS-V was easily administered using the self-report survey in the online setting. That is, we had 115 participants complete the SGS-V with very few incidents of participants declining to respond.² Of the 47 items of the SGS-V, there were 39 (83.0%) questions that had 115 (100%) responses, with only 4 (8.5%) having 114 (99.1%) responses and 4 (8.5%) having 113 responses (99.1%). Put differently, 111 of 115 (96.5%) participants completed all 47 items of the SGS-V. As noted previously, there were 6 respondents of the 127 of endorsed CSA who exited out of the survey before completing the SGS-V in full. Of these 6 individuals, 3 had exited out of the survey before the SGS-V questions; therefore, only 3 of 127 (2.4%) respondents began the SGS-V before closing the survey, suggesting that the vast majority of people were willing and able to complete the SGS-V in full once presented with the measure.

Second, we examined the pilot data for limited-efficacy testing in terms of: a) the level of endorsement for each sexual grooming item (i.e., to ensure variability within each sexual grooming item, as well as variability in the endorsement across different items), and b) the content included in the qualitative responses (i.e., to ensure the respondents were interpreting the sexual grooming items correctly). The level of endorsement of each of the 47 items of the SGS-V are presented in [Table 3](#). The level of endorsement of the 42 items specific to the SGM (i.e., not including the “other” items) ranged from 6.1% ($n = 7$; i.e., “They were involved in youth-serving organizations”) to 67.8% ($n = 78$; i.e., “They were charming, nice, and/or likeable”), suggesting appropriate variability in responding for items. There was no observed ceiling or floor effects for the SGS-V items, except in the case the item would be theoretically expected to have a low level of endorsement (e.g., a small subset of participants would be expected to report the offender was involved in youth-serving organizations; e.g., McAlinden, 2006; Turner & Briken, 2015).

In order to examine the ranges across each SGM stage, we summed the number of items endorsed within each stage for a total score for each stage and created an overall score across all items of the SGS-V.³ See [Table 4](#). As demonstrated in the table, there was a range of observed scores for each scale and the total score. Moreover, as would be expected, the mean

Table 3. SGS-V item endorsement and qualitative examples.

	Valid <i>N</i>	<i>n</i> (%)	Qualitative examples
Victim Selection			
I was compliant and/or trusting of adults.	114	65 (57.0)	• I was young and I trusted the people I lived with because they were family. • I am too trusting in people and I used to be quite of a naive person, especially because I thought this person was actually interested in me. • I was a quiet kid that followed rules led by any adult, I was raised into that mentality and so I feel like I was an easy target.
I lacked confidence and/or had low self-esteem.	115	58 (50.4)	• I was very insecure my entire life because of my family's comments on my appearance and bullying in middle school. • I had been bullied in school, had very few friends, poor relationship with my own family. • I was very unsure of myself as most teens are and I was having a hard time believing in myself. I never told anyone about the abuse because I thought they wouldn't listen and if they did, they wouldn't care because I deserved it somehow.
I was lonely and/or isolated.	115	54 (47.0)	• I did not have many friends and was the "weird" kid in school most of my life. • Would isolate myself and spend all day in my room. • Parents were getting divorced. My sister and my brother were way older than me, so we never played together. I had no one.
I felt unwanted or unloved by others.	115	47 (40.9)	• I spent a lot of time alone so I thought nobody wanted to be with me or wanted me around at all. • Boys never paid attention to me and I was never considered the "pretty girl." • I did not receive the love I desired growing up and it hurt so I sought it out in others.
I was not close to my parents and/or they were not resources for me.	115	42 (36.5)	• My dad left and was an addict most of my life and my mom was distant emotionally. • My mother was always working at the time since she was a single parent taking care of me and my brothers so she was hardly ever home. • I argued constantly with my parents and often preferred to hang out with friends rather than staying home.
I lacked adult supervision.	115	33 (28.7)	• My mom was strict but she worked two jobs and was out of the house every day from 5a.m. to 11p.m. • I was allowed to do whatever I want since I was 14 as long as I had good grades in school. • During the day my mom was usually at work and my 2 older brothers were either still in school or were out partying, so I was often at home by myself after I got back from school.
I had a single mother and/or was in need of a "father figure."	115	27 (23.5)	• My dad left at a young age and all I had was my mother but even then she was working and when she wasn't, it felt like she was paying attention to everyone except me. • My father isn't very present in my life, so for the most part my mother raised me on her own and there's no other male figures in my house. • My mom was always working and my step dad was a terrible father figure.

(Continued)



Table 3. (Continued).

	Valid N	n (%)	Qualitative examples
I was a troubled child/teen.	115	25 (21.7)	• I was rebellious and liked doing things other people/kids didn't dare to do. • I would always get into fights growing up and my grades would slip while I was a child. • I was going through depression and anxiety.
Other reason not listed.	115	21 (18.3)	• I was physically very small, and available to them for long periods of time. I also suspect they may have suffered their own abuse, as it is unlikely children would do such things of their own accord. • I was always high so I was easy to take advantage of. • I was naive and new to relationships. I thought the abuse was normal.
I was a needy child/teen.	115	16 (13.9)	• Wanted affection and validation that I didn't get from my parents. • I craved attention. Always needed someone to tell me they loved me. • I was so desperate for the attention that I lacked from my parents that I was grateful for the sexual attention.
Gaining Access and Isolation			
They did activities alone with me without other adults.	115	52 (45.2)	• He would call me in his room to help him with a task. He would sneak into the bathroom when I am inside. Whenever his family was going out together and he knew I was going to stay home, he would tell them he is not well or does not wish to go with them. • He would invite me to watch movies and play video games in his room with only him while my family would be asleep or left for the night. • He babysat me and would take me on bike rides.
They separated or isolated me from friends, other kids, and/or family.	114	40 (35.1)	• He would often talk about my friends and manipulate me into believing they were talking about me behind my back and they didn't really want much to do with me. • He made sure he got me in a room where we were alone just the two of us. • They took me to isolated places to have conversations by ourselves so no one will see him talking to me because I was young.
They manipulated my family to gain access to me.	115	23 (20.0)	• He was dating my mother, so she trusted him with me. • He made everyone in my family believe he was this good guy. • He got close to my dad's side of the family and my brothers ...
Other reason not listed.	113	12 (10.6)	• He lived with me. • They did in public places in which it was dark like the movie theater. • He went up to me because I was walking alone.
They took me on overnight stays or outings.	115	9 (7.8)	• He stayed with me while my parents spent the night out. • I stayed over their house. • We used to go to the park that was located two or three blocks away from my home.
They were involved in youth-serving organizations	115	7 (6.1)	• Camp Worker • Teacher • Junior Reserved Officer Training Corps

(Continued)

Table 3. (Continued).

	Valid <i>N</i>	<i>n</i> (%)	Qualitative examples
Trust Development			
They were charming, nice, and/or likeable.	115	78 (67.8)	• They never instilled fear. He was very charming and laughed a lot, which, for some reason, caused me to think he was a nice person. • He was always nice to me and whenever I would go through rough times, he would always be there for me. • They were humorous and liked by all.
They were affectionate and loving toward me.	115	65 (56.5)	• Acted very in love with me, so I was easily manipulated by his words. • He would be a “helping hand” when I would feel lonely and sad as others would push me away. He would say sweet stuff to me to try and make me feel better as well. • We had a relationship – it was sweet and nice and he showed that he cared about me.
They gave me a lot of attention.	115	63 (54.8)	• They always wanted to know where I was or what I was doing. Always wanted to see me. • I felt like the only attention I ever got was from him. • They paid more attention to me than they did to the other people in the group.
They gave me compliments.	115	60 (52.2)	• Complimented the way I looked or what I would wear. • He not only complimented my personality but my physical features as well. • He gave me confidence by calling me pretty.
They spent a lot of time with me and/or communicated with me often.	115	60 (52.2)	• Texted me all day and visited me frequently. • He would come check on me all the time and try to make conversation as much as possible. • Everyday phone calls and texting throughout the day.
They showed favoritism toward me and/or formed a special relationship with me.	115	49 (42.6)	• He chose to hang out with me over his friends that he’s known for longer, said I was more fun and exciting. • I was the center of his attention and he would ask others about me when he wouldn’t see me. • They made it seem like they liked me and no one else.
They engaged in childlike activities with me.	115	41 (35.7)	• Hide and go seek. • Mainly video games and he taught me to play soccer. • We read stories together, played games, and listened to music.
They had insider status, a good reputation, and/or were considered a “pillar of the community.”	114	35 (30.7)	• He had a lot of friends and was in a community program outside of school. • He was an educated man, knew how to cook and was known as a “wise” man. • Member of the community, with lots of friends and associates in the neighborhood being well-known and well liked.
They gave me rewards and/or privileges.	115	28 (24.3)	• I got more time to watch TV and play. • He would usually give me money or would unexpectedly give me gifts like toys without me asking. • I got to go on day trips to the city whenever I didn’t have school, they gave me money occasionally, and bought food and toys.

(Continued)

Table 3. (Continued).

	Valid N	n (%)	Qualitative examples
They provided me with drugs and/or alcohol.	115	12 (11.3)	• Cigarettes and alcohol at 16 years old. • I was once curious how alcohol tasted like and he provided me with a shot of tequila. • We smoked weed together.
Other reason not listed.	113	3 (2.6)	• Listen[ed] to me. • They were drinking or consuming drugs.
Desensitization to Sexual Content and Physical Contact			
They used seemingly innocent and/or non-sexual touching.	115	63 (54.8)	• The person would want to play fight. Also would give lots of hugs. • Mainly hugging, tickling, oftentimes he would pretend to give me a massage. • He initially started with long hugs and constant tickling when no one was around.
They gradually increased the amount of sexual touching over time.	115	62 (53.9)	• He went from rubbing against me to grabbing and then actually touching me full on. • She stated with touching me pretending it was a mistake and then do it more and more and go further and further over time. • At first it was small touches anywhere then touching me in private places with clothes on and then he started touching me without clothes on.
They used accidental touching and/or distracted me while touching me.	115	62 (53.9)	• Would touch me while I was playing games on computer. • He'd rub himself on me and say that he's sorry that there just wasn't enough space or he'd touch me and say that he was just trying to take off some pressure from my shoulders but that his hand slipped. • He often stated "opps I didn't know what I was touching" or would hold a normal conversation to distract what he was doing.
They used inappropriate sexual language and/or told dirty jokes.	115	56 (48.7)	• Typical dirty teenage perverted jokes. • He would use words I never heard of before and some things I didn't understand what he meant. I only realized what he meant when the school would start to implement sexual education. • Was very vulgar, joked about what he'd do to me.
They exposed their naked body to me.	115	53 (46.1)	• Took off all his clothes in the bathroom and called me to come look at him. • In the mornings after I showered he would be in the living room pretending to put up his boxers the minute I passed so I can see his penis. • He left the bathroom door open while and after showering.
They asked questions about my sexual experiences and/or relationships.	115	47 (40.9)	• Asked if I was a virgin, didn't 100% believe that I was, but eventually thought it was a turn on, to be untouched. • They asked me if I have ever "done things" before and asked if they could "teach me." • He would ask me if I had ever kissed a boy before or if I had a boyfriend.
They talked about sexual things they had done.	115	44 (38.3)	• He talked about his various partners and all the positions he had tried. • She talked about how she masturbated. • He would tell me how he gives oral sex and how many females he's given an orgasm to.

(Continued)



Table 3. (Continued).

	Valid <i>N</i>	<i>n</i> (%)	Qualitative examples
They watched me undressing.	115	33 (28.7)	• I caught him peeping under my door with his camera. • Would spy on me while I changed, sat in bathroom with me while I shower. • He would enter my room and stand at the entrance watching me while I changed.
They educated me about sexual behavior.	115	31 (27.0)	• Tried 'teaching' me about sex by demonstrating it on me and it on them. • They told me what to do and demonstrated it for the "game." • We had "lessons" about sex ed.
They showed me pornography photographs or videos.	114	22 (19.3)	• He made me a Pornhub account because he was trying to be "nice" cause he paid for it. • He had a ton of pornographic videos on his console, PC, and laptop and he would often show it to me or sometimes when I would use his computer he was not very discrete in hiding his videos. • Would print out pictures and show me videos and pictures on the internet.
Other reason not listed.	113	3 (2.6)	• Kissed me in the staircase unwillingly. • Showed me his penis, grabbed my butt.
Post-Abuse Maintenance			
They told me not to tell anyone what happened.	115	58 (50.4)	• They told me not to tell anybody cause they said they could get in trouble. • They told me not to tell anyone what we did or else it could have severe consequences for everyone. • Told me to keep our relationship a secret.
They convinced me it was acceptable and/or normal behavior.	115	52 (45.2)	• I thought this was normal and he was just not ready to tell others of our relationship. • "I do this (with my other friend) too, it's how I play around." • He just told me that it was normal to have this kind of "bond" with him since we were "close."
They encouraged secrets.	115	51 (44.3)	• He said that keeping it a secret and sneaking around is fun. • They made me tell my secrets to her so she could use it to create this space of secrecy between us. • All my secrets went to him only.
They told me they loved me and/or that I was special.	115	44 (38.3)	• They told me I was pretty and that I was special. • Every time I asked why me he would say because he loves me and has never felt this way for someone before. • He always told me that he loved me that's why he did what he did and that I was the only one he wanted to be with.
They made me feel responsible for the abuse.	115	43 (37.4)	• I was told that I "liked" what had happened and therefore there was no wrongdoing. • Told me that I shouldn't have been an easy victim. "Comfort comes with a price." • She said things like, "you are the reason I have to do this to you," or "you deserve what is happening to you."

(Continued)

Table 3. (Continued).

	Valid <i>N</i>	<i>n</i> (%)	Qualitative examples
They misstated the moral standards regarding touch.	115	36 (31.3)	• They told me that everyone does this, and that it's okay because we're close and it's only to help teach me so I'm ready for whoever I get with later in life. • He often said it was ok to do certain things like tickling in my private parts there was nothing wrong with playing like that. • He made it seem like these activities were something all siblings did.
They gave me rewards, bribes, or allowed me to avoid punishment.	115	20 (17.4)	• Gave me videogames, food, things that would help shut me up or keep me from spilling the truth. • I got trips, money, toys, food, practically every day every time we spent the day together. • I didn't have to do my homework.
They threatened abandonment, rejection, or my family breaking up.	115	19 (16.5)	• They threatened that it would destroy my family and that I had no choice but to keep it a secret. • He threatened that my mom would to jail because of me [and] that my family would abandon me if I told anyone. • Threatened with killing himself.
Other reason not listed.	113	6 (5.3)	• Since he made me stop talking to my friends all the time I had no one to talk to about it. • She threatened my family especially my younger brother and said that if I didn't do something she would kill him at school. • Attempted to tell one time [I] got hit in the face.

Table 4. SGS-V stages and total scores.

SGM stage	Valid N	Number of SGS-V items	Range of observed scores	Mean score	Endorsed at least One item (%)
Victim selection	114	9	0–9	3.2	91.2
Gaining access and isolation	114	5	0–4	1.1	64.9
Trust development	114	10	0–9	4.3	93.9
Desensitization to sexual content and physical contact	114	10	0–10	4.1	93.0
Post-abuse maintenance	115	8	0–8	2.8	82.6
Total	111	42	0–37	15.3	99.1

scores typically fell in the lower-middle end of each range. Lastly, the findings showed that majority of participants endorsed at least one item from each of the five stages, and nearly all participant (99.1%) reported experiencing at least one of the 42 sexual grooming behaviors.

Next, we reviewed the qualitative responses for the SGS-V items. A sample of the qualitative responses for each question is included in Table 3. The participants appeared to be understanding the quantitative items of the SGS-V questions, as their qualitative descriptions were in line with the intention of the item. Based feedback and consultation, as well as the qualitative responses from the pilot data, one SGS-V item was modified in the final version presented in Appendix A. We revised the item (i.e., “They manipulated my family to gain access to me [for example, they got close to my family]”) to reflect an observable behavior, rather than focus on the offender’s intent (“They spent time with my family to gain access to me [for example, they got close to my family]”). Overall, based on the pilot data, the SGS-V can be feasibly implemented, and the findings supported its limited-efficacy.

Discussion

The present study sought to develop and pilot a self-report measure for victims regarding the sexual grooming behaviors they experienced during their CSA victimization. The *Sexual Grooming Scale – Victim Version* (SGS-V) was developed based on the content-validated Sexual Grooming Model (SGM; Winters et al., 2020), including the five overarching stages involved in the process and 42 specific sexual grooming tactics. Using a sample of 115 adults who reported experiencing CSA prior to the age of 18, we examined the feasibility of the SGS-V in terms of implementation and limited-efficacy testing. The results from the pilot data suggested the SGS-V is a self-report measure that can be feasibly implemented via an online survey. Moreover, the preliminary data showed variability in the level of endorsement for SGS-V items, and that respondents were appropriately interpreting the items based on their qualitative description of their experiences. We hope that the proposed SGS-V can be useful in both research and practical settings to better understand victims’ experiences of sexual grooming behaviors.

Practical implications

While the SGS-V requires further psychometric support, as described below, we believe the SGS-V has the potential to be helpful in a range of practical settings. First, clinicians can use the SGS-V to gather information about client’s experiences of sexual grooming if the person

endorsed CSA. This can be used during clinical evaluations to collect quantitative and qualitative information about the victim's experiences with sexual grooming. Moreover, in a treatment setting, victims of sexual assault often experience feelings of responsibility and self-blame (Plummer, 2018); thus, the SGS-V can help clinicians learn about sexual grooming experienced by the client in order to provide psychoeducation and explain how these manipulative behaviors may impact their response to the abuse. Second, law enforcement or prosecutors working with victims of CSA can use the SGS-V to gather evidence of potential sexual grooming behaviors in CSA cases. Although further empirical support is needed for the SGS-V before the measure is appropriate to enter the courtroom, the tool can nonetheless guide the questioning of victims or the gathering of evidence during investigations or prosecutions. For example, if a perpetrator has had multiple victims, the SGS-V can be used to establish a common pattern of behavior or *modus operandi*. Third, the content of the SGS-V and empirical findings regarding prevalence will help inform CSA prevention efforts. Once we have more information as to what sexual grooming behaviors are commonly used, this can be integrated into educational materials for parents, caregivers, community members, and those who work closely with children (e.g., pediatricians, teachers, coaches, church-members). The community can be better equipped to recognize potentially predatory behaviors and subsequently intervene if there are appropriate concerns (e.g., observed sexual grooming behaviors that are occurring at high frequency or severity).

Future research directions

For future research endeavors, it would be beneficial to continue to explore the psychometric properties of the SGS-V. For example, different types of reliability (e.g., test-retest) and validity (e.g., convergent and divergent) could provide further support for the use of this measure. Moreover, as the next phase in this project, we plan to collect data from a large sample of adult victims of CSA to better understand the prevalence of sexual grooming behaviors in the offense process. This information can help shed light on the frequency at which these behaviors occur, as much of the prevalence data is based on only offender's perspectives and do not comprehensively examine a range of behaviors based on a content-validated model (e.g., Canter et al., 1998; Groth & Birnbaum, 1978).

The aforementioned prevalence data can begin to fill in numerous gaps within the sexual grooming literature. It has been suggested that there may be differences in the types of tactics, number of behaviors, or time spent grooming depending victim or offender characteristics (Kaufman et al., 2006). For example, it is possible sexual grooming is different based on age, sex, or race/ethnicity of the victim and offender (Kaufman et al., 2006); however, no study has empirically examined this notion. Similarly, it is likely that sexual grooming behavior will vary based on the relationship between the victim and offender (Craven et al., 2006; McAlinden, 2006), but there is no empirical evidence for this supposition. The SGS-V can also be used to gather information on the relationship between the extent sexual grooming is used and subsequent mental health consequences (e.g., posttraumatic stress symptoms, depression, anxiety, or feelings of guilt or shame), as it has been suggested grooming may be related to poorer outcomes (Wolf & Pruitt, 2019). It is possible that sexual grooming impacts likelihood CSA is disclosed or reported, as the goals of these tactics are to decrease victim disclosure, avoid detection from those around the victim/offender, and increase the

likelihood that a disclosure would not be believed or taken seriously (Lanning & Dietz, 2014). Studies should investigate whether the use of sexual grooming behaviors, such as involvement in youth-serving organizations, presenting as charming and likeable, or gaining a good reputation in the community, impedes the disclosure or reporting process. Also of note, the SGS-V uses a dichotomous scale for respondents to indicate whether or not they experienced each sexual grooming behavior; this was intended to gather baseline prevalence rates for each item to better understand how commonly these behaviors are used. In future studies, it may be beneficial to include the frequency (e.g., number of times) at which the respondent experienced these behaviors if they endorsed a particular item. Taken together, the SGS-V can be used in research studies to examine various empirical questions that can expand our understanding of the sexual grooming behaviors of child sexual abusers.

Limitations

There are several limitations to the present study. First, the data collected during the pilot study only represents a small sample size ($n = 115$). While this exceeds the number of participants recommended for a pilot study (approximately 30–50; Perneger et al., 2015), the findings represent a relatively small sample size. As noted, the participants for this study were majority undergraduate females who were racially/ethnically diverse (e.g., 53.0% identified as Latinx). A larger and more diverse sample size will help improve the generalizability of the findings; thus, we plan in the next phase of this project to collect data using the SGS-V on a larger sample of adults who experienced CSA.

Second, the SGS-V was developed as a measure for retrospective self-report for adult victims of CSA; thus, the content and language included in the measure may not be easily understood by younger child victims. Future iterations of the SGS-V could be adapted to fit the reading and comprehension abilities of younger CSA victims. Another limitation related to the measure itself is that the SGS-V was developed to be a self-report measure that can be used in research and practical settings. However, it is likely there are instances in which an interview-based measure of sexual grooming may be more appropriate; for example, a clinician using the measure in treatment settings or a law enforcement officer gathering information for an investigation may want to adapt the SGS-V with an in-person interview format. We argue the SGS-V could easily be adapted to be a semi-structured interview format by reading the items to the respondent, but we have not yet piloted the measure in this format. We plan to further investigate the use of the SGS-V as an interview-based tool in future studies.

Third, while the pilot data helped establish preliminary feasibility for the SGS-V, as noted above, there are other psychometric properties that need to be examined in order to provide additional support for the use of the SGS-V in research and practice. For example, other aspects of feasibility could be explored, including acceptability (e.g., how the victims reacted to the SGS-V) or adaptation (e.g., implementing the SGS-V in a different format, such as an in-person interview; Bowen et al., 2009). Moreover, areas of reliability and validity could be examined in future studies, especially test-retest reliability and convergent and discriminant validity.

Finally, the scale and the grooming literature in general will always be limited by the fact that many of the 42 identified grooming behaviors mirror normal adult-child interactions, and in and of themselves are not indicative of potential abuse unless the intention behind

them is deviant. Thus, it is unlikely that the SGS-V – or any measure of sexual grooming for that matter – can ever be used to conclusively “prove” that sexual grooming took place. However, Winters and colleagues (2020) argue that suspicion should be raised if “clusters, high frequency use, or the most severe of these potentially worrisome behaviors are present in a person spending time with children.” (p. 14).

Conclusion

The SGS-V is the first and only measure of sexual grooming behaviors experienced by victims that is based on the content-validated SGM. The pilot data collected using the SGS-V shows promising results in terms of the feasibility of implementation and its limited-efficacy. Future research can provide further support for the psychometric properties of the SGS-V and shed light on the numerous gaps in the sexual grooming literature. This measure, as well as the associated empirical findings, will be useful in numerous practical settings. The construct of sexual grooming is necessary to better understand clinical work, law enforcement investigations and prosecution, and community prevention efforts of CSA cases.

Notes

1. For the questions related to age of victim and offender, if the participant listed an age range (e.g., 11–12 years old) the lowest identified number was used. If a vague age range was reported (e.g., mid-thirties), the number closest to the age range by an interval of five was used (e.g., mid-thirties was coded as 35).
2. Given the sensitive nature of the subject matter, the SGS-V permits the respondents to decline to respond to any given item.
3. The following analyses are conducted without the “Other” categories included given that is not an item in the original SGM.

Disclosure statement

No potential conflict of interest was reported by the author(s).

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Appendix A: Sexual Grooming Scale – Victim Version

Victim Selection

There are many reasons that an individual may **select** a victim for their sexually abusive behavior. Please select **all** the reasons you believe the individual who abused you may have selected you:

- (1) I was compliant and/or trusting of adults. (Yes/No)
 - You selected “I was compliant and/or trusting of adults.” Please describe.
- (2) I lacked confidence and/or had low self-esteem. (Yes/No)
 - You selected “I lacked confidence and/or had low self-esteem.” Please describe.
- (3) I was lonely and/or isolated. (Yes/No)
 - You selected “I was lonely and/or isolated.” Please describe.
- (4) I was a troubled child/teen. (Yes/No)
 - You selected “I was a troubled child/teen.” Please describe.
- (5) I was a needy child/teen. (Yes/No)
 - You selected “I was a needy child/teen.” Please describe.
- (6) I felt unwanted or unloved by others. (Yes/No)
 - You selected “I felt unwanted or unloved by others.” Please describe.
- (7) I was not close to my parents and/or they were not resources for me. (Yes/No)
 - You selected “I was not close to my parents and/or they were not resources for me.” Please describe.
- (8) I had a single mother and/or was in need of a “father figure.” (Yes/No)
 - You Selected “I had a single mother and/or was in need of a ‘father figure.’” Please describe.
- (9) I lacked adult supervision. (Yes/No)
 - You selected “I lacked adult supervision.” Please describe.

- (10) Other reason not listed. (Yes/No)
- You selected “Other reason not listed.” Please describe.

Gaining Access and Isolation

There are many ways that an individual may **gain access to and isolate a victim**. Please select **all** the behaviors the individual who abused you may have done to gain access or isolate you:

- (11) They were involved in youth-serving organizations (e.g., Girl and Boy Scouts, youth sports, church leader, teacher, volunteered with children). (Yes/No)
- You selected “They were involved in youth-serving organizations (e.g., Girl and Boy Scouts, youth sports, church leader, teacher, volunteered with children).” Please describe.
- (12) They spent time with my family to gain access to me (for example, they got close to my family). (Yes/No)
- You selected “They manipulated my family to gain access to me (for example, they got close to my family).” Please describe.
- (13) They did activities alone with me without other adults. (Yes/No)
- You selected “They did activities alone with me without other adults.” Please describe.
- (14) They took me on overnight stays or outings.
- You selected “They took me on overnight stays or outings.” Please describe.
- (15) They separated or isolated me from friends, other kids, and/or family. (Yes/No)
- You selected “They separated or isolated me friends, other kids, and/or family.” Please describe.
- (16) Other reason not listed. (Yes/No)
- You selected “Other reason not listed.” Please describe.

Trust Development

There are many ways that an individual may **develop trust** with the victim or other people around the victim. Please select **all** the behaviors the individual who abused you may have done to develop trust with you or those around you:

- (17) They were charming, nice, and/or likeable. (Yes/No)
- You selected “They were charming, nice, and/or likeable.” Please describe.
- (18) They had insider status, a good reputation, and/or were considered a “pillar of the community.” (Yes/No)
- You selected “They had insider status, a good reputation, and/or were considered a ‘pillar of the community.’” Please describe.
- (19) They were affectionate and loving toward me. (Yes/No)
- You selected “They were affectionate and loving toward me.” Please describe.
- (20) They gave me a lot of attention. (Yes/No)
- You selected “They gave me a lot of attention.” Please describe.
- (21) They showed favoritism toward me and/or formed a special relationship with me. (Yes/No)
- You selected “They showed favoritism toward me and/or formed a special relationship with me.” Please describe.
- (22) They gave me compliments. (Yes/No)
- You selected “They gave me compliments.” Please describe.
- (23) They spent a lot of time with me and/or communicated with me often. (Yes/No)
- You selected “They spent a lot of time with me and/or communicated with me often.” Please describe.
- (24) They engaged in childlike activities with me (e.g., stories, games, sports, music). (Yes/No)
- You selected “They engaged in childlike activities with me (e.g., stories, games, sports, music). Please describe.
- (25) They gave me rewards and/or privileges (e.g., gifts, toys, treats, money, trips). (Yes/No)

- You selected “They gave me rewards and/or privileges (e.g., gifts, toys, treats, money, trips).” Please describe.
- (26) They provided me with drugs and/or alcohol. (Yes/No)
 - You selected “They provided me with drugs and/or alcohol.” Please describe.
- (27) Other reason not listed. (Yes/No)
 - You selected “Other reason not listed.” Please describe.

Desensitization to Sexual Content and Physical Touch

There are many ways that an individual may try to get the victim **used to physical touch or sexual content before the abuse**. Please select **all** the behaviors the individual who abused you may have done to get you used to physical touch or sexual content:

- (28) They asked questions about my sexual experiences and/or relationships. (Yes/No)
 - You selected “They asked questions about my sexual experiences and/or relationships.” Please describe.
- (29) They talked about sexual things they had done. (Yes/No)
 - You selected “They talked about sexual things they had done.” Please describe.
- (30) They used inappropriate sexual language and/or told dirty jokes. (Yes/No)
 - You selected “They used inappropriate sexual language and/or told dirty jokes.” Please describe.
- (31) They educated me about sexual behavior. (Yes/No)
 - You selected “They educated me about sexual behavior.” Please describe.
- (32) They used accidental touching and/or distracted me while touching me. (Yes/No)
 - You selected “They used accidental touching and/or distracted me while touching me.” Please describe.
- (33) They watched me undressing. (Yes/No)
 - You selected “They watched me undressing.” Please describe.
- (34) They exposed their naked body to me. (Yes/No)
 - You selected “They exposed their naked body to me.” Please describe.
- (35) They showed me pornography photographs or videos. (Yes/No)
 - You selected “They showed me pornography photographs or videos.” Please describe.
- (36) They used seemingly innocent and/or non-sexual touching (e.g., hugs/tickling). (Yes/No)
 - You selected “They used seemingly innocent and/or non-sexual touching (e.g., hugs/tickling).” Please describe.
- (37) They gradually increased the amount of sexual touching over time. (Yes/No)
 - You selected “They gradually increased the amount of sexual touching over time.” Please describe.
- (38) Other reason not listed. (Yes/No)
 - You selected “Other reason not listed.” Please describe.

Post-Abuse Maintenance

There are many ways that an individual may try to **prevent the victim from disclosing the abuse or to continue the abuse over time**. Please select **all** the behaviors you believe the individual who abused you may used to try to prevent disclosure or continue the abuse:

- (39) They told me not to tell anyone what happened. (Yes/No)
 - You selected “They told me not to tell anyone what happened.” Please describe.
- (40) They encouraged secrets. (Yes/No)
 - You selected “They encouraged secrets.” Please describe.
- (41) They told me they loved me and/or that I was special. (Yes/No)
 - You selected “They told me they loved me and/or that I was special.” Please describe.
- (42) They gave me rewards, bribes, or allowed me to avoid punishment. (Yes/No)

- You selected “They gave me rewards, bribes, or allowed me to avoid punishment.” Please describe.
- (43) They convinced me it was acceptable and/or normal behavior. (Yes/No)
- You selected “They convinced me it was acceptable and/or normal behavior.” Please describe.
- (44) They misstated the moral standards regarding touch (e.g., they told me touching was okay or normal). (Yes/No)
- You selected “They misstated the moral standards regarding touch (e.g., they told me touching was okay or normal).” Please describe.
- (45) They made me feel responsible for the abuse. (Yes/No)
- You selected “They made me feel responsible for the abuse.” Please describe.
- (46) They threatened abandonment, rejection, or my family breaking up. (Yes/No)
- You selected “They threatened abandonment, rejection, or my family breaking up.” Please describe.
- (47) Other reason not listed. (Yes/No)
- You selected “Other reason not listed.” Please describe.

Appendix D – Criminal Victimization Data – DOJ 2023



Criminal Victimization, 2023

Susannah N. Tapp, PhD; Emilie J. Coen, DrPH, *BJS Statisticians*

In 2023, the rate of violent victimization in the United States was 22.5 victimizations per 1,000 persons age 12 or older, which was similar to the 2022 rate (figure 1). Violent victimization includes rape or sexual assault, robbery, aggravated assault, and simple assault. The last three decades saw an overall decline in the rate of violent victimization, from 1993 (79.8 per 1,000) to 2023. While the 2023 rate was

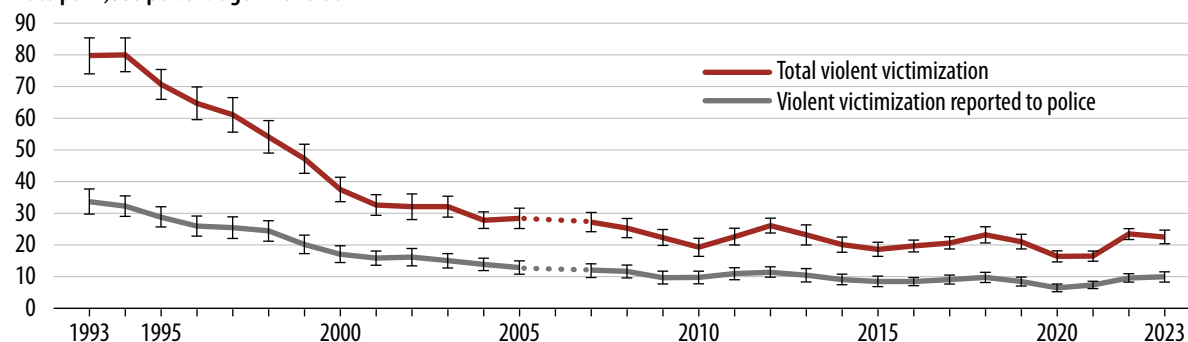
higher than those in 2020 and 2021, it was not statistically different from 5 years ago, in 2019.

Similarly, the rate of violent victimization reported to police was consistent from 2022 to 2023 (10.1 per 1,000 persons). The 2023 rate was higher than the 2020 (6.6 per 1,000) and 2021 (7.5 per 1,000) rates but was comparable to 5 years ago in 2019 and consistent with the overall downward trend since 1993 (33.8 per 1,000).

FIGURE 1

Rate of violent victimization and violent victimization reported to police, 1993–2023

Rate per 1,000 persons age 12 or older



Note: See table 1 for definitions and appendix table 1 for estimates, standard errors, and 95% confidence intervals. Estimates for 2006 should not be compared to other years. See *Criminal Victimization, 2007* (NCJ 224390, BJS, December 2008) for more information on changes to the 2006 National Crime Victimization Survey.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1993–2023.

HIGHLIGHTS

- In 2023, there were 22.5 violent victimizations per 1,000 persons age 12 or older in the United States.
- The rate of violent victimization excluding simple assault for males decreased from 9.5 per 1,000 persons in 2022 to 6.9 per 1,000 in 2023.
- A smaller percentage of robbery victimizations that occurred in 2023 (42%) than in 2022 (64%) were reported to police.
- The percentage of motor vehicle thefts reported to police decreased from 81% in 2022 to 72% in 2023.
- About 9% of violent victimizations involved a firearm in 2023, similar to 2022.
- The percentage of persons age 12 or older who experienced at least one violent victimization declined from 1.51% in 2022 to 1.36% in 2023.
- A lower percentage of households were victims of burglary or trespassing in 2023 (1.01%) than in 2022 (1.12%).
- The rate of property victimization in urban areas increased from 176.1 per 1,000 households in 2022 to 192.3 per 1,000 in 2023.

Findings are based on the National Crime Victimization Survey (NCVS), a self-report survey administered annually from January 1 to December 31. Annual NCVS estimates are based on the number and characteristics of crimes that respondents experienced during the prior 6 months, excluding the month in which they were interviewed. Therefore, the 2023 survey covers crimes experienced from July 1, 2022 to November 30, 2023, with March 15, 2023, as the middle of the reference period. Crimes are classified by the year of the survey and not by the year of the crime. To make reliable comparisons over time, this report examines only NCVS data collected since the survey's 1993 redesign.

NCVS data can be used to produce:

- **Victimization estimates**—The total number of times that persons or households were victims of crime. For personal crimes, the number of victimizations is the number of victims of that crime. Each crime against a household is counted as having a single victim: the affected household.
- **Incident estimates**—The number of specific criminal acts involving one or more victims.
- **Prevalence estimates**—The number or percentage of unique persons who were crime victims, or of unique households that experienced crime.

See *Measurement of crime in the National Crime Victimization Survey* in the *Methodology* for more information. Use the interactive NCVS Dashboard (N-DASH) at <https://ncvs.bjs.ojp.gov> to view additional estimates and graphics.

Victimization estimates

Victimizations reflect the total number of times that persons or households were victims of crime. There were 6.4 million violent victimizations of persons age 12 or older in the United States in 2023 (**table 1**), which was not significantly different from the number in 2022 or 5 years ago in 2019.¹

Victimization rates measure the extent to which violent and property victimizations occur in a specified population during a specified time. In 2023, the rate of violent victimization was 22.5 victimizations per 1,000 persons age 12 or older, higher than in 2021 (16.5 per 1,000) but not significantly different from 2022. From 2022 to 2023, there were no significant changes in the rates of specific violent crime types.

Although there was no change in the rate of domestic violence (violent victimizations that were committed by current or former intimate partners or family members) from 2022 to 2023, the rate of intimate partner violence (violent victimizations that were committed by current or former spouses, boyfriends, or girlfriends) decreased from 3.4 victimizations per 1,000 persons age 12 or older in 2022 to 2.2 per 1,000 in 2023. There were no statistically significant changes in the rates of violent victimization by a stranger, with an injury, or with a weapon from 2022 to 2023.

¹In this report, statistical significance is reported at both the 90% and 95% confidence levels. All comparisons made in text are statistically significant unless otherwise stated. See figures and tables for testing on specific findings.

TABLE 1
Number and rate of violent victimizations, by type of crime, 2019–2023

Type of violent crime	2019		2020		2021		2022		2023*	
	Number	Rate per 1,000 ^a	Number	Rate per 1,000 ^a	Number	Rate per 1,000 ^a	Number	Rate per 1,000 ^a	Number	Rate per 1,000 ^a
Total violent crime^b	5,813,410	21.0	4,558,150 †	16.4 †	4,598,310 †	16.5 †	6,624,950	23.5	6,419,060	22.5
Rape/sexual assault ^c	459,310	1.7	319,950	1.2	324,500	1.2	531,810	1.9	481,020	1.7
Robbery	534,420 ‡	1.9	437,260 †	1.6 †	464,280 †	1.7 †	694,860	2.5	731,620	2.6
Assault	4,819,680	17.4	3,800,950 †	13.7 †	3,809,530 †	13.6 †	5,398,290	19.1	5,206,430	18.3
Aggravated assault	1,019,490 ‡	3.7	812,180 †	2.9 †	766,330 †	2.7 †	1,540,110	5.5	1,273,200	4.5
Simple assault	3,800,190	13.7	2,988,770 †	10.7 †	3,043,190 †	10.9 †	3,858,180	13.7	3,933,230	13.8
Violent crime excluding simple assault^d	2,013,220 †	7.3 ‡	1,569,390 †	5.6 †	1,555,110 †	5.6 †	2,766,770	9.8	2,485,830	8.7
Selected characteristics of violent crime^e										
Domestic violence ^f	1,164,540	4.2	856,750 ‡	3.1 ‡	910,880	3.3	1,370,440	4.9	1,165,890	4.1
Intimate partner violence ^g	695,060	2.5	484,830	1.7	473,730	1.7	951,930 †	3.4 †	629,820	2.2
Stranger violence	2,254,740 †	8.1 †	1,973,200 †	7.1 †	2,056,150 †	7.4 †	2,994,270	10.6	3,233,400	11.4
Violent crime with an injury	1,265,680	4.6	1,160,920	4.2	975,340 †	3.5 †	1,412,290	5.0	1,312,760	4.6
Violent crime with a weapon	1,119,060 †	4.0 †	938,740 †	3.4 †	895,560 †	3.2 †	1,798,150	6.4	1,505,690	5.3

Note: Details may not sum to totals due to rounding. Includes threatened, attempted, and completed occurrences of crimes. See appendix table 2 for standard errors.

*Comparison year.

†Difference with comparison year is significant at the 95% confidence level.

‡Difference with comparison year is significant at the 90% confidence level.

^aRate is per 1,000 persons age 12 or older. See appendix table 19 for person populations.

^bExcludes homicide because the National Crime Victimization Survey (NCVS) is based on interviews with victims.

^cSee *Methodology* for details on the measurement of rape or sexual assault in the NCVS.

^dIncludes rape or sexual assault, robbery, and aggravated assault.

^eViolent crime categories such as domestic violence and violent crime with an injury are not mutually exclusive from other violent crime categories or other selected characteristics.

^fIncludes the subset of violent victimizations that were committed by current or former intimate partners or family members.

^gIncludes the subset of violent victimizations that were committed by current or former spouses, boyfriends, or girlfriends.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2019–2023.

The number of property victimizations in 2023 was similar to the number in 2022

Households in the United States experienced 13.6 million property victimizations in 2023 (table 2). The number of property victimizations was comparable to the number in 2022 but higher than the 12.8 million in 2019. Property crime includes burglary or trespassing, motor vehicle theft, and other types of household theft.

The rate of property victimization remained stable from 2022 to 2023 (102.2 victimizations per 1,000 households) and was similar to the rate in 2019. There were no significant differences in the rates of specific types of property victimizations between 2022 and 2023. Over the past 5 years, the motor vehicle theft rate increased from 3.9 per 1,000 households in 2019 to 6.1 per 1,000 in 2023, while the burglary or trespassing rate decreased from 17.2 per 1,000 to 13.1 per 1,000.

TABLE 2
Number and rate of property victimizations, by type of crime, 2019–2023

Type of property crime	2019		2020		2021		2022		2023*	
	Number	Rate per 1,000 ^a	Number	Rate per 1,000 ^a	Number	Rate per 1,000 ^a	Number	Rate per 1,000 ^a	Number	Rate per 1,000 ^a
Total	12,818,000 †	101.4	12,085,170 †	94.5 †	11,682,060 †	90.3 †	13,373,330	101.9	13,637,450	102.2
Burglary/trespassing^b	2,178,400 †	17.2 †	1,741,250	13.6	1,800,350	13.9	1,919,930	14.6	1,746,980	13.1
Burglary ^c	1,484,730 †	11.7 †	1,210,640	9.5	1,142,900	8.8	1,324,030	10.1	1,202,830	9.0
Trespassing ^d	693,670 †	5.5 †	530,610	4.1	657,440 ‡	5.1 ‡	595,910	4.5	544,140	4.1
Motor vehicle theft	495,670 †	3.9 †	545,810 †	4.3 †	558,670 †	4.3 †	716,650	5.5	808,830	6.1
Other theft^e	10,143,930 †	80.2	9,798,110 †	76.6 †	9,323,040 †	72.1 †	10,736,750	81.8	11,081,650	83.1

Note: Details may not sum to totals due to rounding. Includes threatened, attempted, and completed occurrences of those crimes. See appendix table 3 for standard errors.

*Comparison year.

†Difference with comparison year is significant at the 95% confidence level.

‡Difference with comparison year is significant at the 90% confidence level.

^aRate is per 1,000 households. See appendix table 20 for household populations.

^bCalled household burglary in prior reports. Includes unlawful or forcible entry or attempted entry of places, including a permanent residence, other residence (e.g., a hotel room or vacation residence), or other structure (e.g., a garage or shed). Includes victimizations where the offender stole, attempted to steal, or did not attempt to steal. Excludes trespassing on land.

^cIncludes only crimes where the offender committed or attempted a theft.

^dIncludes crimes where the offender did not commit or attempt a theft. Excludes trespassing on land.

^eIncludes other unlawful taking or attempted unlawful taking of property or cash without personal contact with the victim.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2019–2023.

The rate of violent victimization excluding simple assault decreased for males in 2023

From 2022 to 2023, the violent victimization rate for persons in households earning \$200,000 or more decreased from 23.4 to 15.7 per 1,000 persons age 12 or older (**table 3**). Rates of violent victimization also decreased from 2022 to 2023 among persons ages 35 to 49 (25.8 per 1,000 to 21.2 per 1,000) and age 65 or older (10.5 per 1,000 to 7.8 per 1,000). The rate of violent victimization did not change significantly by sex, race or Hispanic origin, or marital status from 2022 to 2023.

The rate of violent victimization excluding simple assault decreased for males from 2022 (9.5 per 1,000) to 2023 (6.9 per 1,000), while the rate for females did not change significantly. The rate of violent victimization excluding simple assault also decreased for persons ages 12 to 17 and ages 35 to 49, married persons, divorced persons, and persons in households earning \$200,000 or more.

TABLE 3

Rate of violent victimization, by type of crime and demographic characteristics of victims, 2022 and 2023

Victim demographic characteristic	Total violent crime ^a		Violent crime excluding simple assault ^b	
	2022	2023*	2022	2023*
Total	23.5	22.5	9.8	8.7
Sex				
Male	23.5	20.8	9.5 †	6.9
Female	23.4	24.2	10.0	10.5
Race/Hispanic origin				
White ^c	24.0	22.5	9.7	8.3
Black ^c	21.8	26.9	9.0	12.3
Hispanic	22.6	21.3	11.0	8.5
Asian/Native Hawaiian/Other Pacific Islander ^{c,d}	13.6	10.7	4.8	4.5
Other ^{c,e}	58.9	50.4	25.6	17.6
Age				
12–17	27.4	21.4	8.4 ‡	5.4
18–24	36.8	43.9	18.7	24.1
25–34	34.2	33.2	13.4	12.6
35–49	25.8 ‡	21.2	10.6 †	7.1
50–64	17.3	19.9	8.0	6.2
65 or older	10.5 ‡	7.8	4.1	3.5
Marital status				
Never married	34.0	33.8	13.9	14.8
Married	12.1	12.0	5.0 †	3.4
Widowed	13.6	9.0	6.7	3.3
Divorced	36.4	32.7	17.2 ‡	12.3
Separated	58.6	43.1	20.0	15.6
Household income				
Less than \$25,000	42.4	39.0	19.3	18.7
\$25,000–\$49,999	26.6	23.9	12.5	10.2
\$50,000–\$99,999	18.5	21.4	6.8	8.3
\$100,000–\$199,999	16.4	17.4	6.6	5.1
\$200,000 or more	23.4 †	15.7	7.9 †	4.0

Note: Rates are per 1,000 persons age 12 or older. See appendix table 19 for person populations. See appendix table 4 for standard errors.

*Comparison year.

†Difference with comparison year is significant at the 95% confidence level.

‡Difference with comparison year is significant at the 90% confidence level.

^aIncludes rape or sexual assault, robbery, aggravated assault, and simple assault. Excludes homicide because the National Crime Victimization Survey is based on interviews with victims.

^bIncludes rape or sexual assault, robbery, and aggravated assault.

^cExcludes persons of Hispanic origin (e.g., “white” refers to non-Hispanic white persons and “black” refers to non-Hispanic black persons).

^dIncludes persons who identified as Asian only or Native Hawaiian or Other Pacific Islander only. Categories are not shown separately due to small numbers of sample cases.

^eIncludes persons who identified as American Indian or Alaska Native only or as two or more races. Categories are not shown separately due to small numbers of sample cases.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2022 and 2023.

Almost half of violent victimizations were reported to police in 2023

The NCVS collects information on whether crimes were reported or not reported to police and on the reasons why the crime was reported or not reported. Victims may not report a crime for a variety of reasons, including fear of reprisal or getting the offender in trouble, believing that police would not or could not do anything to help, and believing the crime to be a personal issue or too trivial to report. Reporting to police may occur during or immediately following a criminal incident or at a later date. Police may be notified by the victim or a third party (including witnesses; other victims; household members; or nonpolice officials, such as school officials or workplace managers), or police may have been at the scene of the incident.

Approximately 45% of violent victimizations were reported to police in 2023, which was not significantly different from 2022 (table 4). The percentage of rape or sexual assault victimizations reported to police increased significantly, from 21% in 2022 to 46% in 2023. A lower percentage of robbery victimizations were reported to police in 2023 (42%) than in 2022 (64%). During this period, the percentage of overall property crime victimizations reported to police decreased from 32% to 30%, due in part to a decline in the reporting of motor vehicle thefts to police (from 81% to 72%).

TABLE 4

Percent of victimizations reported to police, by type of crime, 2022 and 2023

Type of crime	2022	2023*
Total violent crime^a	41.5%	44.7%
Rape/sexual assault ^b	21.4 †	46.0
Robbery	64.0 †	42.4
Assault	40.6	44.9
Aggravated assault	49.9	57.1
Simple assault	36.8	40.9
Violent crime excluding simple assault^c	48.0%	50.6%
Selected characteristics of violent crime^d		
Domestic violence ^e	53.8%	47.7%
Intimate partner violence ^f	51.5	47.2
Stranger violence	36.0 †	44.9
Violent crime with an injury	48.8	50.8
Violent crime with a weapon	51.7	56.3
Total property crime	31.8% ‡	29.9%
Burglary/trespassing ^g	43.8	42.7
Burglary ^h	44.9	42.2
Trespassing ⁱ	41.2	43.9
Motor vehicle theft	80.9 †	72.4
Other theft ^j	26.4	24.8

Note: See appendix table 5 for standard errors.

*Comparison year.

†Difference with comparison year is significant at the 95% confidence level.

‡Difference with comparison year is significant at the 90% confidence level.

^aExcludes homicide because the National Crime Victimization Survey (NCVS) is based on interviews with victims.

^bSee *Methodology* for details on the measurement of rape or sexual assault in the NCVS.

^cIncludes rape or sexual assault, robbery, and aggravated assault.

^dViolent crime categories such as domestic violence and violent crime with an injury are not mutually exclusive from other violent crime categories or other selected characteristics.

^eIncludes the subset of violent victimizations that were committed by current or former intimate partners or family members.

^fIncludes the subset of violent victimizations that were committed by current or former spouses, boyfriends, or girlfriends.

^gCalled household burglary in prior reports. Includes unlawful or forcible entry or attempted entry of places, including a permanent residence, other residence (e.g., a hotel room or vacation residence), or other structure (e.g., a garage or shed). Includes victimizations where the offender stole, attempted to steal, or did not attempt to steal. Excludes trespassing on land.

^hIncludes only crimes where the offender committed or attempted a theft.

ⁱIncludes crimes where the offender did not commit or attempt a theft. Excludes trespassing on land.

^jIncludes other unlawful taking or attempted unlawful taking of property or cash without personal contact with the victim.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2022 and 2023.

A higher percentage of violent victimizations involving male victims were reported to police in 2023 than in 2022

From 2022 to 2023, the percentage of violent victimizations reported to police increased for male victims (38% to 46%) (table 5). The percentage of

violent victimizations reported to police also increased for victims who were never married (32% to 40%) and victims in households earning between \$100,000 and \$199,999 (38% to 50%).

TABLE 5
Percent and rate of violent victimizations reported to police, by demographic characteristics of victims, 2022 and 2023

Victim demographic characteristic	Percent		Rate per 1,000 ^a	
	2022	2023*	2022	2023*
Total	41.5%	44.7%	9.7	10.1
Sex				
Male	37.5% †	45.7%	8.8	9.5
Female	45.3	43.8	10.6	10.6
Race/Hispanic origin				
White ^b	41.6%	41.9%	10.0	9.4
Black ^b	45.9	55.7	10.0 †	15.0
Hispanic	45.6	47.8	10.3	10.2
Asian/Native Hawaiian/Other Pacific Islander ^{b,c}	34.2	29.3	4.7	3.1
Other ^{b,d}	22.1 †	44.7	13.0	22.5
Age				
12–17	31.2%	23.4%	8.5 ‡	5.0
18–24	27.4	36.3	10.1 ‡	15.9
25–34	38.2	41.5	13.1	13.8
35–49	48.7	50.6	12.5	10.7
50–64	54.3	55.5	9.4	11.0
65 or older	44.9	58.4	4.7	4.6
Marital status				
Never married	31.9% †	39.8%	10.8 ‡	13.5
Married	52.9	48.0	6.4	5.8
Widow/widower	42.5	47.3	5.8	4.2
Divorced	49.6	56.4	18.1	18.5
Separated	66.3	55.3	38.8	23.9
Household income				
Less than \$25,000	43.1%	39.3%	18.3	15.3
\$25,000–\$49,999	45.3	53.7	12.1	12.8
\$50,000–\$99,999	40.4	41.1	7.5	8.8
\$100,000–\$199,999	37.5 ‡	49.7	6.1	8.6
\$200,000 or more	36.9	34.6	8.6 ‡	5.4

Note: See appendix table 6 for standard errors.

*Comparison year.

†Difference with comparison year is significant at the 95% confidence level.

‡Difference with comparison year is significant at the 90% confidence level.

^aRates are per 1,000 persons age 12 or older. See appendix table 19 for person populations.

^bExcludes persons of Hispanic origin (e.g., “white” refers to non-Hispanic white persons and “black” refers to non-Hispanic black persons).

^cIncludes persons who identified as Asian only or Native Hawaiian or Other Pacific Islander only. Categories are not shown separately due to small numbers of sample cases.

^dIncludes persons who identified as American Indian or Alaska Native only or as two or more races. Categories are not shown separately due to small numbers of sample cases.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2022 and 2023.

The rate of violent victimization not reported to police in 2023 was not significantly different from 2022

In 2023, there were 1.1 robbery victimizations reported to police per 1,000 persons age 12 or older, down from 1.6 per 1,000 in 2022 (table 6). The rate of reported violent victimization committed by a stranger increased from 2022 to 2023 (3.8 to 5.1 per 1,000), while the rate of reported intimate partner violent victimization decreased (1.7 to 1.0 per 1,000).

The rate of unreported aggravated assault decreased from 2.7 victimizations per 1,000 persons in 2022 to 1.8 per 1,000 in 2023. In 2023, there were 1.6 motor vehicle theft victimizations that were not reported to police per 1,000 households, up from 0.9 per 1,000 in 2022.

TABLE 6

Rate of victimizations reported and not reported to police, by type of crime, 2022 and 2023

Type of crime	Reported to police		Not reported to police	
	2022	2023*	2022	2023*
Total violent crime^a	9.7	10.1	13.2	11.8
Rape/sexual assault ^b	0.4	0.8	1.5 †	0.9
Robbery	1.6 ‡	1.1	0.9 ‡	1.5
Assault	7.8	8.2	10.9	9.5
Aggravated assault	2.7	2.6	2.7 †	1.8
Simple assault	5.0	5.6	8.2	7.7
Violent crime excluding simple assault^c	4.7	4.4	5.0	4.1
Selected characteristics of violent crime^d				
Domestic violence ^e	2.6	2.0	2.2	2.0
Intimate partner violence ^f	1.7 †	1.0	1.6	1.1
Stranger violence	3.8 ‡	5.1	6.5	6.1
Violent crime with an injury	2.4	2.3	2.5	2.1
Violent crime with a weapon	3.3	3.0	3.0 ‡	2.3
Total property crime	32.4	30.6	68.0	70.0
Burglary/trespassing ^g	6.4	5.6	8.1	7.4
Burglary ^h	4.5	3.8	5.5	5.1
Trespassing ⁱ	1.9	1.8	2.6	2.3
Motor vehicle theft	4.4	4.4	0.9 †	1.6
Other theft ^j	21.6	20.6	59.0	61.0

Note: Rates are per 1,000 persons age 12 or older for violent crime and per 1,000 households for property crime. See appendix table 19 for person populations and appendix table 20 for household populations. See appendix table 7 for standard errors.

*Comparison year.

†Difference with comparison year is significant at the 95% confidence level.

‡Difference with comparison year is significant at the 90% confidence level.

^aExcludes homicide because the National Crime Victimization Survey (NCVS) is based on interviews with victims.

^bSee *Methodology* for details on the measurement of rape or sexual assault in the NCVS.

^cIncludes rape or sexual assault, robbery, and aggravated assault.

^dViolent crime categories such as domestic violence and violent crime with an injury are not mutually exclusive from other violent crime categories or other selected characteristics.

^eIncludes the subset of violent victimizations that were committed by current or former intimate partners or family members.

^fIncludes the subset of violent victimizations that were committed by current or former spouses, boyfriends, or girlfriends.

^gCalled household burglary in prior reports. Includes unlawful or forcible entry or attempted entry of places, including a permanent residence, other residence (e.g., a hotel room or vacation residence), or other structure (e.g., a garage or shed). Includes victimizations where the offender stole, attempted to steal, or did not attempt to steal. Excludes trespassing on land.

^hIncludes only crimes where the offender committed or attempted a theft.

ⁱIncludes crimes where the offender did not commit or attempt a theft. Excludes trespassing on land.

^jIncludes other unlawful taking or attempted unlawful taking of property or cash without personal contact with the victim.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2022 and 2023.

Veterans experienced more than 300,000 violent victimizations in 2023

Veterans experienced 328,520 violent victimizations (20.2 per 1,000 veterans) in 2023, which was not significantly different from the number and rate in 2022 (table 7).² The violent victimization rate for U.S. citizens in 2023 (23.1 per 1,000 U.S. citizens) also remained similar to the 2022 rate. However, the rate for non-U.S. citizens decreased from 19.9 per 1,000 non-U.S. citizens to 11.4 per 1,000.

The rate of property victimization in urban areas increased from 2022 to 2023

From 2022 to 2023, the rate of property victimization in urban areas increased from 176.1 victimizations per 1,000 households to 192.3 per 1,000 (table 8). In 2023, the rate of violent victimization in urban areas was 29.6 per 1,000 persons, which was not significantly different from the rate in 2022. Neither the rate of property nor of violent victimization in suburban and rural areas changed significantly from 2022 to 2023.

²Veterans are defined as persons currently or previously on active duty. Most NCVS respondents who are veterans were previously on active duty.

TABLE 7
Number and rate of violent victimizations, by veteran and citizenship status of victims, 2022 and 2023

Victim veteran and citizenship status	2022		2023*	
	Number	Rate per 1,000 ^a	Number	Rate per 1,000 ^a
Total violent victimizations^b	6,624,950	23.5	6,419,060	22.5
Veteran status^c				
Veteran ^d	328,400	19.7	328,520	20.2
Nonveteran ^e	5,552,730	23.3	5,449,400	22.6
Citizenship status				
U.S. citizen	6,296,890	23.7	6,170,250	23.1
U.S.-born citizen ^f	6,040,930	25.0	5,891,840	24.4
Naturalized U.S. citizen	255,960	10.7	278,410	11.1
Non-U.S. citizen	304,540 †	19.9 †	188,010	11.4

Note: Details may not sum to totals due to rounding and missing data. See appendix table 8 for standard errors.

*Comparison year.

†Difference with comparison year is significant at the 95% confidence level.

^aRate is per 1,000 persons age 12 or older.

^bIncludes rape or sexual assault, robbery, aggravated assault, and simple assault. Excludes homicide because the National Crime Victimization Survey (NCVS) is based on interviews with victims.

^cIncludes persons age 18 or older.

^dVeterans include persons currently or previously on active duty. Because the NCVS is a household-based survey and active-duty military personnel are more likely to be out of the household at the time of data collection, most veterans in the sample are former active-duty military personnel.

^eNonveterans include persons who never served in the U.S. Armed Forces or who completed training in the Reserves or National Guard only.

^fIncludes persons born in the United States, in a U.S. territory, or abroad to U.S. parents.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2022 and 2023.

TABLE 8
Rate of victimization, by type of crime and location of residence, 2022 and 2023

Location of residence ^d	Total violent crime ^a		Violent crime excluding simple assault ^b		Total property crime ^c	
	2022	2023*	2022	2023*	2022	2023*
Urban ^e	33.4	29.6	13.8	12.3	176.1 ‡	192.3
Suburban ^f	23.9	23.3	10.1	8.7	98.9	98.1
Rural ^g	15.4	15.3	6.0	6.4	61.7	56.5

Note: Rates are per 1,000 persons age 12 or older for violent crime and per 1,000 households for property crime. See appendix table 9 for standard errors.

*Comparison year.

†Difference with comparison year is significant at the 95% confidence level.

‡Difference with comparison year is significant at the 90% confidence level.

^aIncludes rape or sexual assault, robbery, aggravated assault, and simple assault. Excludes homicide because the National Crime Victimization Survey (NCVS) is based on interviews with victims.

^bIncludes rape or sexual assault, robbery, and aggravated assault.

^cIncludes burglary or trespassing, motor vehicle theft, and other theft.

^dSee *Methodology in Criminal Victimization, 2019* (NCJ 255113, BJS, September 2020) for details on the revised measurement of location of residence in the NCVS.

^eAll census blocks within cities or U.S. Census-designated places that meet certain criteria based on their population and density. See *Methodology in Criminal Victimization, 2019* (NCJ 255113, BJS, September 2020).

^fAll other census blocks not classified as urban or rural. See *Methodology in Criminal Victimization, 2019* (NCJ 255113, BJS, September 2020).

^gAll census blocks not in U.S. Census Bureau-defined urbanized areas or urban clusters. See *Methodology in Criminal Victimization, 2019* (NCJ 255113, BJS, September 2020).

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2022 and 2023.

The percentage of violent victimizations for which victims received assistance from victim service providers did not change from 2022 to 2023

Victim service providers (VSPs) are public or private organizations that assist crime victims. Victims received VSP assistance in 8% of violent victimizations in 2023, similar to 2022 (table 9). From 2022 to 2023, the proportion of violent victimizations where VSP assistance was received did not change significantly for simple assault, violent crime excluding simple assault, or other selected characteristics of violent crime.

In 2023, 9% of violent victimizations involved a firearm

Of the more than 6.4 million violent victimizations in 2023, about 9% involved a firearm (table 10), which was not significantly different from the percentage in 2022. Firearm victimizations are violent victimizations where the offender possessed, showed, or used a firearm. About 75% of firearm victimizations were reported to police in 2023, up from 61% in 2022.

TABLE 9

Percent of violent victimizations for which victims received assistance from a victim service provider, by type of crime, 2022 and 2023

Type of crime	2022	2023*
Total violent crime ^a	9.3%	8.5%
Simple assault	7.0	7.7
Violent crime excluding simple assault ^b	12.5%	9.7%
Selected characteristics of violent crime ^c		
Intimate partner violence ^d	29.4%	22.6%
Violent crime with an injury	17.1	19.1
Violent crime with a weapon	8.6	7.6

Note: See appendix table 10 for standard errors.

*Comparison year.

^aIncludes rape or sexual assault, robbery, aggravated assault, and simple assault. Excludes homicide because the National Crime Victimization Survey is based on interviews with victims.

^bIncludes rape or sexual assault, robbery, and aggravated assault.

^cViolent crime categories such as intimate partner violence and violent crime with an injury are not mutually exclusive from other violent crime categories or other selected characteristics.

^dIncludes the subset of violent victimizations that were committed by current or former spouses, boyfriends, or girlfriends.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2022 and 2023.

TABLE 10

Firearm violence, 2022 and 2023

	2022	2023*
Total violent victimizations ^a	6,624,950	6,419,060
Firearm victimizations		
Number	640,710	575,340
Percent	9.7%	9.0%
Rate ^b	2.3	2.0
Firearm victimizations reported to police		
Number	389,590	428,740
Percent	60.8% ‡	74.5%

Note: Includes violent crimes in which the offender possessed, showed, or used a firearm. See appendix table 11 for standard errors.

*Comparison year.

‡Difference with comparison year is significant at the 90% confidence level.

^aIncludes rape or sexual assault, robbery, aggravated assault, and simple assault. Excludes homicide because the National Crime Victimization Survey is based on interviews with victims.

^bRate is per 1,000 persons age 12 or older. See appendix table 19 for person populations.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2022 and 2023.

Incident estimates

An incident is a specific criminal act involving one or more victims.³ In 2023, there were 5.9 million violent incidents involving victims age 12 or older in the United States.

Males made up 49% of the population but were the perceived offenders in 75% of violent incidents in 2023

Patterns varied in the demographic characteristics of victims and offenders (as perceived by victims) involved in violent incidents. In 2023, the share of violent incidents involving male victims (45%) was lower than the share of males in the U.S. population (49%), while the proportion of violent incidents with female victims (55%) was higher than the proportion of females in the population (51%) (**table 11**). The percentage of violent incidents involving male offenders (75%) was 1.5 times the percentage of males in the population, and the

percentage of violent incidents with female offenders (20%) was less than half of the percentage of females in the population.

In 2023, Asian persons and Native Hawaiian or Other Pacific Islander persons were victims (3%) or offenders (1%) in a smaller proportion of violent incidents than their representation in the population (7%). The share of violent incidents involving white (54%) or Hispanic (14%) offenders was lower than the share of white (60%) or Hispanic (18%) persons in the population. The proportion of violent incidents with black offenders (24%) was higher than the proportion of black persons in the population (12%).

The percentages of violent incidents involving victims (33%) or offenders (23%) ages 18 to 29 were higher than this age group's share of the population (18%). The shares of incidents where the victims (58%) or offenders (62%) were age 30 or older was lower than this age group's proportion of the population (73%).

³Tables 11 through 13 present incident-level data on victims and offenders. Offender characteristics in the NCVS are based on victims' perceptions of offenders.

TABLE 11**Number and percent of violent incidents, by demographic characteristics of population, victims, and offenders, 2023**

Demographic characteristic	Population ^a	Number of violent incidents		Percent of population ^{a*}	Percent of violent incidents		Percent ratio	
		Victim	Offender ^b		Victim	Offender ^b	Victim-to-population	Offender-to-population
Total	284,857,030	5,934,570	5,934,570	100%	100%	100%	1.0	1.0
Sex								
Male	139,949,880	2,695,780	4,102,150	49.1%	45.4% †	75.2% †	0.9	1.5
Female	144,907,150	3,238,800	1,098,440	50.9	54.6 †	20.1 †	1.1	0.4
Both male and female offenders	~	~	257,380	~	~	4.7	~	~
Race/Hispanic origin								
White ^c	171,573,780	3,541,060	2,630,800	60.2%	59.7%	53.7% †	1.0	0.9
Black ^c	34,813,560	868,760	1,177,040	12.2	14.6	24.0 †	1.2	2.0
Hispanic ^d	52,113,170	1,037,330	687,540	18.3	17.5	14.0 †	1.0	0.8
Asian/Native Hawaiian/Other Pacific Islander ^{c,e}	20,351,610	194,600	65,430	7.1	3.3 †	1.3 †	0.5	0.2
Other ^{c,f}	6,004,920	292,830	105,160	2.1	4.9 †	2.1	2.3	1.0
Multiple offenders of various races ^g	~	~	235,130	~	~	4.8	~	~
Age								
11 or younger ^h	~	~	50,070	~	~	1.0%	~	~
12–17	25,586,570	513,510	442,250	9.0%	8.7%	8.9	1.0	1.0
18–29	52,570,700	1,951,690	1,116,810	18.5	32.9 †	22.6 †	1.8	1.2
30 or older	206,699,770	3,469,370	3,051,930	72.6	58.5 †	61.7 †	0.8	0.8
Multiple offenders of various ages	~	~	287,110	~	~	5.8	~	~

Note: Details may not sum to totals due to rounding and missing data for offender characteristics. An incident is a specific criminal act involving one or more victims. Offender characteristics are based on victims' perceptions of offenders. See appendix table 12 for standard errors.

*Comparison group.

†Difference with comparison group is significant at the 95% confidence level.

~Not applicable.

^aThe National Crime Victimization Survey (NCVS) population represents persons age 12 or older living in noninstitutionalized residential settings in the United States.

^bIncludes incidents in which the perceived offender characteristics were reported. The sex of the offender was unknown in 8% of incidents, the race or Hispanic origin of the offender was unknown in 17% of incidents, and the age of the offender was unknown in 17% of incidents.

^cExcludes persons of Hispanic origin (e.g., "white" refers to non-Hispanic white persons and "black" refers to non-Hispanic black persons).

^dIncludes single offenders identified as Hispanic and multiple-offender groups where all offenders were perceived to be Hispanic. In previous publications, if the victim perceived any of the offenders in a multiple-offender incident to be of Hispanic origin, they were classified as Hispanic.

^eIncludes victims who identified, or offenders who were perceived, as Asian only or Native Hawaiian or Other Pacific Islander only. Categories are not shown separately due to small numbers of sample cases.

^fIncludes victims who identified, or offenders who were perceived, as American Indian or Alaska Native only or as two or more races. Categories are not shown separately due to small numbers of sample cases.

^gIncludes multiple-offender groups of offenders perceived to be of two or more races or groups where one offender was perceived to be Hispanic and one offender was perceived to be one or more races.

^hWhile the NCVS does not survey victims age 11 or younger, victims may report the offender to be age 11 or younger.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2023.

In 2023, in about 4.1 million of the 5.9 million violent incidents in the United States, the offender was male, based on victims' perceptions of offenders' sex. More violent incidents with male victims involved male offenders (1,983,990 incidents) than female offenders (322,420) or both male and female offenders (145,440) (table 12). A higher number of violent incidents with female victims involved male offenders (2,118,160) than female offenders (776,020) or both male and female offenders (111,940).

Based on victims' perceptions of offenders' race or Hispanic origin, more violent incidents involving white victims were committed by white offenders (1,947,110 incidents) than by offenders of another or an unknown race or Hispanic origin (table 13). A greater number of incidents involving black victims were committed

by offenders who were black (486,910), and a lower number were committed by offenders who were Hispanic (40,880), than by offenders who were white (117,900). For incidents involving Hispanic victims, more incidents were committed by offenders who were white (377,750) than black (188,490) or those perceived to be of another race (64,660).⁴ There was no statistically significant difference in the number of incidents involving Hispanic victims that were committed by offenders who were white and those committed by Hispanic offenders.

⁴Prior to *Criminal Victimization, 2022* (NCJ 307089, BJS, September 2023), if the victim perceived any of the offenders in a multiple-offender incident to be of Hispanic origin, the offenders were classified as Hispanic. In this report, offenders were included in the "other" category when at least one offender was perceived as Hispanic and at least one was perceived as one or more races in a multiple-offender incident.

TABLE 12
Number of violent incidents, by sex of victims and offenders, 2023

Victim sex	Total violent incidents	Offender sex			
		Male*	Female	Both male and female	Unknown ^a
Male	2,695,780	1,983,990	322,420 †	145,440 †	243,930 †
Female	3,238,800	2,118,160	776,020 †	111,940 †	232,670 †

Note: Details may not sum to totals due to rounding. An incident is a specific criminal act involving one or more victims. Offender sex is based on victims' perceptions of offenders. See appendix table 13 for standard errors.

*Comparison group.

†Difference with comparison group is significant at the 95% confidence level.

^aIncludes incidents where the victim did not know the offender's sex.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2023.

TABLE 13
Number of violent incidents, by race or Hispanic origin of victims and offenders, 2023

Victim race/Hispanic origin ^a	Total violent incidents	Offender race/Hispanic origin				
		White ^{b*}	Black ^b	Hispanic ^c	Other ^{b,d}	Unknown ^e
White ^b	3,541,060	1,947,110	385,400 †	341,020 †	260,120 †	607,410 †
Black ^b	868,760	117,900	486,910 †	40,880 †	24,130 †	198,930
Hispanic	1,037,330	377,750	188,490 †	274,600	64,660 †	131,830 †
Other ^{b,d}	487,420	188,040	116,240 ‡	31,030 †	56,810 †	95,300 †

Note: Details may not sum to totals due to rounding. An incident is a specific criminal act involving one or more victims. Offender race or Hispanic origin is based on victims' perceptions of offenders. Includes violent incidents in which offender race or Hispanic origin was reported. See appendix table 14 for standard errors.

*Comparison group.

†Difference with comparison group is significant at the 95% confidence level.

‡Difference with comparison group is significant at the 90% confidence level.

! Interpret data with caution. Estimate is based on 10 or fewer sample cases, or coefficient of variation is greater than 50%.

^aSome victim categories are not shown due to small numbers of sample cases. Of the 5,934,570 violent incidents in 2023, a total of 487,420 involved victims who identified as Asian only, Native Hawaiian or Other Pacific Islander only, American Indian or Alaska Native only, or two or more races.

^bExcludes persons who identified or were perceived as being of Hispanic origin (e.g., "white" refers to non-Hispanic white persons and "black" refers to non-Hispanic black persons).

^cIncludes single offenders perceived to be of Hispanic origin and multiple-offender groups in which all offenders were perceived as Hispanic. In previous publications, if the victim perceived any of the offenders in a multiple-offender incident as Hispanic, the offenders were classified as Hispanic.

^dIncludes persons who identified or were perceived as Asian only, Native Hawaiian or Other Pacific Islander only, American Indian or Alaska Native only, or two or more races; and persons in multiple-offender incidents perceived as various races, including incidents in which one or more offenders were perceived as Hispanic and as two or more races. Categories are not shown separately due to small numbers of sample cases.

^eIncludes persons whose race or Hispanic origin was unknown to the victim.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2023.

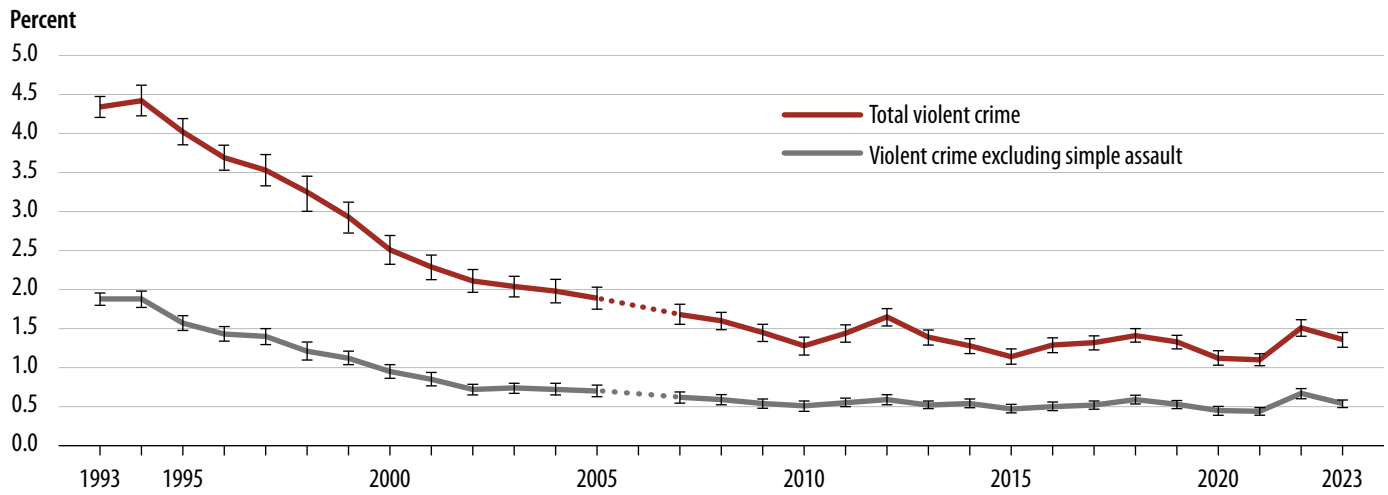
Prevalence estimates

Prevalence reflects the number or percentage of unique persons or households that were victimized at least once during a given period. An estimated 1.36% of persons age 12 or older experienced one or more violent victimizations in 2023 (figure 2). This was a significant decrease from 2022 when 1.51% of persons

age 12 or older were victim of violent crime. In 2023, the prevalence of violent crime was significantly lower than 31 years before in 1993 (4.34%) but not significantly different than either 5 years ago in 2019 or 10 years ago in 2014. Violent crime excluding simple assault followed a similar trend to that of violent crime, with 0.54% of persons experiencing at least one victimization in 2023.

FIGURE 2

Percent of persons age 12 or older who were victims of violent crime and violent crime excluding simple assault, 1993–2023



Note: See table 1 for definitions and appendix table 15 for estimates, standard errors, and 95% confidence intervals. Estimates for 2006 should not be compared to other years. See *Criminal Victimization, 2007* (NCJ 224390, BJS, December 2008) for more information on changes to the 2006 National Crime Victimization Survey. Estimates may not match those previously published due to the development of a new weight for prevalence. For more information, see *A New Measure of Prevalence for the National Crime Victimization Survey* (NCJ 307554, BJS, April 2024).

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1993–2023.

A new measure of prevalence

The Bureau of Justice Statistics transitioned to a new prevalence estimation procedure called the One Victimization Adjustment Method (OVAM).⁵ The old measure of prevalence had three main limitations:

- The relationship between victimizations and victims was distorted. If every person in the population experienced exactly one victimization, then the prevalence rate would equal the victimization rate. The old method did not account for this fact, so victims with only one victimization were overcounted.
- The old measure did not adjust for households and persons that were interviewed in only one half of the year. Households and persons with no victimizations in the 6-month interview period were assumed to have no victimizations in the year, which may not have been true.
- The old method did not adjust for “telescoping bias,” which occurs when a respondent mistakenly reports

crimes that they experienced before the 6-month interview period. For more information on addressing telescoping bias in the NCVS, see *National Crime Victimization Survey, 2016: Technical Documentation* (NCJ 251442, BJS, December 2017).

The OVAM aims to overcome the old procedure’s limitations by making victimization and prevalence rates the same for persons who experienced exactly one victimization. The OVAM also implicitly accounts for the fact that an individual may be interviewed in only one half of the year and adjusts for telescoping bias through the use of the victimization weight. See *Methodology* for more information.

The new procedure has implications for the interpretation of prevalence estimates. As a result of the transition to this new method, prevalence estimates in this report are not directly comparable to prevalence estimates in prior *Criminal Victimization* reports. Trends for specific types of crime or specific years of interest should be re-calculated using the OVAM. The report *A New Measure of Prevalence for the National Crime Victimization Survey* (NCJ 307554, BJS, April 2024) shows estimates of the prevalence of violent and property crime from 1993 to 2022 using the old and new method.

⁵Details on the development of the new procedure can be found in *National Crime Victimization Survey: Prevalence Estimation Methods* (NCJ 308745, BJS, April 2024). For a comparison of the old and new prevalence estimation methods, see *A New Measure of Prevalence for the National Crime Victimization Survey* (NCJ 307554, BJS, April 2024).

A lower percentage of persons were victims of violent crime in 2023 than in 2022

In addition to the prevalence of overall violent crime, the percentage of persons experiencing rape or sexual assault was lower in 2023 (0.10%) than in 2022 (0.14%)

(table 14). There were also decreases from 2022 to 2023 in aggravated assault, violent crime excluding simple assault, domestic violence, intimate partner violence, and violent crime involving a weapon. The prevalence of intimate partner violence decreased from 2019 (0.13%) to 2023 (0.10%).

TABLE 14
Number and percent of persons who were victims of violent crime, by type of crime, 2019–2023

Type of violent crime	Number of persons ^a					Percent of persons ^b				
	2019	2020	2021	2022	2023*	2019	2020	2021	2022	2023*
Total violent crime^c	3,673,650	3,125,900 †	3,065,930 †	4,256,880 †	3,861,360	1.33%	1.12% †	1.10% †	1.51% †	1.36%
Rape/sexual assault ^d	251,410	221,180	215,440	397,830 †	284,080	0.09	0.08	0.08	0.14 †	0.10
Robbery	411,200	374,550	350,090 ‡	481,010	443,950	0.15	0.13	0.13 ‡	0.17	0.16
Assault	3,100,990	2,616,930 †	2,576,160 †	3,507,610	3,273,230	1.12	0.94 †	0.92 †	1.24	1.15
Aggravated assault	828,640	670,870 †	679,170 †	1,054,760 †	863,210	0.30	0.24 †	0.24 †	0.37 †	0.30
Simple assault	2,368,390	2,018,050 †	1,979,940 †	2,555,420	2,528,690	0.86	0.73 †	0.71 †	0.91	0.89
Violent crime excluding simple assault^e	1,455,060	1,239,440 †	1,225,190 †	1,880,450 †	1,530,990	0.53%	0.45% †	0.44% †	0.67% †	0.54%
Selected characteristics of violent crime^f										
Domestic violence ^g	625,950	542,210	531,550	717,440 †	569,000	0.23%	0.19%	0.19%	0.25% †	0.20%
Intimate partner violence ^h	372,120 ‡	300,760	279,270	432,390 †	296,260	0.13 †	0.11	0.10	0.15 †	0.10
Stranger violence	1,666,640 †	1,502,080 †	1,546,360 †	2,163,800	2,040,670	0.60	0.54 †	0.55 †	0.77	0.72
Violent crime with an injury	888,580	809,180	714,000	924,520	837,450	0.32	0.29	0.26	0.33	0.29
Violent crime with a weapon	938,560	789,820 †	768,120 †	1,184,490 †	995,740	0.34	0.28 †	0.28 †	0.42 †	0.35

Note: Details may not sum to totals because a person may experience multiple types of crime. Estimates may not match those previously published due to the development of a new weight for prevalence. For more information, see *A New Measure of Prevalence for the National Crime Victimization Survey* (NCJ 307554, BJS, April 2024). See appendix table 19 for person populations. See appendix table 16 for standard errors.

*Comparison year.

†Difference with comparison year is significant at the 95% confidence level.

‡Difference with comparison year is significant at the 90% confidence level.

^aNumber of persons age 12 or older who experienced at least one violent victimization during the year.

^bPercentage of persons age 12 or older who experienced at least one violent victimization during the year.

^cExcludes homicide because the National Crime Victimization Survey (NCVS) is based on interviews with victims.

^dSee *Methodology* for details on the measurement of rape or sexual assault in the NCVS.

^eIncludes rape or sexual assault, robbery, and aggravated assault.

^fViolent crime categories such as domestic violence and violent crime with an injury are not mutually exclusive from other violent crime categories or other selected characteristics.

^gIncludes the subset of violent victimizations that were committed by current or former intimate partners or family members.

^hIncludes the subset of violent victimizations that were committed by current or former spouses, boyfriends, or girlfriends.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2019–2023.

Between 2022 and 2023, the percentage of females who experienced one or more violent crimes decreased from 1.49% to 1.33% (table 15). A lower percentage of white persons experienced one or more violent victimizations in 2023 (1.32%) than in 2022 (1.48%). The prevalence of violent crime decreased from 2022 to 2023 for persons

ages 12 to 17 (from 2.03% to 1.45%) and persons ages 25 to 34 (2.18% to 1.71%). From 2022 to 2023, declines were also observed in the percentages of persons who were never married, separated persons, and persons in households earning \$25,000 or less who experienced at least one violent crime.

TABLE 15

Number and percent of persons who were victims of violent crime, by demographic characteristics of victims, 2022 and 2023

Victim demographic characteristic	Number of persons ^a		Percent of persons ^b	
	2022	2023*	2022	2023*
Total	4,256,880 †	3,861,360	1.51% †	1.36%
Sex				
Male	2,110,460	1,938,300	1.53%	1.38%
Female	2,146,420 ‡	1,923,060	1.49 ‡	1.33
Race/Hispanic origin				
White ^c	2,548,010 ‡	2,259,080	1.48% ‡	1.32%
Black ^c	587,770	550,680	1.71	1.58
Hispanic	745,650	692,120	1.47	1.33
Asian/Native Hawaiian/ Other Pacific Islander ^{c,d}	199,540	173,290	1.01	0.85
Other ^{c,e}	175,920	186,180	3.09	3.10
Age				
12–17	524,620 †	371,390	2.03% †	1.45%
18–24	648,040	666,370	2.20	2.16
25–34	975,230 †	771,260	2.18 †	1.71
35–49	945,750	898,720	1.51	1.42
50–64	777,620	790,690	1.24	1.28
65 or older	385,630	362,910	0.68	0.62
Marital status				
Never married	2,319,370 †	2,006,400	2.22% †	1.89%
Married	1,044,990	1,077,040	0.81	0.83
Widowed	128,660	108,880	0.84	0.71
Divorced	580,790	545,710	2.11	1.99
Separated	175,260 †	105,200	3.55 †	2.15
Household income				
Less than \$25,000	1,020,890 †	794,950	2.65% ‡	2.22%
\$25,000–\$49,999	932,300	889,310	1.51	1.52
\$50,000–\$99,999	1,233,550	1,086,620	1.39	1.22
\$100,000–\$199,999	740,540	776,810	1.09	1.08
\$200,000 or more	329,600	313,670	1.28	1.08

Note: Details may not sum to totals due to rounding and missing data. Violent crime categories include rape or sexual assault, robbery, aggravated assault, and simple assault. It excludes homicide because the National Crime Victimization Survey is based on interviews with victims. Estimates may not match those previously published due to the development of a new weight for prevalence. For more information, see *A New Measure of Prevalence for the National Crime Victimization Survey* (NCJ 307554, BJS, April 2024). See appendix table 17 for standard errors.

*Comparison year.

†Difference with comparison year is significant at the 95% confidence level.

‡Difference with comparison year is significant at the 90% confidence level.

^aNumber of persons age 12 or older who experienced at least one violent victimization during the year.

^bPercentage of persons age 12 or older who experienced at least one violent victimization during the year. See appendix table 19 for person populations.

^cExcludes persons of Hispanic origin (e.g., “white” refers to non-Hispanic white persons and “black” refers to non-Hispanic black persons).

^dIncludes persons who identified as Asian only or Native Hawaiian or Other Pacific Islander only. Categories are not shown separately due to small numbers of sample cases.

^eIncludes persons who identified as American Indian or Alaska Native only or as two or more races. Categories are not shown separately due to small numbers of sample cases.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2022 and 2023.

The prevalence of burglary or trespassing was lower in 2023 than 5 years prior in 2019

In 2023, about 10.2 million households in the country experienced one or more property victimizations (burglary or trespassing, motor vehicle theft, or other household theft), similar to the number of households

in 2022 (table 16). The prevalence of burglary or trespassing declined from 1.38% 5 years ago in 2019 to 1.01% in 2023. The percentage of households that experienced motor vehicle theft increased from 2019 (0.37%) to 2023 (0.56%), but did not change significantly from 2022 to 2023.

TABLE 16
Number and percent of households that experienced property crime, by type of crime, 2019–2023

Type of property crime	Number of households ^a					Percent of households ^b				
	2019	2020	2021	2022	2023*	2019	2020	2021	2022	2023*
Total property crime	9,682,530 †	9,086,230 †	8,812,620 †	9,994,930	10,221,830	7.66%	7.10% †	6.81% †	7.61%	7.66%
Burglary/trespassing^c	1,745,570 †	1,411,150	1,369,940	1,474,140 ‡	1,343,180	1.38% †	1.10% ‡	1.06%	1.12% †	1.01%
Burglary ^d	1,182,420 †	977,330	891,030	1,008,390 ‡	905,000	0.94 †	0.76 ‡	0.69	0.77 †	0.68
Trespassing ^e	605,130 †	459,430	518,300	497,280	467,920	0.48 †	0.36	0.40	0.38	0.35
Motor vehicle theft	467,950 †	476,580 †	520,770 †	680,930	749,950	0.37% †	0.37% †	0.40% †	0.52%	0.56%
Other theft^f	7,901,380 †	7,589,250 †	7,296,150 †	8,285,670	8,574,200	6.25%	5.93% †	5.64% †	6.31%	6.43%

Note: Details may not sum to totals because a household may experience multiple types of crime. See *Methodology* for details on how the household weighting adjustment changed in the National Crime Victimization Survey. Estimates may not match those previously published due to the development of a new weight for prevalence. For more information see *A New Measure of Prevalence for the National Crime Victimization Survey* (NCJ 307554, BJS, April 2024). See appendix table 18 for standard errors.

*Comparison year.

†Difference with comparison year is significant at the 95% confidence level.

‡Difference with comparison year is significant at the 90% confidence level.

^aNumber of households that experienced at least one property victimization during the year.

^bPercentage of households that experienced at least one property victimization during the year. See appendix table 20 for household populations.

^cCalled household burglary in prior reports. Includes unlawful or forcible entry or attempted entry of places, including a permanent residence, other residence (e.g., a hotel room or vacation residence), or other structure (e.g., a garage or shed). Includes victimizations where the offender stole, attempted to steal, or did not attempt to steal. Excludes trespassing on land.

^dIncludes only crimes where the offender committed or attempted a theft.

^eIncludes crimes where the offender did not commit or attempt a theft. Excludes trespassing on land.

^fIncludes other unlawful taking or attempted unlawful taking of property or cash without personal contact with the victim.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2019–2023.

Methodology

Survey coverage

The Bureau of Justice Statistics' (BJS) National Crime Victimization Survey (NCVS) is an annual data collection carried out by the U.S. Census Bureau. The NCVS is a self-report survey that is administered annually from January 1 to December 31. Annual NCVS estimates are based on the number and characteristics of crimes that respondents experienced during the prior 6 months, excluding the month in which they were interviewed. Therefore, the 2023 survey covers crimes experienced from July 1, 2022 to November 30, 2023, with March 15, 2023, as the middle of the reference period. Crimes are classified by the year of the survey and not by the year of the crime.

The NCVS is administered to persons age 12 or older from a nationally representative sample of U.S. households. It collects information on nonfatal personal crimes (rape or sexual assault, robbery, aggravated assault, simple assault, and personal larceny (purse snatching and pocket picking)) and household property crimes (burglary or trespassing, motor vehicle theft, and other types of theft).

The survey collects information on threatened, attempted, and completed crimes. It collects data on both crimes reported and not reported to police. Unless specified otherwise, estimates in this report include threatened, attempted, and completed crimes. In addition to providing annual-level and change estimates on criminal victimization, the NCVS is the primary source of information on the nature of criminal victimization incidents.

Survey respondents provide information about themselves (e.g., age, sex, race, Hispanic origin, marital status, education level, and income) and whether they experienced a victimization. For each victimization incident, respondents report information about the offender (e.g., victim-offender relationship and perceived age, sex, race, and Hispanic origin of offender(s)), characteristics of the crime (e.g., time and place of occurrence, use of weapons, nature of injury, and economic consequences), whether the crime was reported to police, reasons the crime was or was not reported, and experiences with the criminal justice system.

Household information, including household-level demographics (e.g., income) and property victimizations committed against the household (e.g., burglary or

trespassing), is typically collected from the reference person. The reference person is any responsible adult (age 18 or older) member of the household who is unlikely to permanently leave the household. Because an owner or renter of the sampled housing unit is normally the most responsible and knowledgeable household member, this person is generally designated as the reference person and household respondent. However, a household respondent does not have to be one of the household members who owns or rents the unit.

In the NCVS, a household is defined as a group of persons who all reside at a sampled address. Persons are considered household members when the sampled address is their usual place of residence at the time of the interview and when they do not have another primary place of residence. Once selected, households remain in the sample for 3.5 years, and all eligible persons in these households are interviewed every 6 months, for a total of seven interviews.

First interviews are typically conducted in person, with subsequent interviews conducted either in person or by phone. New households rotate into the sample on an ongoing basis to replace outgoing households that have been in the sample for the full 3.5-year period. The sample includes persons living in group quarters, such as dormitories, rooming houses, and religious group dwellings, and excludes persons living on military bases or in institutional settings, such as correctional or hospital facilities.

Measurement of crime in the National Crime Victimization Survey

NCVS data can be used to produce several types of estimates, including victimization, incident, and prevalence rates. Victimization rates measure the extent to which violent and property victimizations occur in a specified population during a specified time. Victimization numbers show the total number of times that persons or households are victimized by crime. For crimes affecting persons, NCVS victimization rates are estimated by dividing the number of victimizations that occur during a specified time (T) by the population at risk for those victimizations and then multiplying the rate by 1,000.

$$\text{Victimization rate}_T = \frac{\text{Number of victimizations experienced by a specified population}_T}{\text{Number of unique persons (or households) in the specified population}_T} \times 1,000$$

For *victimization rates*, each victimization represents one person (for personal crimes) or one household

(for property crimes) affected by a crime.⁶ Every victimization experienced by a person or household during the year is counted. For example, if one person experiences two violent crimes during the year, both are counted in the victimization rate. If one household experiences two property crimes, both are counted in the victimization rate. Victimization estimates are presented in figure 1 and tables 1 through 10 in this report.

Incident rates are another measure of crime. The number of incidents is the number of specific criminal acts involving one or more victims. If every victimization had one victim, the number of incidents would be the same as the number of victimizations. If there was more than one victim, the incident estimate is adjusted to compensate for the possibility that the incident could be reported several times by multiple victims and thus be overcounted. For example, if two people were robbed during the same incident, this crime would be counted as one incident and two victimizations. Incident estimates are presented in tables 11 through 13 in this report.

Prevalence rates are a third measure that reflects a population's risk of experiencing one or more criminal victimizations. They describe the level of victimization, like victimization rates, but are based on the number of unique persons or households in the population experiencing at least one victimization during a specified time. Prevalence estimates are presented in figure 2 and tables 14 through 16 in this report.

The key distinction between a victimization rate and a prevalence rate is whether the numerator consists of the number of victimizations or the number of unique victims. For example, a person who experienced two robberies within the past year would be counted twice in the victimization rate but only once in the prevalence rate. Prevalence rates are estimated by dividing the number of unique victims or victimized households in the specified population by the total number of persons or households in the population and multiplying the rate by 100, yielding the percentage of the population victimized at least once in a period.

$$\text{Prevalence rate}_{\tau} = \frac{\text{Number of unique victims (or victimized households) in a specified population}_{\tau}}{\text{Number of unique persons (or households) in the specified population}_{\tau}} \times 100$$

⁶In the NCVS, personal crimes are personal larceny (purse snatching and pocket picking) and violent victimizations (rape or sexual assault, robbery, aggravated assault, and simple assault). Homicide is not included because the NCVS is based on interviews with victims. Property crimes are burglary or trespassing, motor vehicle theft, and other theft.

Prior to this report, estimates of prevalence were calculated using the person and household weights. Beginning with this report, estimates of prevalence were calculated using the One Victimization Adjustment Method. For more information about measuring prevalence in the NCVS, see *A new measure of prevalence in this report, National Crime Victimization Survey: Prevalence Estimation Methods* (NCJ 308745, BJS, April 2024), and *A New Measure of Prevalence for the National Crime Victimization Survey* (NCJ 307554, BJS, April 2024).

Nonresponse and weighting adjustments

The 2023 NCVS data file includes 142,028 household interviews. Overall, 63% of eligible households completed interviews. Within participating households, interviews with 226,480 persons were completed in 2023, representing an 82% unweighted response rate among eligible persons from responding households.

Victimizations that occurred outside of the United States were excluded from this report. In 2023, about 0.6% of the unweighted victimizations occurred outside of the United States.

NCVS data are weighted to produce annual estimates of victimization for persons age 12 or older living in U.S. households. Because the NCVS relies on a sample rather than a census of the entire U.S. population, weights are designed to adjust to known population totals and to compensate for survey nonresponse and other aspects of the complex sample design.

NCVS data files include person, household, victimization, and incident weights. Person weights provide an estimate of the population represented by each person in the sample. Household weights provide an estimate of the household population represented by each household in the sample. After proper adjustment, both person and household weights are also typically used to form the denominator in calculations of crime rates.

For personal crimes, the incident weight is derived by dividing the person weight of a victim by the total number of persons victimized during an incident, as reported by the respondent. For property crimes measured at the household level, the incident weight and the household weight are the same because the victim of a property crime is considered to be the household as a whole. The incident weight is most frequently used when examining offender demographics.

Victimization weights used in this report account for the number of persons victimized during an incident and for high-frequency repeat victimizations (i.e., series victimizations). Series victimizations are similar in type to one another but occur with such frequency that a victim is unable to recall each individual event or describe each event in detail. Survey procedures allow NCVS interviewers to identify and classify these similar victimizations as series victimizations and to collect detailed information on only the most recent incident in the series.

The weighting counts series victimizations as the actual number of victimizations reported by the victim, up to a maximum of 10. Doing so produces more reliable estimates of crime levels than counting such victimizations only once, while the cap at 10 minimizes the effect of extreme outliers on rates.

According to the 2023 data, series victimizations accounted for 1.5% of all victimizations and 3.8% of all violent victimizations. Additional information on the enumeration and survey procedures of series victimizations is detailed in *Methods for Counting High-Frequency Repeat Victimizations in the National Crime Victimization Survey* (NCJ 237308, BJS, April 2012).

Revised 2016 data file

For 2016, BJS increased the NCVS sample size to facilitate the ability to produce state-level victimization estimates for the 22 most populous states. At the same time, the sample was adjusted to reflect the U.S. population counts in the 2010 decennial census. These changes resulted in a historically large number of new households and first-time interviews in the first half of 2016 and produced challenges in comparing 2016 results to data from prior years.

Working with the U.S. Census Bureau, BJS subsequently devised the methodology that was used to create the revised 2016 NCVS data file. The result was revised criminal victimization estimates that were nationally representative for 2016 and could be compared with prior and future years. For more information, see the *National Crime Victimization Survey revised 2016 estimates* text box (pp. 3–4) and *Methodology* (pp. 15–18) in *Criminal Victimization, 2016: Revised* (NCJ 252121, BJS, October 2018).

Changes to the household weighting adjustment in 2017

The 2017 NCVS weights included a new adjustment so household weights reflected independent housing unit totals available internally at the U.S. Census Bureau. This new adjustment was applied only to household weights and did not affect person weights. Historically, the household weights were adjusted to reflect independent totals for the person population. This new weighting adjustment improves on the prior one and better aligns the number of estimated households in the NCVS with other U.S. Census Bureau household survey estimates.

Due to this new adjustment, the 2017 NCVS estimate for the number of households was about 8% lower than the 2016 NCVS estimate. As a result, the estimate of the number of households affected by property crime was also about 8% lower. When making comparisons of property crime at the household level between 2017 and other years, it is necessary to compare victimization or prevalence rates. Rates are unaffected by this change in weighting methodology because both the numerator and denominator are equally affected.

Comparisons of the number of households that were victimized in 2017 and in prior years are inappropriate due to this change in weighting methodology. For more information on weighting in the NCVS, see *Nonresponse and weighting adjustments* in this report and *National Crime Victimization Survey, 2016: Technical Documentation* (NCJ 251442, BJS, December 2017).

Weighting adjustments in 2020

The 2020 NCVS weights included an additional adjustment to address the impact of modified field operations due to COVID-19. For more information on the weighting adjustments applied in 2020, see the *Source and Accuracy Statement for the 2020 National Crime Victimization Survey* in the NCVS 2020 Codebook (<https://www.icpsr.umich.edu/web/NACJD/studies/38090/datadocumentation>) and *National Crime Victimization Survey, 2016: Technical Documentation* (NCJ 251442, BJS, December 2017).

Beginning in 2020, BJS incorporated another factor to moderate the contribution of outlier weights on NCVS estimates. For more information on this methodology, see the *Source and Accuracy Statement for the 2020 National Crime Victimization Survey* in the NCVS 2020 Codebook (<https://www.icpsr.umich.edu/web/NACJD/studies/38090/datadocumentation>) and *National Crime Victimization Survey: Assessment of Outlier Weights* (NCJ 302186, BJS, October 2021).

Standard error computations

When national estimates are derived from a sample, as with the NCVS, caution must be used when comparing one estimate to another or when comparing estimates over time. Although one estimate may be larger than another, estimates based on a sample have some degree of sampling error. The sampling error of an estimate depends on several factors, including the amount of variation in the responses and the size of the sample. When the sampling error around an estimate is taken into account, estimates that appear different may not be statistically significant.

One measure of the sampling error associated with an estimate is the standard error. The standard error may vary from one estimate to the next. Generally, an estimate with a smaller standard error provides a more reliable approximation of the true value than an estimate with a larger standard error. Estimates with relatively large standard errors have less precision and reliability and should be interpreted with caution.

For complex sample designs, there are several methods that can be used to generate standard errors around a point estimate (e.g., numbers, percentages, and rates). These include direct variance estimation and generalized variance function (GVF) parameters.

BJS uses a specialized version of Balanced Repeated Replication (BRR) estimation using Fay's method to generate standard errors around the victimization estimates.⁷ BRR estimation is a type of direct replication variance estimation. Under replicate variance estimation, a set of replicate weights (e.g., the NCVS typically has a set consisting of 160 replicate weights) is used to capture the sampling variance. Fay's method is used for surveys that have rare outcomes in which the entire sample is necessary to properly estimate the variance. The standard errors for victimization and incident estimates in this report were estimated using BRR and differ from those reported in prior *Criminal Victimization* reports, which used GVF parameters. (See appendix tables 2 through 14). Year-to-year statistically significant differences may also vary from previous reports.

For prevalence estimates, BJS uses BRR and Taylor Series Linearization (TSL) methods to generate standard errors around these estimates. The TSL method directly estimates variances through a linearized function by combining variance estimates from the stratum and primary sampling units (PSUs) used to sample

households and persons.⁸ In the NCVS, the design parameters used for computing TSL variances are PSEUDOSTRATA (stratum) and HALFSAMPLE (PSU). These design parameters are available for all years except the first half of 1993 and all of 2016; therefore, BRR methods were used for 2016 prevalence estimates. The standard errors for prevalence estimates in this report were estimated using TSL (see figure 2 and appendix tables 15 through 18).

Another method used to produce standard errors for NCVS estimates is through GVF parameters. The U.S. Census Bureau produces GVF parameters for BJS, which account for aspects of the NCVS's complex sample design and represent the curve fitted to a selection of individual standard errors, using a specialized version of BRR based on Fay's method. The standard errors for figure 1 were estimated using GVFs.

GVFs express the variance as a function of the expected value of the survey estimate.⁹ The GVF parameters are generated by fitting estimates and their relative variance to a regression model, using an iterative weighted least-squares procedure where the weight is the inverse of the square of the predicted relative variance. For more information on GVFs, see the most recent version of the *National Crime Victimization Survey, 2016: Technical Documentation* (NCJ 251442, BJS, December 2017). GVF parameters are available in the data documentation published with the NCVS public use files through the National Archive of Criminal Justice Data (<https://www.icpsr.umich.edu/web/NACJD/series/95>).

Direct variance estimation (e.g., BRR and TSL) is generally considered more accurate than GVFs in terms of how closely the variance estimate approximates the true variance. With direct variance estimation, each estimate is generated based on the outcome being estimated rather than being generated based on a generalized function.

BJS conducted statistical tests to determine whether differences in estimated numbers, percentages, and rates in this report were statistically significant once sampling error was taken into account. Using statistical analysis programs developed specifically for the NCVS, all comparisons in the text of this report were tested for significance. The primary test procedure was the Student's t-statistic, which tests the difference between two sample estimates. Findings described in this report as increases or decreases passed a test at either the

⁷Wolter, K. M. (2007). *Introduction to variance estimation* (2nd ed.). Springer.

⁸Ibid.

⁹Ibid.

0.05 level (95% confidence level) or 0.10 level (90% confidence level) of significance. Figures and tables in this report should be referenced for testing on specific findings.

Estimates and standard errors of the estimates in this report may be used to generate a confidence interval around the estimate as a measure of the margin of error. The following example illustrates how standard errors may be used to generate confidence intervals:

Based on the 2023 NCVS, the rate of violent victimization in 2023 was 22.5 victimizations per 1,000 persons age 12 or older. (See table 1.) Using the BRR method of direct variance estimation, BJS determined that the estimated victimization rate has a standard error of 1.03. (See appendix table 2.) A confidence interval around the estimate is generated by multiplying the standard error by ± 1.96 (the t-score of a normal, two-tailed distribution that excludes 2.5% at either end of the distribution). Therefore, the 95% confidence interval around the 22.5 estimate from 2023 is $22.5 \pm (1.03 \times 1.96)$ or (20.51 to 24.56). In other words, if BJS used the same sampling method to select different samples and computed an interval estimate for each sample, it would expect the true population parameter (rate of violent victimization) to fall within the interval estimates 95% of the time.

Confidence intervals for flagged estimates should be interpreted with caution, as large standard errors may result in a lower bound estimate of less than zero. For this report, BJS also calculated a coefficient of variation (CV) for all estimates, representing the ratio of the standard error to the estimate. CVs (not shown in tables) provide another measure of reliability and a means for comparing the precision of estimates across measures with differing levels or metrics.

NCVS measurement of rape or sexual assault

The NCVS uses a two-stage measurement approach in the screening and classification of criminal victimization, including rape or sexual assault. In the first stage of screening, survey respondents are administered a series of short-cue screening questions designed to help them think about different experiences they may have had during the reference period. (See NCVS-1/basic screen questionnaire at <https://bjs.ojp.gov/data-collection/ncvs#surveys-0>.)

This design improves respondents' recall of events, particularly for incidents that may not immediately come to mind as crimes, such as those committed by family members and acquaintances. Respondents who answer affirmatively to any of the short-cue screening items are subsequently administered a crime incident report (CIR) designed to classify incidents into specific crime types. (See NCVS-2/CIR at <https://bjs.ojp.gov/data-collection/ncvs#surveys-0>.)

First stage of measurement. Two short-cue screening questions are specifically designed to target sexual victimization:

1. Other than any incidents already mentioned, has anyone attacked or threatened you in any of these ways—
 - a. with any weapon, such as a gun or knife
 - b. with anything like a baseball bat, frying pan, scissors, or stick
 - c. by something thrown, such as a rock or bottle
 - d. by grabbing, punching, or choking
 - e. any rape, attempted rape, or other type of sexual attack
 - f. any face-to-face threats
 - g. any attack or threat or use of force by anyone at all? Please mention it even if you are not certain it was a crime.
2. Incidents involving forced or unwanted sexual acts are often difficult to talk about. Other than any incidents already mentioned, have you been forced or coerced to engage in unwanted sexual activity by—
 - a. someone you did not know
 - b. a casual acquaintance
 - c. someone you know well?

With regard to sexual victimization, respondents may screen into a CIR if they respond affirmatively to other short-cue screening questions. For instance, a separate screening question cues respondents to think of attacks or threats that took place in specific locations, such as at home, work, or school. Respondents who recall a sexual victimization that occurred at home, work, or school and answer affirmatively would be administered a CIR even if they did not respond affirmatively to the screening question targeting sexual victimization.

Second stage of measurement. The CIR is used to collect information on the attributes of each incident. The key attributes of sexual violence that are used to classify a victimization as a rape or sexual assault are the type of attack and physical injury suffered. Victims are asked if “the offender hit you, knock[ed] you down, or actually attack[ed] you in any way”; if “the offender TR[IED] to attack you”; or if “the offender THREATEN[ED] you with harm in any way?” The survey participant is classified as a victim of rape or sexual assault if they respond affirmatively to one of these three questions and then respond that the completed, attempted, or threatened attack was:

- rape
- attempted rape
- sexual assault other than rape or attempted rape
- verbal threat of rape
- verbal threat of sexual assault other than rape
- unwanted sexual contact with force (grabbing, fondling, etc.)
- unwanted sexual contact without force (grabbing, fondling, etc.).

If the victim selects one of the following response options to describe the attack, they are also classified as a victim of rape or sexual assault if the injuries suffered as a result of the incident are described as:

- rape
- attempted rape
- sexual assault other than rape or attempted rape.

Coercion. The CIR does not ask respondents if psychological coercion was used, nor make any explicit reference to the victim being unable to provide consent (e.g., in incidents involving drug or alcohol use). One screening question targeted to rape and sexual assault asks respondents if force or coercion was used to initiate unwanted sexual activity.

The final classification of incidents by the CIR results in the following definitions of rape and sexual assault used in the NCVS:

Rape. Coerced or forced sexual intercourse. Forced sexual intercourse means vaginal, anal, or oral penetration by the offender(s). This category could include incidents where the penetration was from a foreign object such as a bottle. It includes attempted rape, threatened rape, male and female victims, and incidents involving victims and offenders who are the same sex or different sexes.

Sexual assault. A wide range of victimizations separate from rape, attempted rape, or threatened rape. These crimes include attacks or threatened attacks involving unwanted sexual contact between the victim and offender. Sexual assaults may or may not involve force and include such things as grabbing or fondling.

The table *Classification of rape and sexual assault in the National Crime Victimization Survey* outlines how different types of sexual violence are categorized in the NCVS. For more information on how these crimes are classified, see the section *Measuring Rape and Sexual Assault* in the NCVS data documentation published with the NCVS public use files through the National Archive of Criminal Justice Data (<https://www.icpsr.umich.edu/web/ICPSR/series/95>).

Classification of rape and sexual assault in the National Crime Victimization Survey

Measure	Element of sexual violence
Completed rape	Type of attack = rape Type of injury = rape
Attempted rape	Type of attack = attempted rape Type of injury = attempted rape Type of threat = verbal threat of rape with weapon
Threatened rape	Type of attempted attack/threat = verbal threat of rape
Sexual assault	Type of attack = sexual assault other than rape or attempted rape
	Type of injury = sexual assault other than rape or attempted rape
	Type of attempted attack/threat = unwanted sexual contact with force
	Type of attempted attack/threat = unwanted sexual contact without force
	Type of attempted attack/threat = verbal threat of sexual assault other than rape

Note: Victim is determined to be present in all measures of rape and sexual assault.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2023.

APPENDIX TABLE 1

Estimates, standard errors, and 95% confidence intervals for figure 1: Rate of violent victimization and violent victimization reported to police, 1993–2023

Year	Violent victimization				Violent victimization reported to police			
	Rate per 1,000 persons age 12 or older	Standard error	95% confidence interval		Rate per 1,000 persons age 12 or older	Standard error	95% confidence interval	
			Lower bound	Upper bound			Lower bound	Upper bound
1993	79.8	2.93	74.02	85.51	33.8	2.02	29.88	37.81
1994	80.0	2.72	74.70	85.37	32.4	1.65	29.16	35.62
1995	70.7	2.41	65.96	75.40	28.9	1.58	25.82	32.02
1996	64.7	2.63	59.56	69.88	26.1	1.62	22.93	29.27
1997	61.1	2.78	55.61	66.52	25.6	1.74	22.19	29.03
1998	54.1	2.61	49.01	59.26	24.6	1.65	21.32	27.78
1999	47.2	2.34	42.61	51.80	20.3	1.49	17.40	23.24
2000	37.5	1.98	33.60	41.38	17.2	1.35	14.59	19.88
2001	32.6	1.67	29.35	35.88	16.0	1.15	13.73	18.22
2002	32.1	2.07	28.01	36.11	16.3	1.40	13.54	19.02
2003	32.1	1.68	28.79	35.39	15.2	1.21	12.87	17.62
2004	27.8	1.34	25.19	30.46	14.0	1.00	12.05	15.95
2005	28.4	1.63	25.21	31.62	13.0	1.07	10.90	15.11
2006	--	--	--	--	--	--	--	--
2007	27.2	1.55	24.18	30.26	12.2	1.11	10.06	14.40
2008	25.3	1.60	22.21	28.49	11.8	1.04	9.72	13.79
2009	22.3	1.31	19.74	24.88	9.8	1.03	7.82	11.86
2010	19.3	1.44	16.46	22.11	9.9	1.01	7.87	11.84
2011	22.6	1.38	19.86	25.28	11.1	0.97	9.16	12.95
2012	26.1	1.20	23.77	28.46	11.5	0.87	9.84	13.24
2013	23.2	1.62	20.00	26.34	10.6	1.08	8.46	12.68
2014	20.1	1.22	17.70	22.50	9.2	0.85	7.58	10.91
2015	18.6	1.16	16.31	20.85	8.6	0.84	6.99	10.29
2016	19.7	0.95	17.80	21.54	8.6	0.68	7.29	9.97
2017	20.6	1.03	18.59	22.61	9.2	0.71	7.85	10.63
2018	23.2	1.30	20.64	25.75	9.9	0.82	8.28	11.50
2019	21.0	1.15	18.74	23.25	8.6	0.72	7.17	9.99
2020	16.4	0.90	14.64	18.15	6.6	0.62	5.37	7.80
2021	16.5	0.82	14.86	18.08	7.5	0.59	6.37	8.67
2022	23.5	0.96	21.59	25.34	9.7	0.68	8.41	11.06
2023	22.5	1.10	20.38	24.69	10.1	0.81	8.48	11.65

Note: Standard errors were generated using generalized variance function parameters. This differs from tables 1 and 6 in this report, whose standard errors were calculated using Balanced Repeated Replication. See appendix table 19 for person populations.

--Estimates for 2006 should not be compared to other years. See *Criminal Victimization, 2007* (NCJ 224390, BJS, December 2008) for information on changes to the 2006 National Crime Victimization Survey.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1993–2023.

APPENDIX TABLE 2**Standard errors for table 1: Number and rate of violent victimizations, by type of crime, 2019–2023**

Type of violent crime	2019		2020		2021		2022		2023	
	Number	Rate per 1,000	Number	Rate per 1,000	Number	Rate per 1,000	Number	Rate per 1,000	Number	Rate per 1,000
Total violent crime	295,287	1.07	219,870	0.79	204,884	0.73	253,599	0.90	293,551	1.03
Rape/sexual assault	70,656	0.26	50,445	0.18	38,791	0.14	50,993	0.18	85,634	0.30
Robbery	61,708	0.22	54,778	0.20	55,135	0.20	79,954	0.28	95,605	0.34
Assault	264,712	0.96	198,848	0.72	198,046	0.71	231,387	0.82	249,218	0.88
Aggravated assault	87,553	0.32	73,767	0.27	59,066	0.21	124,588	0.44	119,646	0.42
Simple assault	246,234	0.89	169,905	0.61	182,987	0.66	185,591	0.66	208,928	0.74
Violent crime excluding simple assault	128,935	0.47	105,983	0.38	82,925	0.30	155,866	0.55	184,090	0.65
Selected characteristics of violent crime										
Domestic violence	138,056	0.50	95,903	0.34	93,801	0.34	128,644	0.46	139,612	0.49
Intimate partner violence	100,668	0.36	60,582	0.22	56,820	0.20	108,690	0.39	89,370	0.31
Stranger violence	147,625	0.53	141,274	0.51	117,001	0.42	154,853	0.55	242,220	0.85
Violent crime with an injury	117,551	0.42	148,513	0.53	84,792	0.30	114,574	0.41	118,740	0.42
Violent crime with a weapon	77,411	0.28	79,478	0.29	65,300	0.23	139,386	0.49	141,391	0.50

Note: Standard errors in this report may vary from previously published standard errors. See *Methodology*.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2019–2023.

APPENDIX TABLE 3**Standard errors for table 2: Number and rate of property victimizations, by type of crime, 2019–2023**

Type of property crime	2019		2020		2021		2022		2023	
	Number	Rate per 1,000	Number	Rate per 1,000	Number	Rate per 1,000	Number	Rate per 1,000	Number	Rate per 1,000
Total	256,412	1.96	269,002	2.12	234,445	1.77	270,771	2.03	278,885	2.09
Burglary/trespassing	96,471	0.76	85,621	0.67	80,585	0.63	100,863	0.78	92,736	0.69
Burglary	86,822	0.68	74,843	0.58	60,851	0.47	86,894	0.67	81,839	0.61
Trespassing	51,388	0.40	42,362	0.33	49,836	0.39	49,088	0.37	47,637	0.36
Motor vehicle theft	42,872	0.34	40,609	0.32	40,093	0.31	48,490	0.37	46,849	0.35
Other theft	221,561	1.70	235,643	1.86	206,654	1.55	229,279	1.71	244,332	1.84

Note: Standard errors in this report may vary from previously published standard errors. See *Methodology*.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2019–2023.

APPENDIX TABLE 4

Standard errors for table 3: Rate of violent victimization, by type of crime and demographic characteristics of victims, 2022 and 2023

Victim demographic characteristic	Total violent crime		Violent crime excluding simple assault	
	2022	2023	2022	2023
Total	0.90	1.03	0.55	0.65
Sex				
Male	1.23	1.27	0.82	0.58
Female	1.23	1.35	0.77	1.10
Race/Hispanic origin				
White	1.29	1.35	0.78	0.77
Black	2.08	3.39	1.13	2.48
Hispanic	2.02	2.30	1.27	1.35
Asian/Native Hawaiian/ Other Pacific Islander	2.62	1.82	1.14	1.36
Other	11.30	7.96	7.91	4.11
Age				
12–17	3.32	3.46	1.45	1.06
18–24	3.71	4.90	2.63	4.43
25–34	3.09	3.18	1.67	2.09
35–49	2.17	1.68	1.12	0.88
50–64	1.36	1.88	1.14	0.61
65 or older	1.40	0.93	0.98	0.74
Marital status				
Never married	1.76	2.07	1.10	1.52
Married	1.04	0.90	0.60	0.44
Widowed	3.05	1.56	2.13	0.73
Divorced	3.86	2.91	2.54	1.57
Separated	10.84	10.10	5.53	3.37
Household income				
Less than \$25,000	3.56	3.22	2.48	2.16
\$25,000–\$49,999	1.84	2.45	1.25	1.50
\$50,000–\$99,999	1.29	1.92	0.69	1.27
\$100,000–\$199,999	1.69	1.93	1.01	1.07
\$200,000 or more	3.06	1.79	1.53	0.79

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2022 and 2023.

APPENDIX TABLE 5

Standard errors for table 4: Percent of victimizations reported to police, by type of crime, 2022 and 2023

Type of crime	2022	2023
Total violent crime	1.83%	2.09%
Rape/sexual assault	3.46	8.15
Robbery	4.89	6.45
Assault	2.06	2.28
Aggravated assault	3.60	4.47
Simple assault	2.37	2.61
Violent crime excluding simple assault	2.54%	3.34%
Selected characteristics of violent crime		
Domestic violence	4.30%	5.58%
Intimate partner violence	5.29	6.61
Stranger violence	2.87	3.06
Violent crime with an injury	3.56	4.18
Violent crime with a weapon	3.57	4.15
Total property crime	0.83%	0.78%
Burglary/trespassing	2.55	2.53
Burglary	3.08	3.15
Trespassing	4.50	3.70
Motor vehicle theft	2.02	2.91
Other theft	0.84	0.83

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2022 and 2023.

APPENDIX TABLE 6

Standard errors for table 5: Percent and rate of violent victimizations reported to police, by demographic characteristics of victims, 2022 and 2023

Victim demographic characteristic	Percent		Rate per 1,000	
	2022	2023	2022	2023
Total	1.83%	2.09%	0.56	0.63
Sex				
Male	2.76%	3.12%	0.81	0.80
Female	2.45	2.83	0.77	0.91
Race/Hispanic origin				
White	2.36%	2.48%	0.75	0.69
Black	4.32	5.74	1.19	2.34
Hispanic	4.45	4.97	1.31	1.49
Asian/Native Hawaiian/Other Pacific Islander	8.38	8.16	1.12	1.10
Other	5.59	7.30	2.77	5.62
Age				
12–17	4.98%	5.06%	1.47	1.00
18–24	3.61	4.83	1.53	2.76
25–34	3.16	4.97	1.50	2.15
35–49	4.14	3.18	1.59	1.15
50–64	3.98	3.87	1.09	1.51
65 or older	6.84	5.34	1.02	0.81
Marital status				
Never married	2.13%	2.86%	0.79	1.27
Married	3.80	3.93	0.81	0.62
Widow/widower	10.14	8.65	1.50	0.86
Divorced	4.70	4.19	2.91	2.08
Separated	7.29	11.87	9.48	8.64
Household income				
Less than \$25,000	3.88%	3.50%	2.15	1.75
\$25,000–\$49,999	3.85	4.37	1.22	1.57
\$50,000–\$99,999	3.50	3.49	0.83	1.06
\$100,000–\$199,999	4.40	5.39	0.92	1.50
\$200,000 or more	5.96	5.71	1.50	1.03

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2022 and 2023.

APPENDIX TABLE 7

Standard errors for table 6: Rate of victimizations reported and not reported to police, by type of crime, 2022 and 2023

Type of crime	Reported to police		Not reported to police	
	2022	2023	2022	2023
Total violent crime	0.56	0.63	0.67	0.77
Rape/sexual assault	0.06	0.25	0.18	0.12
Robbery	0.25	0.17	0.13	0.30
Assault	0.50	0.55	0.63	0.66
Aggravated assault	0.26	0.32	0.32	0.25
Simple assault	0.38	0.44	0.55	0.59
Violent crime excluding simple assault	0.34	0.42	0.39	0.44
Selected characteristics of violent crime				
Domestic violence	0.33	0.29	0.29	0.37
Intimate partner violence	0.27	0.16	0.26	0.26
Stranger violence	0.35	0.50	0.46	0.60
Violent crime with an injury	0.26	0.28	0.28	0.27
Violent crime with a weapon	0.32	0.36	0.34	0.30
Total property crime	1.08	1.05	1.57	1.61
Burglary/trespassing	0.55	0.44	0.51	0.52
Burglary	0.50	0.34	0.39	0.50
Trespassing	0.27	0.23	0.28	0.23
Motor vehicle theft	0.33	0.27	0.12	0.22
Other theft	0.83	0.85	1.38	1.50

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2022 and 2023.

APPENDIX TABLE 8

Standard errors for table 7: Number and rate of violent victimizations, by veteran and citizenship status of victims, 2022 and 2023

Victim veteran and citizenship status	2022		2023	
	Number	Rate per 1,000	Number	Rate per 1,000
Total violent victimizations	253,599	0.90	293,551	1.03
Veteran status				
Veteran	61,384	3.63	64,865	3.98
Nonveteran	245,829	1.04	282,639	1.17
Citizenship status				
U.S. citizen	251,766	0.95	287,090	1.08
U.S.-born citizen	253,463	1.06	277,952	1.16
Naturalized U.S. citizen	45,563	1.90	66,605	2.64
Non-U.S. citizen	47,484	3.09	29,136	1.78

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2022 and 2023.

APPENDIX TABLE 9**Standard errors for table 8: Rate of victimization, by type of crime and location of residence, 2022 and 2023**

Location of residence	Total violent crime		Violent crime excluding simple assault		Total property crime	
	2022	2023	2022	2023	2022	2023
Urban	2.79	2.36	1.65	1.42	7.52	7.89
Suburban	1.11	1.24	0.76	0.78	2.25	2.47
Rural	1.80	2.63	1.04	1.83	3.98	3.06

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2022 and 2023.

APPENDIX TABLE 10**Standard errors for table 9: Percent of violent victimizations for which victims received assistance from a victim service provider, by type of crime, 2022 and 2023**

Type of crime	2022	2023
Total violent crime	1.31%	1.09%
Simple assault	1.15	1.15
Violent crime excluding simple assault	2.50%	1.97%
Selected characteristics of violent crime		
Intimate partner violence	5.34%	5.18%
Violent crime with an injury	3.25	3.47
Violent crime with a weapon	2.51	1.93

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2022 and 2023.

APPENDIX TABLE 11**Standard errors for table 10: Firearm violence, 2022 and 2023**

	2022	2023
Total violent victimizations	253,599	293,551
Firearm victimizations		
Number	72,031	89,879
Percent	1.04%	1.29%
Rate	0.26	0.32
Firearm victimizations reported to police		
Number	56,779	84,779
Percent	5.27%	4.72%

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2022 and 2023.

APPENDIX TABLE 12

Standard errors for table 11: Number and percent of violent incidents, by demographic characteristics of population, victims, and offenders, 2023

Demographic characteristic	Number of violent incidents		Percent of violent incidents					
			Victim			Offender		
			95% confidence interval			95% confidence interval		
	Victim	Offender	Standard error	Lower bound	Upper bound	Standard error	Lower bound	Upper bound
Total	263,582	263,582	~	~	~	~	~	~
Sex								
Male	161,179	223,642	1.78%	41.94%	48.91%	1.99%	71.27%	79.05%
Female	176,988	111,800	1.78	51.09	58.06	1.78	16.64	23.61
Both male and female offenders	~	45,898	~	~	~	0.83	3.10	6.33
Race/Hispanic origin								
White	212,289	191,347	2.08%	55.59%	63.75%	2.31%	49.16%	58.20%
Black	108,681	99,665	1.74	11.23	18.04	1.91	20.28	27.75
Hispanic	107,067	75,829	1.69	14.17	20.79	1.46	11.17	16.89
Asian/Native Hawaiian/Other Pacific Islander	32,680	14,008	0.54	2.22	4.34	0.29	0.76	1.91
Other	45,992	24,732	0.75	3.47	6.40	0.50	1.17	3.12
Multiple offenders of various races	~	66,536	~	~	~	1.31	2.23	7.37
Age								
11 or younger	~	14,125	~	~	~	0.29%	0.45%	1.58%
12-17	85,050	75,352	1.41%	5.88%	11.42%	1.49	6.01	11.86
18-29	168,143	90,512	2.04	28.88	36.89	1.63	19.38	25.76
30 or older	172,774	195,399	2.06	54.43	62.49	2.20	57.36	66.00
Multiple offenders of various ages	~	55,750	~	~	~	1.09	3.67	7.94

~Not applicable.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2023.

APPENDIX TABLE 13

Standard errors for table 12: Number of violent incidents, by sex of victims and offenders, 2023

Victim sex	Total violent incidents	Offender sex			
		Male	Female	Both male and female	Unknown
Male	161,179	139,342	56,936	36,756	35,296
Female	176,988	141,538	90,260	29,062	34,205

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2023.

APPENDIX TABLE 14

Standard errors for table 13: Number of violent incidents, by race or Hispanic origin of victims and offenders, 2023

Victim race/Hispanic origin	Total violent incidents	Offender race/Hispanic origin				
		White	Black	Hispanic	Other	Unknown
White	212,289	164,433	39,839	55,116	68,871	74,143
Black	108,681	26,784	77,999	15,840	11,683	51,843
Hispanic	107,067	69,834	45,382	49,184	17,871	26,448
Other	55,355	37,424	22,854	10,662	11,925	19,353

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2023.

APPENDIX TABLE 15
Estimates, standard errors, and 95% confidence intervals for figure 2: Percent of persons age 12 or older who were victims of violent crime and violent crime excluding simple assault, 1993–2023

Year	Total violent crime						Violent crime excluding simple assault					
	Number of persons		Percent of persons				Number of persons		Percent of persons			
			Estimate	Standard error	95% confidence interval				Estimate	Standard error	95% confidence interval	
	Estimate	Standard error			Lower bound	Upper bound	Estimate	Standard error			Lower bound	Upper bound
1993	9,153,050	151,730	4.34%	0.068%	4.206%	4.474%	3,958,680	86,358	1.88%	0.040%	1.798%	1.956%
1994	9,426,150	231,004	4.42	0.100	4.226	4.619	3,996,690	117,638	1.88	0.053	1.771	1.980
1995	8,652,530	204,208	4.02	0.086	3.855	4.191	3,377,900	109,617	1.57	0.048	1.476	1.665
1996	8,023,270	189,347	3.69	0.080	3.537	3.850	3,112,430	106,979	1.43	0.048	1.339	1.526
1997	7,758,890	272,684	3.53	0.102	3.329	3.730	3,077,170	125,358	1.40	0.053	1.295	1.504
1998	7,204,430	258,617	3.25	0.109	3.033	3.461	2,681,800	133,282	1.21	0.057	1.097	1.321
1999	6,570,720	208,309	2.93	0.099	2.732	3.120	2,525,010	94,477	1.12	0.044	1.038	1.211
2000	5,689,530	227,962	2.51	0.094	2.324	2.693	2,163,370	109,910	0.95	0.046	0.863	1.044
2001	5,241,270	206,792	2.29	0.079	2.131	2.442	1,953,420	100,805	0.85	0.044	0.766	0.938
2002	4,888,300	192,200	2.11	0.074	1.965	2.257	1,662,990	81,616	0.72	0.035	0.650	0.786
2003	4,875,970	182,532	2.04	0.067	1.906	2.170	1,761,670	92,644	0.74	0.035	0.668	0.805
2004	4,781,770	202,139	1.98	0.076	1.830	2.127	1,740,580	99,656	0.72	0.040	0.641	0.799
2005	4,621,120	203,538	1.89	0.072	1.749	2.031	1,715,430	96,668	0.70	0.038	0.627	0.776
2006	--	--	--	--	--	--	--	--	--	--	--	--
2007	4,214,130	165,012	1.68	0.065	1.555	1.812	1,544,380	89,669	0.62	0.036	0.545	0.688
2008	4,027,930	145,292	1.60	0.057	1.486	1.708	1,485,380	81,650	0.59	0.033	0.524	0.654
2009	3,674,790	152,111	1.45	0.057	1.335	1.558	1,368,810	79,617	0.54	0.030	0.479	0.598
2010	3,270,650	154,048	1.28	0.059	1.161	1.394	1,299,430	90,207	0.51	0.035	0.439	0.576
2011	3,700,190	161,603	1.44	0.057	1.326	1.548	1,427,500	75,721	0.55	0.028	0.500	0.609
2012	4,309,900	155,660	1.65	0.056	1.534	1.756	1,540,740	89,486	0.59	0.033	0.523	0.653
2013	3,663,620	134,392	1.39	0.049	1.289	1.482	1,377,710	71,387	0.52	0.026	0.470	0.572
2014	3,402,070	131,048	1.28	0.049	1.180	1.371	1,448,370	78,791	0.54	0.029	0.486	0.601
2015	3,077,310	139,241	1.14	0.050	1.044	1.240	1,278,890	73,843	0.47	0.028	0.420	0.529
2016	3,503,720	137,474	1.29	0.048	1.192	1.382	1,372,720	77,442	0.50	0.028	0.449	0.559
2017	3,589,440	127,223	1.32	0.046	1.227	1.407	1,416,090	73,825	0.52	0.027	0.467	0.573
2018	3,893,100	133,408	1.41	0.046	1.324	1.504	1,624,430	81,353	0.59	0.029	0.534	0.646
2019	3,673,650	127,899	1.33	0.045	1.239	1.414	1,455,060	75,211	0.53	0.027	0.473	0.578
2020	3,125,900	129,697	1.12	0.047	1.031	1.217	1,239,440	79,483	0.45	0.029	0.389	0.503
2021	3,065,930	113,092	1.10	0.041	1.018	1.178	1,225,190	69,342	0.44	0.025	0.390	0.488
2022	4,256,880	161,615	1.51	0.054	1.402	1.614	1,880,450	96,196	0.67	0.033	0.601	0.731
2023	3,861,360	135,216	1.36	0.048	1.261	1.450	1,530,990	69,836	0.54	0.025	0.489	0.585

--Estimates for 2006 should not be compared to other years. See *Criminal Victimization, 2007* (NCJ 224390, BJS, December 2008) for more information on changes to the 2006 National Crime Victimization Survey.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1993–2023.

APPENDIX TABLE 16**Standard errors for table 14: Number and percent of persons who were victims of violent crime, by type of crime, 2019–2023**

Type of violent crime	Number of persons					Percent of persons				
	2019	2020	2021	2022	2023	2019	2020	2021	2022	2023
Total violent crime	127,899	129,697	113,092	161,615	135,216	0.045%	0.047%	0.041%	0.054%	0.048%
Rape/sexual assault	27,569	27,196	28,841	38,478	31,114	0.010	0.010	0.010	0.013	0.011
Robbery	39,210	41,034	34,354	50,228	36,069	0.014	0.015	0.012	0.018	0.013
Assault	117,753	116,162	102,621	137,991	127,342	0.041	0.042	0.037	0.047	0.045
Aggravated assault	58,901	54,678	47,879	63,089	57,804	0.021	0.020	0.017	0.022	0.020
Simple assault	97,608	100,305	85,508	114,372	117,812	0.035	0.036	0.031	0.039	0.042
Violent crime excluding simple assault	75,211	79,483	69,342	96,196	69,836	0.027%	0.029%	0.025%	0.033%	0.025%
Selected characteristics of violent crime										
Domestic violence	45,898	48,441	45,248	54,458	42,021	0.017%	0.018%	0.016%	0.019%	0.015%
Intimate partner violence	35,741	32,653	30,299	40,024	26,495	0.013	0.012	0.011	0.014	0.010
Stranger violence	85,878	92,760	76,763	105,845	109,303	0.031	0.034	0.028	0.037	0.039
Violent crime with an injury	63,164	56,999	50,614	66,777	55,269	0.023	0.021	0.018	0.023	0.019
Violent crime with a weapon	63,060	61,583	50,115	73,519	60,817	0.022	0.022	0.018	0.026	0.021

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2019–2023.

APPENDIX TABLE 17

Standard errors for table 15: Number and percent of persons who were victims of violent crime, by demographic characteristics of victims, 2022 and 2023

Victim demographic characteristic	Number of persons		Percent of persons	
	2022	2023	2022	2023
Total	161,615	135,216	0.054%	0.048%
Sex				
Male	100,026	90,265	0.070%	0.066%
Female	108,293	79,224	0.072	0.054
Race/Hispanic origin				
White	124,009	95,524	0.065%	0.055%
Black	55,767	52,237	0.160	0.150
Hispanic	55,110	62,892	0.104	0.120
Asian/Native Hawaiian/ Other Pacific Islander	28,877	25,881	0.145	0.126
Other	24,185	24,556	0.408	0.382
Age				
12–17	68,867	44,245	0.254%	0.169%
18–24	55,075	58,302	0.181	0.184
25–34	62,639	52,638	0.138	0.116
35–49	56,452	60,958	0.088	0.097
50–64	47,279	44,572	0.073	0.072
65 or older	33,428	32,564	0.058	0.055
Marital status				
Never married	119,958	89,902	0.110%	0.084%
Married	71,025	57,620	0.054	0.044
Widowed	21,910	14,853	0.141	0.097
Divorced	40,940	42,536	0.145	0.157
Separated	22,450	16,404	0.452	0.331
Household income				
Less than \$25,000	66,884	50,478	0.167%	0.136%
\$25,000–\$49,999	60,106	56,155	0.094	0.097
\$50,000–\$99,999	76,234	53,462	0.084	0.061
\$100,000–\$199,999	61,832	65,161	0.087	0.089
\$200,000 or more	35,108	33,715	0.130	0.112

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2022 and 2023.

APPENDIX TABLE 18

Standard errors for table 16: Number and percent of households that experienced property crime, by type of crime, 2019–2023

Type of property crime	Number of households					Percent of households				
	2019	2020	2021	2022	2023	2019	2020	2021	2022	2023
Total property crime	186,788	208,025	173,520	193,876	185,208	0.133%	0.144%	0.124%	0.133%	0.120%
Burglary/trespassing	70,512	61,492	65,072	62,386	51,995	0.054%	0.047%	0.050%	0.049%	0.039%
Burglary	58,247	49,541	50,583	47,302	44,396	0.045	0.038	0.039	0.037	0.033
Trespassing	38,406	34,038	41,417	38,961	30,505	0.030	0.026	0.032	0.030	0.023
Motor vehicle theft	35,358	37,578	34,095	41,595	49,675	0.028%	0.029%	0.026%	0.031%	0.037%
Other theft	167,610	182,700	154,749	168,827	169,401	0.122%	0.128%	0.113%	0.115%	0.112%

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2019–2023.

APPENDIX TABLE 19**Population of persons age 12 or older, by demographic characteristics, 2019–2023**

Demographic characteristic	2019	2020	2021	2022	2023
Total	276,872,470	278,082,260	279,188,570	282,304,640	284,857,030
Sex					
Male	134,693,660	135,260,190	135,863,650	138,308,540	139,949,880
Female	142,178,810	142,822,080	143,324,920	143,996,100	144,907,150
Race/Hispanic origin					
White ^a	171,423,480	171,267,760	171,158,580	171,625,260	171,573,780
Black ^a	33,397,100	33,688,820	33,938,330	34,448,440	34,813,560
Hispanic	47,890,870	48,640,170	49,402,220	50,873,240	52,113,170
Asian/Native Hawaiian/ Other Pacific Islander ^{a,b}	18,335,230	18,867,300	19,293,190	19,681,580	20,351,610
Other ^{a,c}	5,825,790	5,618,230	5,396,250	5,676,110	6,004,920
Age					
12–17	24,941,440	24,992,970	24,905,640	25,875,630	25,586,570
18–24	29,646,500	29,353,220	29,130,230	29,483,540	30,797,620
25–34	45,289,720	45,294,090	45,260,400	44,673,480	44,981,190
35–49	61,483,410	61,393,010	61,448,170	62,718,200	63,324,080
50–64	62,643,880	62,477,170	62,284,210	62,912,810	61,923,060
65 or older	52,867,520	54,571,810	56,159,930	56,640,980	58,244,520
Marital status^d					
Never married	97,943,560	99,468,100	101,747,930	104,122,530	105,908,590
Married	129,699,090	129,399,370	127,458,620	128,793,660	129,616,320
Widowed	15,160,640	15,350,940	15,760,770	15,255,090	15,281,970
Divorced	27,184,390	27,280,860	27,374,380	27,523,050	27,419,630
Separated	4,970,250	4,810,270	4,770,190	4,909,160	4,894,830
Household income					
Less than \$25,000	47,213,950	41,849,120	41,846,630	38,445,470	35,790,580
\$25,000–\$49,999	68,598,330	66,271,710	64,861,660	61,575,030	58,586,650
\$50,000–\$99,999	91,124,780	88,752,540	88,155,100	88,540,080	89,260,250
\$100,000–\$199,999	52,113,470	60,852,220	62,121,610	68,027,520	72,096,720
\$200,000 or more	17,821,930	20,356,680	22,203,560	25,716,540	29,122,830

^aExcludes persons of Hispanic origin (e.g., “white” refers to non-Hispanic white persons and “black” refers to non-Hispanic black persons).

^bIncludes persons who identified as Asian only or Native Hawaiian or Other Pacific Islander only. Categories are not shown separately due to small numbers of sample cases.

^cIncludes persons who identified as American Indian or Alaska Native only or as two or more races. Categories are not shown separately due to small numbers of sample cases.

^dEstimates do not sum to totals because of missing data on marital status.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2019–2023.

APPENDIX TABLE 20**Population of households, 2019–2023**

	2019	2020	2021	2022	2023
Total	126,433,890	127,945,770	129,319,230	131,259,550	133,420,050

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2019–2023.

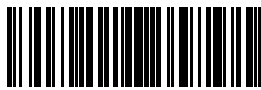


The Bureau of Justice Statistics of the U.S. Department of Justice is the principal federal agency responsible for measuring crime, criminal victimization, criminal offenders, victims of crime, correlates of crime, and the operation of criminal and civil justice systems at the federal, state, tribal, and local levels. BJS collects, analyzes, and disseminates reliable statistics on crime and justice systems in the United States, supports improvements to state and local criminal justice information systems, and participates with national and international organizations to develop and recommend national standards for justice statistics. Kevin M. Scott, PhD, is the acting director.

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Appendix E – Sexual Assault of Young Children as Reported to Law Enforcement



Bureau of Justice Statistics

Sexual Assault of Young Children as Reported to Law Enforcement: Victim, Incident, and Offender Characteristics

Sexual Assault of Young Children as Reported to Law Enforcement: Victim, Incident, and Offender Characteristics

by Howard N. Snyder, Ph.D.
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July 2000, NCJ 182990

A Statistical Report
using data from the National
Incident-Based Reporting System

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Introduction

To law enforcement and the public, sexual assaults, and especially the sexual assaults of young children, are a major social concern. Caretakers worry about such attacks when their children are out of sight. Law enforcement, child protective services, and legislatures work to reduce the incidence of these crimes. However, while a few highly publicized incidents are engraved in the public's consciousness, there is little empirically-based information on these crimes. Until recently, law enforcement and policymakers had few hard facts on which to base their response to these crimes, their victims, and their offenders.

The only existing national data collection effort that explored the incidence of sexual assault ignored crimes against young victims. The National Crime Victimization Survey (NCVS) estimated there were 197,000 incidents of forcible rape and 110,000 incidents of other sexual assault in the United States in 1996 involving victims ages 12 or above (Ringel, 1997). Victims reported that a third (31%) of these sexual assaults (or 94,000 victimizations) were reported to law enforcement agencies. However, for 1996, the Uniform Crime Reporting Program (UCR) estimated that there were 96,000 forcible rapes alone reported to law enforcement agencies (FBI, 1997). The UCR does not capture reported crime information on other sexual assaults such as forcible sodomy, sexual assault with an object, and forcible fondling. However, it can be assumed from their relative volume in the NCVS that tens of thousands of sexual assaults other than forcible rape came to the attention of law enforcement in 1996. The large difference between the NCVS and the UCR estimates may reflect differences in the two data collection methods; or, if both estimates are valid, they indicate that many victims of sexual assault are youth under age 12.

Beyond their volume, little is known about the victims, their offenders, and other characteristics of these crimes. However, the UCR's relatively new National Incident-Based Reporting System (NIBRS) has the potential to yield detailed descriptions of sexual assaults reported by participating law enforcement agencies. NIBRS captures a wide range of information on each incident of sexual assault reported to law enforcement. This information includes demographic information on all victims; the levels of victim injury; victims' perceptions of offenders' ages, gender, race, and Hispanic

ethnicity; and the victim-offender relationships. NIBRS also collects information on all offenses involved in the incident; the types of weapons used; the locations of the incident, the dates and times of the incident; the demographics of arrestees (if any); and the methods of clearance, such as arrest or victim refusal to cooperate with the investigation. To some, the value of the NIBRS data is limited by the small and non-scientific sample of contributing law enforcement agencies. From 1991 through 1996 the sample of reporting agencies increased; however, even the reporting agencies in the 1996 sample were responsible for less than 10% of the U.S. population. While there is no way to assess the national representativeness of the sample, the number of sexual assault victimizations in the NIBRS sample is very large. Therefore, accepting the inherent qualifications associated with any analysis of NIBRS data, the sheer number of reports and the detailed information available on each crime provides researchers and policymakers with a unique opportunity to study the sexual assaults of young children.

The data

The 1991 through 1996 NIBRS master files contain reports from law enforcement agencies in 12 States: Alabama, Colorado, Idaho, Illinois, Iowa, Massachusetts, Michigan, North Dakota, South Carolina, Utah, Vermont, and Virginia. These reports were scanned to identify incidents of sexual assault. The FBI's offense coding structure classifies sexual assault into four separate offense categories. From most to least serious, these crimes are forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling. If more than one of these offenses occurred, the most severe sexual charge was used to classify the sexual assault in the incident.

To study the sexual assault of young children, two research bases (differing by unit of count) were extracted from the 1991 through 1996 NIBRS master files. One base summarized the information for each of the 60,991 victims of sexual assault, the incident characteristics, and (where available) information on their offender(s). The second base compiled information for each of the 57,762 victim-identified offenders in sexual assault incidents, their victims, and related incident characteristics.

Table 1. Age profile of the victims of sexual assault

Victim age	All sexual assault	Forcible rape	Forcible sodomy	Sexual assault with object	Forcible fondling
Total	100.0%	100.0%	100.0%	100.0%	100.0%
0 to 5	14.0%	4.3%	24.0%	26.5%	20.2%
6 to 11	20.1	8.0	30.8	23.2	29.3
12 to 17	32.8	33.5	24.0	25.5	34.3
18 to 24	14.2	22.6	8.7	9.7	7.7
25 to 34	11.5	19.6	7.5	8.3	5.0
Above 34	7.4	12.0	5.1	6.8	3.5

Findings

Age of the victims of sexual assault

The most serious sexual assault charge was forcible fondling in 45% of all sexual assaults reported to law enforcement in the 1991 through 1996 NIBRS master files. Incidents of forcible rape were nearly as common (42%), while incidents of forcible sodomy (8%) and sexual assault with an object (4%) were far less frequent. One percent of victims of these crimes was age 54 or older. Seven percent of victims were over age 34 (table 1). Another 12% were ages 25 through 34, and 14% were between ages 18 and 24. The remainder, over two-thirds (67%) of all victims of sexual assault reported to law enforcement agencies, were juveniles (under the age of 18 at the time of the crime). More than half of all juvenile victims were under age 12. That is, 33% of all victims of sexual assault reported to law enforcement were ages 12 through 17 and 34% were under age 12.¹ Most disturbing is that one of every seven victims of sexual assault (or 14% of all victims) reported to law enforcement agencies were under age 6.

The age profile of sexual assault victims varied with the nature of the crime. Juveniles were the large majority of the victims of forcible fondling (84%), forcible sodomy (79%), and sexual assault with an object (75%). In contrast, juveniles were the victims in less than half (46%) of forcible rapes. In each sexual assault category except forcible rape, children below the age of 12 were about half of all victims.

The detailed age distribution of the victims of sexual assault emphasizes the high proportion of juvenile victims. The single age with the greatest proportion of sexual assault victims reported to law enforcement was age 14 (figure 1). There were more victims in each individual age group between 3 and 17 than in any individual age group over age

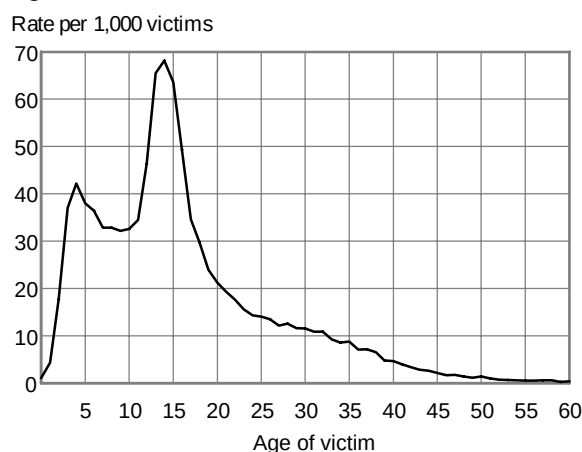
Age distribution of victims of sexual assault

Figure 1

17 (any adult age group), and more victims age 2 than in any age group above age 40. For victims under age 12, 4-year-olds were at greatest risk of being the victim of a sexual assault.

The victim age distribution differed with the nature of the offense (figure 2). The risk of being the victim of forcible rape increased dramatically from age 10 to age 14, where it peaked. By age 20, the risk had dropped to less than half the peak 14-year-old rate, and dropped to a 10th of the 14-year-old peak by age 40. For the other types of sexual assault, the victim age curves had two peaks, one (as in forcible rape) around age 13 or 14 and the other around age 4. The risk of being the victim of forcible sodomy peaked at age 4. By age 11 the risk of forcible sodomy dropped to half the peak rate, then increased for a couple of years through age 13, before falling to a 10th of the peak rate by the early 20s. The risk of being the victim of sexual assault with an object peaked at ages 3 and 4, then fell to less than half the peak rate by age 8. After age 8 the risk of sexual assault with an object increased through age 14 to almost three-fourths the 3- and 4-year-old peak, and then dropped to a 10th of the peak rate by the mid-20s. The risk of forcible fondling, the other high volume sex assault offense along with forcible rape, first peaked at age 4, dropped marginally through the pre-teen years, and then increased to its absolute peak for victims age 13. After age 13, the risk of forcible fondling dropped precipitously, so that by age 24 the risk was a 10th of that of 13-year-olds.

¹This finding that a third of sexual assault victims reported to law enforcement were under age 12 largely accounts for the discrepancy between the NCVS and the UCR estimates of the number of sexual assaults reported to law enforcement.

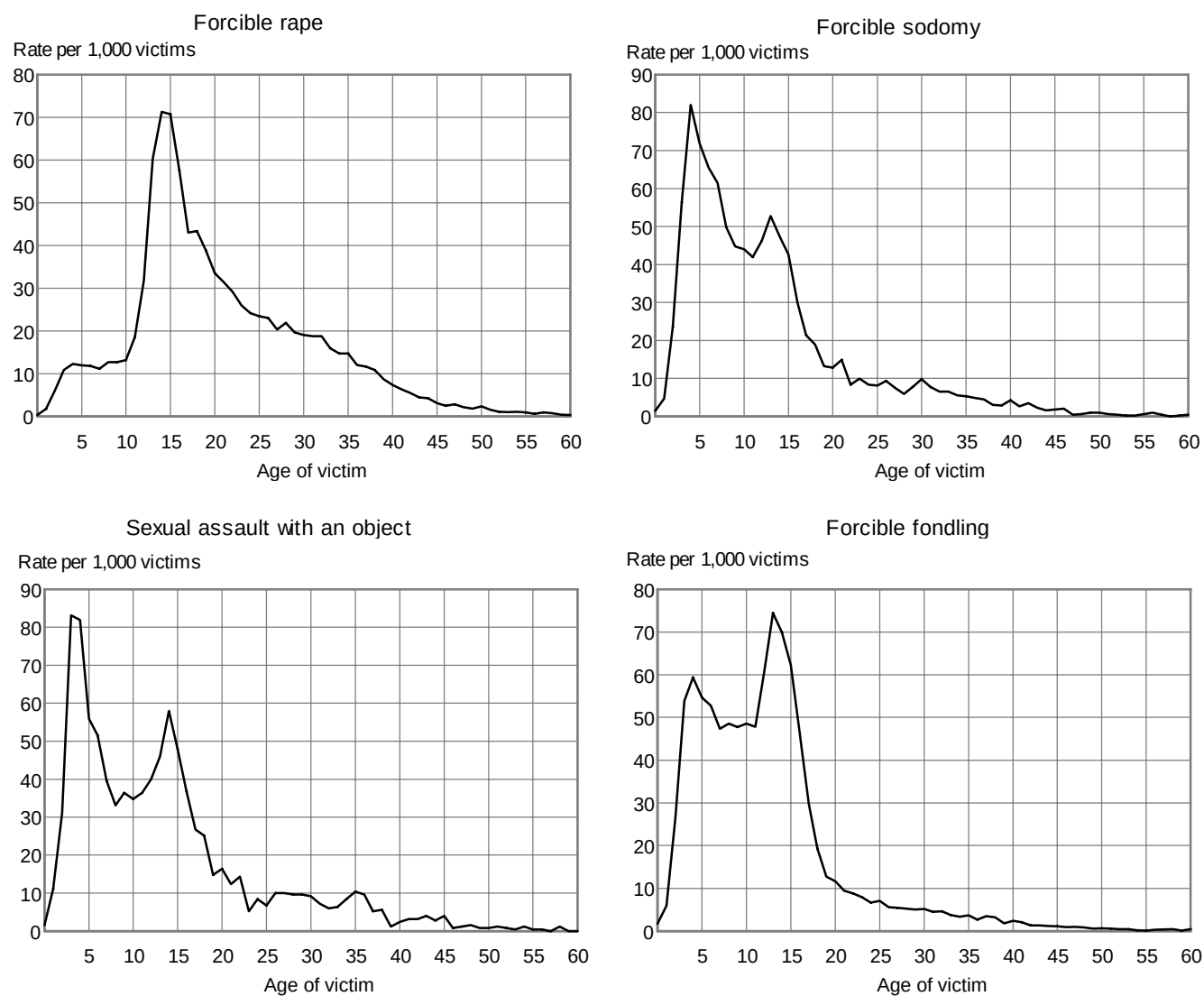
Age profiles of sexual assault victims, by offense category

Figure 2

Gender of sexual assault victims

Females were more than six times as likely as males to be the victims of sexual assaults known to law enforcement agencies. More specifically, 86% of all victims of sexual assault were female. The relative proportion of female victims generally increased with age. Sixty-nine percent of victims under age 6 were female, compared with 73% of victims under age 12, and 82% of all juvenile (under age 18) victims. The female proportion of sexual assault victims reached 90% at age 13 and 95% at age 19 (figure 3).

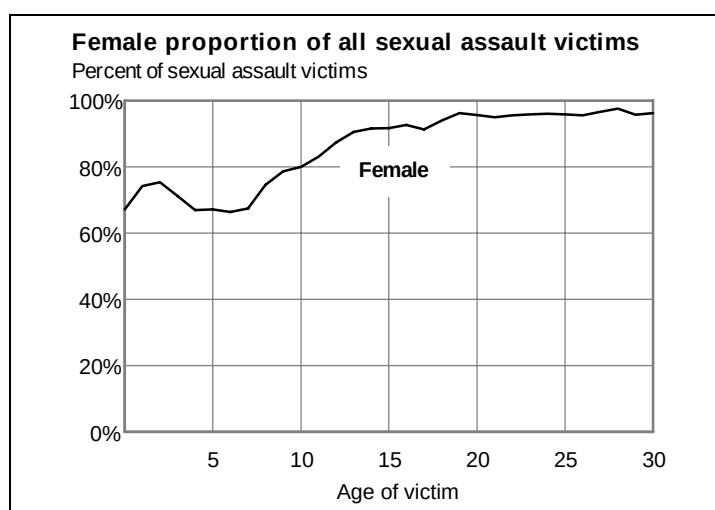


Figure 3

Nearly all forcible rapes (99%) involved a female victim (table 2).² Females were the large majority of victims in incidents of sexual assault with an object (87%) and forcible fondling (82%). In contrast, the majority of victims of forcible sodomy (54%) were males. In general, across all specific offense categories, the proportion of female victims increased with the age of the victim. A greater percentage of juvenile sexual assault victims were male (18%) than were adult sexual assault victims (4%). Males were 15% of the juvenile victims of sexual assault with an object, 20% of the juvenile victims of forcible fondling, and 59% of the juvenile victims of forcible sodomy. For victims under age 12, the male proportions were even greater: sexual assault with an object (19%), forcible fondling (26%), and forcible sodomy (64%).

²Males can be victims of a forcible rape when the perpetrator is a female.

Table 2. Female proportion of sexual assault victims

Victim age	All sexual assaults	Forcible rape	Forcible sodomy	Sexual assault with object	Forcible fondling
All ages	86.2%	98.7%	45.5%	87.4%	81.8%
0 to 5	69.4	93.7	36.7	80.0	70.3
6 to 11	74.9	97.1	36.1	83.2	76.0
12 to 17	90.9	98.5	51.1	92.3	88.8
18 to 24	95.4	99.5	55.5	97.1	91.7
25 to 34	96.1	99.4	67.5	94.7	91.9
Above 34	95.3	99.3	68.4	89.5	90.5

Based on the NIBRS data, the year in a male's life when he is most likely to be the victim of a sexual assault is age 4 (figure 4). By age 17 his risk of victimization has been cut by a factor of 5. A female's year of greatest risk is age 14. Her risk drops to half the peak level by age 17 and to a fifth of the peak level by age 27. At his peak victimization age of 4, a male's risk of sexual assault victimization is just half that of females of the same age. In the later juvenile years (ages 14 to 17), the female victimization rates are at least 10 times greater than the male rates for similar age groups.

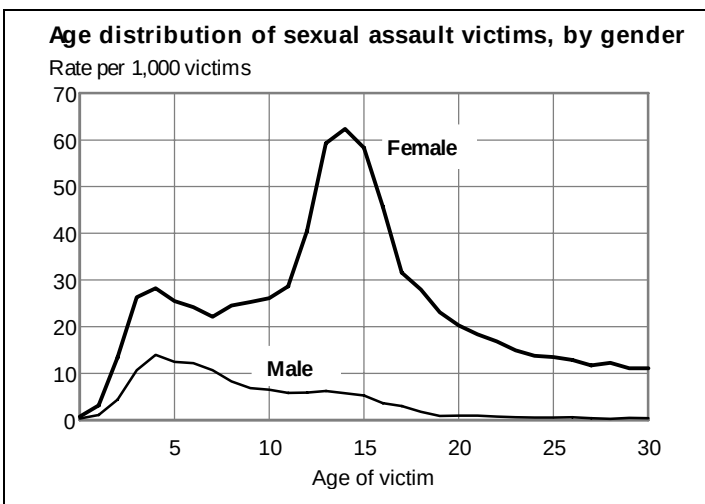


Figure 4

Other offenses in sexual assault incidents

In 92% of sexual assault victimizations, a single sexual assault was the only crime against the victim recorded for the offender. Crimes against adults were more likely to involve multiple charges than were crimes against juveniles. That is, law enforcement recorded that 16% of all adult sexual assault victims also experienced another offense in the incident, compared with 5% of juvenile victims. Overall, female victims of sexual assault were more likely to experience multiple offenses than were male victims (10% versus 4%). This gender difference was far less for juvenile victims; 5% of female juvenile victims experienced multiple offenses compared with 3% of male juvenile victims. When juvenile victims experienced multiple offenses, the most serious other charge in 47% of the incidents was another sex offense, 21% involved a non-sexual assault, 17% a kidnapping, and in 8% a burglary. When adult victims experienced multiple offenses, in 13% of the incidents the most serious other charge was another sex offense, in 20% a non-sexual assault, in 30% a kidnapping, in 10% a robbery, and in 21% a burglary.

Other victims in sexual assault incidents

When adults were sexually assaulted, the adult was the only victim in the incident in the vast majority of victimizations (96%). Juvenile victimizations were far more likely to include other victims. In 19% of juvenile sexual assault victimizations, the juvenile was victimized along with another individual. Thirteen percent of juvenile victimizations involved a second victim; the remaining 6% involved three or more victims (not necessarily victims of sexual assault).

Younger juvenile victims were more likely than older juvenile victims to be sexually assaulted with other victims. The proportion of youth victimized with others was greater for juvenile victims under age 12 (25%) than for older juveniles (13%). However, within the younger juvenile group, this age-related pattern was reversed; that is, youth ages 6 through 11 were more likely to be victimized with others than were youth under age 6. Twenty-one percent of victims under age 6 were victimized with others compared to 28% of victims ages 6 through 11.

Forcible rapes were more likely to involve a single victim than any other sexual assault. In 94% of forcible rape victimizations, there were no other victims involved,

Table 3. Proportion of sexual assault victims victimized alone

Victim age	All sexual assaults	Forcible rape	Forcible sodomy	Sexual assault with object	Forcible fondling
All ages	85.8%	94.5%	81.1%	85.3%	78.6%
0 to 5	79.0	86.7	77.9	84.8	77.0
6 to 11	72.2	81.0	72.5	72.8	69.9
12 to 17	86.9	93.7	83.6	87.9	81.0
18 to 24	95.1	97.1	93.9	94.6	89.8
25 to 34	96.8	97.9	93.7	97.1	93.6
Above 34	95.1	97.9	96.8	93.0	90.4

compared with 79% of forcible fondling, 81% of forcible sodomy, and 85% of victimizations of sexual assault with an object (table 3). Within each type of sexual assault, juvenile victims were more likely to be victimized with others than were adults. Regardless of the nature of the sexual assault, juveniles under age 12 were more likely than older juveniles to be victimized with others. But, as in the overall pattern, within each detailed offense category, youth ages 6 through 11 were more likely to be victimized with others than were the youngest victims, under age 6.

Females were more likely to be victimized alone than were males. In 96% of adult female sexual assault victimizations, the female was the only victim, compared with 88% of adult male victimizations. This discrepancy held for juvenile victims; in 83% of juvenile female sexual assault victimizations, the female was the only victim, compared with 71% of male victimizations. This discrepancy also held for victims under age 12; females under age 12 were the lone victims in 77% of their sexual assaults compared with 69% of young males. Similar gender differences were found in each specific sexual assault offense category.

When there was more than one victim in the incident, the victims were likely to be of similar ages. This relationship was stronger for juvenile victims than adult victims. In adult victimizations involving more than one victim, 71% percent of the victimizations involved another adult and 35% involved a juvenile victim, with 6% involving both another adult and a juvenile victim. However, in juvenile victimizations with more than one victim, 96% percent of the victimizations involved another juvenile and 6% involved an adult victim, with 2% involving both another juvenile and an adult victim. For victims under age 12 who were victimized with others, 90% of victimizations involved another youth under age 12, 15% involved older juveniles, and 4% involved adult victims.

Location of sexual assault

Most (70%) of the sexual assaults reported to law enforcement occurred in the residence of the victim, the offender, or the residence of another individual. Less than two-thirds of forcible rapes (64%) occur in a residence compared with three-quarters of other sexual assaults: forcible sodomy (74%), sexual assault with an object (76%), and forcible fondling (74%). Sexual assaults against females were less likely to occur in a residence than were those against male victims (69% versus 77%).

Young victims were generally more likely to be victimized in a residence than were older victims (table 4). The age of the victim was strongly related to where the assault occurred. Seventy-seven percent of sexual assaults with juvenile victims occurred in a residence compared with 55% of adult victimizations. Older juveniles were more likely than younger juveniles to be victimized in a location other than a residence. While just 16% of the sexual assaults of youth below the age of 12 occurred in a place other than a residence, 31% of the victimizations of youth ages 12 through 17 occurred in such locations. The most common non-resident locations for sexual assaults of juveniles were roadways, fields/woods, schools, and hotels/motels. For adults the most likely locations after a residence included

roadways, fields/woods, hotels/motels, parking lots, and commercial/office buildings.

When a juvenile female was the victim of a sexual assault, the incident was almost as likely to occur in a residence as when a juvenile male was the victim. Seventy-six percent of juvenile female victims of sexual assault were victimized in their home or in another residence compared with 80% of juvenile male victims. The proportion of victimizations that occurred in residences was also similar for female and male victims under age 12 (85% versus 83%) and for female and male victims ages 12 through 17 (69% versus 72%).

Weapons in sexual assault

In 93% of sexual assault victimizations the NIBRS data provided information on the most serious weapon used in the incident. In 77% of sexual assaults where the weapon information was available, the only weapon involved was what the FBI label as a *personal weapon* such as hands, feet, or fists. A firearm was used or brandished in just 2% of sexual assault victimizations. Other non-personal weapons such as a knife or club, were used or brandished in another 6% of sexual assaults. In 14% of victimizations the records indicate that no weapon was involved.

The use of a weapon other than a personal weapon increased with the age of the victim. Rarely did the sexual assaults of youth under age 12 involve a firearm. A firearm was involved in just 1% of the sexual assaults of youth ages 12 through 17. Other non-personal weapons were more common in these crimes, being involved in 4% of crimes against both juveniles under age 12 and victims between ages 12 and 17. For adult victims, firearms were a slightly more common attribute of sexual assault, being used in 5% of victimizations. Other non-personal weapons were more common in adult, rather than in juvenile assaults, being used in 11% of the sexual assaults of persons ages 18 and over.

Table 4. Percent of sexual assault occurring within a residence

Victim age	All sexual assaults	Forcible rape	Forcible sodomy	Sexual assault with object	Forcible fondling
All victims	69.8%	64.2%	74.0%	76.2%	73.7%
0 to 5	86.7	86.4	84.9	86.1	87.2
6 to 11	82.6	83.3	81.5	84.5	82.4
12 to 17	69.2	68.7	72.7	75.3	68.8
18 to 24	55.1	56.9	52.9	57.4	50.4
25 to 34	53.0	53.4	50.4	58.7	51.0
Above 34	59.8	62.1	54.2	61.4	53.7
Females	68.7%	64.0%	74.2%	76.6%	72.7%
0 to 5	87.5	86.5	86.1	87.3	88.0
6 to 11	83.3	83.4	85.9	86.0	82.8
12 to 17	69.0	68.5	76.4	75.6	68.5
18 to 24	55.5	57.0	56.8	58.8	50.5
25 to 34	53.0	53.4	48.6	59.2	51.3
Above 34	60.2	62.1	59.8	63.4	52.8
Males	76.8%	76.6%	74.0%	76.8%	78.4%
0 to 5	85.0	***	84.2	83.3	85.5
6 to 11	80.5	***	79.0	***	81.2
12 to 17	71.6	81.6	69.0	***	71.5
18 to 24	48.5	***	48.1	***	50.0
25 to 34	52.4	***	53.8	***	46.8
Above 34	54.3	***	***	***	***

*** indicates fewer than 100 victimizations

Time of day of sexual assault

The time of day when sexual assaults occurred was related primarily to the age of the victim (figure 5). For adult victims, sexual assaults were most common between midnight and 2 a.m. From morning through 7 p.m. the number of adult sexual assaults committed in each 1-hour period was essentially constant. The number of adult assaults began to increase in the 8 p.m. hour and increased consistently until the peak in the 2 a.m. hour.³

The temporal pattern for the sexual assaults of very young victims, children under age 6, was quite different. For these young victims, the temporal distribution appears to be a combination of two separate distributions. The primary temporal pattern for these crimes has a peak in the 3 p.m.

hour. This is also the hour other research has found to be the period when juveniles are most likely to be the victims of violent crime in general (Snyder and Sickmund, 1999). This primary temporal pattern shows a consistent increase in the frequency of sexual assaults of very young victims before 3 p.m. and a consistent decline in the hours after 3 p.m. The secondary temporal pattern for the sexual assaults of very young children shows the hours of 8 a.m., noon, and 6 p.m. (traditional meal times) to be periods when the number of sexual assaults of very young victims spike. The temporal patterns of sexual assault of youth ages 6 through 11, and juveniles ages 12 through 17, appear to be a combination of the patterns of the very young, and the adult victims. These temporal distributions combine the after-school and mealtime hour patterns of very young victims and the temporal patterns of sexual assault for adults.

³The time of incident information in NIBRS is truncated to the hour, so that a crime that occurred at 2:45 a.m. is coded as a 2 a.m. crime.

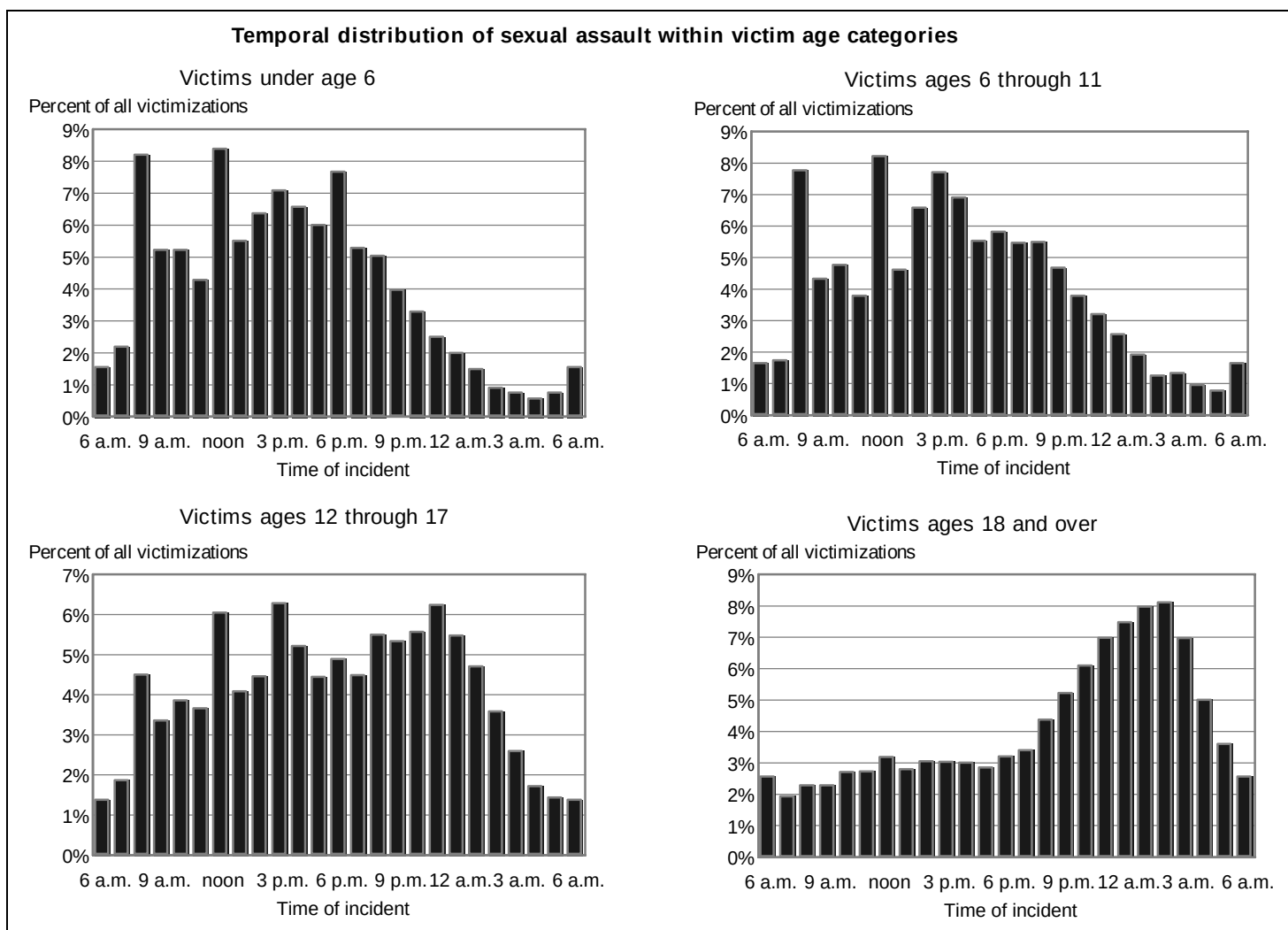


Figure 5

Gender and age of offenders in sexual assault

Nearly all of the offenders in sexual assaults reported to law enforcement were male (96%). Female offenders were most common in assaults against victims under age 6. For these youngest victims, 12% of offenders were females, compared with 6% for victims ages 6 through 12, and 3% for victims ages 12 through 17. Overall, 6% of the offenders who sexually assaulted juveniles were female, compared with just 1% of the female offenders who sexually assaulted adults.

The age profile of offenders in sexual assault varied with the nature of the crime (table 5). Overall, 23% of sexual assault offenders were under age 18 and 77% were adults. Juveniles were a substantially smaller proportion of the offenders in forcible rapes (17%) than in sexual assaults with an object (23%), forcible fondlings (27%), and incidents of forcible sodomy (36%).

Table 5. Age profile of sexual assault offenders					
Offender age	All sexual assaults	Forcible rape	Forcible sodomy	Sexual assault with object	Forcible fondling
Total	100.0%	100.0%	100.0%	100.0%	100.0%
Juveniles	23.2%	17.0%	36.2%	23.4%	27.0%
7 to 11	3.6	1.3	8.2	4.1	5.2
12 to 17	19.5	15.7	28.1	19.3	21.8
Adults	76.8%	83.0%	63.8%	76.6%	73.0%
18 to 24	21.7	29.1	15.2	17.3	15.8
25 to 34	26.7	30.6	24.3	27.1	23.1
Above 34	28.4	23.4	24.2	32.2	34.1

Sixteen percent of juvenile offenders were under the age of 12. These very young offenders were seldom the offenders in forcible rapes (1% of all offenders and 7% of juvenile offenders), while they made up greater proportions of the juvenile offenders in forcible fondlings (19%), sexual assaults with an object (17%), and forcible sodomies (23%). Young adults (persons 18 through 24) were 22% of adult offenders in forcible fondlings; however, they were 35% of adult offenders in forcible rapes. Correspondingly, adults over age 34 were 28% of all adult offenders in forcible rapes and 47% of the adult offenders in forcible fondlings.

Age profile of sexual assault offenders

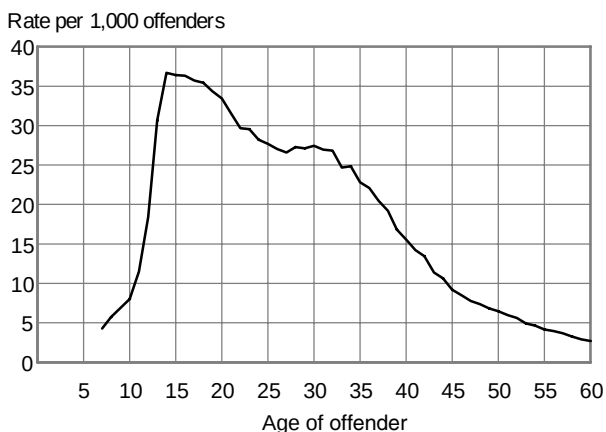


Figure 6

In general, the detailed age profile of offenders in sexual assault crimes shows that the single age with the greatest number of offenders from the perspective of law enforcement was age 14 (figure 6).⁴ The frequency of offenders within age groups declined gradually with age, reaching half the peak frequency by the late 30s.

The age profile of offenders varied with the age of the victim (figure 7). Juvenile offenders assaulted 4% of adult victims, while adult offenders assaulted 67% of juvenile victims. Younger juvenile victims tended to have a greater proportion of juvenile offenders than did older juvenile victims. Thirteen percent of offenders of victims under age 6 were ages 7 through 11, and 27% of the offenders of these very young victims were ages 12 through 17. That is, 40% of the offenders of victims under age 6 were themselves juveniles. A similar proportion (39%) of offenders of victims ages 6 through 11 were also juveniles. For older juvenile victims, the proportion of juvenile offenders dropped to 27%.

⁴Analyses of the NIBRS data on age of offender is complicated by the fact that the distribution of ages is greatly affected by the use of age estimates by the victims. See *Appendix A* for more details.

Age profiles of sexual assault offenders within victim age categories

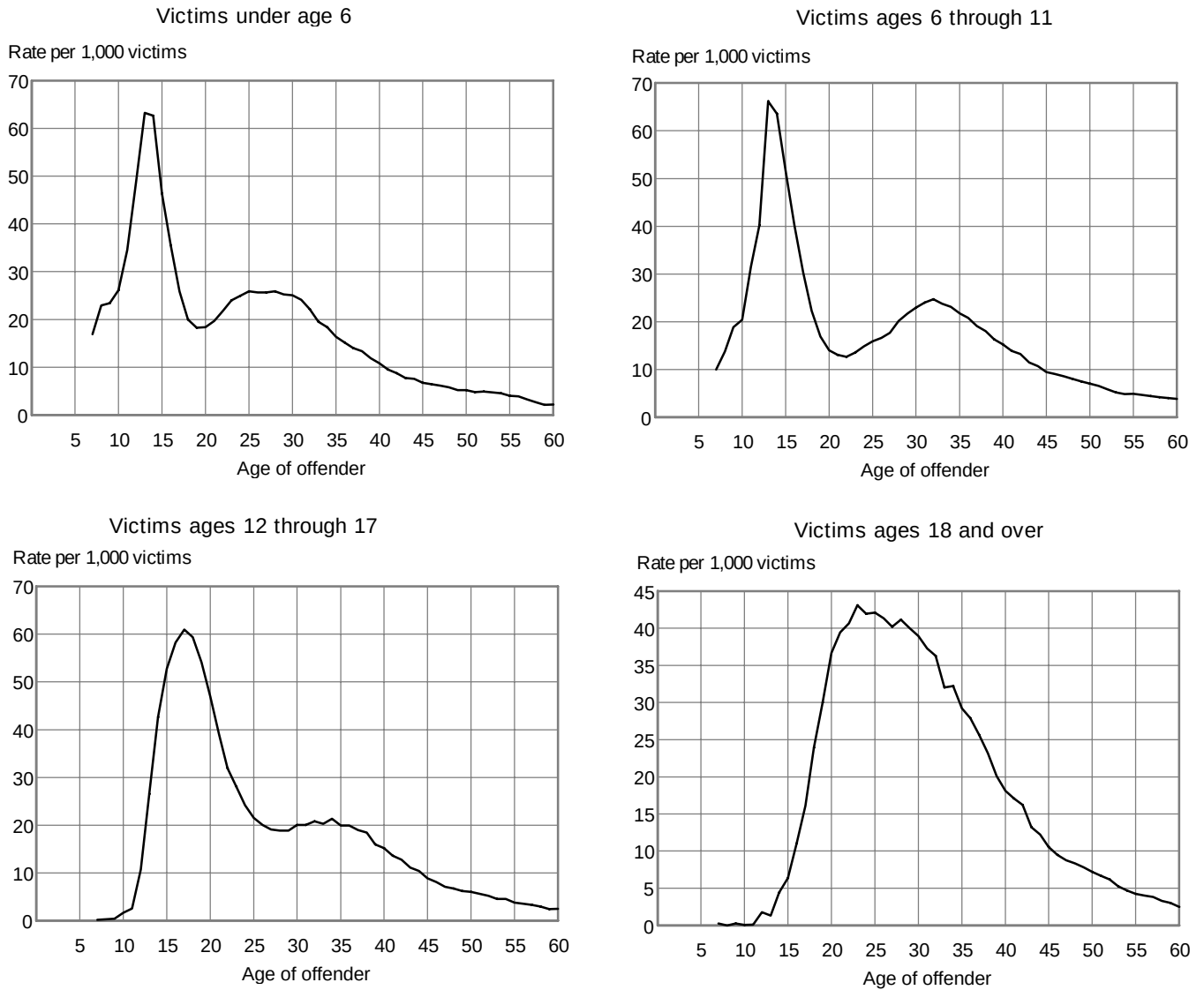


Figure 7

Victim-offender relationships in sexual assault

About one-quarter (27%) of all offenders were family members of their victims (table 6). The offenders of young victims were more likely than the offenders of older victims to be family members. Almost half (49%) of the offenders of victims under age 6 were family members, compared with 42% of the offenders who sexually assaulted youth ages 6 through 11, and 24% of offenders who sexually assaulted juveniles ages 12 through 17. Overall, just 12% of the offenders who sexually assaulted adults were family members of the victims, compared with 34% of the offenders of juvenile victims.

Table 6. Victim-offender relationship in sexual assault

Victim age	Total	Offenders		
		Family member	Acquaintance	Stranger
All victims	100.0%	26.7%	59.6%	13.8%
Juveniles	100.0%	34.2%	58.7%	7.0%
0 to 5	100.0	48.6	48.3	3.1
6 to 11	100.0	42.4	52.9	4.7
12 to 17	100.0	24.3	66.0	9.8
Adults	100.0%	11.5%	61.1%	27.3%
18 to 24	100.0	9.8	66.5	23.7
Above 24	100.0	12.8	57.1	30.1

Except for victims under age 6, most sexual assault offenders were not family members but were otherwise known to the victim. Sixty percent of all sexual assault offenders were classified by law enforcement as acquaintances of the victim. Just 14% of offenders were strangers to their victims. Strangers were a greater proportion of the offenders of adult victims (27%) than juvenile victims (7%). The youngest juveniles were least likely to have an offender who was a stranger. Just 3% of the offenders in the sexual assaults of children under age 6 were strangers, compared with 5% of the offenders of youth ages 6 through 12, and 10% of offenders of juveniles ages 12 through 17.

In general, the victim-offender relationships were similar for male and female victims; however, there were differences in the offender profiles for victims under age 12 (table 7). Compared with young male victims, a greater proportion of female victims under age 12 was assaulted by family members. For male victims under age 12, 40% of offenders were family members compared with 47% of the offenders of females under age 12.

Table 7. Victim-offender relationship in sexual assault, by victim gender

Victim age	Total	Offenders		
		Family member	Acquaintance	Stranger
Female victims	100.0%	25.7%	59.5%	14.7%
Juveniles	100.0%	33.9	58.7	7.5
0 to 5	100.0	51.1	45.9	3.0
6 to 11	100.0	43.8	51.4	4.8
12 to 17	100.0	24.3	65.7	10.0
Adults	100.0%	11.5	61.0	27.5
18 to 24	100.0	9.8	66.4	23.8
Above 24	100.0	12.9	56.9	30.2
Male victims	100.0%	32.8%	59.8%	7.3%
Juveniles	100.0%	35.8	59.2	5.0
0 to 5	100.0	42.4	54.1	3.5
6 to 11	100.0	37.7	57.7	4.6
12 to 17	100.0	23.7	68.7	7.6
Adults	100.0%	11.3	63.9	24.8
18 to 24	100.0	10.7	68.4	20.9
Above 24	100.0	11.8	60.3	27.9

Offender profiling

Using NIBRS data, it is possible to develop probability statements about the characteristics of the offenders given certain characteristics of the incident (table 8). For example, knowing that a victim under age 6 was assaulted in a residence, the NIBRS data indicate that the most likely offender was a juvenile acquaintance age 12 through 17 (probability 15.2%) or a family member age 25 through 34 (probability 15.0%). When a very young victim was assaulted some place other than a residence, the probability that the offender was an adult family member declines, while the probability that the offender was a juvenile acquaintance under age 12 increases substantially. When the victim was a little older (ages 6 through 11) and assaulted in some place other than a residence, the likelihood that the offender was a juvenile acquaintance increases even more (probability 41.0%).

The offenders of adolescents (victims ages 12 through 17) were 5 times more likely to be adult family members when the crime was committed in a residence than when it was committed elsewhere (table 9). The probability that the offender was a juvenile age 12 through 17 was twice as great when the crime occurred outside of a residence. For adult victims, the offender profile was also related to the location of the crime. Offenders of adult victims were 3 times more likely to be adult strangers when the crime occurred outside of a residence than when it occurred inside a residence.

Probability of arrest and clearance

The NIBRS data indicate that an arrest was made in 27% of all sexual assault victimizations. There were only minor offense-related differences in arrest probabilities: forcible rape (25%), forcible sodomy (30%), sexual assault with an object (28%), and forcible fondling (27%). Crimes were also cleared by means other than arrest, or what the FBI has labeled *clearances by exceptional means*. More specifically, in 7% of sexual assault victimizations the victim refused to cooperate. Prosecution was declined in 6% of sexual assaults, implying that there was insufficient evidence to

charge or convict the offender. In a small proportion of cases, the offender had died, making arrest impossible. Overall, in the NIBRS sample, 42% of all sexual assaults were cleared by law enforcement through arrest or by exceptional means.⁵

In general, the assaults of juvenile victims were more likely to result in an arrest (29%) than were adult victimizations (22%). Assaults against the youngest victims were the least likely of juvenile victimizations to result in arrest. An offender was arrested in just 19% of the sexual assaults of children under age 6, compared to 33% of victims ages 6 through 11, and 32% of victims ages 12 through 17. In all, arrest probabilities were similar in victimizations of children under age 6 and of adults, while the probability of arrest was greater when the victim was between the ages of 6 and 17.

One factor in the relatively lower arrest probability for crimes against adult victims can be found in a study of clearances by other means. When considering both arrest and other

⁵It should be noted that 41% of forcible rapes in the NIBRS data were cleared by arrests or exceptional means, a level below the national figure of 52% reported by the FBI in *Crime in the United States 1996*.

Table 8. Offender probabilities in a typical 1,000 cases of sexual assault against youth under age 12, by offense locality, offender age, and relationship to victim

Number of victims under age 6 assaulted in a residence			
Offender age	Family	Acquaintance	Stranger
7 to 11	43	73	3
12 to 17	123	152	6
18 to 24	80	63	3
25 to 34	150	87	6
Over 34	133	77	2
Number of victims under age 6 assaulted elsewhere			
Offender age	Family	Acquaintance	Stranger
7 to 11	23	157	14
12 to 17	50	165	12
18 to 24	54	62	12
25 to 34	107	96	22
Over 34	80	114	34
Number of victims ages 6 to 11 assaulted in a residence			
Offender age	Family	Acquaintance	Stranger
7 to 11	20	49	1
12 to 17	129	155	5
18 to 24	37	53	4
25 to 34	127	94	5
Over 34	167	145	7
Number of victims ages 6 to 11 assaulted elsewhere			
Offender age	Family	Acquaintance	Stranger
7 to 11	16	185	15
12 to 17	40	225	37
18 to 24	18	68	17
25 to 34	48	73	27
Over 34	65	123	41

Table 9. Offender probabilities in a typical 1,000 cases of sexual assault against victims over age 11, by offense locality, victim-offender age and relationship

Number of victims ages 12 to 17 assaulted in a residence			
Offender age	Family	Acquaintance	Stranger
7 to 11	1	3	0
12 to 17	30	169	11
18 to 24	35	219	16
25 to 34	79	123	11
Over 34	180	116	7
Number of victims ages 12 to 17 assaulted elsewhere			
Offender age	Family	Acquaintance	Stranger
7 to 11	0	7	0
12 to 17	8	329	45
18 to 24	9	220	57
25 to 34	15	94	50
Over 34	31	97	37
Number of victims ages 18 or above assaulted in a residence			
Offender age	Family	Acquaintance	Stranger
7 to 11	0	0	0
12 to 17	5	23	8
18 to 24	19	180	40
25 to 34	62	252	59
Over 34	91	231	31
Number of victims ages 18 or above assaulted elsewhere			
Offender age	Family	Acquaintance	Stranger
7 to 11	0	0	0
12 to 17	0	20	14
18 to 24	7	157	107
25 to 34	18	208	169
Over 34	22	180	98

exceptional means, the probability that adult victimizations were cleared (39%) was closer to the clearance probabilities for crimes against victims ages 6 through 11 (45%) and victims ages 12 through 17 (45%). These clearance probabilities were more similar than the arrest probabilities because a much larger proportion of adult crimes were classified as cleared by law enforcement when the victim refused to cooperate. However, even when considering all means of clearances, the youngest victims (under age 6) still had the smallest proportion of their victimizations cleared by law enforcement (34%).

The probability that an offender would be arrested or the matter cleared by arrest or exceptional means was largely unrelated to the offender's age (figure 8). The only age-related difference was for very young offenders. While the crimes of very young offenders were far less likely to result in arrest than were those of other offenders, the proportion of their crimes cleared were similar. The reason for this pattern is that law enforcement considered many of these crimes to be cleared because the offender had been identified, but due to the young age of the offender no arrest was made.

Correlates of the probability of arrest

While age of the offender was differentially related to the likelihood of arrest, only for the very young offender, other incident characteristics were correlated with the probability of arrest and the probability that the offense would be otherwise cleared by law enforcement. Based on the results of a logistic regression, the factors that had the largest influence on the probability of arrest (in order of their odds ratios) were —

- the number of victims in the incident — with more than one victim increasing arrest probabilities
- the number of offenders in the incident — with incidents with just one offender increasing arrest probabilities
- the age of the victim — with juvenile victims increasing arrest probabilities
- the sex of the victim — with male victims decreasing arrest probabilities.

Other incident characteristics that influenced the probability of arrest to a lesser degree, but still remained statistically significant were —

- the relationship of the victim and the offender — with offenders who were strangers decreasing arrest probabilities
- the location of the incident — with incidents occurring outside of residences decreasing arrest probabilities

Identified offenders arrested or cleared, by offender age

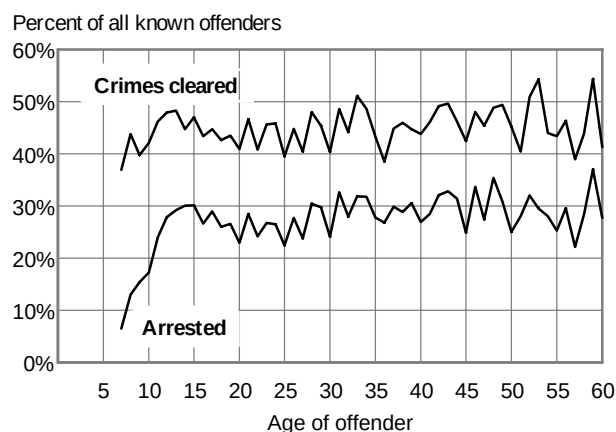


Figure 8

- the injury to the victim — with incidents in which the victim was injured decreasing arrest probabilities.

These correlates were roughly similar for predictions of clearances with one exception. Incidents with offenders who were known to the victim were substantially more likely to be cleared than those in which the offender was a stranger to the victim. This difference between the arrests and clearance correlates reflects those incidents in which the offender is known to the victim but the victim refuses to cooperate with law enforcement.

Summary and conclusions

Based on NIBRS data, crimes against juvenile victims are the large majority (67%) of sexual assaults handled by law enforcement agencies. One of every seven victims was under the age of 6, and over a third of all sexual assaults involved a victim who was under the age of 12. This implies that by design the National Crime Victimization Survey is missing over a third of all sexual assaults that occur in the United States each year. The only large, multi-jurisdictional source of information on these crimes, therefore, is the FBI's National Incident-Based Reporting System (NIBRS).

With the more complete view of sexual assault patterns in the NIBRS data, the characteristics of sexual assaults of young juveniles can be differentiated from those of older juveniles and adults. Juvenile victims of sexual assault were more likely to be male (18%) than were adult victims (4%). Nearly a quarter (27%) of the victims under age 12 were male. Juveniles under the age of 12 were about half of all the victims of forcible sodomy, sexual assault with an object, and forcible fondling and about an eighth of all victims of forcible rape reported to law enforcement agencies.

Juvenile victims were more likely to be victimized with others than were adults. One of every five juvenile victims of sexual assault were victimized in incidents with more than one victim, while just 4% of adult sexual assault victims were victimized with others. Juveniles under 12 were far more likely to be victimized in groups than were older juveniles; 25% of these young juveniles were victimized with others, compared to 13% of older juvenile victims. When juveniles under the age of 12 were victimized with others, 90% of victimizations involved other victims under age 12, 15% involved older juvenile victims, and 4% also involved adult victims.

Nearly 5 of every 6 sexual assaults of young juveniles occurred in a residence. Crimes against older juveniles and, especially, adult victims were far more likely to occur in other places. Weapons other than the offender's hands and feet were rarely used in the sexual assault of young juveniles. The temporal pattern of sexual assault shows that unlike adults, young juveniles are at highest risk of sexual assault in the hours when meals are served and after school.

Adults were the offenders in 60% of the sexual assaults of youth under age 12. Rarely were the offenders of young juvenile victims strangers. Strangers were the offenders in just 3% of sexual assaults against victims under age 6 and 5% of the sexual assault victimizations of youth ages 6 through 11. Sexual assaults of children under the age of 6 were the least likely of all such crimes to result in arrest or be otherwise cleared. The NIBRS data indicate that law enforcement identified the offender in just a third (34%) of the sexual assaults of children under age 6 and nearly half (45%) of the victimizations of youth ages 6 through 11.

In all, the characteristics of the large number of sexual assaults of youth under age 12 differ on significant dimensions from the sexual assaults of older juveniles and adult victims. This substantial component of America's crime problem has been characterized by subjective assessments or atypical high profile crimes for too long. NIBRS data provide policymakers (especially in the communities where NIBRS-compatible, management information systems exist) with the information required to make empirically-based judgments about the scope and characteristics of sexual crimes against our youngest citizens. With this critical information, justice professionals and policymakers can focus their energies on possible interventions designed to reduce this very serious crime that affects the most vulnerable of our children and causes lifelong problems for its victims.

NIBRS definitions of forcible sex offenses

Forcible sex offenses Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.

Forcible rape (except "statutory rape") The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity. If force was used or threatened, the crime should be classified as forcible rape regardless of the age of the victim. If no force was used or threatened and the victim was under the statutory age of consent, the crime should be classified as statutory rape.

Forcible sodomy Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sexual assault with an object To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia. Examples are a finger, bottle, handgun, stick, etc.

Forcible fondling The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. Forcible fondling includes "indecent liberties" and "child molesting." Because forcible fondling is an element of forcible rape, forcible sodomy, and sexual assault with an object, it should be reported only if it is the sole forcible sex offense committed against a victim.

Appendix A

Law enforcement may report the victim's perception of offender age as a point estimate or as a range. This results in two analysis problems. First, victims often express the offender's age as 5-year age range, for example, 25 to 30. In such instances, the NIBRS data record the midpoint of the range which would be 27. In other situations the victim gives a specific age, but these estimates are most likely to fall on ages divisible by 5, such as 20, 25, 30, 35. Both of these response patterns create artificial peaks, one at 5-year points and one between 5-year points. A presentation of the raw NIBRS data on offender age confirms this peaking in the data. For presentation in this paper, the offender age data were smoothed.

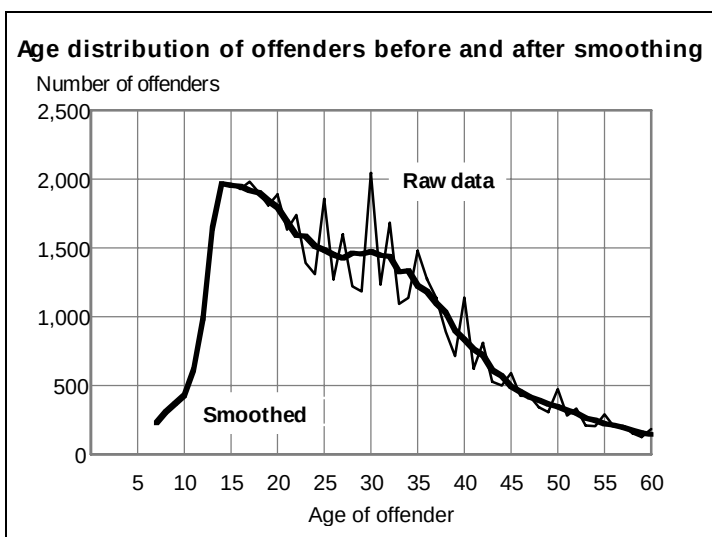


Figure A

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Appendix F – Waiting to Tell: Factors Associated with Delays in Reporting Sexual Violence

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Waiting to Tell: Factors Associated with Delays in Reporting Sexual Violence

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Waiting to Tell: Factors Associated with Delays in Reporting Sexual Violence

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Forensic Psychology MA Thesis

October 2021

Abstract

In the United States (U.S.), 20% of women have experienced completed or attempted rape and 43.6% of women have experienced some form of contact sexual violence. Many instances of sexual violence go unreported to law enforcement – only 34% are reported to the police.

Reporting can lead to more favorable outcomes for survivors since it is likely to increase access to medical care and mental health services and is an important step in order to hold perpetrators accountable, prevent future victims, and reduce the likelihood of longer psychological distress for the survivor. Delays in reporting are more prevalent in cases where there was a relationship to the perpetrator. This study examined whether common barriers to reporting sexual violence identified in the literature were related to delays in reporting to law enforcement among adult women. Using archival data on sexual violence reported to law enforcement, this study examined the association between victim-suspect relationship, verbal threats, drug-facilitated sexual assault, and time to reporting the sexual violence incident to law enforcement. Out of 414 unique cases, 85.5% ($n = 354$) involved a known perpetrator, and on average survivors in 39.83% ($n = 141$) of known perpetrator cases had delayed reporting as compared to 15% ($n = 9$) of stranger perpetrator cases. These findings will be discussed as they pertain to improving efforts related to education and resources, law enforcement policies and procedures, provision of services, and community engagement strategies.

Keywords: *sexual violence, delayed reporting, victim-suspect relationship, drug-facilitated sexual assault, verbal threats*

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Waiting to Tell: Factors Associated with Delays in Reporting

In the United States (U.S.), approximately 20% of women have experienced completed or attempted rape and 43.6% of women have experienced some form of contact sexual violence¹ (Smith et al., 2018). These numbers represent those who have self-reported abuse on the National Intimate Partner and Sexual Violence Survey (NISVS)², including both formally³ and informally⁴ reported cases. The 2019 National Crime Victimization Survey (NCVS)⁵ defines rape and sexual violence as a completed, attempted, or threatened attack that falls under their definitions of rape and sexual assault (Morgan & Truman, 2020). The 2019 NCVS suggests a decline in rape or sexual assault victimization cases since the year 2018, from 2.7 to 1.7 per 1,000 persons aged 12 or older (Morgan & Truman, 2020). However, the vast majority of cases of sexual violence among adults in the U.S. still go unreported to law enforcement – in 2019, only 34% of rape/sexual assault cases were formally reported (Morgan & Truman, 2020). While informal disclosure is a good starting point that can help survivors find trusted people in whom to confide, connect to services, and inform self-reported surveys such as those noted above, it is crucial to disclose formally to law enforcement. Research suggests that in cases where people who sexually offend are recidivists⁶, not reporting can present a public safety concern for vulnerable populations (Wolitzky-Taylor et al., 2011). Formal disclosure is an important step in order to hold perpetrators accountable, prevent people from being victimized in the future and

¹ Defined by NISVS as a combined measure that includes rape, being made to penetrate someone else, sexual coercion, and/or unwanted sexual contact.

² An ongoing, nationally representative survey assessing sexual violence, stalking, and intimate partner violence victimization.

³ Formal reports of sexual violence are those reported to law enforcement.

⁴ Informal reports of sexual violence are those which have been disclosed to someone (e.g., friends, family, treatment and support services, etc.) but not reported to law enforcement.

⁵ A national survey administered by The Bureau of Justice Statistics, which provides official estimates of nonfatal criminal victimizations reported and not reported to police, based on self-reported survey data.

⁶ Recidivism is determined by whether an offender was convicted of an additional offense following release (Mercado et al., 2013).

continued victimization of the survivor, and reduce the likelihood of longer psychological distress for the survivor.

People who offend sexually and complete treatment have been found to be at lower risk for reoffending than those who fail to complete treatment (Hanson & Bussière, 1998). Reporting can lead to more favorable outcomes for survivors since it is likely to increase access to medical care (including a forensic medical examination) and mental health services, and treatment outcomes are found to be overall better for those who report earlier (Klemmer et al., 2021; Wolitzky-Taylor et al., 2011). The delay in reporting might be due to the survivor not knowing the resources available or where to report, feelings of self-doubt in terms of being believed or understanding that the situation encountered was in fact rape or sexual assault, and feeling confident and positive about formally disclosing, among others (Ahrens et al., 2010; Layman et al., 1996; Tashjian et al., 2016; Winters et al., 2020). Delays in reporting can occur for a variety of reasons, but the most commonly identified barrier to reporting has been found to be the relationship the survivor has to the perpetrator (Ahrens et al., 2010; Brooks-Hay, 2020; Johnson & Hiller, 2019; Jones et al., 2009; Layman et al., 1996; McCall-Hosenfeld et al., 2009; Monroe et al., 2005; Tashjian et al., 2016). While there are a host of barriers to reporting in general, few studies have looked at how some characteristics of the crime such as relationship to the victim, verbal threats, and substance use are related to delays in formal reporting.

Understanding Factors Associated with Delays in Reporting

Understanding barriers and delays to reporting is important to better inform current practices and further develop resources, education, services, and outreach in the medical, criminal justice, legal, victim services, and mental health fields.

Barriers to Formal Reporting

Research has examined sexual violence in the context of reporting to a medical professional and the collection of forensic physical evidence (i.e., a sexual assault medical forensic exam (SAMFE), better known as a rape kit). Corrigan (2013) focused on police practices and the unintended effects of policy innovation, through interviews with sexual assault nurse examiners in six U.S. states, and observed that the administering of SAMFEs at times discouraged survivors from formally reporting because they feared the legal repercussions that can result from findings of that physical evidence and the perceived police judgment they feel based on their willingness to be administered the rape kit.

The literature has added to the cross-sectional research of various disciplines. Researchers have studied if barriers to reporting are a result of internal psychological barriers (e.g., shame, anxiety, and fear) or environmental factors (e.g., prior relationship with perpetrator), with findings revealing the latter is more consistently identified as a primary reason (Jones et al., 2009). Uniquely, Klemmer, Neill, and Jarvis (2021) explored spatial patterns in rape reporting, and in reviewing completed rape in a domestic setting between 2013-2018 found that rapes that occurred during the holidays or with younger survivors tend to have longer delays in reporting. Findings regarding these situational variables is important because people who are victimized in a domestic setting have more difficulty reporting the sexual violence due to the relationship to the perpetrator, the length of the abuse, and the access to services (Tashjian et al., 2016). These identified factors connect to the literature of those who have experience childhood sexual abuse (CSA) but disclose later in life, whether formally or informally. Connolly et al. (2015) found that the abuse faced by survivors of CSA who disclosed later in life was often more

intrusive, more frequent, and occurred over a longer period of time than that of survivors of CSA who disclosed earlier.

Other factors that have been found to delay reporting is the extent of acquaintance with the perpetrator, having had previous sexual intercourse, assault characteristics (e.g., use of force or substances), and overall acknowledgement of the sexual violence or defining it as rape (Ahrens et al., 2010; Layman et al., 1996). Research conducted by Cleere & Lynn (2013) focused on acknowledgement of the sexual assault found that those unacknowledged did not formally report, and on average more often described their perpetrator as less aggressive, characterized their own reaction to include less intensity of resistance and only somewhat clear refusal, and overall attributed less responsibility to the perpetrator. Additionally, it should be noted that the vast majority of survivors (acknowledged and unacknowledged) reported being intoxicated at the time of the assault, i.e., drugs, alcohol, or both (Cleere & Lynn, 2013). Research suggests that there is a tendency to assign a share of the blame to the woman if she consumed drugs or alcohol, because they are seen as engaging in contributory negligence, thus leading to a failure to acknowledge sexual assault (Cleere & Lynn, 2013). It is plausible to infer that the delay in acknowledging the sexual violence incident lends to a delay in formal reporting.

Consequences or Disadvantages to Delayed Formal Reporting

Formal reporting comes with a distinct list of consequences for each unique case, which can be aggravated if the reporting is delayed. For example, while being administered a SAMFE has not always been found to lead to improved case outcomes, studies have found that cases where survivors waited longer to report to police had lower odds of perpetrator identification (Tiry et al., 2020). Delayed reporting of sexual violence can adversely impact medical treatment, case outcomes, and the overall mental state of survivors (Klemmer et al., 2021).

Survivors identified one of the most common disadvantages of formally reporting was other people's negative perceptions, including the associated stigma and being blamed or judged (Winters et al., 2020). Monroe et al. (2005) observed 125 adult survivors receiving care at 19 sexual assault centers in the state of Maryland, of which 30% filed charges and nearly half of them (46.2%) reported a level of dissatisfaction with their interview with police. While it was helpful that women formally reported the crime, the added stigma and responses from support and law enforcement professionals does not bode well for future survivors and it is discouraging for the brave survivor who disclosed the traumatic incident. The stigma of sexual violence is so prevalent that it greatly deters disclosure to both formal and informal sources, the anguished accounts survivors have shared of the blame and recrimination received from others have often been labeled “the second rape” and can lead to additional psychological trauma (Jacques-Tiura et al., 2010).

Favorable Outcomes of Early Formal Reporting

Formal reporting, especially if done early, can be associated with favorable outcomes⁷ for the survivor. Consistently, the literature points to the benefits of early formal disclosure. Studies have observed survivors' behaviors in reporting and seeking support within a one-month period of the incident, for which findings suggest that survivors reporting and seeking support within the first 24 hours have better treatment outcomes and their medical examinations can provide the best possible forensic evidence to assist prosecution (Klemmer et al., 2021). Specifically for female survivors, traces of DNA evidence, when penetration has taken place, last only for about one week due to vaginal drainage (Klemmer et al., 2021). Additionally, forensic evidence of

⁷ Favorable outcomes denote those consequences which aid in the recovery of the survivor – not “positive” as they would not exist if the rape did not occur, but they are favorable outcomes compared to the identified negative consequences of not disclosing (formally or informally).

potential drugging, collected through the survivor's hair, can only be recovered approximately within one month of the rape (Klemmer et al., 2021). Therefore, those who formally disclose sooner (approximately within 72 hours) have been found to experience a broader extent of available options and better case outcomes, such as evidence collection, emergency medical care, and apprehension of the perpetrator (Ahrens et al., 2010).

Research suggests that disclosing distressing experiences can lead to more favorable outcomes for survivors, as it is related to improved emotional, mental, and physical health (Ahrens et al., 2010). Specifically, researchers identify that early psychological intervention following experiences of trauma can be of great benefit to survivors who are at risk of experiencing psychological distress (Orchowski & Gidycz, 2015). The literature highlights that nonjudgmental, compassionate support from informal and formal support sources are of most importance directly following the incident, due to the fact that victims often experience a myriad of acute stress symptoms, e.g., anxiety, disorganized thoughts and memory, nausea, hypervigilance, and numbing or dissociation (Farris et al., 2013). The literature documents advantageous effects of social support on psychological and physical health outcomes, calling to attention that the greater the amount of support, the greater the survivor's positive emotional affect (i.e., low reports of feeling angry, sad, embarrassed, and anxious) and the fewer PTSD symptoms (Jacques-Tiura et al., 2010). However, disclosure to a formal service provider was associated with increased PTSD symptoms, which the researchers attributed to two possible explanations based on the literature: one, survivors most likely to seek formal support providers are those experiencing the worst PTSD symptoms, or two, based on the judgmental reactions of some service providers, survivors may feel ashamed or responsible for the event (Jacques-Tiura

et al., 2010). Therefore, if survivors formally disclose earlier, they may see an increase in the likelihood of better long-term outcomes.

Survivors have identified one of the most common advantages of formally reporting was ensuring safety for the survivors and preventing future abuse (Winters et al., 2020). Wolitzky-Taylor et al. (2011) observed that nearly 30% of cases where women reported the rape to law enforcement, survivors did not indicate that they felt the police believed them and took their reports seriously, but overall, 91.4% felt they made the right decision in reporting to law enforcement. Furthermore, in determining the most important attitudes and beliefs linked with reporting, one study found that women expressing more favorable attitudes toward disclosing the assault to law enforcement seemed to perceive reporting as being supported by important referents and stated stronger intentions to report, thus exhibiting more control and confidence over reporting (Amar, 2009).

Identifying Barriers that Influence Delayed Reporting

Based on survivor ratings regarding the importance of barriers to reporting, findings indicated that barriers that were prevalent 30 years ago are still considered important today (Sable et al., 2006). The most common barriers to reporting found across various studies include: shame, guilt, embarrassment, not wanting friends and family to know, relationship to perpetrator, concerns about confidentiality, negative social reactions, being blamed for the event, fear of not being believed or taken seriously, being able to handle the situation themselves or not acknowledging the incident was a crime, and negative police interactions (Ahrens et al., 2010; Layman et al., 1996; Monroe et al., 2005; Sable et al., 2006; Tashjian et al., 2016; Winters et al., 2020; Wolitzky-Taylor, Resnick, McCauley et al., 2011; & Zinzow & Thompson, 2011).

Relationship to Perpetrator and Impact on Reporting Delays

The majority of rape or sexual assault survivors know their perpetrators. In survey data gathered between 2005 and 2010, including formal and informal reports, 78% of sexual violence victimization involved a known perpetrator – this includes 34% of rape or sexual assaults being committed by an intimate partner (former or current), 6% by a relative or family member, 38% by a friend or acquaintance – and only 22% were found to have been committed by a stranger (Planty et al., 2013). Consistently, studies have found that survivors of sexual violence are less likely to report or are delayed in reporting the crime to law enforcement if the perpetrator was known to them, especially if they were a family member (Felson & Paré, 2005; Jones et al., 2009; McCall-Hosenfeld, et al., 2009; Monroe et al., 2005). In cases of those who have experienced CSA, victim-CSA to perpetrator relationship (specifically, non-parental, intrafamilial relationships) and duration of sexual abuse have been found to significantly predict delays in disclosure of CSA, largely due to the fact that victims of intrafamilial CSA tend to be abused for longer periods of time than extrafamilial (Tashjian, et al., 2016). In cases where adults experience adult sexual abuse, studies suggest the incidents tend to be more isolated and often times survivors report feeling more confused about the situation (Layman et al., 1996).

Much of the disclosure literature has focused on those who have experienced CSA. Delayed disclosure, both formally and informally, has been found to especially plague victims of CSA. While the focus of the current study is adults formally disclosing sexual violence, frequently those adults report abuse that occurred during their childhood, in some cases this abuse can often occur repeatedly, by people known to them. Researchers have found that oftentimes children lack the level of knowledge needed to recognize, the ability to articulate, and an adult and the opportunities to disclose, sexual violence (CHILD USA, 2020). Delays in

reporting are impacted by trauma resulting from the abuse, power differentials between the victim and perpetrator, and institutional power dynamics (CHILD USA, 2020). Studies focused on case outcomes for CSA cases, findings revealed that 87% of adults reporting being victimized as children disclosed with a delay of 11 or more years, and other studies have discovered delays of decades based on various of the aforementioned factors (Bunting, 2014; Terry, 2011). Winters et al. (2020) noted that women who experienced CSA only formally disclosed to authorities in 10% of cases.

The relationship between the person being sexually victimized and the perpetrator is important because it is the dynamics of that relationship, the approach and actions taken to develop and maintain that relationship, the varying locations in which the abuse takes place, types and levels of contact, and the context in which the two interact which can lead to delays in reporting (Williams, 2015). Davis et al. (2009) examined perception of risk and found it was important to identify women's levels of discomfort toward risk cues, for which study findings suggested that an established relationship between the woman and the perpetrator led to decreased discomfort ratings, meaning that it took longer for the woman to perceive risk the closer her relationship was to the perpetrator. It's plausible that increased levels of trust and closeness can lead to delays in reporting following the sexual violence incident, due to the fact that as intimacy levels increase, the women's judgments that the man posed a severe threat decrease (Davis et al., 2009). A study looking at women's acknowledgment of rape found that those who did not acknowledge their rape were most often acquainted with the perpetrator, had previously experienced intimacy with the perpetrator, and reported the presence of alcohol during the incident (Layman et al., 1996).

The Psychology of Nondisclosers

A cross-sectional study of women being administered a forensic examination conducted a survey that provided the following observations as to why women did not report the sexual assault to police: 25% did not submit a police report and were found to be typically employed, have a history of recent alcohol or drug use, their perpetrator was known to them, and there was a prolonged interval of time present between the sexual assault and the forensic examination (Jones et al., 2009). In addition, 20 psychosocial variables were examined, of which only three were found to be significantly different in women not reporting sexual assault – i.e., not wanting the perpetrator to go to jail, having a prior relationship with the perpetrator, and a feeling that the police would blame the survivor or be insensitive (Jones et al., 2009).

Moreover, Bicanic et al. (2015) focused on 323 help-seeking female survivors between 12 to 25 years of age and observed that in 59% of the cases disclosure occurred within 1 week of the sexual assault. In this sample, early disclosers seemed to use alcohol more often than those with disclosure delays (Bicanic et al., 2015). Interestingly, the study found that the concurrence of three factors: (1) survivor was 12-17 years of age, (2) penetration was present, and (3) the survivor had a close relationship to the perpetrator, contributed significantly to the prediction of delayed disclosure (Bicanic et al., 2015).

Not all survivors of sexual violence disclose in the same way, as seen based on the research presented. Ahrens et al. (2010) sought to identify the differences in disclosure patterns of survivors of sexual violence and revealed four distinct disclosure patterns: nondisclosers (survivors who had not previously disclosed), slow starters (survivors who delayed disclosure), crisis disclosers (survivors who disclosed immediately but then stopped disclosing), and ongoing disclosers (survivors who continued to disclose over time). Findings highlighted that

nondisclosers experienced more psychological symptoms, such as depression and posttraumatic stress (Ahrens et al., 2010). Slow starters were found to disclose to police and medical personnel at lower rates than the other disclosure groups (Ahrens et al., 2010). Ongoing disclosers and crisis disclosers disclosed within the first week after the sexual assault, and while ongoing disclosers continued to disclose, crisis disclosers ceased to disclose within the first week (Ahrens et al., 2010). Notably, Ahrens et al. (2010) observed that slow starters, averaged a time of 3.58 years until first disclosure.

Survivors of sexual violence have a need for support, which can come from family, friends, and professionals dedicated to aiding in their recovery. Formal disclosure is encouraged but is not always necessary in terms of mental recovery; informal disclosure can provide significant therapeutic benefits to survivor recovery (Brooks-Hay, 2020; Winters et al., 2020). Disclosure choices may result in different types of social reactions, some favorable (e.g., emotional support and tangible aid) and some negative (e.g., blame, doubt, and detachment), which can affect a person's likelihood to continue disclosing (Ahrens et al., 2010). Studies have found that sexual assault disclosures where the social reaction was negative, were related to greater symptoms of psychological distress, including PTSD, problem drinking, depression, and global distress (DeCou et al., 2017; Hakimi et al., 2018; Jacques-Tiura et al., 2010). Tashjian et al. (2016) examined delays of disclosure of CSA in relation to parental (non-perpetrator) emotional and physical abuse, along with other factors, and found that experiencing both emotional and physical abuse uniquely predicted longer delays in disclosure. A lack of support can lead to not reporting or delays in reporting sexual violence, which can in turn lead to further victimization of the person or future victimization of others. Thus, if a child experiencing sexual violence did not perceive support from the parental figure, it is plausible that could lead to

waiting to report until later in life. Greater tangible aid (i.e., help accessing coping information, health care, the police, and being provided information and options) has been found to be associated with increased formal reporting of sexual assault to law enforcement (DePrince et al., 2020; Jacques-Tiura, et al., 2010).

Drug-Facilitated Sexual Assault (DFSA)

Drug-facilitated sexual assault (DFSA) describes non-consensual sexual acts perpetrated while a person is incapacitated by drugs or alcohol (Richer et al., 2017). Per the literature, there are two types of DFSA: (1) non-consensual, which refers to when a victim did not consent to using drugs or alcohol, and (2) voluntary, which refers to when the victim willingly used drugs or alcohol. In both of these categories, the sexual acts perpetrated were not consensual and were facilitated as a result of the consumption of drugs or alcohol (Richer et al., 2017).

A recent study of individuals convicted of sexual offenses found that offenses against adults were more likely to be facilitated by the use of drugs or alcohol (Kirk-Provencher, et al., 2021). Wolitzky-Taylor et al. (2011) observed the prevalence of reporting rape to law enforcement in association with factors including use of drugs/alcohol and victim-suspect relationship and found that only 2.7% of rapes involving drugs and/or alcohol were reported, women of color displayed a lower likelihood of reporting, and sustaining injuries during the rape was associated with an increased likelihood of reporting. Rapes involving drug or alcohol incapacitation or facilitation were less likely to be reported than forcible rapes (Wolitzky-Taylor, Resnick, McCauley et al., 2011).

Non-Consensual DFSA. Du Mont et al. (2010) observed the presence of drugs in 44.9% of cases, alcohol in 12.9% of cases, and both drugs and alcohol in 18.0% of cases. In 64.4% of

cases DFSA was non-consensual and drugs found, listed from most to least common, included: cannabinoids, cocaine, amphetamines, MDMA, ketamine, and GHB (Du Mont et al., 2010).

Voluntary DFSA. A significant portion of sexual assault cases have involved voluntary DFSA, specifically alcohol use occurring at rates of 50 to 77 percent across study samples (Richer et al., 2017). Richer et al. (2017) focused on better labeling, defining, identifying, and subtyping DFSA cases, and found that DFSA occurred in 52% of their sample, with voluntary DFSA comprising 23% of cases. Overall, DFSA survivors (voluntary and non-consensual) presented sooner for treatment and attended medical follow-up and psychotherapy more often (Richer et al., 2017).

Emerging adults (i.e., people between 18 to 25 years of age) have been found to be at increased risk for sexual violence, but there is still a gap about DFSA in this population (Tadros et al., 2018). DFSA has been found to be more common in younger patients, primarily those under the drinking age, and these patients were also found more likely to delay reporting to an emergency department (Tadros et al., 2018).

Davis et al. (2009) explored women's risk perception of sexual assault cues based on alcohol consumption and relationship type, noting that women who had consumed alcohol reported decreased awareness of and discomfort with risk cues. Overall, the study found that women's likelihood of sexual victimization may be increased by alcohol consumption because it can lead to reduced sexual assault risk perception (Davis et al., 2009).

Moreover, Flowe & Maltby (2018) studied alcohol consumption and feelings of self-blame in perceiving and reporting sexual violence, through a hypothetical scenario, finding higher levels of self-blame for women believing they had consumed alcohol and those women were less likely to report the hypothetical rape.

Another important topic when it comes to DFSA is memory recall. Flowe et al. (2016) focused on the influence of alcohol on accurate testimony, using hypothetical scenarios, noting that women under the influence reported less information. However, accuracy of information was not affected, but peripheral details were remembered with less accuracy than central details, regardless of the intoxication level (Flowe et al., 2016).

Furthermore, Monk and Jones (2014) analyzed alcohol consumption as a risk factor for sexual assault, finding that in most cases where alcohol or drugs were taken it had been voluntarily and 70.6% of people had consumed alcohol prior to being assaulted, of which 76.2% of cases had consumed more than the recommended amount and nearly a third had also taken drugs. Stranger rape or cases where the person had just met the perpetrator were more common for those who had consumed alcohol (Monk & Jones, 2014). Similarly, another study found that in voluntary DFSA cases, 25.6% used over-the-counter drugs, 29.4% used prescription drugs, and 25.5% used street drugs in the 72 hours before being examined, and an overall 85.9% reported consuming alcohol immediately prior to the suspected assault (Du Mont et al., 2010).

Verbal Threats

Verbal threat is another common factor found to be negatively related to formally reporting sexual violence. Du Mont et al. (2017) found that women sexually assaulted by a current or former intimate partner were more likely to have been verbally threatened or manipulated (43%) than if sexually assaulted by a different known perpetrator or stranger (25.7% and 21%, respectively). Notably, cases where disclosure was delayed have presented more survivors of verbal and/or weapon threats and survivors identified the perpetrator as a close person at higher rates compared to those who disclosed early (Bicanic et al., 2015). Jones et al.

(2009) detected that in 45% of cases when women formally reported they stated being a victim of verbal threats.

Other Factors

Survivors of sexual violence who do not report or delay reporting the incident to law enforcement may often still obtain medical, psychological, and other community resources. Most women seeking medical care who presented to sexual assault nurse examiners for an examination post-assault did so expeditiously, noting a median time from incidence to presentation was 16 hours, with delays in care more common if the perpetrator was a family member or date (McCall-Hosenfeld et al., 2009).

Connolly et al. (2015) investigated delays to prosecution in CSA and historic CSA (HCSA), i.e., cases reported years or decades later, finding that delayed prosecutions of CSA were common and offense duration was associated with longer delays to prosecution. Moreover, HCSA cases were more likely to report repeated abuse and similarly likely to report abuse by a perpetrator known to the person who experienced sexual violence (Connolly et al., 2015). The study also found that delay to prosecution was much longer when the perpetrator had obtained access to the child through their position in the community (Connolly et al., 2015).

A linear relationship between longer delay reducing the likelihood of prosecution would be expected, however, research suggests the survivor's child/adult status, delay time, and case outcomes are associated – interestingly, increased delay seemed to benefit case outcomes for adult females disclosing incidents from before six years of age (Bunting, 2014).

Current Study

Approximately 20% of women have experienced completed or attempted rape, but on average only 34% of rape/sexual assault cases are reported to law enforcement. Reporting of

sexual violence is crucial to minimizing adverse impact on medical treatment, case outcomes, and the overall mental state of survivors, including the ability to process or cope with the abuse. Perpetrators of sexual violence are often known to the survivor, a factor which has been consistently found to lead to delayed reporting. Cases where disclosure was delayed presented more survivors of verbal and/or weapon threats, as well as voluntary drug-facilitated sexual assault. There is a gap in the literature in terms of the compounding effects these factors might have on formal reporting of sexual violence. After reporting the sexual violence, most women do report feeling they made the right decision, therefore it is important to identify better avenues to improve education, treatment, and support services for people experiencing sexual violence.

The goal of this study is to further the research on the barriers to reporting sexual violence, by observing if some of the most common barriers to reporting for adult women who have survived sexual violence determine delays in reporting to law enforcement. Specifically, the current study focused on two aims. Aim 1 examined if cases of women who survived sexual violence revealed longer periods of delays in reporting if the perpetrator was known to the survivor as compared to cases where the perpetrator was a stranger. Aim 2 examined if there is an association between victim-suspect relationship and the perpetrator's use of verbal threats and the survivor willingly using drugs or alcohol, specifically, whether the compounding of these variables might lead to longer delays in reporting for those cases. Consistent with previous research, it was hypothesized that survivors would have longer delays in reporting if the perpetrator was known to them and they were verbally threatened and/or willingly used drugs or alcohol prior to the sexual violence incident.

Methods

Participants

This study used a publicly available archival dataset titled *Evidence, Sexual Assaults, and Case Outcomes: Understanding the Role of Sexual Assault Kits, Non-Forensic Evidence, and Case Characteristics, 2015-2017* (Zweig & Walsh, 2020). The data was a cross-sectional quantitative data collection of case file reviews of 534 sexual assault cases from two U.S. jurisdictions ($n=226$ from jurisdiction 1 and $n=308$ from jurisdiction 2), including both female and male survivors and suspects, between 17 to 83 years of age. To be included in the sample, a case had to meet the following criteria: first, the perpetrator was an adult (age >18 years); second, the survivor was age 13 or older; and third, the case had an initial charge recorded by the police related to sexual misconduct and assault within the state's statute (Zweig & Walsh, 2020).

Inclusion criteria for the current study included: (a) survivor must be female, (b) perpetrator was not identified as female in the dataset, and (c) perpetrator relationship to survivor was available. Exclusion criteria for the current study included: (a) if survivor gender was missing/unknown, (b) if survivor or perpetrator gender was listed as transgender, (c) if perpetrator was known to the survivor but lack of information prevented categorization (i.e., originally categorized as 'other', $n=36$) or perpetrator relationship information was missing/unknown ($n=14$), and (d) reporting timeframe was missing/unknown. Cases with multiple suspects were included but not recoded to ensure the single survivor would not be double counted. Cases with missing data values for study variables (i.e., victim-suspect relationship, $n=2$; reporting time, $n=9$) were not included in the study. The timeframe identified for reporting sexual violence was based on the data and literature available – the vast majority of cases specified a reporting period within three years. Therefore, outliers were excluded from the

dataset (it should be noted that in all outlier cases the perpetrator was known to the victim, although in many the relationship category was unknown). Overall, a total of 120 unique cases were removed from the dataset, based on the aforementioned exclusion criteria, for a final sample size of 414 cases.

Measures

Sexual Violence. The definition of sexual violence used to inform this work has been established by the NISVS – sexual violence is defined as any completed or attempted sexual actions of the following types: rape, sexual coercion, unwanted sexual contact, and being made to penetrate someone else (Smith et al., 2018).

Delays in Reporting. Delay in reporting a sexual violence case is defined as follows: reported to law enforcement after a 96-hour or four-day period, which matches the delay in reporting threshold used in the original study (Zweig & Walsh, 2020). Delays in reporting were examined using two original study variables “days to report” and “delayed report”, which measure if there was a delay and how long the delay was.

Victim-Suspect Relationship. Victim-suspect relationship is defined as follows: the known or unknown status the perpetrator held toward the person who survived the sexual assault, at the time of the sexual violence incident. Victim-suspect relationship was examined using the original study variable for “victim suspect relationship,” which included the following groups: acquaintance, aunt/uncle, boss, co-worker, cousin, former intimate partner, foster parent, friend, grandparent, intimate partner/dating, married, neighbor, other, parent, sibling, stepparent, stranger, teacher, or unknown. Moreover, this variable was recoded into a new variable “survivor perpetrator relationship category,” to further classify the groupings for type of relationship the perpetrator had toward the victim, which contained the following categories: family (i.e.,

grandparents, parents, stepparents, foster parents, cousins, siblings, and aunts/uncles), friend/acquaintance (i.e., friends, acquaintances, teachers, bosses, co-workers, and neighbors), intimate partner (i.e., both current and former intimate partners, dating, spouses), and stranger. A second variable, “known perpetrator” was used to differentiate between a known relationship and a stranger or unknown relationship between the survivor and the perpetrator.

Verbal Threat. Verbal threat is defined as follows: any verbal threats the perpetrator made to the survivor. For the current study, verbal threat will be examined using the original study variable for “verbal threats”, which identifies if the survivor received verbal threats from the perpetrator.

Drug-Facilitated Sexual Assault (DFSA). DFSA is defined as follows: non-consensual sexual acts perpetrated when a person that is victimized is incapacitated by drugs or alcohol and is therefore prevented from resisting (Du Mont et al., 2010; Monk & Jones, 2014; Richer et al., 2017).

Non-Consensual DFSA. Refers to when a victim did not consent to using drugs or alcohol, and the administering of those drugs/alcohol led to non-consensual sexual contact.

Voluntary DFSA. Refers to when the victim willingly used drugs or alcohol, and the use of those drugs/alcohol led to non-consensual sexual contact.

For the current study, DFSA was examined using two original study variables “victim willing drug use” and “victim willing alcohol use,” and recoded into one variable, “voluntary DFSA,” which identifies if the survivor willingly took drugs or consumed alcohol on the day of the offense. Per previous literature, use of drugs and alcohol were reviewed and reported in conjunction, therefore these have been combined, for consistency.

Procedure

The original study included quantitative data collection from 534 case files meeting a specified criterion, collected by trained coders following a codebook (Zweig & Walsh, 2020). It followed the subsequent process: (1) studied both jurisdictions, identifying demographic data and which agencies to include, (2) qualitative data collection through semi-structured focus groups of relevant stakeholders and used NVivo to code themes, (3) quantitative data collection from 534 case files meeting a specified criteria, among two jurisdictions, and (4) data was analyzed using various statistical models, including frequencies, probabilities, and logistic regression.

The current study used several variables from the identified dataset, including variables relating to victim-suspect relationship, verbal threats, willing drug and alcohol use, time to reporting, and demographic and case-specific variables relating to the survivors and the perpetrators.

Results

Demographics

Demographic characteristics for both survivors and perpetrators are presented in [Table 1](#). In terms of survivors, the vast majority were between 17 to 26 years of age ($n=290$, 70.0%), with the number of survivors getting smaller as age groups increased. The survivor sample's racial and ethnic composition included nearly two-thirds White survivors ($n=266$, 64.3%) and the vast majority were non-Hispanic ($n=356$, 86.0%). In terms of perpetrators, the age of those offending varied, but the younger age group (20- to 26-year-olds) held a higher amount ($n=150$, 36.2%) of perpetrators, as compared to the other age groups. The perpetrator's racial and ethnic composition was closely distributed between White ($n=169$, 40.8%) and Black ($n=137$, 37.9%) and over two-thirds were non-Hispanic ($n=290$, 70.0%).

Reporting Delays Based on Victim-Suspect Relationship

Prevalence of Delays in Reporting if Known Perpetrator

Out of 414 unique cases, 85.5% ($n=354$) involved a known perpetrator, which included 9.4% ($n=39$) family perpetrators, 44.0% ($n=182$) friend/acquaintance perpetrators, and 32.1% ($n=133$) intimate partner perpetrators. In comparison, there were only 14.5% ($n=60$) of cases where the perpetrator was a stranger. See [Table 2](#) for additional information.

Average Time of Delays to Reporting

An analysis of variance (ANOVA) was performed to examine the hypothesis for aim 1, which examined if women who survived sexual violence exhibited longer periods of delays in reporting if the perpetrator was known to them – if the perpetrator was known, we would expect to see longer times in reporting to law enforcement than if the perpetrator was a stranger. The ANOVA looked at the average delay to reporting for the whole sample of 414 survivors ($M = 41.59$, $SD = 124.82$). Based on the ANOVA analysis, we can assume there is no homogeneity of variances, as assessed by Levene's test for equality of variances ($p < .001$) and reject the null, thus there was a statistically significant relationship between victim-suspect relationship and average time of reporting to law enforcement for distinct victim-suspect relationship categories, Welch's $F(3, 129.54) = 12.77$, $p < .001$. There was a significant effect of average time to reporting at the $p < .05$ level for the different victim-suspect relationship categories [$F(3,410) = 2.91$, $p = .034$]. There was an increase in time to reporting from the stranger category ($M = 3.63$, $SD = 13.17$) to the intimate partner category ($M = 54.28$, $SD = 125.36$), a mean increase of 50.65, 95% CI [22.03, 79.26], which was statistically significant ($p < .001$). There was also an increase in time to reporting from the stranger category ($M = 3.63$, $SD = 13.17$) to the friend/acquaintance category

($M = 39.34$, $SD = 134.27$), a mean increase of 35.71, 95% CI [9.54,61.88], which was statistically significant ($p = .003$).

Delays to reporting were measured using the number of days between the sexual violence incident and the time when the survivor formally reported to law enforcement, results are presented in [Figure 1](#). Average time of delays to reporting differed greatly based on the victim-suspect relationship. The average amount of time it took the survivor to formally report the sexual violence incident consistently increased based on the level of closeness in the relationship to the perpetrator, from stranger ($n = 60$, $M = 3.63$, $SD = 13.17$), to friend/acquaintance ($n = 182$, $M = 39.34$, $SD = 134.27$), to intimate partner ($n = 133$, $M = 54.28$, $SD = 125.36$), to family ($n = 39$, $M = 67.18$, $SD = 158.29$), in that order.

A crosstabulation analysis was performed to calculate the odds ratio of a formal report to law enforcement being delayed based on the perpetrator being known to the survivor, using cases where relationship information was available ($n=414$). Known relationships were most common ($n = 354$) as compared to stranger relationships ($n = 60$), with 39.83% ($n = 141$) of known perpetrator cases having delayed reporting as compared to 15% ($n = 9$) of stranger perpetrator cases. Those with known perpetrators (calculated probability is .66) were over 3.5x more likely to delay formal reporting (calculated probability is .18). The odds ratio of delaying formal reporting in known perpetrator cases versus stranger perpetrator cases was .267, 95% CI [.127,.559].

Moreover, an ANOVA analysis was performed to observe any differences in reporting times based on survivor age category, results are presented in [Figure 2](#). This analysis only considered cases where survivor age category was available ($n=411$), unknown survivor age cases were removed from this analysis ($n=3$). There was a significant effect of average time to

formal reporting at the $p < .05$ level for the different survivor age categories [$F(3,407) = 3.92$, $p = .009$]. The average time to formally reporting decreased from the 17-26 ($n = 290$, $M = 53.33$, $SD = 137.48$) to 27-36 ($n = 60$, $M = 2.65$, $SD = 10.87$), with a slight increase to 37-46 ($n = 30$, $M = 25.63$, $SD = 129.02$) and another drop to 47+ ($n = 31$, $M = 8.19$, $SD = 30.83$) survivor age groups, in that order.

Association between Victim-Suspect Relationship and Verbal Threats and Willing Use of Drugs or Alcohol and Delayed Reporting

A linear regression was performed to assess the hypothesis for aim 2, which examined if there was an association between victim-suspect relationship and the perpetrator's use of verbal threats and the survivor willingly using drugs or alcohol – specifically, whether the compounding of these variables might lead to longer delays in reporting. Therefore, if the survivor had a known relationship with the perpetrator and also reported the use of verbal threats from the perpetrator or willingly using drugs or alcohol on the day of the offense, we would expect to see longer times in reporting to law enforcement. The linear regression allowed the case variables to be observed through a hierarchy, i.e., the analysis first considered the victim-suspect relationship and then took into account the variables for verbal threats and willingly using drugs or alcohol, in order to observe times in reporting. Through this analysis we were able to examine if the compounding of these variables can statistically significantly predict delays in reporting to law enforcement.

When examining the association between delays to reporting based on the victim-suspect relationship and verbal threats and the willing use of drugs or alcohol, 98 cases were found to have included verbal threats from the perpetrator ($n=13$) or the survivor willingly using drugs or

alcohol ($n=88$), with three cases having both variables present. [Table 3](#) outlines case summary information for factors associated with delays in reporting for the current study sample.

The verbal threats and voluntary DFSA variables were coded into dummy variables in order to perform a linear regression to better understand the effect of verbal threats and voluntary DFSA on time in reporting. A linear regression did not establish that the presence of verbal threats or voluntary DFSA could statistically significantly predict delays in formal reporting, $F(3, 371) = 1.888$, $p = .131$. The regression equation used was: predicted delay in reporting = $4.773 + \beta \times (\text{presence of verbal threats or voluntary DFSA})$. On average, cases where the perpetrator was known, 95% CI [2.203,67.025], displayed a number of days of reporting that was 29.08 points higher than those who reported willingly using drugs or alcohol, 95% CI [-21.262,32.328], and 54.19 points higher than those who reported being verbally threatened, 95% CI [-85.668,46.511], as seen in [Table 4](#). In this sample, for cases where the perpetrator was known, $t = 2.100$ with a corresponding p -value of .036, which means that the chances of the difference in reporting times between known/unknown perpetrator cases that we have calculated is actually happening due to chance is very small. Additionally, for cases where the survivor reported willingly using drugs or alcohol, $t = .406$ with a corresponding p -value of .685, and for cases where the survivor reported being verbally threatened, $t = -.583$ with a corresponding p -value of .561 – which means that there are greater chances that the difference between present/not present voluntary DFSA or verbal threats groups that we have calculated is happening due to chance. Therefore, the statistical analysis continues to support that victim-suspect relationship is a significant factor that influences delays in reporting, but there is not enough support that the presence of voluntary DFSA or verbal threats contributes to longer delays in reporting, for the current study sample.

Discussion

This study examined the potential barriers to reporting sexual violence for adult women survivors. Such barriers include victim-suspect relationship, which led to delays in reporting to law enforcement, primarily in cases where the perpetrator was known to the survivor. We also examined whether there was an association between victim-suspect relationship and the perpetrator's use of verbal threats and the survivor willingly using drugs or alcohol that might lead to longer delays in reporting. Overall, we found significant delays when the perpetrator was known to the victim, however contrary to expectations, we did not find that the use of verbal threats or substances resulted in significantly more delays in reporting.

As hypothesized, reporting to law enforcement was significantly more delayed in cases where the perpetrator was known to the victim, with delays ranging up to 2.77 years. Approximately 76% of known perpetrator cases involved a friend/acquaintance and intimate partner perpetrator. The aforementioned findings are congruent with the literature around primary factors that have been found to be associated with delayed reporting of sexual violence incidents (Ahrens et al., 2010; Brooks-Hay, 2020; Johnson & Hiller, 2019; Jones et al., 2009; Layman et al., 1996; McCall-Hosenfeld et al., 2009; Monroe et al., 2005; Tashjian et al., 2016). For this reason, it is imperative that service providers (e.g., law enforcement) continue to enhance collaboration with psychologists to improve communication strategies and expand outreach in places that may provide better access to vulnerable populations (i.e., schools, workplace, libraries, shelters, religious houses, community centers, etc.). Even though victim-suspect relationship is a static factor, there are a host of other factors that contribute to delays in reporting sexual victimization and if those can be addressed we can potentially see a reduction in the effect victim-suspect relationship has on formal reporting.

Additionally, consistent with previous literature (Bicanic et al., 2015; Klemmer et al., 2021), in majority of cases ($n=290$, 70.0%) delays in reporting were higher for the younger age group (17-26 years old), an average of 53.3 days, as compared to the older age groups (27-36, 37-46, and 47+ years old), an average of 2.7, 25.6, and 8.2 days, respectively. Similar to Wolitzky-Taylor et al., 2011, we also found a lower number of reports were made by women of color, with only 35.7% ($n=148$) of cases reported by women of color and overall, only 12.1% ($n=50$) of women reporting were Hispanic. Research suggests there are additional factors that affect people of color which can deter reporting, including overpolicing in low-income neighborhoods and communities of color, increased negative reactions, the combination of both race and gender-based discrimination can undermine institutional trust in police, and intersecting racial and gender identities that simultaneously affect experiences of violence (Decker et al., 2019; Hakimi et al., 2018; Jacques-Tiura et al., 2010; Zweig et al., 2021). The fact that some research has found that men of color are more likely receive harsher punishments for sexual assault may also deter reporting (Franiuk et al., 2020). Therefore, it is important to prioritize the younger populations and women of color when it comes to improved education and services.

Undoubtedly, one pivotal finding was that in cases of sexual violence perpetrated by a stranger, reporting to law enforcement took place within an average of four days. However, this was in line with prior research indicating that survivors of sexual violence are delayed in reporting if the perpetrator was known to them, due to the dynamics of that relationship and complexity of the situation which can make the decision to disclose even more difficult (Williams, 2015). Thus, it is plausible that increased levels of trust and closeness can have a lasting effect on the survivor, due to a variety of factors, (i.e., the approach and actions taken to develop and maintain the relationship, the varying locations in which the abuse takes place, types

and levels of contact, and the context in which the two interact), which can contribute to delays in reporting (Davis et al., 2009; Jones et al., 2009; McCall-Hosenfeld, et al., 2009; Monroe et al., 2005; Williams, 2015). While the literature pointing to a decreased ability to recognize, articulate, and disclose sexual abuse has focused on CSA, it may be inferred that the same factors attributed to CSA cases (i.e., impact of trauma resulting from the abuse, power differentials between the victim and perpetrator, and institutional power dynamics) can be true of adult relationships (CHILD USA, 2020). Adults have repeatedly shared often times feeling confused about the situation and did not often acknowledge their rape due to the perpetrator relationship, and psychosocial variables have been found to be significantly different in women not reporting, including not wanting the perpetrator to go to jail (Jones et al., 2009; Layman et al., 1996). Indeed, survivors of sexual violence have a need for support, primarily from family and friends, but if those support systems are the ones doing the victimization, it is difficult for the person to decide on their own to formally report the crime, which can lead to not only a break in the relationship but also lasting negative effects for the known perpetrator. Additionally, when it comes to physical evidence, such as traces of DNA, a person who knew their offender would be less concerned with identification of the perpetrator.

Finally, we found that the presence of verbal threats and willing use of drugs and alcohol delayed reporting in 23.5% ($n=23$) of cases. In cases where verbal threats or voluntary DFSA were present, analysis showed that those survivors seemed to display lower points in formally reporting as compared to those survivors only identified as knowing their perpetrators, however these factors were not related to significant delays to formal reporting. Nevertheless, this is consistent with previous literature – higher reports of verbal threats and DFSA are found in cases not formally reported (Bicanic et al., 2015; Flowe & Maltby, 2018; Tadros et al., 2018), thus, it

is not surprising that a dataset of formally reported cases contained a low number of cases with these variables.

Limitations

There are several limitations to this study. The use of archival data for this study created a limitation in terms of available information. The use of variables and details available were limited by what was reported. Although the dataset provided access to a large sample of survivors and a extensive number of variables, only the quantitative information could be publicly accessed. If access were available for the corresponding qualitative information, additional observations might prove beneficial in further interpretation of the study variables and analyzing supplementary factors.

In addition, the data was collected from law enforcement and prosecutor focus groups rather than from the victim perspective, thus we were unable to assess psychological barriers that may have impeded reporting. This is important because the psychological damage a traumatic event can create in a person's life can greatly influence future actions and decisions, such as formally reporting, which can lead to a reduced likelihood of receiving the necessary care to experience successful outcomes.

Furthermore, the dataset only provided cases where formal reports were submitted to law enforcement, thus limiting the sample, and excluding the possibility of observing and analyzing the variables for people who report to family and friends. Based on the literature, a large majority of sexual violence survivors do not formally report the incidents, therefore, the current study is only looking at a small portion of cases. Moreover, this is particularly important because cases where the survivor has not formally reported might provide greater insight into factors associated with delays in formally reporting.

Additionally, while the data was gathered from two distinct jurisdictions, they were still part of the same U.S. state. Thus causing limitations in the generalizability of the study, since sexual violence survivor samples from other states in the U.S. or other countries might evince different factors associated with delays in reporting, depending on variables such as the region, the laws, policies and procedures, and services provided, etc.

Directions for Future Research

Further research is needed on delays to reporting for survivors in cases where the perpetrator was known, specifically what made them feel safe to disclose at a later time. Expanding research in this area can assist in further development of resources and treatment in order to reduce time in reporting by allowing service providers and law enforcement to develop tools, procedures, and staff trainings that are consistent with best practices for what works with this population.

Moreover, further study of variables that might exacerbate reporting delays. For example, while aim 2 was not supported using this sample, the literature does suggest that variables pertaining to the presence of verbal threats and voluntary DFSA have been found to be important factors contributing to delayed reporting. Soroichinski and Salfati (2018) studied individual differentiation and consistency in serial sexual assault, findings suggest that verbal control appears mainly in addition to other types of control, e.g., weapon control. Thus, it would be interesting to use these findings to explore how formal reporting might be affected if verbal threats were observed in combination with other variables identified in sexual assault behavior literature. Therefore, focusing on cases where those variables are present for a higher quantity of the sample would be valuable in better understanding the dynamics of those factors.

Likewise, exploration of the survivor cases in the current study would be beneficial in examining other variables that might have an impact on reporting delays. For example, studying survivor attitudes, i.e., whether the survivor was the person who formally reported the incident and if the survivor was cooperative throughout the process, would widen the body of literature in this area. Similarly, researching case outcomes and law enforcement level of response in apprehension of the perpetrator in order to identify any data points that prove most helpful in criminal justice and law response to sexual violence incidents.

Evidently, survivors of sexual violence disclose in distinct ways and over a range of time, thus, future research focused on psychological barriers to reporting is crucial. Consistently, the literature stated the lasting effects not reporting can have on a survivor's mental health, such as depression and posttraumatic stress (Ahrens, 2010; Klemmer et al., 2021; Wolitzky-Taylor et al., 2011). While one of the primary reasons for delayed reporting was victim-suspect relationship, there are psychological factors that contribute to the connection the survivor feels toward the known perpetrator, which impedes the survivor's attitude towards formally reporting and their successful mental health outcomes.

Furthermore, using the Theory of Planned Behavior (TPB) – which examines attitude toward the behavior, subjective norm, and perceived behavioral control – to better study identified variables. The literature has supported that TPB is useful in observing reporting behavior and suggests that a survivor's feelings of control and confidence toward reporting showed stronger intentions of formally reporting (Amar, 2009). To this end, using qualitative data to explore additional variables in conjunction with TPB would be advantageous.

Implications and Conclusions

In conclusion, while further research is needed, so is improved education and policies in the area of sexual violence. The research exists, what we must improve is dissemination of education to the public, in both a preventive capacity (i.e., informing in regard to risk cues and behaviors that can increase awareness and caution) and a restorative capacity (i.e., provision of services and supports, and encouraging formal reporting). There is a need for education to be built up in the areas of identifying signs of ongoing sexual violence (especially for younger people and intimate partner situations), as well as how to ask for or obtain help.

Moreover, state policies and law enforcement departmental policies and procedures would benefit from review in order to ensure the department is equipped with the latest tools when it comes to responding to sexual violence incidents and providing support to survivors. Survivors have also expressed a barrier to reporting to include concerns when reporting to law enforcement (Darwinkel et al., 2013; Monroe et al., 2005; Winters et al., 2020). Previous studies identifying factors that would increase individual motivation stated systemwide improvements, increased awareness, using motivating emotions, improved education and how to report, and ensuring privacy (Winters et al., 2020). Studies have observed that training affects police officer attitudes toward survivors, leading to changes due to greater understanding of the dynamics of sexual offending, which resulted in an increase of confidence in case authorization and a decrease in perception of “responsibility” from the person that was victimized (Darwinkel et al., 2013). Thus, incorporating new techniques into law enforcement trainings when it comes to interacting with survivors of sexual violence can lead to improvements to this barrier to reporting by encouraging survivors to formally report sooner. Making trainings more culturally congruent in order to enhance police response (Burton & Guidry, 2021). Moreover, consistently incorporating best practices into treatment programs for people returning home who have been

convicted of a sexual offense (e.g., [Circles of Support and Accountability](#)). Likewise, continued collaboration amongst offender treatment and victim advocacy initiatives in response to sexual violence would also be beneficial since research suggests lower risk levels for people completing treatment programs (D'Amora & Burns-Smith, 1999; Hanson & Bussière, 1998).

Ultimately, the central thesis of this paper is to improve survivor access to treatment, law enforcement, and other services in order to increase likelihood of recovery and reduced psychological distress. Formal reporting may not always be necessary in accomplishing that goal. To this end, there is a pressing need to improve access to community resources and services provided and to empower survivors of sexual violence to come forward – but it is essential to first address the barriers survivors encounter to reporting sexual violence. If not addressed, these barriers can lead to delayed reporting or nondisclosure of sexual victimization. Communities must strengthen education and enhance strategies around the reporting of sexual violence and make resources more readily available for survivors.

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Appendix: Tables and Figures

Table 1. Survivor and Perpetrator Demographic Information

		(N=414)		Survivors ^a		Perpetrators ^a	
		<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
Gender	Female	414	100%	0	0%		
	Male	0	0%	340	82.1%		
	Unknown/Missing	0	0%	74	17.9%		
Age	17-26 ^b	290	70.0%	150	36.2%		
	27-36	60	14.5%	85	20.5%		
	37-46	30	7.2%	38	9.2%		
	47+	31	7.5%	52	12.6%		
	Unknown/Missing	3	0.7%	89	21.5%		
Race ^c	White	266	64.3%	169	40.8%		
	Black	140	33.8%	157	37.9%		
	Asian	8	1.9%	10	2.4%		
	Pacific islander	0	0.0%	0	0.0%		
	Native American	0	0.0%	1	0.2%		
	Other	0	0.0%	3	0.7%		
	Unknown/Missing			75	18.1%		
Ethnicity	Hispanic	50	12.1%	41	9.9%		
	Non-Hispanic	356	86.0%	290	70.0%		
	Unknown/Missing	8	1.9%	83	20.0%		

^a % may add to more than 100%, due to rounding of decimals.^b Perpetrator younger age group was 20-26-year-olds.^c *N* and % may add to more than 100%, due to the fact that suspect identified with more than one race category.

Table 2: Average Days between the Sexual Assault and Report to Law Enforcement

		Total for Category ^a		Mean	Std. Deviation	Std. Error	95% Confidence Interval for Mean		Min	Max
		N	%				Lower Bound	Upper Bound		
Victim-Suspect Relationship by Category	friend/acquaintance	182	44.0%	39.34	134.269	9.953	19.70	58.98	0	1012
	intimate partner	133	32.1%	54.28	125.362	10.870	32.78	75.78	0	708
	family	39	9.4%	67.18	158.291	25.347	15.87	118.49	0	666
	stranger	60	14.5%	3.63	13.172	1.700	.23	7.04	0	82
	Total	414	100%	41.59	124.817	6.134	29.53	53.65	0	1012

^a % may add to more than 100%, due to rounding of decimals.

Table 3. Case Summary of Factors Associated with Delays in Reporting

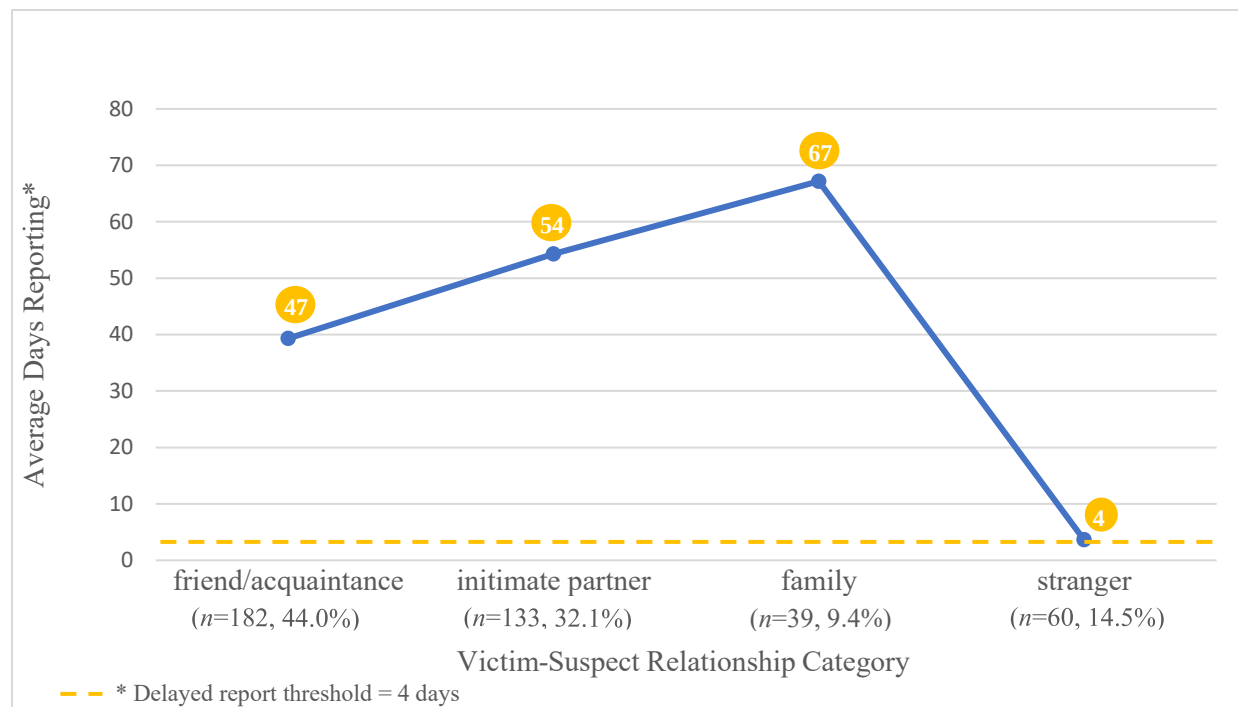
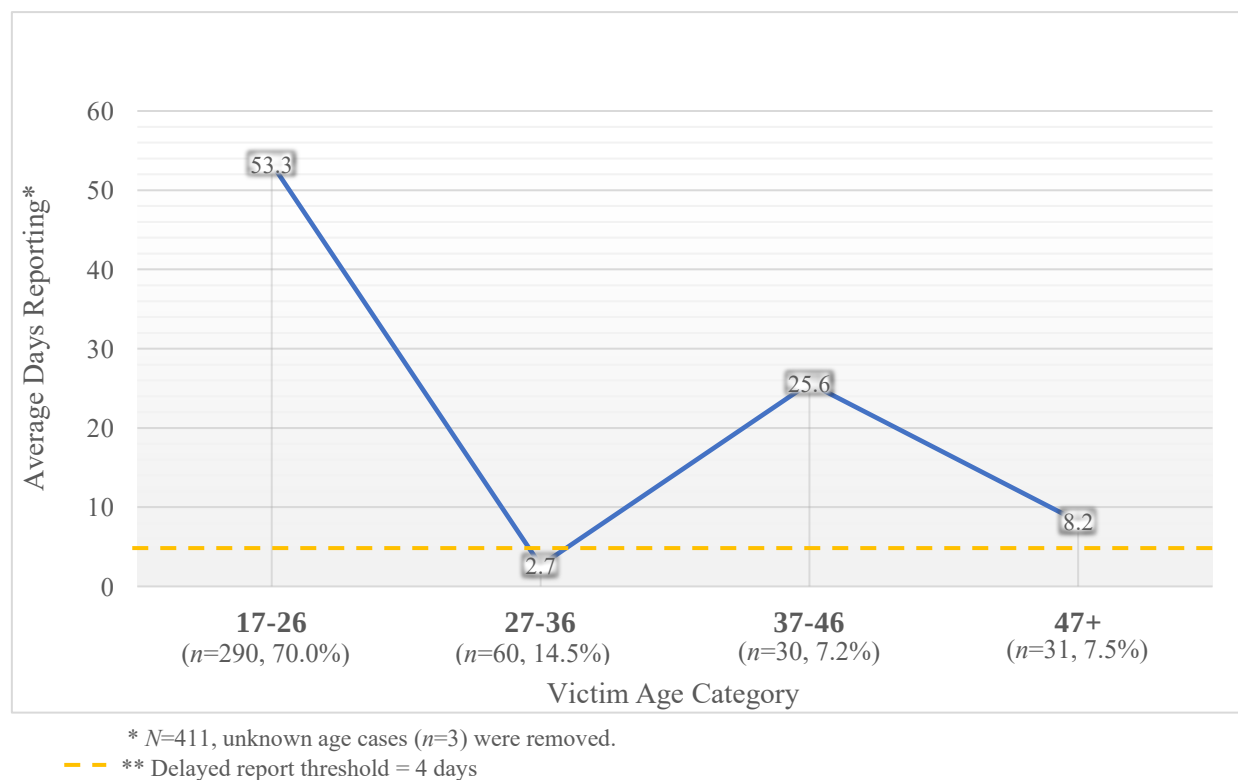
		Average Days to Report	Delayed Report	Verbal Threats	Drug-Facilitated Sexual Assault (DFSA) ^a	
					Non-Consensual	Voluntary
Victim-Suspect Relationship by Category	friend/acquaintance	47	64	5	106	58
	intimate partner	54	59	1	106	11
	family	67	18	0	33	4
	stranger	4	9	7	42	15
	Total	37	150	13	287	88

^aN may not add to 100%, due to missing/unknown values.

Table 4. Compounding Factors Associated with Delays in Reporting

Model	Coefficients ^a						95.0% Confidence Interval for B		Collinearity Statistics	
	Unstandardized Coefficients		Standardized Coefficients	t	Sig.		Lower Bound	Upper Bound	Tolerance	VIF
	B	Std. Error								
1	(Constant)	4.773	15.783		.302	.763	-26.263	35.808		
	Known Perpetrator	34.614	16.483	.111	2.100	.036	2.203	67.025	.952	1.051
	Verbal Threat	5.533	13.627	.021	.406	.685	-21.262	32.328	.999	1.001
	Voluntary DFSA	-19.579	33.610	-.031	-.583	.561	-85.668	46.511	.952	1.050

a. Dependent Variable: Days between the sexual assault and the report to law enforcement?

Figure 1. Average Reporting Days based on Victim-Suspect Relationship**Figure 2. Average Reporting Days based on Survivor Age Category**

Appendix II: Code Book

<i>Name</i>	<i>Description</i>	<i>Values</i>	<i>Additional Information</i>
<i>STUDY_ID</i>	The individual unique identifier per case	1-534	Specific cases have been removed to fit inclusion criteria. <i>N</i> = 414
<i>SURVIVOR_PERPETRATOR_RELATIONSHIP_CATEGORY</i> <i>Recoded from: VICTIM_SUSPECT_RELATIONSHIP</i>	RECODE What was the relationship between the perpetrator and the survivor?	1 Family 2 Friend/ Acquaintance 3 Intimate Partner 4 Stranger	Original Values 1 acquaintance 2 aunt/uncle 3 boss 4 co-worker 5 cousin 6 former intimate partner 7 foster parent 8 friend 9 grandparent 10 intimate partner/ dating 11 married 12 neighbor 13 other 14 parent 15 sibling 16 step-parent 17 stranger 18 teacher 19 unknown 99 Missing
<i>KNOWN_PERPETRATOR</i>	Suspect was known to victim (unknown recoded to missing)	0 No 1 Yes 99 Missing/Unknown	
<i>HRS_TO_REPORT</i>	Hours between offense and report to law enforcement	Number of hours from offense to report	

<i>DAYS_TO_REPORT</i>	Days between offense and report to law enforcement	Number of days from offense to report	
<i>DELAYED_REPORT</i>	Delayed report to law enforcement (>96 hours)	0 No 1 Yes 99 Missing/Unknown	
<i>VERBAL_THREATS</i>	Perpetrator made verbal threats to survivor?	0 No 1 Yes 99 Missing/Unknown	
<i>VOLUNTARY_DFSA</i>	RECODE Did the survivor willingly take drugs or drink alcohol on the day of the offense?	0 No 1 Yes 99 Missing/Unknown	Recoded to combine if the survivor willingly used either drugs or alcohol
<i>DEMOGRAPHIC_VARIABLES</i>	Survivor Gender	1 Female	
	Perpetrator Gender	1 Male 99 Missing/Unknown	
	Age (category)	1 17-26 2 27-36 3 37-46 4 47+ 99 Missing/Unknown	
	Race	0 No 1 Yes 99 Missing/Unknown	Individual variables for these categories: White Black Asian Pacific Islander Native American Other
	Ethnicity	1 Hispanic 2 Non-Hispanic 99 Missing/Unknown	

Appendix G – BJS – Female Victims of Sexual Violence 1994-2010



Female Victims of Sexual Violence, 1994-2010

Michael Planty, Ph.D., and Lynn Langton, Ph.D., *BJS Statisticians*

Christopher Krebs, Ph.D., Marcus Berzofsky, Dr.P.H., and Hope Smiley-McDonald, Ph.D., *RTI International*

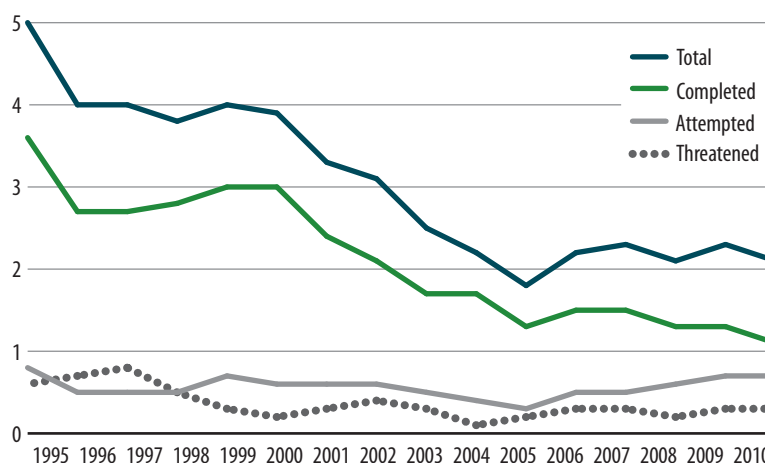
From 1995 to 2005, the total rate of sexual violence committed against U.S. female residents age 12 or older declined 64% from a peak of 5.0 per 1,000 females in 1995 to 1.8 per 1,000 females in 2005 (figure 1, appendix table 1). It then remained unchanged from 2005 to 2010. Sexual violence against females includes completed, attempted, or threatened rape or sexual assault. In 2010, females nationwide experienced about 270,000 rape or sexual assault victimizations, compared to about 556,000 in 1995.

Completed rape or sexual assault accounted for more than 50% of the total rape or sexual violent victimizations in 2010. Between 1995 and 2010, the rate of completed rape or sexual assault declined from 3.6 per 1,000 females to 1.1 per 1,000. Over the same period, the rates of attempted rape or sexual assault and victimizations involving the threat of rape remained relatively stable.

FIGURE 1

Rape and sexual assault victimization rates among females, 1995–2010

Rate per 1,000 females age 12 or older



Note: Estimates based on 2-year rolling averages centered on the most recent year. See appendix table 2 for standard errors.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1994–2010

HIGHLIGHTS

- From 1995 to 2010, the estimated annual rate of female rape or sexual assault victimizations declined 58%, from 5.0 victimizations per 1,000 females age 12 or older to 2.1 per 1,000.
- In 2005-10, females who were age 34 or younger, who lived in lower income households, and who lived in rural areas experienced some of the highest rates of sexual violence.
- In 2005-10, 78% of sexual violence involved an offender who was a family member, intimate partner, friend, or acquaintance.
- In 2005-10, the offender was armed with a gun, knife, or other weapon in 11% of rape or sexual assault victimizations.
- The percentage of rape or sexual assault victimizations reported to police increased to a high of 59% in 2003 before declining to 32% in 2009 and 2010.
- The percentage of females who were injured during a rape or sexual assault and received some type of treatment for their injuries increased from 26% in 1994-98 to 35% in 2005-10.
- In 2005-10, about 80% of female rape or sexual assault victims treated for injuries received care in a hospital, doctor's office, or emergency room, compared to 65% in 1994-98.
- In 2005-10, about 1 in 4 (23%) rape or sexual assault victims received help or advice from a victim service agency.

The data in this report were drawn from the Bureau of Justice Statistics' (BJS) National Crime Victimization Survey (NCVS). The NCVS collects information on nonfatal crimes reported and not reported to the police from a nationally representative sample of persons age 12 or older who live in U.S. households. Persons are interviewed every 6 months over 3 years with the first interview conducted in person and follow-up interviews conducted either in person or by phone.

The NCVS produces national rates and levels of violent and property victimization, as well as information on the characteristics of crimes and victims and the consequences of victimization. Because the NCVS collects information from victims, it does not measure homicide.

Unless noted, this report presents estimates for the aggregate of rape or sexual assault victimizations. The term sexual violence is used throughout to refer to rape or sexual assault victimizations, including attempts and threats. Victimization is the basic unit of analysis used throughout the report, and the number of victimizations is equal to the number of victims present during a criminal incident.

Trend estimates are based on 2-year rolling averages centered on the most recent year. For example, estimates reported for 2010 represent the average estimates for 2009 and 2010. For other tables in this report, the focus is on aggregate data from 1994 through 1998, 1999 through 2004, and 2005 through 2010. These methods of analysis improves the reliability and stability of comparisons over time and between subgroups. For additional estimates not included in this report, see the NCVS Victimization Analysis Tool (NVAT) on the BJS website.

Measuring sexual violence using the NCVS

This report focuses on sexual violence that includes completed, attempted, and threatened rape or sexual assault. NCVS survey respondents are asked to respond to a series of questions about the nature and characteristics of their victimization. The NCVS classifies victimizations as rape or sexual assault even if other crimes, such as robbery or assault occur at the same time. The NCVS then uses the following rape and sexual assault definitions:

Rape is the unlawful penetration of a person against the will of the victim, with use or threatened use of force, or attempting such an act. Rape includes psychological coercion and physical force, and forced sexual intercourse means vaginal, anal, or oral penetration by the offender. Rape also includes incidents where penetration is from a foreign object (e.g., a bottle), victimizations against male and female victims, and both heterosexual and homosexual rape. Attempted rape includes verbal threats of rape.

Sexual assault is defined across a wide range of victimizations, separate from rape or attempted rape. These crimes include attacks or attempted attacks generally involving unwanted sexual contact between a victim and offender. Sexual assault may or may not involve force and includes grabbing or fondling. Sexual assault also includes verbal threats.

The measurement of rape and sexual assault presents many challenges. Victims may not be willing to reveal or share their experiences with an interviewer. The level and type of sexual violence reported by victims is sensitive to how items are worded, definitions used, data collection mode, and a variety of other factors related to the interview process. In addition, the legal definitions of rape and sexual assault vary across jurisdictions. The NCVS presents one approach to measuring and enumerating these incidents as well as other forms of violence and property crime. (For more information about the technical aspects of the NCVS, see *Methodology*.)

In 2005-10, females who were age 34 or younger, who lived in lower income households, and who lived in rural areas had some of the highest rates of sexual violence

The rate of sexual violence against females declined with age. In 2005-10, sexual violence was committed against females ages 12 to 34 at a rate of about 4 victimizations per 1,000, compared to a rate of 1.5 victimization per 1,000 for females ages 35 to 64 and 0.2 per 1,000 for age 65 or older (table 1). This pattern was consistent across all three aggregate time periods. Over time, the rate of sexual violence declined for both the 12-to-17 and 18-to-24 age groups. Females ages 12 to 17 had the largest decline, from 11.3 per 1,000 in 1994-98 to 4.1 in 2005-10.

For all racial and ethnic groups, the rate of sexual violence was lower in 2005-10 than it was in 1994-98. Within each time period, few differences existed in the rates of sexual violence across racial and ethnic groups. Non-Hispanic white females and black and Hispanic females had a similar rate of sexual violence over time. However, Hispanic females had lower rates of sexual violence than black females in 1999-04 and in 2005-10. Although American Indians and Alaska Natives appeared to experience rape or sexual assault victimization at rates higher than other racial and ethnic groups, these rates were based on small sample sizes and are not reliable.

Across all three time periods between 1994 and 2010, females who had never been married or who were divorced or separated at the time of the interview had higher rates of rape or sexual assault victimization than females who were married or widowed.¹ From 1994 to 2010, females who had never been married, those who were divorced or separated, and those who were married experienced about a 50% decline in the rate of sexual violence.

¹The NCVS collects information on respondent's marital status at the time of the interview, but it does not obtain marital status at the time of the incident or whether a change in marital status occurred after the incident.

TABLE 1

Rape and sexual assault victimizations against females, by victim characteristics, 1994-1998, 1999-2004, and 2005-2010

Victim characteristic	Rate per 1,000 females age 12 or older		
	1994-1998	1999-2004	2005-2010
Total	4.2	3.1	2.1
Age			
12-17	11.3	7.6	4.1
18-34	7.0	5.3	3.7
35-64	2.3	1.8	1.5
65 or older	0.1!	0.2!	0.2!
Race/Hispanic origin			
White ^a	4.3	3.1	2.2
Black ^a	4.2	4.1	2.8
Hispanic/Latina	4.3	1.8	1.4
American Indian/Alaska Native ^a	6.4!	4.8!	4.5!
Asian/Pacific Islander ^a	2.5	1.2	0.7!
Two or more races ^a	~	6.6!	5.1!
Marital status ^b			
Never married	8.6	6.6	4.1
Married	1.3	0.7	0.6
Widowed	0.8	0.2!	0.8
Divorced or separated	9.0	6.3	4.4
Household income			
Less than \$25,000	6.1	5.6	3.5
\$25,000-\$49,999	3.3	2.7	1.9
\$50,000 or more	2.9	2.0	1.8
Unknown	3.5	2.1	1.8
Location of residence			
Urban	5.1	4.0	2.2
Suburban	3.9	2.7	1.8
Rural	3.9	2.5	3.0

Note: See appendix table 5 for standard errors.

! Interpret with caution; estimate based on 10 or fewer sample cases, or coefficient of variation is greater than 50%.

~Not applicable.

^aExcludes persons of Hispanic or Latino origin.

^bThe NCVS collects information on respondent's marital status at the time of the interview, but it does not obtain marital status at the time of the incident or whether a change in marital status occurred after the incident.

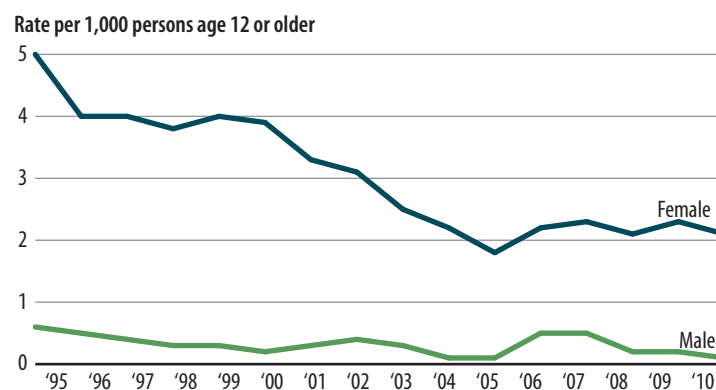
Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1994-2010.

Males had lower rates of rape or sexual assault than females from 1995 to 2010

From 1995 to 2010, approximately 9% of all rape or sexual assault victimizations recorded in the NCVS involved male victims (figure 2). In 2010, the male rate of rape or sexual assault was 0.1 per 1,000 males compared to a rate of 2.1 per 1,000 for females (appendix table 3). Due to the relatively small number of sample cases, coupled with a low rate of victimization, estimates of male sexual violence from the NCVS cannot be used reliably for further disaggregation by victim and incident characteristics. Therefore, this report focuses exclusively on females.

FIGURE 2

Rape and sexual assault victimizations, by sex of victim, 1995-2010



Note: Estimates based on 2-year rolling averages centered on the most recent year. See appendix table 4 for standard errors.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1994-2010.

Consistently across all three time periods, females living in households in the lowest income bracket (less than \$25,000 annually) experienced rape or sexual assault victimization at higher rates than females in higher income brackets. In 2005-10, females in households earning less than \$25,000 per year experienced 3.5 rape or sexual assault victimizations per 1,000 females, compared to 1.9 per 1,000 in households earning between \$25,000 and \$49,999 and 1.8 per 1,000 in households earning \$50,000 or more.

In 1994-98, the rate of rape or sexual assault victimization for females living in urban areas (5.1 per 1,000) was higher than the rate for females in suburban (3.9 per 1,000) and rural (3.9 per 1,000) areas. In 2005-10 this pattern reversed, and the rate of sexual violence for females in rural areas (3.0 per 1,000) was higher than the rate of sexual violence for females in urban (2.2 per 1,000) and suburban (1.8 per 1,000) areas.

The percentage of rape or sexual assault victimizations that occurred at or near the victim's home increased over time

In 2005-10, about 55% of rape or sexual assault victimizations occurred at or near the victim's home, and another 12% occurred at or near the home of a friend, relative, or acquaintance (table 2). The percentage of sexual violence that occurred at or near the home of the victim increased from 49% in 1994-98 to 55% in 2005-10. In comparison, the percentage of sexual violence that occurred

at or near the home of a friend or in a commercial place or parking lot declined between 1994-98 and 2005-10. The number of rape or sexual assault victimizations occurring at or near the victim's home declined at a slower rate over time compared to the number of victimizations that occurred outside the home (not shown in table).

Over all three periods, between 41% and 48% of victims of sexual violence were undertaking activities at or around their homes at the time of the incident. In 2005-10, 12% of rape or sexual assault victimizations against females occurred while the victim was working, and 7% occurred while the victim was attending school. Another 29% of sexual violence occurred while the victim went to or from work or school, was out shopping, or was engaged in leisure activities away from the home.

About 3 in 4 victims of sexual violence knew the offender

About 90% of rape or sexual assault victimizations involved one offender, a percentage that was stable across the three periods (table 3). In 2005-10, most rape or sexual assault victims (78%) knew the offender. About 34% of all rape or sexual assault victimizations were committed by an intimate partner (former or current spouse, girlfriend, or boyfriend), 6% by a relative or family member, and 38% by a friend or acquaintance. Strangers committed about 22% of sexual violence, a percentage that was also unchanged from 1994 to 2010.

TABLE 2
Activity and location of female victims when rape or sexual assault victimization occurred, 1994–1998, 1999–2004, and 2005–2010

Location and activity	1994–1998	1999–2004	2005–2010
Location where crime occurred	100%	100%	100%
At or near victim's home	49	42	55
At or near home of friend/relative/acquaintance	17	18	12
Commercial place/parking lot or garage	16	15	10
School	5	12	8
Open areas/public transportation/other*	14	14	15
Activity when crime occurred	100%	100%	100%
Working	12	9	12
Attending school	4	9	7
Sleeping/other activities at home	46	41	48
Traveling to or from work, school, other place/shopping or errands/leisure activity away from home	30	35	29
Other/unknown	8	6	5

Note: Detail may not sum to total due to rounding. See appendix table 6 for standard errors.

*Includes locations such as an apartment yard; a park, field, or playground not on school property; a location on the street other than that immediately adjacent to home of the victim, a relative, or a friend; on public transportation; in a station or depot for bus or train; on a plane; or in an airport.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1994–2010.

TABLE 3
Rape and sexual assault victimizations against females, by number of offenders and victim-offender relationship, 1994–1998, 1999–2004, and 2005–2010

Offender characteristic	1994–1998	1999–2004	2005–2010
Number of offenders	100%	100%	100%
One	93	91	90
Two or more	7	9	10
Victim-offender relationship ^a	100%	100%	100%
Stranger	21	25	22
Nonstranger	79	75	78
Intimate partner ^b	28	30	34
Relative	9	3	6
Well-known/casual acquaintance	42	42	38

Note: Detail may not sum to total due to rounding. See appendix table 7 for standard errors.

^aDoes not include a small percentage of victimizations in which the victim-offender relationship was unknown.

^bIncludes former or current spouse, boyfriend, or girlfriend.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1994–2010.

In 2005-10, about half of rape or sexual assault victimizations were committed by an offender age 30 or older (table 4). Fifteen percent of offenders were age 17 or younger and 34% were ages 18 to 29. These percentages were stable across the three periods from 1994 to 2010.

Across all three periods, white males committed the majority of sexual violence.² Over time, the percentage of sexual violence committed by white offenders declined from 70% in 1994-98 to 57% in 2005-10. The percentage of black offenders increased from 18% in 1994-98 to 27% in 2005-10. White males consistently accounted for more than 82% of the total U.S. male population and black males accounted for 11%. The NCVS did not collect information on the ethnicity of the offender. Therefore, Hispanic offenders make up an unknown portion of the white, black, and other race of offender categories.

Consistent across all three periods, about 40% of victims believed the offender had been drinking or using drugs prior to the victimization. In 2005-10, in 30% of the victimizations the victim did not believe the offender had been drinking or using drugs, and in 30% the victim did not know whether there had been substance use.

About 1 in 10 rape or sexual assault victimizations involved a weapon

Across all three periods, the offender in the majority of rape or sexual assault victimizations did not have a weapon (table 5). In 2005-10, victims reported that the offender possessed or used a weapon in 11% of all sexual violence. The victim reported that the offender had a firearm in 6% of victimizations and a knife in 4%. The percentage of offenders armed with a weapon increased from 6% in 1994-98 to 11% in the two later periods. The NCVS does not ask victims if they were incapacitated in some manner, such as being drugged or intoxicated.

²Males committed about 95% of all sexual violence against females.

TABLE 4

Rape and sexual assault victimizations against females, by perceived offender characteristics, 1994–1998, 1999–2004, and 2005–2010

Offender characteristics	1994–1998	1999–2004	2005–2010
Age	100%	100%	100%
17 or younger	12	14	15
18–20	9	11	9
21–29	24	28	25
30 or older	51	43	48
Other ^a	3	2	2
Race ^b	100%	100%	100%
White	70	60	57
Black	18	26	27
Other	8	10	6
Mixed group	1	1 !	1 !
Unknown	2	3	8
Alcohol/drug use at time of incident	100%	100%	100%
Yes	40	37	39
No	38	31	30
Unknown	22	32	30

Note: Detail may not sum to total due to rounding. See appendix table 8 for standard errors.

! Interpret with caution; estimate based on 10 or fewer sample cases, or coefficient of variation is greater than 50%.

^aIncludes multiple offenders of varying ages and offenders of unknown age.

^bThe NCVS did not collect information on the ethnicity of the offender. Therefore, Hispanic offenders make up some portion of the white, black, and other race of offender categories.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1994–2010.

TABLE 5

Rape and sexual assault victimizations against females, by offender weapon possession, 1994–1998, 1999–2004, and 2005–2010

Weapon present	1994–1998	1999–2004	2005–2010
Total	100%	100%	100%
No weapon	88%	83%	83%
Weapon	6%	11%	11%
Firearm	3	2	6
Knife	2	5	4
Other/unknown type	1 !	4 !	1 !
Don't know	5%	6%	6%

Note: See appendix table 9 for standard errors.

! Interpret with caution; estimate based on 10 or fewer sample cases, or coefficient of variation is greater than 50%.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1994–2010.

Revised 5/19/2016

The percentage of female victims of sexual violence who received medical treatment increased between 1994-98 and 2005-10

In 2005-10, 58% of female victims of sexual violence suffered a physical injury during the victimization, such as cuts, bruises, internal injuries, broken bones, gunshot wounds, or rape injuries (table 6). Of the females who suffered an injury in 2005-10, 35% said that they received some type of treatment for their injuries, an increase from 26% in 1994-98. About 80% of victims who received treatment for their injuries in 2005-10 received this care in a hospital, doctor's office, or emergency room. The other 20% were treated at the scene, in their home, at a neighbor or friend's house, or in some other location. In comparison, in 1994-98, 65% of treated victims received care in a hospital, doctor's office, or emergency room, while 35% received first aid or treatment at the scene, at home, at a neighbor or friend's house, or in some other location.

In 2005-10, about 1 in 4 victims of sexual violence received help or advice from a private or public victim service agency (table 7). This percentage remained stable over the three periods.

TABLE 6
Injured female victims of rape and sexual assault who received treatment, 1994–1998, 1999–2004, and 2005–2010

Injury	1994–1998	1999–2004	2005–2010
No injury	47%	46%	42%
Injury	53	54	58
Treatment for injury ^a	100%	100%	100%
No treatment	74	59	65
Any treatment	26	41	35
Treatment setting ^b	100%	100%	100%
At scene or home of victim/ neighbor/friend	33	35	19
In doctor's office/hospital emergency room/overnight hospital	65	62	80
In other location/unknown	2 !	3 !	1 !

Note: See appendix table 10 for standard errors.

! Interpret with caution; estimate based on 10 or fewer sample cases, or coefficient of variation is greater than 50%.

^aIncludes only victims who were injured.

^bIncludes only victims who were injured and received treatment.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1994–2010.

The percentage of sexual violence reported to police increased to a high of 59% in 2003 before dropping to 32% in 2009 and 2010

In 1995, 28% of rape or sexual assault victimizations against females were reported to police (figure 3). This percentage increased to 59% in 2003 before declining to 32% in 2009 and 2010.

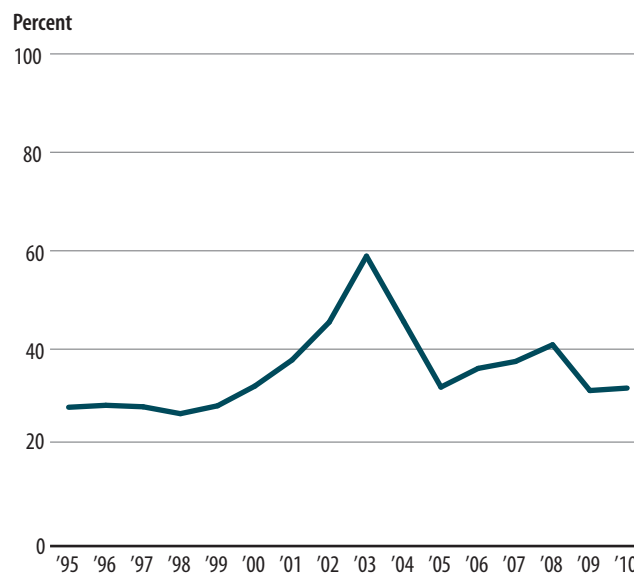
TABLE 7
Female victims of rape and sexual assault who received assistance from a victim service agency, 1994–1998, 1999–2004, and 2005–2010

	1994–1998	1999–2004	2005–2010
Total	100%	100%	100%
Received assistance	24%	28%	23%
Did not receive assistance	76	72	77

Note: Victim service agencies include publicly or privately funded organizations that provide victims with support and services to aid their recovery, offer protection, guide them through the criminal justice system process, and assist with obtaining restitution. See appendix table 11 for standard errors.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1994–2010.

FIGURE 3
Rape and sexual assault victimizations against females reported to police, 1995–2010



Note: Estimates based on 2-year rolling averages centered on the most recent year. See appendix table 12 for standard errors.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1994–2010.

Of the 36% of rape or sexual assault victimizations reported to police in 2005-10, about 64% were reported directly by the victims, an increase from 50% in 1994-98 (table 8). The percentage of victimizations known to police because they were reported by another household member declined from 26% in 1994-98 to 10% in 2005-10, while the percentage reported by an official other than the police increased from 4% to 14%.

Of the rape or sexual assault victimizations that were reported to police in 2005-10, 28% were reported in an attempt to protect the victim from future victimizations, and 25% were reported to try to stop or prevent escalation of the victimization as it was occurring (table 9). Among rape or sexual assault victimizations that went unreported, the most common reason victims gave for not reporting the crime during 2005-10 was fear of reprisal (20%). The percentage of victimizations that went unreported because the victim considered the incident a personal matter declined from 23% in 1994-98 to 13% in 2005-10.

TABLE 8

Rape and sexual assault victimizations against females reported and not reported to police, 1994–1998, 1999–2004, and 2005–2010

Reporting to police	1994–1998	1999–2004	2005–2010
Total	100%	100%	100%
Not reported	71%	59%	64%
Reported	29%	41%	36%
Source of report	100	100	100
Victim	50	57	64
Other household member	26	14	10
An official other than police	4	10	14
Someone else	11	10	10
Police were at crime scene	1!	4!	1!
Other	7	5!	1!

Note: Detail may not sum to total due to rounding. See appendix table 13 for standard errors.

! Interpret with caution; estimate based on 10 or fewer sample cases, or coefficient of variation is greater than 50%.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1994–2010.

TABLE 9

Rape and sexual assault victimizations against females reported and not reported to police, by most important reason for reporting or not reporting, 1994–1998, 1999–2004, and 2005–2010

	1994–1998	1999–2004	2005–2010
Total	100%	100%	100%
Reported	29%	41%	36%
Reason reported	100%	100%	100%
To stop incident or prevent recurrence or escalation	17	15	25
To get help or recover loss	2!	2!	3!
To protect respondent and household from further crimes by the offender	18	18	28
To catch/punish/prevent offender from reoffending	14	20	17
To improve police surveillance/duty to tell police/because it was a crime	27	22	21
Other/unknown/not one most important reason	21	22	6!
Not reported	71%	59%	64%
Reason not reported	100%	100%	100%
Reported to different official	10	10	8
Personal matter	23	19	13
Not important enough to respondent	7	7	8
Police could not do anything to help	2	2!	2!
Police would not do anything to help	6	8	13
Did not want to get offender in trouble with law	5	4	7
Advised not to report	1!	--!	--!
Fear of reprisal	17	16	20
Other/unknown/not one most important reason	29	34	30

Note: Detail may not sum to total due to rounding. Reason for reporting or not reporting represents the reason the victim stated was most important. See appendix table 14 for standard errors.

! Interpret with caution; estimate based on 10 or fewer sample cases, or coefficient of variation is greater than 50%.

--Less than 0.5%.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1994–2010.

A lower percentage of sexual violence reported to police resulted in arrests in 2005-10 (31%) than in 1994-98 (47%)

The police may take a variety of actions in response to reported rape or sexual assault victimizations. During 2005-10, about 84% of victims stated that police came to the victim after being called, up from 75% during 1994-98 (table 10). About 1 in 10 victims who reported went directly to the police to report the incident, a percentage that has remained stable over time (not shown in table).

Across all three periods, when police responded after being notified, the most common police activity was to take a report from the victim, followed by questioning witnesses or conducting a search for the offender (table 11). In 2005-10, police took the victim's report in 86% of victimizations reported to police, and the police questioned witnesses or conducted a search in 48% of cases. During the same period, about 19% of victims reported that the police collected evidence, up from 8% in 1994-98.

The percentage of reported rape or sexual assault victimizations against females that resulted in an arrest either at the scene or during a follow-up investigation decreased, from 47% in 1994-98 to 31% in 2005-10 (not shown in table). Out of the 283,200 annual average rape or sexual assault victimizations in 2005-10 both reported and not reported to the police, approximately 12% resulted in an arrest at the scene or during a follow-up investigation.

TABLE 10

Rape or sexual assault victimizations against females with police response, by type of response, 1994-1998, 1999-2004, and 2005-2010

	1994-1998	1999-2004	2005-2010
Total	100%	100%	100%
Not reported	71%	59%	64%
Reported	29%	41%	36%
Police came when notified*	100%	100%	100%
Yes	75	84	84
No	19	13	14
Unknown/other	6!	4!	2!

Note: See appendix table 15 for standard errors.

! Interpret with caution; estimate based on 10 or fewer sample cases, or coefficient of variation is greater than 50%.

*Excludes about 10% of victimizations in which the victim went directly to police and between 1% and 4% in which the police were already on the scene or learned about the victimization in some other way.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1994-2010.

TABLE 11

Initial police response to rape and sexual assault victimizations against females, 1994-1998, 1999-2004, and 2005-2010

Initial police response	1994-1998	1999-2004	2005-2010
Made arrest at scene	20%	12%	19%
Promised to investigate and/or promised surveillance	20	38	13
Questioned witnesses and/or searched	44	47	48
Took evidence	8	10	19
Took report	82	72	86
Other	21	17	19

Note: Includes reported rape or sexual assault victimizations to which police responded or the victim went to the police. See appendix table 16 for standard errors. Each period, a small percentage (between 0.5% and 5.1%) of victims stated that they did not know if police performed any activity during the initial response. An additional 2.7% to 4.2% of victims did not provide a valid response regarding the initial police response.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1994-2010.

Methodology

Survey coverage

The National Crime Victimization Survey (NCVS) is an annual data collection conducted by the U.S. Census Bureau for the Bureau of Justice Statistics (BJS). The NCVS is a self-report survey in which interviewed persons are asked about the number and characteristics of victimizations experienced during the prior 6 months. The NCVS collects information on nonfatal personal crimes (rape or sexual assault, robbery, aggravated and simple assault, and personal larceny) and household property crimes (burglary, motor vehicle theft, and other theft) both reported and not reported to police. In addition to providing annual level and change estimates on criminal victimization, the NCVS is the primary source of information on the nature of criminal victimization incidents. Survey respondents provide information about themselves (such as age, sex, race and ethnicity, marital status, education level, and income) and whether they experienced victimization. The survey collects information for each victimization incident, including data about the offender (such as age, race and ethnicity, sex, and victim-offender relationship), characteristics of the crime (including time and place of occurrence, use of weapons, nature of injury, and economic consequences), whether the crime was reported to police, reasons why the crime was or was not reported, and experiences with the criminal justice system.

Trained interviewers administer the NCVS to persons age 12 or older from a nationally representative sample of households in the United States. The NCVS defines a household as a group of members who all reside at a sampled address that is their usual place of residence at the time of the interview and when they have no other usual place of residence. Once selected, households remain in the sample for 3 years, and eligible persons in the households are interviewed every 6 months for a total of seven interviews. New households rotate into the sample on an ongoing basis to replace outgoing households that have been in the sample for the 3-year period. The sample includes persons living in group quarters, such as dormitories, rooming houses, and religious group dwellings. Persons living in military barracks and institutional settings, such as correctional or hospital facilities, and the homeless are excluded from the sample. (For more detail, see the Survey Methodology in *Criminal Victimization in the United States, 2008*, NCJ 231173, BJS website, May 2011.)

In 2010, about 81,950 households and 146,570 individuals age 12 or older were interviewed for the NCVS. The response rate was 92.3% of households and 87.5% of eligible individuals. Victimization that occurred outside of the United States were excluded from this report.

Weighting adjustments for estimating household victimization

Estimates in this report use data from the 1994 to 2010 NCVS data files. These files can be weighted to produce annual estimates of victimization for persons age 12 or older living in U.S. households. Because the NCVS relies on a sample rather than a census of the entire U.S. population, weights are designed to inflate sample point estimates to known population totals and to compensate for survey nonresponse and other aspects of the sample design.

The NCVS data files include both person and household weights. Person weights provide an estimate of the population represented by each person in the sample. Household weights provide an estimate of the total U.S. household population. Both household and person weights, after proper adjustment, are also typically used to form the denominator in calculations of crime rates.

Victimization weights used in this analysis account for the number of persons present during an incident and for repeat victims of series incidents. The weight counts series incidents as the actual number of incidents reported by the victim, up to a maximum of 10 incidents. Series victimizations are similar in type but occur with such frequency that a victim is unable to recall each individual event or describe each event in detail. Survey procedures allow NCVS interviewers to identify and classify these similar victimizations as series victimizations and to collect detailed information on only the most recent incident in the series. In 2010, about 3% of all victimizations were series incidents. Weighting series incidents as the number of incidents up to a maximum of 10 incidents produces more reliable estimates of crime levels, while the cap at 10 minimizes the effect of extreme outliers on the rates. Additional information on the series enumeration is detailed in the report *Methods for Counting High Frequency Repeat Victimization in the National Crime Victimization Survey*, NCJ 237308, BJS website, April 2012.

Trend estimates are based on 2-year rolling averages centered on the most recent year or three 6-year periods. For example, estimates reported for 2010 represent the average estimates for 2009 and 2010. For other tables in this report, aggregate data for the time from 1994 through 1998, 1999 through 2004, and 2005 through 2010 are the focus. These methods of analysis improves the reliability and stability of estimate comparisons over time.

Standard error computations

When national estimates are derived from a sample, as is the case with the NCVS, caution must be taken when comparing one estimate to another estimate or when comparing estimates over time. Although one estimate may be larger than another, estimates based on a sample have some degree of sampling error. The sampling error of an estimate depends on several factors, including the amount

of variation in the responses, the size of the sample, and the size of the subgroup for which the estimate is computed. When the sampling error around the estimates is taken into consideration, the estimates that appear different may not actually be statistically different.

One measure of the sampling error associated with an estimate is the standard error. The standard error can vary from one estimate to the next. In general, for a given metric, an estimate with a smaller standard error provides a more reliable approximation of the true value than an estimate with a larger standard error. Estimates with relatively large standard errors are associated with less precision and reliability and should be interpreted with caution.

In order to generate standard errors around numbers and estimates from the NCVS, the Census Bureau produces generalized variance function (GVF) parameters for BJS. The GVFs take into account aspects of the NCVS complex sample design and represent the curve fitted to a selection of individual standard errors based on the Jackknife Repeated Replication technique. The GVF parameters were used to generate standard errors for each point estimate (such as counts, percentages, and rates) in the report.

BJS conducted tests to determine whether differences in estimated numbers and percentages in this report were statistically significant once sampling error was taken into account. Using statistical programs developed specifically for the NCVS, all comparisons in the text were tested for significance. The primary test procedure used was Student's t-statistic, which tests the difference between two sample estimates. To ensure that the observed differences between estimates were larger than might be expected due to sampling variation, the significance level was set at the 95% confidence level.

Data users can use the estimates and the standard errors of the estimates provided in this report to generate a confidence interval around each estimate as a measure of the margin of error. The following example illustrates how standard errors can be used to generate confidence intervals:

According to the NCVS, from 2005 to 2010, 36.4% of rape or sexual assault victimizations were reported to the police (see table 8). Using the GVFs, BJS determined that the estimate has a standard error of 2.7% (see appendix table 14). A confidence interval around the estimate was generated by multiplying the standard errors by ± 1.96 (the

t-score of a normal, two-tailed distribution that excludes 2.5% at either end of the distribution). Therefore, the confidence interval around the 36.4% estimate is equal to $36.4\% \pm 2.7\% \times 1.96$ (or 31.1% to 41.7%). In other words, if different samples using the same procedures were taken from the U.S. population during the period from 2005 to 2010, 95% of the time the percentage of rape or sexual assault victimizations that were reported to police would fall between 31.1% and 41.7%.

In this report, BJS also calculated a coefficient of variation (CV) for all estimates, representing the ratio of the standard error to the estimate. CVs provide a measure of reliability and a means to compare the precision of estimates across measures with differing levels or metrics. In cases where the CV was greater than 50%, or the unweighted sample had 10 or fewer cases, the estimate was noted with a "!" symbol (interpret data with caution; estimate is based on 10 or fewer sample cases, or the coefficient of variation exceeds 50%).

Many of the variables examined in this report may be related to one another and to other variables not included in the analyses. Complex relationships among variables in this report were not fully explored and warrant more extensive analysis. Readers are cautioned not to draw causal inferences based on the results presented.

Methodological changes to the NCVS in 2006

Methodological changes implemented in 2006 may have affected the crime estimates for that year to such an extent that they are not comparable to estimates from other years. Evaluation of 2007 and later data from the NCVS conducted by BJS and the Census Bureau found a high degree of confidence that estimates for 2007, 2008, 2009, and 2010 are consistent with and comparable to estimates for 2005 and previous years. The reports, *Criminal Victimization, 2006*, NCJ 219413, December 2007; *Criminal Victimization, 2007*, NCJ 224390, December 2008; *Criminal Victimization, 2008*, NCJ 227777, September 2009; *Criminal Victimization, 2009*, NCJ 231327, October 2010; and *Criminal Victimization, 2010*, NCJ 235508, September 2011, are available on the BJS website. Although caution is warranted when comparing data from 2006 to other years, the aggregation of multiple years of data in this report diminishes the potential variation between 2006 and other years. In general, findings do not change significantly if the year 2006 is excluded from the analyses.

APPENDIX TABLE 1

Female rape and sexual assault victimization rates, 1995–2010

Year	Total		Completed		Attempted		Threatened	
	Average annual count	Rate*	Average annual count	Rate*	Average annual count	Rate*	Average annual count	Rate*
1995	555,600	5.0	402,000	3.6	83,900	0.8	69,800	0.6
1996	443,300	4.0	304,300	2.7	56,400	0.5	82,600	0.7
1997	450,100	4.0	301,400	2.7	55,200	0.5	93,500	0.8
1998	436,400	3.8	322,100	2.8	62,600	0.5	51,700	0.5
1999	458,900	4.0	346,000	3.0	82,300	0.7	30,600	0.3
2000	452,100	3.9	352,200	3.0	71,300	0.6	28,600	0.2
2001	390,700	3.3	286,400	2.4	67,400	0.6	36,800	0.3
2002	366,200	3.1	244,100	2.1	70,700	0.6	51,400	0.4
2003	304,300	2.5	212,200	1.7	57,900	0.5	34,200	0.3
2004	277,600	2.2	204,500	1.7	55,000	0.4	18,000	0.1
2005	221,100	1.8	158,700	1.3	42,900	0.3	19,500	0.2
2006	276,300	2.2	183,500	1.5	60,200	0.5	32,600	0.3
2007	298,400	2.3	194,200	1.5	68,500	0.5	35,700	0.3
2008	273,500	2.1	168,500	1.3	76,200	0.6	28,900	0.2
2009	297,900	2.3	168,800	1.3	86,300	0.7	42,900	0.3
2010	269,700	2.1	143,300	1.1	89,300	0.7	37,000	0.3

Note: Estimates based on 2-year rolling averages centered on the most recent year. See appendix table 2 for standard errors.

*Per 1,000 females age 12 or older.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1994–2010.

APPENDIX TABLE 2

Standard errors for figure 1 and appendix table 1: Female rape and sexual assault victimization rates, 1995–2010

Year	Total		Completed		Attempted		Threatened	
	Average annual count	Rate*	Average annual count	Rate*	Average annual count	Rate*	Average annual count	Rate*
1995	43,100	0.3	35,800	0.2	15,200	0.1	13,800	0.1
1996	38,300	0.3	31,000	0.2	12,400	0.1	15,200	0.1
1997	41,000	0.3	32,800	0.2	13,100	0.1	17,300	0.1
1998	43,000	0.3	36,100	0.2	14,600	0.1	13,200	0.1
1999	42,600	0.3	36,100	0.2	16,100	0.1	9,400	0.1
2000	40,600	0.3	35,200	0.2	14,500	0.1	8,900	0.1
2001	40,400	0.3	33,800	0.2	15,200	0.1	11,000	0.1
2002	38,500	0.2	30,600	0.2	15,500	0.1	13,000	0.1
2003	32,700	0.2	26,700	0.2	13,200	0.1	10,000	0.1
2004	33,600	0.2	28,400	0.2	14,000	0.1	7,800	--
2005	34,500	0.2	28,800	0.2	14,400	0.1	9,600	0.1
2006	37,000	0.2	29,600	0.2	16,300	0.1	11,800	0.1
2007	40,800	0.2	32,200	0.2	18,300	0.1	12,900	0.1
2008	37,200	0.2	28,400	0.2	18,500	0.1	11,100	0.1
2009	38,900	0.2	28,500	0.2	19,800	0.1	13,700	0.1
2010	37,000	0.2	26,000	0.1	20,100	0.1	12,500	0.1

*Per 1,000 females age 12 or older.

--Less than 0.05.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1994–2010.

APPENDIX TABLE 3

Rape and sexual assault victimization rates, by sex of victim, 1995–2010

Year	All persons		Female		Male	
	Average annual count	Rate*	Average annual count	Rate*	Average annual count	Rate*
1995	618,800	2.9	555,600	5.0	63,100	0.6
1996	500,200	2.3	443,300	4.0	56,900	0.5
1997	495,400	2.3	450,100	4.0	45,200	0.4
1998	472,300	2.1	436,400	3.8	35,900	0.3
1999	491,300	2.2	458,900	4.0	32,400	0.3
2000	479,100	2.1	452,100	3.9	27,100	0.2
2001	421,700	1.8	390,700	3.3	31,000	0.3
2002	413,200	1.8	366,200	3.1	47,000	0.4
2003	337,600	1.4	304,300	2.5	33,300	0.3
2004	290,500	1.2	277,600	2.2	12,900 !	0.1 !
2005	231,800	1.0	221,100	1.8	10,600 !	0.1 !
2006	335,700	1.4	276,300	2.2	59,400	0.5
2007	355,900	1.4	298,400	2.3	57,500	0.5
2008	299,000	1.2	273,500	2.1	25,400	0.2
2009	327,600	1.3	297,900	2.3	29,700	0.2
2010	287,100	1.1	269,700	2.1	17,400	0.1

Note: Estimates based on 2-year rolling averages centered on the most recent year. See appendix table 4 for standard errors.

! Interpret with caution; estimate based on 10 or fewer sample cases, or coefficient of variation is greater than 50%.

*Per 1,000 persons age 12 or older.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1994–2010.

APPENDIX TABLE 4

Standard errors for figure 2 and appendix table 3: Rape and sexual assault victimization rates, by sex of victim, 1995–2010

Year	All persons		Female		Male	
	Average annual count	Rate*	Average annual count	Rate*	Average annual count	Rate*
1995	45,800	0.2	43,100	0.3	13,100	0.1
1996	41,000	0.1	38,300	0.3	12,500	0.1
1997	43,300	0.1	41,000	0.3	11,800	0.1
1998	45,100	0.2	43,000	0.3	10,900	0.1
1999	44,300	0.1	42,600	0.3	9,700	0.1
2000	42,000	0.1	40,600	0.3	8,600	0.1
2001	42,200	0.1	40,400	0.3	10,000	0.1
2002	41,300	0.1	38,500	0.2	12,400	0.1
2003	34,700	0.1	32,700	0.2	9,800	0.1
2004	34,500	0.1	33,600	0.2	6,600	--
2005	35,400	0.1	34,500	0.2	7,000	0.0
2006	41,200	0.1	37,000	0.2	16,200	0.1
2007	45,100	0.1	40,800	0.2	16,700	0.1
2008	39,100	0.1	37,200	0.2	10,400	0.1
2009	41,100	0.1	38,900	0.2	11,300	0.1
2010	38,400	0.1	37,000	0.2	8,400	--

*Per 1,000 persons age 12 or older.

--Less than 0.05.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1994–2010.

APPENDIX TABLE 5

Standard errors for table 1: Rape and sexual assault victimizations against females, by victim characteristics, 1994–1998, 1999–2004, and 2005–2010

Victim characteristic	Rate per 1,000 females		
	1994–1998	1999–2004	2005–2010
Total	0.2	0.1	0.1
Age			
12–17	0.8	0.6	0.5
18–34	0.4	0.3	0.3
35–64	0.2	0.1	0.1
65 or older	0.1	0.1	0.1
Race/Hispanic origin			
White	0.2	0.2	0.2
Black	0.4	0.4	0.4
Hispanic/Latina	0.5	0.3	0.3
American Indian/Alaska native	2.6	2.1	2.3
Asian/Pacific Islander	0.6	0.4	0.3
Two or more races	~	3.1	1.8
Marital status			
Never married	0.5	0.3	0.3
Married	0.1	0.1	0.1
Widowed	0.2	0.1	0.2
Divorced or separated	0.7	0.5	0.5
Household income			
Less than \$25,000	0.3	0.3	0.4
\$25,000–\$49,999	0.3	0.2	0.3
\$50,000 or more	0.3	0.2	0.2
Unknown	0.4	0.2	0.2
Location of residence			
Urban	0.3	0.3	0.2
Suburban	0.2	0.2	0.2
Rural	0.3	0.2	0.4

~Not applicable.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1994–2010.

APPENDIX TABLE 6

Standard errors for table 2: Activity and location of female victims when rape and sexual assault occurred, 1994–1998, 1999–2004, and 2005–2010

Location and activity	1994–1998	1999–2004	2005–2010
Location when crime occurred	~	~	~
At or near victim's home	1.9%	1.9%	2.8%
At or near home of friend/relative/ acquaintance	1.4	1.4	1.8
Commercial place/parking lot or garage	1.3	1.4	1.7
School	0.8	1.2	1.5
Open areas/public transportation/ other	1.3	1.3	2.0
Activity when crime occurred	~	~	~
Working	1.2%	1.1%	1.8%
Attending school	0.7	1.1	1.4
Sleeping/other activities at home	1.9	1.9	2.8
Traveling to or from work, school, other place/shopping or errands/ leisure activity away from home	1.7	1.8	2.5
Other/unknown	1.0	0.9	1.2

~Not applicable.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1994–2010.

APPENDIX TABLE 7

Standard errors for table 3: Rape and sexual assault victimizations against females, by number of offenders and victim-offender relationship, 1994–1998, 1999–2004, and 2005–2010

Offender characteristic	1994–1998	1999–2004	2005–2010
Number of offenders	~	~	~
One	1.0%	1.1%	1.8%
Two or more	0.9	1.1	1.7
Victim-offender relationship	~	~	~
Stranger	1.5%	1.7%	2.4%
Nonstranger	1.6	1.8	2.4
Intimate partner	1.7	1.8	2.8
Relative	1.1	0.6	1.4
Well-known/casual acquaintance	1.9	2.0	2.8

~Not applicable.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1994–2010.

APPENDIX TABLE 8

Standard errors for table 4: Rape and sexual assault victimizations against females, by perceived offender characteristics, 1994–1998, 1999–2004, and 2005–2010

Offender characteristics	1994–1998	1999–2004	2005–2010
Age	~	~	~
17 or younger	1.2%	1.2%	1.8%
18–20	1.1	1.2	1.8
21–29	1.7	1.9	2.7
30 or older	2.0	2.1	3.1
Other	0.5	0.6	1.1
Race	~	~	~
White	1.8%	1.9%	2.8%
Black	1.4	1.7	2.5
Other	1.0	1.1	1.3
Mixed group	0.4	0.3	0.5
Unknown	0.5	0.7	1.5
Alcohol/drug use at time of incident	~	~	~
Yes	1.9%	1.9%	2.8%
No	1.8	1.8	2.7
Unknown	1.5	1.8	2.6

~Not applicable.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1994–2010.

APPENDIX TABLE 9

Standard errors for table 5: Rape and sexual assault victimizations against females, by offender weapon possession, 1994–1998, 1999–2004, and 2005–2010

Weapon present	1994–1998	1999–2004	2005–2010
Total	~	~	~
No weapon	1.2%	1.5%	2.2%
Weapon	0.9%	1.2%	1.7%
Firearm	0.6	0.5	1.3
Knife	0.5	0.8	1.1
Other/unknown type	0.3	0.8	0.5
Don't know	0.8%	0.9%	1.3%

~Not applicable.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1994–2010.

APPENDIX TABLE 10

Standard errors for table 6: Injured female victims of rape and sexual assault who received treatment, 1994–1998, 1999–2004, and 2005–2010

Injury	1994–1998	1999–2004	2005–2010
No injury	1.9%	1.9%	2.8%
Any injury	1.9%	2.0%	2.8%
Treatment for injury	~	~	~
No treatment	2.2%	2.6%	3.5%
Any treatment	2.2	2.5	3.5
Treatment setting	~	~	~
At scene or home of victim/neighbor/friend	4.5%	3.8%	4.7%
In doctor's office/hospital/emergency room/overnight hospital	4.6	3.9	4.8
In other location/unknown	1.4	1.3	1.1

~Not applicable.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1994–2010.

APPENDIX TABLE 11

Standard errors for table 7: Female victims of rape and sexual assault who received assistance from a victim service agency, 1994–1998, 1999–2004, and 2005–2010

	1994–1998	1999–2004	2005–2010
Total	~	~	~
Received assistance	1.6%	1.7%	2.4%
Did not receive assistance	1.6	1.8	2.4

~Not applicable.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1994–2010.

APPENDIX TABLE 12

Standard errors for figure 3: Rape and sexual assault victimizations against females reported to police, 1995–2010

Year	Percent	Standard error
1995	28.2%	2.3%
1996	28.6	2.6
1997	28.3	2.7
1998	26.9	2.8
1999	28.5	2.7
2000	32.5	2.7
2001	37.8	3.3
2002	45.5	3.5
2003	58.9	3.6
2004	45.6	4.1
2005	32.3	4.9
2006	36.1	4.3
2007	37.5	4.4
2008	40.9	4.5
2009	31.6	4.1
2010	32.1	4.2

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1994–2010.

APPENDIX TABLE 13

Standard errors for table 8: Rape and sexual victimizations against females reported and not reported to police, 1994–1998, 1999–2004, and 2005–2010

Reporting to police	1994–1998	1999–2004	2005–2010
Total	~	~	~
Not reported	1.7%	1.9%	2.7%
Reported	1.7%	1.9%	2.7%
Source of report	~	~	~
Victim	3.4	3.0	4.4
Other household member	2.9	2.0	2.7
An official other than police	1.3	1.7	3.1
Someone else	2.1	1.8	2.7
Police were at crime scene	0.6	1.1	1.0
Other	1.7	1.3	0.7

~Not applicable.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1994–2010.

APPENDIX TABLE 14

Standard errors for table 9: Rape and sexual assault victimizations against females reported and not reported to police, by most important reason for reporting or not reporting, 1994–1998, 1999–2004, and 2005–2010

	1994–1998	1999–2004	2005–2010
Total	~	~	~
Reported	1.7%	1.9%	2.7%
Reason reported	~	~	~
To stop incident or prevent recurrence or escalation	3.5%	2.8%	4.9%
To get help or recover loss	1.4	1.2	2.0
To protect respondent and household from further crimes by this offender	3.6	2.9	5.1
To catch/punish/prevent offender from reoffending	3.3	3.1	4.2
To improve police surveillance/duty to tell police/because it was a crime	4.2	3.2	4.6
Other/unknown/not one most important reason	3.8	3.2	2.6
Not reported	1.7%	1.9%	2.7%
Reason not reported	~	~	~
Reported to different official	1.3%	1.5%	1.8%
Personal matter	1.8	1.9	2.3
Not important enough to respondent	1.1	1.3	1.8
Police could not do anything to help	0.6	0.6	0.9
Police would not do anything to help	1.0	1.3	2.3
Did not want to get offender in trouble with law	0.9	0.9	1.8
Advised not to report	0.3	--	--
Fear of reprisal	1.6	1.8	2.8
Other/unknown/not one most important reason	2.0	2.3	3.2

~Not applicable.

--Less than 0.05%.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1994–2010.

APPENDIX TABLE 15

Standard errors for table 10: Rape or sexual assault victimization against females, with police response, by type of response, 1994–1998, 1999–2004, and 2005–2010

Responses	1994–1998	1999–2004	2005–2010
Total	~	~	~
Not reported	1.7%	1.9%	2.7%
Reported	1.7	1.9	2.7
Police came when notified			
Yes	3.2%	2.4%	3.5%
No	2.8	2.1	3.2
Unknown/other	1.7	1.2	1.3

~Not applicable.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1994–2010.

APPENDIX TABLE 16

Standard errors for table 11: Initial police response to rape and sexual assault victimizations against females, 1994–1998, 1999–2004, and 2005–2010

Initial police response	1994–1998	1999–2004	2005–2010
Made arrest at scene	3.1%	2.1%	3.8%
Promised to investigate and/or promised surveillance	3.1	3.2	3.2
Questioned witnesses and/or searched	3.9	3.3	4.9
Took evidence	2.1	1.9	3.8
Took report	3.0	3.0	3.4
Other	3.2	2.4	3.8

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1994–2010.



The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. William J. Sabol is the acting director.

This report was written by Michael Planty and Lynn Langton of BJS and Christopher Krebs, Marcus Berzofsky, and Hope Smiley-McDonald from RTI International. RTI International and Jennifer Truman verified the report.

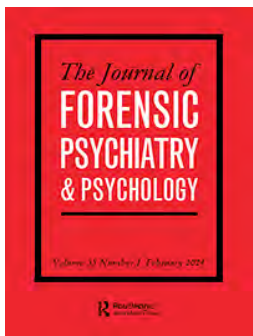
Catherine Bird and Jill Thomas edited the report, and Barbara Quinn and Tina Dorsey produced the report under the supervision of Doris J. James.

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Appendix H – The Journal of Forensic Psychiatry & Psychology



***"I thought I'm better off just trying to put this behind me"* – a contemporary approach to understanding why women decide not to report sexual violence**

Sophie Stewart, Dominic Willmott, Anthony Murphy & Catherine Phillips

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"I thought I'm better off just trying to put this behind me" – a contemporary approach to understanding why women decide not to report sexual violence

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ABSTRACT

Sexual offence disclosures are on the rise, thought to be the result of growing numbers of prosecutions brought against well-known public figures and mobilisation of movements such as #MeToo. Despite this, data continue to indicate that most victim-survivors will never report their abuse. This study aimed to explore why women continue to decide not to report sexual assault to the police. Secondary data were collated and analysed, pertaining to survivor accounts of sexual assault, posted in response to a prominent online video entitled 'Women Tell Us Why They Didn't Report Their Sexual Assault'. Thematic analysis revealed three main themes regarding why women chose not to report: (1) *Lack of faith in the Criminal Justice System* (encompassing two sub-themes, *no evidence and traumatising of reporting*), (2) *Self-blame*, and (3) *Knowing the perpetrator*. Practical applications and reforms concerning empathic police responses and CJS improvements surrounding timeliness, case progression, and conviction rates are discussed.

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KEYWORDS Sexual assault; rape; victim-survivor; disclosure; Under-reporting

Background and context

Prior research has examined barriers to reporting sexual assault, with efforts to reduce and remove these barriers over recent years. The need to regularly

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This article has been corrected with minor changes. These changes do not impact the academic content of the article.

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reassess victim-survivor's reasons for choosing not to report remains paramount in informing the success of these efforts as well as in the professional training imperatives for members of the criminal justice system. The present study examines unprompted accounts from victim-survivors, elucidating their own perceived barriers to reporting as a response to a social media video on the topic. The outcomes of which look to inform policy and the constituent components of the criminal justice system by enhancing trauma-informed training and practice, thereby increasing confidence in the criminal justice system, and enhancing rates of reporting.

Introduction

Despite variation in definitions used between legal jurisdictions and within the academic literature, *sexual assault* is typically defined as any physical, psychological or emotional violation (or threat of such) that takes the form of a sexual act inflicted upon a person without that person's consent (see Willmott et al., 2021). While anybody can be a victim of a sexual assault, recorded crime figures and crime survey data consistently reiterate that women are most likely to be victims of sexual assault (Ministry of Justice [MOJ], 2013; Office for National Statistics [ONS], 2021). Indeed, on average global estimates and prevalence data suggest one in three women will experience a sexual and/or physical assault during their lifetime (Campbell & Wasco, 2005; Debowska et al., 2021; Sharratt et al., 2022; World Health Organization, 2013). Yet, whilst crime figures and victimisation surveys provide a useful approximation of the extent of the problem, evidence suggests that sexual assault is likely to be the most underreported crime worldwide (Carbone-Lopez et al., 2016; Ceelen et al., 2016; DePrince et al., 2019).

The low levels of reporting associated with sexual assault (Murphy et al., 2022) represent the first of several avenues of attrition among these types of crime. In part, this is due to the pervasiveness of socially embedded myths and stereotypes which appear to govern public perceptions of what a 'real' sexual assault looks like (e.g. Estrich, 1987); the sort of people that commit and are victims of such offences; and the factors which support or undermine the legitimacy of allegations and claimants among sexual assault claims (e.g. Hine & Murphy, 2017, 2019).

When sexual assault is reported, rates of attrition throughout different stages of the Criminal Justice System (CJS) offer victim-survivors limited encouragement to report (Spohn & Tellis, 2012; Willmott et al., 2021). Ultimately, charge and conviction rates remain extremely low (Crown Prosecution Service, 2020a; Federal Bureau of Investigation, 2018; United Nations, 2018). Set against the backdrop of widely reported poor case outcomes, the incentive is low for victim-survivors to decide to report an experience of sexual assault. Whilst a plethora of research has sought to investigate attrition and case discontinuation or

withdrawal at different stages of the CJS (e.g. Hohl & Stanko, 2015; Murphy & Hine, 2019), the diversity and complexity of victim-survivor decisions around reporting sexual assault remain a key challenge for the CJS (Johnson, 2017). Vast underreporting is problematic for many reasons. Firstly, experiencing sexual assault can have devastating impacts for victims (Holland & Cortina, 2017). Psychological disorders, physical health problems, detachment issues and educational difficulties are often experienced following a sexual assault (Boduszek et al., 2019; Debowska et al., 2018; Dworkin, 2018). Literature indicates that this distress can extend to families, friends, and partners of victim-survivors (Ahrens & Campbell, 2000; Mojtahedi et al., 2022). Additionally, not reporting may prevent survivors from being able to access vital help and support (Marchetti, 2012) and even preclude their access to state compensation after experiencing such an assault (Smith et al., 2022). Unsurprisingly, victim-survivors who do not receive support experience more severe and enduring psychological trauma overall (Ahrens et al., 2010; Woodfield et al., 2022). Those who do not report are also found to wrestle with additional feelings of shame and guilt, fearing that their unpunished offender may be more inclined to reoffend (Hanson et al., 2003). In reality, even when reported, sexual offences rarely result in an offender being prosecuted or convicted (Crown Prosecution Service, 2020b; MOJ, 2013; Willmott et al., 2018a, 2018b).

Previous literature illustrates a variety of reasons that sexual assault goes unreported. Involving police is not a straightforward decision and is influenced by a multitude of factors including personal circumstances, past experiences and encouragement or pressure to report from loved ones (Johnson, 2017; Wolitzky-Taylor et al., 2011). Among the multitude of reported reasons for victims deciding not to report is a belief that their experience was not serious enough to warrant pressing charges (Cohn et al., 2013; Weiss, 2011). Women often view a sexual act involving penetration as more 'reportable' than other non-penetrative forms of sexual assault and are therefore less likely to label their experience as assault if it does not adhere to such stereotypes and expectations surrounding severity, force and violence (Cleere & Lynn, 2013; Fisher et al., 2003; Sowersby et al., 2022). Similarly, incidents involving physical injury or weapons are more likely to be reported (Felson et al., 2002), again highlighting the importance of victim-survivor perceptions surrounding the seriousness of the offence upon ultimate disclosure. In reality, any sexual violation, regardless of perceived severity (in law or public consciousness), often still result in long-term and enduring psychological harm (Muldoon et al., 2016; Parsons & Mojtahedi, 2022).

Although statistics indicate that most sexual assault victims will know their perpetrator (MOJ, 2013; ONS, 2021), a sexual assault committed by an acquaintance, a casual or formal dating partner or a friend, are those least likely to be reported to the police (Felson & Pare, 2005). Reasons given in the previous research include concerns of the repercussions upon their familial

and social relationships, as well as the fear of not being believed, being blamed or retraumatised by the CJS investigative process (Lorenz et al., 2019; Spencer et al., 2017), especially when complainants are neurodiverse (Devine & Mojtahedi, 2021). However, despite the wealth of prior research which identifies a range of barriers to reporting, given the vast recent efforts, campaigns and movements designed to remove and reduce such barriers, it remains important to constantly re-examine victim-survivors decisions to not report their sexual assault to understand how these self-perceived barriers shift over time and their implications for the CJS.

This study makes use of social media to examine qualitative victim-survivor accounts of their reasons for not reporting, detailed in unsolicited, voluntary self-reported public social media discussion forum. Recently research has adopted a similar approach in analysing anonymous victim-survivor blogs of sexual harassment experiences posted on a dedicated website (Thornton et al., 2023) and public views expressed through micro-blog 'tweets' posted on the X platform (formerly named Twitter) concerning attitudes towards; the rough sex defence (Sowersby et al., 2022), violence against women in South Africa (D'Avanzato et al., 2022) and high-profile allegations of sexual assault (Williams et al., 2023). Contemporary studies are developing an understanding of the unique experiences that male victim-survivors of sexual abuse encounter (e.g. Weare, 2021; Widanaralage et al., 2022); reinforcing the notion that barriers to reporting may vary between different groups. As such, the focus of this study surrounds victim-survivors that identify as women. Additionally, existing literature investigating women's decisions to report sexual assault often use quantitative data collection techniques where participants are directly approached, given a list of predefined reasons for non-disclosure and asked to highlight which reasons best apply to them (e.g. Queirós et al., 2017; Spencer et al., 2017). Despite the broad reach that such a methodological design affords among a large number of victim-survivors, the method inevitably limits variability and nuance of responses and may in turn overlook important distinct explanations surrounding why women decide against reporting. Such quantitative survey-based methods of data collection also create a degree of artificiality rather than examination of victim-survivor explanations which they have decided to share publicly online, in an unpromoted manner. Thus, the aim of the present study was to qualify and build upon existing knowledge surrounding barriers to reporting through the use of qualitative data analysis of naturally occurring secondary data. It is anticipated that data analysed in this way will offer a deeper understanding of the surroundings of why women who have been sexually assaulted decide not to report their experience to the police. By analysing comments which are posted anonymously and freely online, this will afford an unpromoted and unfiltered insight into victim perspectives, especially given that most victim-survivors post anonymously through the use of an

online pseudonym. Therefore, the current study aims to answer the research question: why do women decide not to report experiences of sexual assault to the police?

Method

Design

To address the research question, a qualitative design was employed. Recurring themes within the data were identified to allow flexible exploration of the lived experiences of women regarding why they decided not to report sexual assault (Braun & Clarke, 2006). Sexual assault is not a rare experience, thus qualitative research on this topic is important and particularly useful when trying to answer 'why' questions (Campbell & Wasco, 2005).

Data collection

Secondary qualitative data was gathered from comments in response to a prominent YouTube video entitled 'Women Tell Us Why They Didn't Report Their Sexual Assault'. The video was produced by the online US women's magazine *Bustle* and uploaded free to access on their YouTube channel in October 2016. At the time of writing, the video had been viewed 218,000 times and received 1,163 comments. The video includes first-hand accounts from several American women of the reasons why they chose not to report a sexual assault perpetrated against them. The video itself is met by comments from users of the online platform self-disclosing their own reasons for non-reporting, which constitutes the data under scrutiny in this study. Most comments utilised pseudonyms or a first name only and included a profile picture of either a real person or some other non-photographic image/avatar. In order to develop insight into the phenomenon of non-reporting, a random selection of 10 A4 pages of comments were selected, after filtering comments by the newest first. From the 10 A4 pages, a total of 48 different user profiles posted more than different 60 comments. Of these, 38 separate victim-survivors made disclosures about experiences of sexual assault. All disclosure comments were then collated for the purpose of analyses. Comments were excluded where they included personally identifiable information and given the focus on female survivors in the current study, where it could not be clearly ascertained that the comment was posted by an adult female (18 years +). This left a remaining sample of qualitative disclosures from 32 different adult female sexual assault survivors. This was based on a manual assessment of a combination of the user's profile name, photograph used, and information related to age and gender publicly displayed on the users

'about' page. The advantages of using existing secondary data such as this posted freely in a public sphere without researcher prompting are that it is often considered to be more authentic and truthful than data collected for specific research purposes (Wilson & MacLean, 2011).

Data analysis

An inductive thematic analysis was used to search across data in order to identify recurrent patterns. From a contextualist epistemological perspective, this approach allows the researchers to derive socially produced meaning from the content of data (Braun & Clarke, 2006). Data were analysed in line with the phases of thematic analysis outlined by Braun and Clarke (2006). The first step was familiarisation with the data which involved transcribing the video and collating relevant comments. Initial codes were generated and using these the researcher searched for potential themes. These themes were reviewed in relation to the entire data set and initial codes. Themes were subsequently named and defined in order to describe the essence of each theme. Finally, findings from this thematic analysis were classified during the write up and interpretation phase.

Ethical considerations

Ethical approval for the study was obtained from the School of Psychology Research Ethics Committee at **BLANKED FOR PEER REVIEW** University. As secondary data was used for analyses, informed consent could not be obtained from individual participants. However, as participants had already posted their comments online on a free-to-access public platform, passive consent could be inferred. Despite the data being freely accessible in the public domain, given that participants were effectively disclosing that they had experienced sexual assault, participants were anonymised at all times within the present study. Unique anonymised quote numbers referring to specific account holders' comments were used in place of YouTube usernames. All guidelines set out by the British Psychological Society concerning online data sources were adhered to throughout (British Psychological Society [BPS], 2018).

Findings

Commonalities across the data were identified, and it must be emphasised that there are many reasons why victims do not report sexual assault. However, as a small-scale study, it is impossible to provide an in-depth discussion on all-reoccurring patterns. Therefore, themes deemed most prominent will be discussed below.

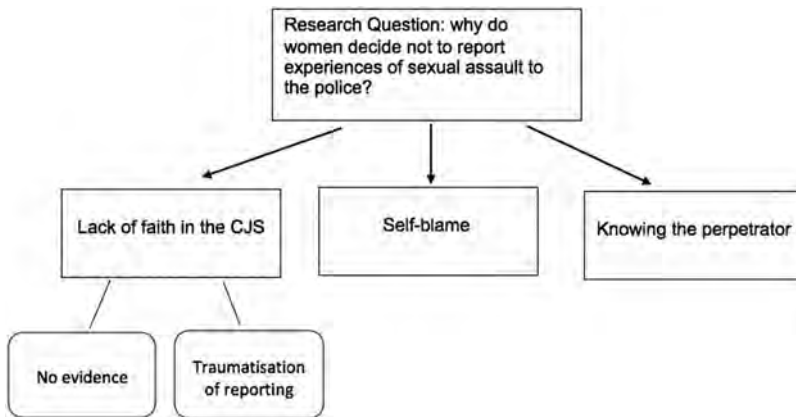


Figure 1. Themes and subthemes.

Three major themes were generated from the analysis: *lack of faith in the Criminal Justice System (CJS)*, *self-blame* and *knowing the perpetrator*. Figure 1 illustrates the overall thematic structure.

Lack of faith in the CJS

The theme *lack of faith in the CJS* encompasses two subthemes ‘*no evidence*’ and ‘*traumatisation of reporting*’ which summarise reasons women do not report sexual assault relating to distrust in the CJS at various stages. It appears that women consider it futile to report a sexual assault when ‘*nothing would come of it*’ (user 32), showing a general lack of faith in the effectiveness of the CJS.

Numerous reasons emerged regarding why women do not trust the CJS, such as a fear of being blamed. For example, the quote ‘*the cops will assume the victim is at fault in some way*’ (user 3) demonstrates a concern surrounding the role of victim-blaming. The most common reasons for not trusting the CJS which in turn influence decisions not to report are summarised in subsequent subthemes.

No evidence

Women often referred to having ‘*very little proof*’ (user 22) or ‘*no proof*’ (user 26) to support their experiences of sexual assault. These quotes suggest women are thinking about the likelihood that reporting a sexual assault will lead to a conviction. Several women made references to an assault not being ‘*bad enough*’ (users 7, 11, 19, 20, 25, 28) and not having physical injuries to provide the required evidence that it did happen: ‘*the courts are likely to find no evidence of forcible rape unless of severe physical injury*’ (user 30).

Likewise, existing research highlights that even victims who do not believe in rape myths themselves often still believe the CJS will not take their report seriously if their experience does not fit with 'real rape stereotypes' (Waterhouse et al., 2016). Many of the victims in this study and previous research whose sexual assault led to lack physical injuries highlight that this lack of this 'physical evidence' led them to conclude that the CJS was unlikely to take their report seriously (Du Mont et al., 2003; Waterhouse et al., 2016).

Traumatisation of reporting

Deciding to report and go through the justice system continues to be daunting as the process is felt to problematically (though necessarily) involve reliving the experience. One woman stated she *'couldn't imagine pressing charges and then having to sit in a courtroom and look at his face over and over'* (user 2). Having to *'relive it over and over again'* (user 15) seemed to discourage women from reporting due to the expected traumatisation of retelling their experience.

It could be that women think it less traumatising to try and forget it happened as one woman explained *'I thought I'm better off just trying to put this behind me'* (user 2) and another said *'I imagine and I think rightfully so that it would have been more traumatising for me in many ways had I reported it'* (user 6).

Supporting this theme, previous research has acknowledged a lack of faith in the CJS as a reason that women decide not to report, particularly due to fear of being blamed or re-traumatisation (Spencer et al., 2017). This, combined with the present findings, suggests women still lack faith in the system to fairly deliver justice. Many victims are also aware that police, prosecutors and jurors may hold problematic attitudes and endorse rape myths themselves (Lorenz et al., 2019; Murphy & Hine, 2019; Sleath & Bull, 2017; Stevens et al., 2022; Willmott et al., 2018b) which may explain why women had reduced trust in the criminal justice process.

Self-blame

This theme was concerned with how women often and enduringly blamed themselves for the sexual assault that they experienced which in turn, facilitated their decisions not to report their experiences to police. One victim stated, *'I didn't report it because I thought it was my fault'* (user 23), whilst another woman explained *'I blamed myself for putting myself in that situation'* (user 10). These quotes suggest that the women themselves frequently adhere to commonly held rape myths which serve to blame the victim for their sexual assault experience rather than recognising the role of the perpetrator. This finding is consistent with earlier research illustrating that a common reason for not reporting sexual assault is self-blame (Orchowski

et al., 2013), emerging from internalising and endorsing stereotypical rape myths (Lorenz et al., 2019).

One woman wrote *'it's sad that we all feel such shame even though we did nothing wrong and nothing that happened was our fault'* (user 13). This highlights that even when not directly blaming themselves, survivors often still feel the shame associated with their victimisation.

Knowing the perpetrator

An additional theme which helps explain victim-survivor decisions not to report sexual assault concerns the prior relationship or acquaintance that they had with the perpetrator. Several survivors discussed that knowing the perpetrator was a reason that influenced their decision not to report sexual assault, explaining that they felt they were less likely to be believed if they had previously engaged in consensual sexual intercourse with the offender; *'I didn't report it because he was my boyfriend, I had had consensual sex with him before'* (user 6). This seems to link to the previously discussed theme of *a lack of faith in the CJS* in so far as this quote suggests women feel a conviction is less likely to occur if they have previously consented to sexual activity with the perpetrator.

It was most common for women to refer to the perpetrator being a boyfriend as a key barrier to their reporting (users 5, 6, 12, 14, 21, 23, 31); however, this was not the only relationship which seemed to stop women reporting the sexual assault. One woman explained, *'it was a friend of a friend'* (user 1), whilst another said he was her *'drug dealer'* (user 4) and one stated, *'he was a co-worker'* (user 29). These quotes demonstrate that varying forms of prior acquaintanceship with a sexual perpetrator prior to the assault, influenced women's decision to not report.

Existing literature indicates that sexual assault is more likely to go unreported if the perpetrator is a prior acquaintance, casual or formal dating partner or friend (Felson & Pare, 2005), supporting this theme. A woman's decision not to report an assault because they knew the perpetrator could be because sexual assault committed by a stranger is widely believed to be consistent with the 'real rape' stereotype. Therefore, victim-survivors may feel that their experience is less serious or will be taken less seriously, when committed by someone known to them (Wolitzky-Taylor et al., 2011).

Discussion

Overall, analysis of naturally occurring victim-survivor comments surrounding reasons for not reporting their sexual victimisation demonstrated that deciding not to report an assault remains a multifaceted decision (Johnson, 2017; Wolitzky-Taylor et al., 2011). Nevertheless, the three dominant main themes

identified, *lack of faith in the CJS, self-blame and knowing the perpetrator*, provide contemporary explanation and support surrounding why many women continue to not report a sexual assault to the authorities. Indeed, the aforementioned reasons for non-reporting of sexual assault appear to reflect commonly believed rape myths. Rape myths can be described as inter-correlated beliefs and stereotypical ideas used to justify and excuse rape (Burt, 1980). Common myths which bias judgements about sexual assault include victim-blaming, doubting the truth of allegations, excusing the accused behaviour and pre-conceptions of 'real' rape (Bohner et al., 2009). Internalising these stereotypes or being aware that other people including police believe them (Lorenz et al., 2019), may impact a woman's decision to report a sexual assault.

While providing a contemporary contribution and alternative dataset by which we have sought to develop our understanding of the reasons why women chose not to report sexual violence, the present study is not without limitations. Firstly, whilst the victim-survivor comments are taken at face value, there is of course no way in which claims can be independently verified. Indeed, any self-report study design which relies on participant responses or interview data is subject to the same limitations and verification restrictions. That said, with estimates displaying that false allegation rates are extremely rare in cases of sexual assault (HMIC & HMCPSP, 2012), despite the prevalence of public perceptions to the contrary, it is more likely than not that these qualitative disclosures relate to genuine and credible accounts from real sexual assault victim-survivors. Next, whilst the data analysed in this project were drawn from recently posted qualitative responses online, there is no reliable way of establishing which legal jurisdiction sexual assaults took place in or when exactly the offence took place. As such, the findings are limited in that they are not able to provide clear insights of regional variation in CJS responses or case handling performance contemporarily. The reasons given for not reporting, many of which surround perceptions towards poor CJS performance, may be based on historic experiences or expectations rather than current police responses and case handling. Therefore, whilst this work offers an insight into the continued reasons why victim-survivors indicate they do not report their experiences to authorities, these may relate to non-contemporary decisions made to not report. Finally, as this study was conducted on a small scale, with a relatively small number of adult female victim-survivors, definitive conclusions cannot be made regarding why variations on this victim group may not report sexual assault.

Future studies should aim to replicate this research on a larger scale drawing upon a more diverse range of comments and quotes from a varying range of sources. In particular, future research could involve analysis of data gathered in online group forums (sometimes referred to as *threads*) where victim-survivors make use of the designated platform to more

extensively discuss their reasons for not reporting and may indeed directly interact with other victim-survivors when doing so. This was the basis by which recent analysis of women's experiences of street harassment were examined by Thornton et al. (2023). The benefit of this approach, similar to the data analysed in this study, is that victim-survivors post on such forums freely and anonymously making them valuable sources of more naturalistic, non-researcher facilitated or promoted data. Having said this, such anonymised platforms and datasets also allow researchers to explore an approach whereby they may directly correspond with survivor groups and individuals, seeking additional information or clarification in a way that allows respondents to remain anonymous throughout. Clearly, the ethical parameters of such an approach would need to be carefully considered before undertaking such research. Importantly, whilst some recent research has sought to investigate first-hand accounts of barriers to reporting among male victim-survivors of sexual assault (Weare, 2021; Widanaralalage et al., 2022), application of the existing methods and analytical approach to unsolicited male experiences in anonymous online space, may be equally advantageous in enhancing the breadth and depth of awareness of the multifaceted reasons for non-reporting. Given the vast underreporting and unique stereotypes, myths, and experiences that impact this population, this may be a particularly fruitful methodological approach. Likewise, future studies among LGBTQIA+ populations may also benefit from such a design, given that recent quantitative survey-based research and meta-analyses have indicated considerable disparities in sexual assault victimisation among such groups and individuals, relative to their heterosexual and cisgendered peers (Murchison et al., 2023).

Irrespective of the limitations outlined above, the study findings offer several notable implications. Firstly, it is clear that the criminal justice process and practitioners operating within it need to implement a more victim-centered approach to improve victim trust in the process. Conscious efforts to improve public and survivor confidence in the CJS response and process following a report of sexual assault are vital in encouraging survivors to disclose their abuse. Specifically, fostering a consistent, trauma-informed police response after a report is made where empathic first responders and investigative personnel guard against re-traumatisation is vital (Dalton et al., 2022; Davies et al., 2022). A timely and supportive point of contact is needed alongside regular case updates throughout the duration of any police investigative, prosecution and, in rare cases, criminal trial. Where this support is provided by external organisations such as the Independent Sexual Violence Adviser (ISVA) role in the UK, other CJS practitioners (police, prosecutors, court staff) should aim to ensure active collaboration is sought and trauma-informed responses are understood when engaging with complainants throughout the justice process (see Hudspith, 2022). Failure to do so may inevitably result in

a withdrawal or retraction of the allegation (see HMIC & HMCPSP, 2012). Ultimately, however, to validate victims' experiences, reduce self-blame and encourage further reporting of sexual assault, survivors must see greater rates of prosecution and conviction at trial before jury. Furthermore, future exploration of ways in which the general public and survivor organisations may help to educate people on why rape myths are indeed myths will serve to improve reporting rates in the long term, debunking misconceptions which *can* serve as barriers to reporting among victim-survivors and hinder the impartiality of justice practitioners' and jurors' decision-making (see Willmott et al., 2021). Campaigns on social media debunking rape myths, sexual assault myths more broadly, and school-based educational curricula and interventions, alongside work-based training to tackle problematic rape myth belief systems, appear to show early signs of success (Boduszek et al., 2019; Hudspith et al., 2023; Waterhouse et al., 2016). Likewise, there is therefore also a need for large-scale public relation campaigns by CJS organisations following the implementation the sort of substantive improvements recommended above such that victim-survivors and the general public are educated about how they now handle reports of sexual violence. As such, future research should attempt to rigorously evaluate the most effective interventions for targeting inaccurate beliefs around sexual assault to increase victim-survivor decisions to disclose and perhaps even reduce perpetration in the first place.

To conclude, a wealth of prior research has examined barriers to reporting sexual assault, with an abundance of efforts to reduce and remove these barriers over recent years. As such, the need to regularly reassess victim-survivor's contemporary reasons for choosing not to report remains paramount. Findings from this analysis of unprompted victim-survivor accounts online display three central barriers: *lack of faith in the Criminal Justice System* encompassing two sub-themes no evidence and traumatisation of reporting, *self-blame* and *knowing the perpetrator*. Police investigators and prosecutors must therefore work to improve empathic responsiveness following an allegation of sexual assault. Trauma-informed practice and training will help to reduce re-traumatisation and self-blame, though improved timeliness, increased rates of prosecution and conviction are ultimately required to improve faith in the CJS and encourage greater rates of reporting. Such improvements are not only likely to result in increased rates of reporting, but also reduced withdrawals and retractions throughout the CJS process too.

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Data availability statement

The secondary data source used in this study can be found via the following URL <https://www.youtube.com/watch?v=rSWwX7IBEGk>

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Appendix I – 5 Reasons Why Victims Wait to Disclose That They Were Sexually Assaulted

5 Reasons Why Victims Wait To Disclose That They Were Sexually Assaulted

Health & Wellness

By Shara Kaszovitz, LCSW

Every 98 seconds an American is sexually assaulted; however, not everyone who is assaulted tells someone – be it a friend, family member, or the police. And oftentimes, if they do disclose their experience, it may be days, weeks, months, or even years later.

There are various reasons why someone does not disclose that they have been sexually assaulted.

It is helpful to know these reasons so if someone confides in you, you can respond to them with understanding, rather than frustration for not telling you sooner.

Here is a list of some reasons why people don't immediately, or ever, tell that they have experienced sexual assault.

- **Shame:** Even though sexual assault is NEVER the fault of the victim, often those who experience it feel as if something is wrong with them for having experienced it. If you are ashamed of something, you are less likely to share it with others.
- **Fear:** Fear of not being believed, fear of retribution, fear of how others will react to you and treat you, fear of how police will respond, fear of being ostracized, fear of being judged. These are just some of the types of fear that people may feel when thinking about telling someone what they experienced.
- **Uncertainty:** People who experience sexual assault may not know they have rights. As a result, they are less likely to know what they would be required or not required to do if they disclose that they were a victim. They may not know that they don't have to report to the police*, or that they don't have to have a rape kit if they don't want to. People may also be uncertain if what they experienced is assault. Some people don't recognize a sexual assault as such until someone else points it out to them.
- **Guilt:** Sometimes when people experience sexual assault they go over the incident in their head again and again, trying to make sense of what happened to them. Victims may blame themselves, which leads to feelings of guilt. And like shame, when someone believes they are guilty of something, it is difficult to tell others about it.
- **Avoidance:** It is not uncommon for people who have experienced sexual assault to want to forget it happened and "move on." They believe they can do this by not thinking or talking about what happened. Additionally, talking and thinking about a traumatic experience can be painful, thus, people may avoid this at all costs.

If someone discloses to you that they were sexually assaulted, please remember all of the above obstacles they may have faced before finding the courage to talk to you. Respond with

compassion, care, and belief. Don't give unsolicited advice; help them make their own decisions on what, if anything, they want to do next.

If you have been sexually assaulted and are considering telling someone, please know it is never too late and you are not alone. Most communities have advocates, therapists, and peer support available to you. If you or someone you know has been sexually assaulted in the Miami-Dade area, you can call the Sexual Assault Helpline at 305-585-7273, 24 hours a day, seven days a week. For other locations, call the National Sexual Assault Hotline at 1-800-656-HOPE (4673) or visit RAINN.org.

*Please be aware that reports of sexual assault/abuse against minors and vulnerable adults must be reported to the Florida Abuse Hotline and may require police involvement.

Appendix J – Delayed Reporting of Sexual Assault is No Reason to Discredit the Accuser

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🕒 SEPTEMBER 27, 2018

Delayed reporting of sexual assault is no reason to discredit the accuser

by David Schwartz, University of Southern California



Credit: University of Southern California

Recent years have seen an explosion of accusations from individuals who have experienced harassment in the workplace or sexual victimization in other settings. On many occasions, the disclosures concerned incidents that took place decades ago. These delays in reporting have raised doubts among some regarding the veracity of the claims. In some cases, political motivations have been alleged. However, my own personal and professional experiences would suggest that these delays are both understandable and predictable.

In the mid-1980s, I was appointed to the Office for Civil Rights (OCR), the agency within the United States Department of Education that enforces laws prohibiting discrimination in programs that receive federal

funding. It is the same office that Clarence Thomas, with Anita Hill as his key adviser, directed from 1981 to '82. I arrived shortly after they had both moved to the Equal Employment Opportunity Commission.

I was fortunate to be supervised by a group of idealistic, talented and driven professionals. Still, I was exposed to several instances of men and women in the department interacting in ways that were not always appropriate.

I did not completely understand the implications of the norms to which I was being exposed. One of the moments that later proved to be clarifying was the confirmation of Clarence Thomas to the U.S. Supreme Court. I listened with horror as Anita Hill described her experiences. Her testimony was consistent with the environment I had witnessed at OCR.

In the years after Thomas' confirmation hearings, I completed my doctoral training in clinical psychology. I am now associate professor of psychology and director of clinical training at USC Dornsife. (Coincidentally, Christine Blasey Ford, who recently went public with allegations of sexual misconduct against U.S. Supreme Court nominee Brett Kavanaugh, earned her own psychology Ph.D. at USC in 1996.) Much of my career has been concerned with understanding the effects of violence and victimization. As a clinician, I've worked with hundreds of survivors of sexual assault and other forms of violence. As a researcher, I've examined the effects of exposure to violence in the home, school and community.

Something that initially startled me was the silence of many of the victimized individuals I encountered. The data has always suggested that most women who survive sexual assault will never pursue justice against their attackers. My own clinical experiences were consistent with these findings. In some cases, transforming events eventually forced clients to come forward. In most of those cases, though, their reports were met with denial and skepticism.

The reasons that many victims choose not to disclose their experiences have to do with the dynamics of trauma and sexual violence. Sex assault victims often experience overwhelming fear, pain, self-doubt and shame. They find themselves embedded in a culture that commonly discounts their experiences and excuses the behavior of their assailants. They may continue to fear for their own safety and face real dangers if they come forward.

An example of how powerful men suppress disclosure occurred in the months before the 2016 election. Then presidential candidate Donald Trump was accused of sexual assault by multiple women. His eventual response was to assure the public that he would launch lawsuits against the women whom he had allegedly assaulted. In effect, he was attempting to use threats of economic violence to silence his accusers.

More recently, we can look at Ford's experiences as she revealed during Kavanaugh's confirmation hearings the details of her own violent victimization. She has been met with death threats, constant attacks on social media and scornful remarks from public officials (including comments from the president himself). Ford has been victimized once again by a culture that promotes and embraces sexual violence.

I do not know for sure what Ford experienced in her high school days. Nonetheless, I can recognize remarkable bravery when I see it. Ford has risen above her personal pain and confronted trauma in order to protect the sanctity of our country's highest court. In the end, I suspect that Kavanaugh will be confirmed

just as Thomas was. I also believe that history will eventually recognize Ford's heroism, and she will one day be viewed as a courageous patriot.

Provided by [University of Southern California](#)

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Appendix K – Age Differences Between Sexual Partners in the United States

ARTICLES

Age Differences Between Sexual Partners In the United States

By Jacqueline E. Darroch, David J. Landry and Selene Oslak

Context: Researchers have examined the age of partners of young women at first intercourse and of young women who have given birth, but little is known about the age of partners of young women in current sexual relationships or young women who have had an abortion.

Methods: Data from the 1995 National Survey of Family Growth (NSFG) were used to examine age differences between women and their current partner and women's use of contraceptives at last intercourse, by marital status and by the age difference between women and their partner. Data from the NSFG and the 1994–1995 Alan Guttmacher Institute Abortion Patient Survey, with supplemental information from other sources, were used to estimate 1994 pregnancy rates for women by their age and marital status, according to the age difference between the women and their partner.

Results: Among all sexually active women aged 15–44, 10% had a partner who was three or more years younger, 52% a partner who was within two years of their age, 20% a partner who was 3–5 years older, and 18% a partner who was six or more years older. In contrast, 64% of sexually active women aged 15–17 had a partner within two years of their age, 29% a partner who was 3–5 years older, and 7% a partner who was six or more years older. Among women younger than 18, the pregnancy rate among those with a partner who was six or more years older was 3.7 times as high as the rate among those whose partner was no more than two years older. Among women younger than 18 who became pregnant, those with a partner who was six or more years older were less likely to have an unintended pregnancy (70%) or to terminate an unintended pregnancy (21%) than were those whose partner was no more than two years older (82% and 49%, respectively). Among women younger than 18 who were at risk of unintended pregnancy, 66% of those who had a partner who was six or more years older had practiced contraception at last sex, compared with 78% of those with a partner within two years of their own age. Young women who were Catholic and those who had first had sex with their partner within a relatively committed relationship were less likely to be involved with a man who was six or more years older than were young women who were Protestants and those who first had sex with their partner when they were dating, friends or had just met. Young women who had ever been forced to have sex were twice as likely as those who had not to have a partner who was 3–5 years older.

Conclusion: Although the proportion of 15–17-year-old women who have a much older partner is small, these adolescents are of concern because of their low rate of contraceptive use and their relatively high rates of pregnancy and birth. Research is needed to determine why some young women have relationships with an older man, and how their partner's characteristics affect their reproductive behavior. *Family Planning Perspectives*, 1999, 31(4):160–167

In the United States, men are generally somewhat older than their female sexual partners. Men are, on average, two years older than women at first marriage.¹ Likewise, fathers are typically older than mothers: For 44% of the births occurring in 1988, for example, the father was three or more years older than the mother. When only babies born to teenage mothers are considered, such age differentials are even

more common: Sixty percent of mothers aged 15–17 and 51% of those aged 18–19 reported that the father of their child was at least three years older than they were.²

Such age differences are generally of little public interest. However, when adolescents younger than 18 are involved with men who are substantially older than they are, differences between partners in such factors as maturity, life experience, social

position, financial resources and physical size may make such relationships inherently unequal, and the young women may therefore be vulnerable to abuse and exploitation by their partners.³ This longstanding concern is reflected in the fact that every state prohibits sexual relationships between adults and minors in at least some circumstances, although individual state laws define the crime of statutory rape differently.⁴

Public concern about relationships between young women and older men has grown in recent years in response to research showing that a high proportion of babies born to teenage mothers are fathered by adult men.⁵ This concern has been sharpened by the perception that teenage mothers are responsible for high welfare caseloads and costs.⁶ The intensified interest in the age of the sexual partners of teenagers has resulted in calls for revamping pregnancy prevention services to include older partners and for more rigorous enforcement of statutory rape laws (which had, until recently, been virtually ignored) to deter sexual relationships between young women and older men.⁷

There is no standard definition, however, of an “older” man in current research and discussion about adolescents. One study, which focused on women younger than 19, defined adult partners as men aged 19 or older.⁸ Other researchers defined older male partners as those five or more years older than a woman younger than 20, and separated nonmarital births to women 15–17 and an older partner

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from births to married women in that age-group. In a prior article, we categorized women aged 15 or older by whether their partner was no more than two years older, 3–5 years older or six or more years older than themselves.⁹ Little research exists on the current relationships of women younger than 15 years, because most nationally representative data sets do not sample this age-group.¹⁰ Moreover, state laws defining age of consent and statutory prohibitions on sexual relationships between minors and adults set varying age limits and age differences, and usually apply to adolescents aged 16 or younger.¹¹

In this article, we look at a number of questions involving age differences between women and men in sexual relationships. Which social and demographic subgroups of adolescent women younger than 18 are most likely to have a much older partner? What are the age patterns of sexual relationships involving teenage women? Does the age difference between the young woman and the man affect whether a contraceptive is used, or whether an intended or unintended pregnancy occurs? If a young woman becomes pregnant unintentionally, does her choice of birth or induced abortion vary by her partner's age? How do these patterns compare with those involving older women?

Data and Methodology

The principal data used in these analyses come from Cycle 5 of the National Survey of Family Growth (NSFG), a nationally representative survey of 10,847 civilian non-institutionalized women aged 15–44 in 1995. In Cycle 5, the NSFG for the first time asked women to provide data on the characteristics of their male sexual partners, as well as on contraceptive use and fertility.¹² To estimate pregnancy rates, we supplemented these data with information from 9,985 women who participated in a nationally representative abortion patient survey conducted by The Alan Guttmacher Institute (AGI) in 1994–1995.¹³ In addition, data on the numbers and ages of women giving birth were taken from natality data collected from the states by the National Center for Health Statistics (NCHS).

Sexual Relationships

We used the NSFG data, weighted to the 1995 national population of women aged 15–44, to describe sexual relationships of couples according to the woman's marital status and the age of her current male partner. This group includes all NSFG respondents who had had sex in any of the three months before their interview.

We used responses to several NSFG questions to identify the male partner with whom each woman had most recently had sex. NSFG respondents were asked for information on their first sexual partner, all men to whom they had been married, all men with whom they had cohabited and every other male sexual partner they had had since January 1991. The information collected from respondents on each male sexual partner included the dates they had first and last had sex with him (unless he was a current partner) and his age in years.

We were able to identify a partner for all but 469 unmarried, noncohabiting women (4% of the unweighted total number of women who had had sex in the previous three months). Although these respondents stated that they had been sexually active in the three months prior to the interview and provided information on contraceptive use, they did not identify a partner at any time during the period. An additional 182 women identified a partner in the last three months but did not report his age. Sexually active women who did not report a partner or the age of their partner tended to be younger, to be unmarried, to be black or Hispanic and to have less education and fewer children ever born than those who provided information on their partner. We imputed the age of partner for these missing cases, using an unweighted hot-deck procedure.^{14*}

Among the remaining respondents, 94% (98% of women who were married or cohabiting and 83% of other women) had had only one partner during the three-month period. For the other 6% (482 cases), we attempted to identify a "main" sexual partner. For the 102 women who were married or cohabiting, we assumed that the main partner and partner at last sex was the husband or cohabiting partner. Of the 380 unmarried, noncohabiting women who had had multiple partners during the previous three months, 73% reported two partners and 27% more than two partners. Women with multiple partners during that period were not asked which they considered their "main" partner or with which of their current partners they had last had sex; therefore, we used the following hierarchy (based on the partners' relationship to the respondent) to designate one of those partners as the main partner—the woman's former husband; a former cohabiting partner; or a nonmarital, noncohabiting partner, starting with the most recently begun relationship reported.

Because the date of birth was not collected for all partners, we calculated the age difference between NSFG respondents

and their male partners by subtracting the woman's age, in completed years, from the partner's age, also in completed years.

Contraceptive Use

We calculated contraceptive use from the weighted NSFG responses of women who said they had had sex in the previous three months and who reported at the time of the interview that they were not pregnant, postpartum or trying to become pregnant and that neither they nor their partner was sterile for any reason other than contraception.

NSFG respondents who were not exclusively using a long-acting contraceptive during the three months prior to interview were asked which methods they or their partner had used at last intercourse in that period. Women were asked to include contraceptive methods used for any reason, not just for birth control, in recognition of the increased use of condoms for disease prevention. (Few women, however, reported that they had used condoms solely for disease prevention.) For our analysis, women were classified as using a contraceptive at last intercourse if they relied on sterilization; used long-acting temporary methods, such as the injectable, the implant or the IUD; or used another temporary method, such as oral contraceptives or the condom.[†]

Pregnancies

We estimated pregnancies and pregnancy rates for 1994 for women according to their age and marital status at conception, their original intention regarding the conception and the age difference between themselves and their partner. We estimated pregnancies as the sum of conceptions that ended in births and conceptions that ended in induced abortions.

• *Births.* To calculate the number of pregnancies ending in birth by the age and marital status of the mother at conception, we used the number of births that occurred from October 1994 through September 1995 as a proxy for the number of conceptions occurring during 1994 that resulted in a birth. We obtained these data

*Cases not missing the partner's age were matched to those missing that information by the respondent's age, parity, marital status, race, ethnicity and education. Within these matched sets, the partner's age for a nonmissing case was randomly assigned to a missing case.

†A substantial proportion of women who reported use of the pill in the three months prior to interview also reported no use of a method at last sex. Because the pill is a systemic (rather than coitus-dependent) method, some users may not have associated it with use at the last act of intercourse. Therefore, we classified all current pill users who did not report use of any method at last sex as currently using a method.

from NCHS national vital statistics reports, which provide breakdowns by the age of the mother when she gave birth.¹⁵ We set the age of women at birth reported in vital statistics back by nine months to determine their age at conception.

The NCHS natality data provide information on the mother's marital status at the time the birth occurred rather than at the time she conceived; however, information on the woman's marital status at conception is contained in the NSFG, along with data on the mother's age at conception. Based on the NSFG birth interval file, women who had never been married at the time they conceived (including those who were cohabiting) and those who were divorced, separated or widowed were classified as unmarried, while married women who were not separated when the pregnancy occurred were categorized as married. We estimated age at conception for NSFG respondents from their reported age, the date they gave birth and the gestation of their pregnancy. With this information, we were able to calculate percentage distributions of all births during the five years before interview by marital status at conception, according to age at

conception. To estimate the number of births resulting from conceptions in 1994 by the marital status and age of the mother at conception, we then applied the percentage distribution by marital status for each age-group (from the NSFG) to the numbers of births resulting from conceptions to women in that age-group (from vital statistics data).*

The NSFG contains information from which age differences between partners at conception can be determined.[†] For each subgroup defined by women's age and marital status at conception, we calculated the distribution of births by the age difference between the woman and her partner. We then applied the age-difference distribution for each subgroup to the estimated national number of births to women in that subgroup.

NSFG respondents who had given birth in the five years before the survey were asked to report retrospectively about their intentions at the time of conception. Births whose conception had not been intended so soon, or at all, were classified as unintended. All other births were classified as intended, including cases in which the woman said she had wanted a child at that time and those in which the woman said she did not care when or whether she had a child. We calculated the distribution of conceptions that ended in birth by intention status for each subgroup defined by the woman's age and marital status at conception and the age difference between the woman and her partner. These subgroup-specific distributions from the NSFG were then applied to the estimated number of pregnancies in each subgroup that ended in births.

Abortions

We used national estimates of the number and age of women having abortions between April 1994 and March 1995 as proxies for the number of pregnancies occurring in 1994 that ended in abortion and for the age of the women at conception.¹⁶ We set the age of women at abortion reported in national data back by three months to estimate their age at conception.¹⁷

To estimate marital status at conception for women who conceived pregnancies in 1994 that ended in abortion, we assumed that their marital status at the time of the abortion was the same as at the time of conception. We applied the age-specific percentages of women who were married or unmarried at the time of the procedure (determined from AGI's nationally representative 1994–1995 Abortion Patient Survey) to the estimated national number of abortions to women in each age-group.¹⁸

For information on the age of men involved in conceptions that resulted in abortion, we used the AGI Abortion Patient Survey. The survey asked women the age of the man by whom they had become pregnant. In about 3% of cases, the age of the male partner involved in the conception was not reported. We imputed the age of the partner by using the hot-deck procedure that we applied to cases missing the age of father for births.[‡] We tabulated the percentage distribution of conceptions ending in birth according to the age difference between the partners for age-and-marital-status subgroups of women in the AGI Abortion Patient Survey. To estimate the number of conceptions in 1994 that ended in abortion according to the difference between the man's and woman's ages, we applied these distributions to the estimated number of women in each age-and-marital-status subgroup who aborted a pregnancy conceived in 1994.

Total Pregnancies

To calculate total pregnancies, we added conceptions ending in births and conceptions ending in induced abortion. Miscarriages were not included.[§] The pregnancy numbers and rates presented in this article differ slightly from those in an earlier analysis; the estimates we present are for pregnancies that *began* in 1994, classified by age and marital status at *conception*, while the earlier study estimated pregnancies that *ended* in 1994, and measured age and marital status at *outcome*.¹⁹ To distribute pregnancies by the woman's intention status at conception, we calculated unintended pregnancies as the sum of unintended births and of induced abortions. Although the proportion of births resulting from unintended conceptions is likely to be underestimated, the proportion of abortions resulting from unintended conceptions is probably overestimated.

Pregnancy rates among sexually experienced women of reproductive age were computed as the total number of pregnancies per 1,000 sexually experienced women aged 15–44. From the 1995 NSFG, we calculated the proportion of women in each age-group who had ever had intercourse, since that statistic is a closer approximation of the proportion of women exposed to pregnancy in a year's time than the proportion sexually active in the previous three months.^{**} We applied these percentages to the Census Bureau estimates of the number of women by age in 1994.²⁰

We also estimated the number of women in each age-group who were married or unmarried as of July 1, 1994, calculating an av-

*The weighted number of births reported by NSFG respondents for the calendar years 1990–1994 is very close to the total number of U.S. births reported through birth certificates for that time period (Abma JC et al., *Fertility, family planning, and women's health: new data from the 1995 National Survey of Family Growth*, *Vital and Health Statistics*, 1997, Series 23, No. 19, pp. 3 & 17).

†Respondents who gave birth were asked: "How old was the father at the time you became pregnant?" In a few cases, the father's age was not reported in the NSFG (100 unweighted cases, or 2.3% of weighted births). Women who did not report the age of their baby's father tended to be unmarried, to be black or Hispanic, to be younger, to have less education and to have fewer children ever born than did other women. We used an unweighted hot-deck procedure to impute the father's age for missing cases. Cases not missing the father's age were matched to those missing that information by the respondent's age, marital status, race, ethnicity and level of education. Within these matched sets, the age of father for a non-missing case was randomly assigned to a missing case.

‡Imputing missing data on the male partner's age caused only small changes in the results; for instance, the percentage of women who became pregnant by a male partner who was six or more years older increased by 0.4 percentage points after imputation.

§Miscarriages and stillbirths are often estimated at a level equivalent to 20% of the number of births and 10% of the number of abortions (source: H. Leridon, *Human Fertility: The Basic Components*, Chicago: University of Chicago Press, 1997, Table 4.20). Therefore, adding miscarriages would increase the number of pregnancies and the pregnancy rate, but it would not markedly alter the distribution of pregnancies by intention status.

**The percentages of women who had ever had intercourse, by age, are: 39% at age 15–17; 71% at age 18–19; 89% at age 20–24; 96% at age 25–29; 97% at age 30–34; and 99% at ages 35–39 and 40–44.

erage from the 1993, 1994 and 1995 March Current Population Surveys.²¹ To derive the total number of sexually experienced unmarried women in each age-group, we subtracted all married women from the total number of women in each age-group who were estimated to have had intercourse.

To estimate the number of sexually experienced women in each age-and-marital-status subgroup by the age difference between themselves and their partner, we applied the subgroup-specific distribution of women who were sexually experienced in the last three months by the age difference between themselves and their most recent partner to the estimated total number of women in that age-and-marital-status subgroup who had ever had intercourse.

To have enough cases to conduct our analysis of pregnancy rates by age of partner, we had to define the oldest age-group as women aged 35 or older. The denominator for women aged 35 or older is women aged 35–44.*

Analyses

Certain calculations—the age-specific distributions of women according to the age difference between themselves and their partner and the proportions in each subgroup using a contraceptive at last intercourse—were based solely on NSFG data. Because the NSFG relies on a complex sample (a stratified, multistage design with individual sampling rates), we used the software package Stata to conduct tests of significance for cross-tabulations.²²

The numbers and rates of pregnancies, intention status and outcome, however, are estimates compiled from a variety of sources. We did not perform tests of statistical significance on these estimates.

We used logistic regression to examine the relationship of the characteristics of women aged 15–17 to the likelihood that their male partner was 3–5 years older or six or more years older than they were. A second logistic regression analysis explored whether the characteristics of women and the age difference between women and their partner predict use of a contraceptive at last sex. We used Stata to calculate tests of significance for these logistic regressions.

Findings

All Women

• *Sexual relationships.* About half of all sexually active women aged 15–44 in 1995 had a partner who was within two years of their age (Table 1). Teenagers and women in their early 20s were more likely than older women to have a partner within two years of their age: The proportion declined

from 64% among women younger than 18 to about 50% among women aged 25 or older. Only 10% of women aged 15–44 in 1995, and fewer than 1% of teenage women, reported a sexual partner who was more than two years younger than they were.

Some 37% of women aged 15–19 and 38% of all women aged 15–44 had a partner who was at least three years older. Adolescents were significantly more likely than older women to have a partner who was 3–5 years older than they were (29% of women younger than 18 and 26% of those aged 18–19, compared with 18–21% of older women). Teenagers were, however, considerably less likely than women aged 20 or older to have a partner who was six or more years older than they were. Just 7% of sexually active women younger than 18 and 11% of those aged 18–19 had a partner six or more years older, compared with 16–22% of women aged 20 or older.

Overall, the age differences between partners were similar for married women and unmarried women—about half had a partner who was within two years of their age, and almost four in 10 had a partner who was three or more years older than they were. However, unmarried women were slightly more likely than married women to have a partner who was three or more years younger than they were (13% vs. 8%).

The overall differences in age patterns between women in their teens and early 20s and women aged 25 or older resulted primarily from differences among unmarried women. There were no significant differences across age-groups among married women in whether women had a partner 3–5 or six or more years older than they were. Among unmarried women, on the other hand, teenagers were significantly more likely than women aged 25–29 to have a partner who was 3–5 years older than they were (at least one in four

Table 1. Percentage distribution of U.S. women aged 15–44 who had sex in the previous three months, by the difference between their age and that of their partner, according to women's age and marital status, National Survey of Family Growth, 1995

Age and marital status of woman	N (000s)	Age difference between woman and partner				
		≥3 yrs. younger	0–2 yrs. older or younger	3–5 yrs. older	≥6 yrs. older	Total
Total	46,773	9.8	52.1	20.3	17.8	100.0
15–19	3,615	0.6**	62.5**	27.6*	9.3**	100.0
15–17	1,517	0.0**	64.1**	29.2*	6.7**	100.0
18–19	2,098	1.1**	61.3**	26.4*	11.2**	100.0
20–24	6,927	3.1**	59.3**	20.5	17.1	100.0
25–29	8,251	10.7	51.4	20.5	17.4	100.0
30–34	9,705	9.5	49.2	19.4	21.9**	100.0
35–39	9,863	12.7	49.9	18.2	19.2	100.0
40–44	8,412	15.0**	48.2	20.6	16.2	100.0
Currently married	28,995	7.8***	54.0***	21.0	17.2	100.0
15–19	341	0.0**	46.8	34.3	18.9	100.0
20–24	2,460	0.7**	56.5	23.4	19.4	100.0
25–29	4,958	5.0	56.0	22.1	16.9	100.0
30–34	6,976	6.7	53.3	20.5	19.5	100.0
35–39	7,528	10.6**	54.6	18.8	16.0	100.0
40–44	6,732	10.8**	52.0	21.8	15.4	100.0
Currently unmarried	17,779	13.0	49.1	19.1	18.8	100.0
15–19	3,274	0.7**	64.1**	26.9*	8.3**	100.0
15–17	1,460	0.0**	65.5**	29.0**	5.5**	100.0
18–19	1,814	1.3**	63.0**	25.2*	10.5**	100.0
20–24	4,467	4.4**	60.8**	19.0	15.8	100.0
25–29	3,293	19.5	44.4	18.1	18.1	100.0
30–34	2,729	16.8	39.2	16.0	28.0**	100.0
35–39	2,336	19.7	34.8**	16.1	29.5**	100.0
40–44	1,680	31.4**	33.4**	15.9	19.3	100.0

*Percentage is significantly different from percentage for women aged 25–29 at $p < .05$. **Percentage is significantly different from percentage for women aged 25–29 at $p < .01$. ***Percentage is significantly different from percentage for currently unmarried women at $p < .01$. Note: Respondents were aged 15–44 as of April 1, 1995; their actual age range at interview was 14–45.

unmarried teenagers, compared with fewer than one in five older women). But unmarried teenagers were significantly less likely than unmarried women aged 25–29 to have a partner who was six or more years older (6% of women younger than 18 and 11% of those aged 18–19, compared with 16–30% of older women).

• *Pregnancy.* An estimated 5.3 million women became pregnant in 1994 and either gave birth or had an induced abortion (Table 2, page 164). At the time of conception, some 8% of these women were younger than 18 and 9% were aged 18–19 (not shown). Almost half (47%) of the women who became pregnant were unmarried at the time, including 85% of pregnant teenagers.

In 44% of all pregnancies, the male partner was at least three years older than the woman; this proportion ranged from 43–50% of conceptions to women in their

*Birthrates and pregnancy rates fall rapidly after age 44. In 1994, for instance, there were 33.7 births per 1,000 women aged 35–39; 6.4 per 1,000 aged 40–44; and 0.3 per 1,000 aged 45–49 (source: Ventura SJ et al., Advance report of final natality statistics, 1994, *Monthly Vital Statistics Report*, 1996, Vol. 44, No. 11, Suppl., pp. 30 & 49).

Table 2. Estimated number and percentage distribution of pregnancies occurring in 1994, pregnancy rates, percentage of pregnancies that were unintended and percentage of unintended pregnancies ending in abortion, by women's age, according to marital status and age difference between women and their partner

Measure and age	All women				Married at conception				Unmarried at conception			
	Total	Younger to 2 yrs. older	3–5 yrs. older	≥6 yrs. older	Total	Younger to 2 yrs. older	3–5 yrs. older	≥6 yrs. older	Total	Younger to 2 yrs. older	3–5 yrs. older	≥6 yrs. older
Pregnancies												
Total	5,334,300	3,001,500	1,259,500	1,073,300	2,815,400	1,615,800	681,100	518,600	2,518,800	1,371,500	590,800	556,500
<20	943,800	485,400	275,800	182,600	144,200	57,100	47,300	39,800	799,700	427,600	228,600	143,500
<18	447,100	223,400	137,800	85,900	†	†	†	†	409,200	212,500	122,800	73,900
18–19	496,700	262,000	138,000	96,700	†	†	†	†	390,500	215,100	105,800	69,600
20–24	1,485,800	755,700	377,000	353,100	626,900	317,200	176,700	133,100	858,900	434,500	203,300	221,000
25–29	1,368,500	776,100	310,600	281,800	922,100	507,900	227,100	187,100	446,400	263,600	88,100	94,700
30–34	1,042,000	650,500	214,300	177,100	785,000	495,100	174,500	115,400	257,000	152,700	42,700	61,700
≥35	494,100	333,700	81,800	78,700	337,200	238,500	55,500	43,200	156,900	93,100	28,200	35,600
% distribution												
Total	100.0	56.3	23.6	20.1	100.0	57.4	24.2	18.4	100.0	54.4	23.5	22.1
<20	100.0	51.4	29.2	19.3	100.0	39.6	32.8	27.6	100.0	53.5	28.6	17.9
<18	100.0	50.0	30.8	19.2	†	†	†	†	100.0	51.9	30.0	18.1
18–19	100.0	52.8	27.8	19.5	†	†	†	†	100.0	55.1	27.1	17.8
20–24	100.0	50.9	25.4	23.8	100.0	50.6	28.2	21.2	100.0	50.6	23.7	25.7
25–29	100.0	56.7	22.7	20.6	100.0	55.1	24.6	20.3	100.0	59.1	19.7	21.2
30–34	100.0	62.4	20.6	17.0	100.0	63.1	22.2	14.7	100.0	59.4	16.6	24.0
≥35	100.0	67.5	16.5	15.9	100.0	70.7	16.5	12.8	100.0	59.3	18.0	22.7
Pregnancy rate†												
Total	100.6	91.6	116.5	113.9	94.6	87.9	108.8	101.3	108.4	95.8	133.6	123.6
<20	216.4	176.0	230.1	450.6	453.7	383.8	433.9	662.7	197.7	162.9	211.2	425.3
<18	228.0	176.6	244.0	653.8	†	†	†	†	214.2	168.7	225.4	691.1
18–19	206.8	175.4	217.7	353.1	†	†	†	†	183.0	157.5	196.7	301.9
20–24	186.2	151.8	230.5	258.8	243.7	215.5	293.4	266.6	158.9	123.3	197.9	258.8
25–29	149.8	136.8	164.2	179.3	178.7	161.4	199.1	214.5	112.2	103.9	119.7	134.5
30–34	96.2	102.3	102.5	74.3	108.6	114.2	117.8	81.9	71.3	76.5	73.1	60.2
≥35	23.9	25.7	20.5	21.3	23.3	25.7	19.0	19.0	25.3	25.6	28.4	22.5
% unintended												
Total	49.4	48.8	50.6	49.8	26.4	25.9	25.7	28.9	75.0	75.1	80.0	69.4
<20	75.8	76.2	80.5	67.6	37.7	40.6	41.1	29.5	82.6	80.7	88.7	78.3
<18	79.0	81.5	80.9	69.5	†	†	†	†	83.8	83.3	88.2	77.8
18–19	72.9	71.6	80.1	65.9	†	†	†	†	81.2	78.0	89.3	78.9
20–24	55.1	58.4	53.1	50.2	28.7	29.8	26.4	29.2	74.2	78.7	76.7	63.1
25–29	38.8	38.0	38.4	41.2	22.8	21.1	25.7	23.9	71.5	69.4	73.8	75.3
30–34	32.8	31.2	27.9	44.6	22.0	21.4	18.8	29.3	65.7	61.8	69.2	73.2
≥35	46.5	46.3	44.1	49.5	37.4	36.8	32.1	47.5	65.8	70.4	69.8	50.9
% of unintended pregnancies ending in abortion												
Total	53.7	55.9	49.6	52.4	34.4	32.4	35.4	39.0	61.3	64.9	56.2	58.1
<20	42.6	49.9	37.2	30.7	14.4	14.4	13.0	17.0	45.0	52.1	39.7	32.8
<18	39.4	48.9	33.9	20.5	†	†	†	†	39.9	49.6	34.3	20.9
18–19	45.8	50.8	40.6	40.3	†	†	†	†	50.5	54.9	45.8	45.2
20–24	57.4	58.7	58.0	53.7	29.2	26.2	33.2	31.6	65.5	67.2	66.3	60.5
25–29	57.7	58.1	50.5	64.0	36.3	36.0	33.2	41.2	71.9	70.3	69.5	78.3
30–34	57.9	55.5	63.7	59.8	37.1	31.7	45.5	45.8	79.2	80.8	87.2	70.8
≥35	58.9	58.4	53.1	66.4	43.8	40.3	54.0	49.6	77.5	81.5	57.4	84.6

†Because the number of observations for married women younger than 18 is small, the age categories <18 and 18–19 were combined for analysis. ‡Number of pregnancies per 1,000 sexually experienced women. Notes: For women younger than 18 and those younger than 20, the denominators are women aged 15–17 and those aged 15–19, respectively, and the numerators include all events to those younger than 18 and those younger than 20, respectively. Numbers may not add to totals because of rounding.

teens and 20s to 32–38% of those to women aged 30 or older (Table 2). About three in 10 pregnancies to adolescent women occurred in a relationship with a man who was 3–5 years older. In two out of 10 pregnancies to teenagers, the man was six or more years older than the woman.

The proportion of marital and nonmarital conceptions in which the man was three or more years older was similar—43% of all pregnancies to women who were married at the time of conception and 46% of those to unmarried women. Among teenagers, however, marital conceptions were more likely than nonmarital conceptions to be to women with partners who were

three or more years older (60% vs. 47%).

In all age-groups younger than 30, women with a partner who was three or more years older were more likely to have become pregnant than were those with a partner who was no more than two years older. These differences were greatest among teenagers. For adolescents younger than 18, the pregnancy rate among those whose male partner was six or more years older was 3.7 times the rate among those whose partner was no more than two years older, and the rate for those whose partner was 3–5 years older was 1.4 times as high.

Whether they were married or unmarried, sexually experienced teenagers with

much older partners were more likely to conceive than were young women whose partner was closer to their own age. For example, 66% of married teenagers whose husband was six or more years older became pregnant in 1994, compared with 43% of those whose husband was 3–5 years older and 38% of those whose husband was no more than two years older. The comparable proportions among unmarried adolescents were 43%, 21% and 16%. Unmarried adolescents younger than 18 were especially likely to become pregnant when involved with an older partner: Sixty-nine percent of those whose partner was six or more years older became pregnant, com-

pared with 23% of those whose partner was 3–5 years older and 17% of those whose partner was no more than two years older.

Roughly half (49%) of all conceptions were unintended by the woman; i.e., she reported that the pregnancy had occurred too soon or had not been wanted at all, or had ended in abortion (Table 2). The proportion of pregnancies that were unintended was highest among teenagers (79% of those to women younger than 18 and 73% of those to women aged 18–19) and lowest among women aged 30–34 (33%).

For both 18–19-year-olds and younger teenagers, the proportion of pregnancies that were unintended was lowest in relationships in which the man was six or more years older (66% and 70%, respectively). However, 18–19-year-olds were most likely to have an unintended pregnancy if their partner was 3–5 years older (80%), while younger teenagers were most likely to do so if their partner was similar in age (82%).

About a quarter (26%) of conceptions to married women were unintended, compared with 75% of those to women who were not married when the pregnancy occurred. Married adolescents with a considerably older husband were more likely to have intended to become pregnant than were those whose husband was closer to their age. Similarly, unmarried adolescents whose partner was six or more years older were somewhat less likely than other unmarried teenagers to have had an unintended pregnancy.

More than half (54%) of unintended pregnancies in 1994 ended in abortion—34% of those to married women and 61% of those to unmarried women (Table 2). Among unmarried adolescents who had unintended pregnancies, those whose partner was close to their own age were most likely to have an abortion. The greatest variations by age difference between partners occurred among women younger than 18: About half of unintended pregnancies ended in induced abortion when the partner was no more than two years older, compared with 34% when he was 3–5 years older and 21% when he was six or more years older. Among unmarried women aged 18–19, the proportion of unintended pregnancies ending in abortion ranged from 55% when the partner was no more than two years older to about 45% when he was at least three years older.

The proportion of unintended pregnancies ending in abortion was lower for teenagers than for adult women. The proportions were fairly similar across age-groups for women whose partner was similar in age (49–59%); however, unintended preg-

Table 3. Among sexually active women aged 15–17, the percentage having an older partner and the odds of doing so, according to age difference between partners; and among those at risk of an unintended pregnancy, percentage who practiced contraception at last sex and odds of doing so; all by selected characteristics of the woman

Characteristic	Weighted N (000s)	3–5 yrs. older		≥6 yrs. older		Practiced contraception at last sex†		
		%	Odds ratio	%	Odds ratio	Weighted N (000s)	%	Odds ratio
Total	1,517	29.2	na	6.7	na	1,280	81.9	na
% of poverty level								
0–99	304	31.7	0.98	7.5	1.07	192	70.4	0.88
100–199	413	30.2	1.14	7.7	1.38	349	80.5	1.01
≥200	800	27.8	1.00	5.8	1.00	739	85.6	1.00
Race/ethnicity								
Black	300	24.0	0.81	5.8	0.46	271	72.5	0.30*
Hispanic	269	39.4	1.55	9.9	2.44	170	62.6	0.22*
White/other	947	28.0	1.00	6.0	1.00	839	88.9	1.00
Married/cohabiting								
Yes	175	41.9	1.29	16.3	1.75	100	81.8	‡
No	1,342	27.6	1.00	5.4	1.00	1,180	82.0	‡
High school completion								
Dropped out	190	36.3	1.43	14.5	2.72	134	52.7	0.25*
Enrolled or completed	1,327	28.2	1.00	5.6	1.00	1,146	85.4	1.00
Both parents present during childhood								
Yes	502	25.7	1.00	7.1	1.00	467	84.3	1.00
No	1,015	31.0	1.12	6.5	0.91	813	80.6	0.77
Religion								
Protestant	700	27.5	1.00	8.0	1.00	637	86.4	1.00
Roman Catholic	376	30.8	0.95	4.2	0.26*	308	75.7	0.36
None/other	441	30.6	0.91	6.7	0.38	335	79.1	0.75
Relationship with current partner at first sex								
Just met/friend/dating	343	24.6	1.00	12.9	1.00	307	80.5	1.00
Going steady/engaged	963	29.0	1.28	3.3	0.16*	821	84.5	0.88
Information missing	212	38.0	1.35	12.2	0.47	152	70.8	0.54
Ever forced to have sex§								
Yes	307	29.3	2.10*	9.0	1.08	235	71.5	0.53
No	1,200	25.3	1.00	6.1	1.00	1,035	84.2	1.00
Partner's age								
≤2 yrs. older/younger	na	na	na	na	na	879	77.6	1.00
3–5 yrs. older	na	na	na	na	na	328	75.8	0.78
≥6 yrs. older	na	na	na	na	na	73	66.0	0.20*

*Statistically significant at $p < .05$. †Among women who were neither pregnant, trying to become pregnant, postpartum, or sterile for noncontraceptive reasons. ‡Too few cases to permit analysis. §Ns do not sum to column total because of missing data. Notes: na=not applicable. Odds ratios result from a logistic regression that controlled for the effects of all characteristics shown in the table. Ns for some subgroups may not add to column total because of rounding.

nancies to teenage women whose partner was at least three years older were much less likely to end in abortion than were those to older women with such a partner.

15–17-Year-Olds with Older Partners

The greatest concern about wide age differences between women and men in sexual relationships focuses on adolescent women with older partners. Thus, it is worthwhile to look in greater detail at women younger than 18.

• *Sexual relationships.* As Table 3 shows, 29% of the 1.5 million women younger than 18 who were sexually active at the time of the 1995 NSFG were in a relationship with a man who was 3–5 years older, and 7%

were involved with a man who was six or more years older. Further investigation using logistic regression identified few characteristics distinguishing between young women with partners 3–5 years older or six or more years older and other sexually active teenage women; however, the small number of cases available for analysis (241) limited the power to detect significant differences. Young women who had been going steady or had been engaged to their partner when they first had intercourse were significantly less likely to have a partner six or more years older than were those who had just met the man, had been friends or were dating when they first had sex with him (odds ratio of 0.16).

Table 4. Percentage distribution of pregnancies, births and abortions to women aged 15–17, by age of partner

Age of partner	Women (N=1,517,000)	Pregnancies (N=447,100)	Intended births (N=93,900)	Unintended births (N=214,200)	Abortions (N=139,100)
≤2 yrs. older/younger	64.1	50.0	44.1	43.4	64.1
3–5 yrs older	29.2	30.8	28.1	34.4	27.1
≥6 yrs. older	6.7	19.2	27.9	22.2	8.8
Total	100.0	100.0	100.0	100.0	100.0

Note: Numbers may not sum to total due to rounding.

Young women who were Roman Catholics were less likely than those who were Protestants to be involved with a much older partner (odds ratio of 0.26). The only variable significantly related to the odds of having a partner 3–5 years older was having ever been forced to have intercourse. (The data collected from the NSFG respondents were not specific enough to indicate whether women had had forced intercourse with their current partner or with someone else.)

• **Contraceptive use.** Most (85%) of the young women younger than 18 who had had sex in the three months before being interviewed in the 1995 NSFG were at risk for unintended pregnancy—i.e., they were neither pregnant, postpartum or trying to become pregnant, nor were they or their partner sterile for noncontraceptive reasons (data not shown). Some 82% of these women reported that they and their partner had relied on a contraceptive method the last time they had sex (Table 3).

Logistic regression based on the 201 NSFG respondents younger than 18 who were at risk for unintended pregnancy shows that young teenagers whose partner was six or more years older were significantly less likely to have practiced contraception at last intercourse than were women whose partner was within two years of their age (odds ratio of 0.20). Few other personal characteristics of the young women were significantly related to the likelihood of contraceptive use. Young women were significantly less likely to report current contraceptive use if they were Hispanic (odds ratio of 0.22) or black (0.30). Use was also less likely for young women who had dropped out of school (odds ratio of 0.25).

• **Pregnancy, birth and abortion.** In 1994, some 447,100 women younger than 18 had a conception that ended in a birth (308,000) or in an induced abortion (139,100). As we saw in Table 2, the pregnancy rate was substantially higher among those whose partner was 3–5 years older or six or more years older (244 and 654 per 1,000, respectively) than it was among those whose partner was no more than two

years older (177 per 1,000). As a result, even though only 36% of sexually active women younger than 18 had a sexual partner who was three or more years older, 50% of the pregnancies and 56% of the births occurring among these young women were to those with a partner who was at least three years older; in contrast, only 36% of abortions to women younger than 18 were to those with considerably older partners (Table 4). Those with partners 3–5 years older accounted for 31% of all pregnancies, 28% of intended births, 34% of unintended births and 27% of all abortions to women younger than 18. Young women whose partner was six or more years older accounted for 19% of all pregnancies, 28% of intended births and 22% of unintended births, but only 9% of abortions among adolescents in their age-group.

Discussion

Sexual relationships in which the man is somewhat older than the woman have long been common in the United States. As our data show, the man is three or more years older than the woman in almost four in 10 relationships today. Although it is not surprising, given this general pattern, that a similar proportion of sexually active adolescent women have a partner at least three years older than they are, such age differences may have troubling implications for young women.

The fact that most sexually active young women have a partner who is fairly close to their own age does not, however, negate concern about those with much older partners. The more than 100,000 women younger than 18 whose sexual partner is six or more years older have much greater chances of becoming pregnant and having a baby than do other minors whose partner is closer to their age.

To date, much of the information about the ages of young women and men in sexual relationships has been limited to those involved in births. An earlier analysis found that 60% of women aged 15–17 when they gave birth in 1988 had a partner who was three or more years older

than they were.²³ The data presented in this article show that 56% of births resulting from conceptions among women aged 15–17 in 1994 were fathered by men three or more years older than the woman. However, those who gave birth were not representative of all sexually active teenagers. Only 36% of all sexually active women aged 15–17 had a partner who was at least three years older.

The reason for this disparity is that teenagers who have older partners are much more likely than those with partners closer to their age to become pregnant and, once pregnant, to have a baby rather than to opt for abortion. Compared with the pregnancy rate among women aged 15–17 whose partner is no more than two years older, the pregnancy rate among those whose partner is six or more years older is 3.7 times as high and the rate for those whose partner is 3–5 years older is 1.4 times as high. Moreover, unintended pregnancies to young teenage women are less than half as likely to end in abortion if the man is six or more years older than if he is no more than two years older than the woman; if the partner is 3–5 years older, the proportion of unintended pregnancies ending in abortion is one-third lower. Teenagers in sexual relationships with partners fairly close to their age are also much less likely to be married than are those involved with a much older man, probably due in part to the greater ability of older men to support a wife and family.

Discouraging sexual relationships between teenage women, especially those younger than 18, and much older men has been seen as a way to substantially lower rates of teenage pregnancy and birth. It has become increasingly clear, however, that the situations and the solutions are not necessarily simple. There are many reasons why a young woman may have a much older partner; the data presented here cannot determine which young women had older partners because they were pressured into the relationship, because they were attracted to someone older than they were because they wanted to become “adults” more quickly or to escape an unhappy or deprived home environment, or because they simply happened to meet and form a bond with an older man. Instead, the findings suggest potential explanations and a need for more research.

The small number of sexually experienced women younger than 18 who participated in the 1995 NSFG makes it difficult, at best, to predict which teenagers younger than 18 will have an older part-

ner. The higher likelihood that these women would have an older partner if they had ever been forced to have intercourse or if they first had sex with someone outside a relatively long-term and committed relationship may reflect situations in which young women feel more pressure to enter such relationships, or feel they have fewer alternatives. And, it is not clear whether young Roman Catholics are less likely than Protestants to have a relationship with an older man because of their religious affiliation or because of other factors that vary by religion.

The reasons young women with much older partners have such high rates of pregnancy and birth are also not clear. One factor the analysis identified is that having an older partner independently decreases contraceptive use among young women who are not trying to become pregnant. Although most pregnancies to teenagers with older partners are reported by the women as unintended, they are less likely to be unplanned than those to teenagers with partners closer to their own age. Again, the data available here do not distinguish young women who themselves wanted to have a child from those who had been persuaded to want a child to please an older partner, and we do not have data from men on their intentions. The higher proportion of unplanned pregnancies that end in birth among teenagers with older partners than among those with partners closer to their own age probably includes both teenagers who are persuaded by a more forceful older partner to have a baby they have not planned for, and those who are swayed by the fact that an older man is more likely to be established and employed and thus better able to care for a family than is someone who is also a teenager.

It is clear that the high pregnancy rate among teenage women with older partners is only one factor contributing to the high numbers of teenage births in the United States. Women whose partner is no more than two years older account for half of all pregnancies to women aged 15–17. Thus, education and services regarding pregnancy prevention continue to be needed by all teenagers.

Pregnancy rates are clearly highest for the teenage women with the oldest partners; such a situation is troubling to the public because it raises the concern that the age difference may make it more dif-

ficult for young women to resist pressure to have sex and to become pregnant. Data from larger samples of young women are needed to identify more clearly what distinguishes young women who have partners close to their age from the minority who have much older partners and to explore in greater detail the effects of partner's age and other characteristics. Our analyses identified several characteristics that warrant further examination. For example, the odds of having a partner who was at least six years older were elevated for Hispanic adolescents (2.4) and high school dropouts (2.7), but the subgroup sizes were too small to allow us to detect significant differences.

Until we better understand why some young women have sexual relationships with much older men, and why some older men have sexual relationships with teenage women, it will be difficult either to formulate policies that will influence their behavior or to gauge the extent to which the high pregnancy rates among these young women result from pressure from the men to have sex and to have a child, from their own desire to move quickly into motherhood and adulthood or from difficulties in avoiding unintended pregnancy and childbearing.

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**Appendix L –
Now Sixteen Could
Get You Life:
Statutory Rape,
Meaningful Consent,
and the Implications
for Federal Sentence
Enhancement**

NOTES

NOW SIXTEEN COULD GET YOU LIFE: STATUTORY RAPE, MEANINGFUL CONSENT, AND THE IMPLICATIONS FOR FEDERAL SENTENCE ENHANCEMENT

LEWIS BOSSING*

John White is a forty-three-year-old former appliance store owner from White Plains, New York.¹ He is married and has three children. Upon suffering financial losses in 1996, White became involved with a friend's "business," selling narcotics in New York and New Jersey. After arrest, indictment, and federal conviction on a single count of possession with intent to distribute, White faced a harsh sentence—life imprisonment with no parole. White's criminal record to that date consisted of two 1974 convictions for statutory rape,²

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¹ This story is based on true events. See Mirta Ojito, *Old Crime Returns to Haunt an Immigrant; Facing Deportation, Dominican May Become Test Case for New Law*, N.Y. Times, Oct. 15, 1997, at B1 (reporting story of legal alien confined and facing deportation after Immigration and Naturalization Service discovery of two 1974 statutory rape convictions).

² Statutory rape laws historically prohibited sexual conduct between persons above and below a codified "age of consent." Today, they are generally strict liability crimes, although some courts have allowed a mistake of age defense. See, e.g., *People v. Hernandez*, 393 P.2d 673, 677 (Cal. 1964) (allowing mistake of age defense to statutory rape charge where defendant held "reasonable belief" that female complainant had reached age of consent, and where complainant apparently affirmatively misrepresented her age to defendant).

Various jurisdictions have asserted a wide variety of state interests in promulgating statutory rape laws over the years. Most involve protecting young women (and their parents and future husbands) from "white slavery," "sexual impurity," teenage pregnancy, and sexually transmitted disease. See, e.g., *Michael M. v. Superior Court of Sonoma County*, 450 U.S. 464, 474 (1981) (upholding California's gender-specific statutory rape law on basis of substantial state interest in preventing teenage pregnancy); Mary E. Odem, *Delinquent Daughters: Protecting and Policing Adolescent Sexuality in the United States 1885-1920*, at 25 (1995) (discussing various state interests advanced by age of consent laws). Despite *Michael M.*, most states now have gender-neutral statutory rape laws, and often consider statutory rape as a degree of sexual assault. See, e.g., Haw. Rev. Stat. Ann. § 707-730 (Michie 1997) ("A person commits the offense of sexual assault in the first degree if . . . [t]he person knowingly subjects to sexual penetration another person who is less than fourteen years old."). But cf. N.Y. Penal Law § 130.20 (McKinney 1998) ("A person is guilty of sexual misconduct when . . . [b]eing a male, he engages in sexual intercourse with a female

charges based on sexual activity between the then-nineteen-year-old White and his fifteen-year-old girlfriend. After serving time in prison for those convictions, White lived quietly, working and raising a family, with no further involvement in criminal conduct until 1996. The 1974 convictions, however, classified White as a recidivist violent offender and qualified him for life imprisonment under the Violent Crime Control and Law Enforcement Act of 1994³ (VCCLEA). Following VCCLEA, White's sentencing judge had no choice but to send him to prison for the rest of his life.⁴

John White received his life sentence because the court believed his 1974 convictions to be "crimes of violence," a federal law term of art⁵ meaning crimes involving the use of force or risk of serious injury to other persons or property.⁶ Since White's two convictions arguably fit the statutory definition of a "crime of violence," federal law enforcement agencies targeted him as a recidivist violent criminal. As a recidivist, he received a more severe punishment than a first-time offender would for the same offense.⁷ While legislators have made strong arguments that the federal government has an interest in con-

without her consent."); id. § 130.05(3) ("A person is deemed incapable of consent when he or she is . . . less than seventeen years old . . ."). Gender-neutral statutes acknowledge that male minors are also at risk for some harms associated with sexual conduct. See, e.g., Alice Susan Andre-Clark, Note, Whither Statutory Rape Laws: Of *Michael M.*, The Fourteenth Amendment, and Protecting Women from Sexual Aggression, 65 S. Cal. L. Rev. 1933, 1959 (1992) (discussing how risks of sexually transmitted diseases, psychological harm, and teenage parenthood exist for both male and female minors).

³ 18 U.S.C.A. § 3559 (West Supp. 1998) (punishing with life imprisonment criminals with three predicate convictions for "crimes of violence").

⁴ See 18 U.S.C.A. § 3559(c) (West Supp. 1998) ("[A] person who is convicted in a court of the United States of a serious violent felony shall be sentenced to life imprisonment if . . . the person has been convicted . . . of 2 or more serious violent felonies."). "Serious violent felonies" here carries the same statutory definition as "crime of violence" does elsewhere. See *infra* notes 34-35 and accompanying text.

⁵ See, e.g., *United States v. Poff*, 926 F.2d 588, 593 (7th Cir. 1991) (en banc) (Easterbrook, J., dissenting) (describing federal statutory "crime of violence" as "term of art").

⁶ This Note will discuss the "crime of violence" definitions found in the Armed Career Criminal Act of 1984 §§ 1801-03, 18 U.S.C.A. § 924(c) (West Supp. 1997), the Violent Crime Control and Law Enforcement Act of 1994 § 70001(2), 18 U.S.C.A. § 3559(c) (West Supp. 1998), and the U.S. Sentencing Guidelines Manual § 4B.1-2 (1997). See *infra* notes 20-35 and accompanying text.

⁷ See *United States Sentencing Guidelines* Ch.4, Pt.A Introductory Commentary at 283 (1998) [hereinafter U.S.S.G.]:

A defendant with a record of prior criminal behavior is more culpable than a first offender and thus deserving of greater punishment. General deterrence of criminal conduct dictates that a clear message be sent to society that repeated criminal behavior will aggravate the need for punishment with each recurrence. To protect the public from further crimes of the particular defendant, the likelihood of recidivism and future criminal behavior must be considered.

ferring recidivist, or "career offender,"⁸ status upon persons with multiple criminal convictions,⁹ the government's interest in including statutory rape convictions as "crimes of violence" is far more debatable.¹⁰

In 1997, the Seventh Circuit Court of Appeals, sitting en banc, articulated the most thorough judicial decision yet regarding whether statutory rape convictions should be considered crimes of violence for the purpose of enhancing sentences for subsequent federal criminal convictions. In *United States v. Shannon*,¹¹ Chief Judge Richard Posner concluded that a seventeen-year-old male defendant's conviction under a Wisconsin sexual assault statute for engaging in vaginal/genital intercourse with a thirteen-year-old female was a per se "crime of violence."¹² This determination meant that the defendant was considered a career offender under the United States Sentencing Guidelines, and thus added years to his federal sentence.¹³ Judge Posner reached this holding, however, based on a theory that might allow convictions for sexual conduct between adults and adolescents older than the *Shannon* complainant to be judged nonviolent crimes.¹⁴ This

⁸ See U.S.S.G. § 4B1.1:

A defendant is a career offender if (1) the defendant was at least eighteen years old at the time the defendant committed the instant offense of conviction, (2) the instant offense of conviction is a felony that is either a crime of violence or a controlled substance offense, and (3) the defendant has at least two prior felony convictions of either a crime of violence or a controlled substance offense.

See *infra* notes 29-33 and accompanying text for further discussion of the Guidelines.

⁹ See Armed Career Criminal Act Amendments: Hearing Before the Subcomm. on Criminal Law of the Senate Comm. on the Judiciary, 99th Cong. 19 (1986) [hereinafter ACCA Hearing] (statement of Sen. Specter) ("I have long been convinced that if we could put 200,000 career criminals in jail in this country, we could reduce violent crime by 50 percent.").

¹⁰ See *Ojito*, *supra* note 1, at B2 (reporting how Congresspersons Nydia M. Velasquez and Major R. Owens wrote letters to INS on behalf of alien facing deportation based on statutory rape convictions); *infra* Part II.

¹¹ 110 F.3d 382 (7th Cir.) (en banc), cert. denied, 118 S. Ct. 223 (1997).

¹² See *id.* at 384 (citing Wis. Stat. Ann. § 948.02(2) (West 1996)).

¹³ See *id.* at 389 (stating that, depending on defendant's criminal history, difference could be between sentencing range of 27 to 33 months and range of 51 to 63 months).

¹⁴ See *id.* at 387 (holding that sexual intercourse with 13-year-old female minor creates per se risk of serious injury, and hence is per se "crime of violence"). For a discussion of how the federal "crime of violence" definition could allow this result, see *infra* notes 75-85.

Judge Posner had previously expressed the opinion that much regulation of adolescent sexuality should be reformed. See, e.g., Richard A. Posner, *Sex and Reason* 403 (1992):

It is curious to reflect that if the age of consent for homosexual relations were lowered to 15, which is the age of consent for girls in Sweden, most pederasty would be legalized. This might be a sensible reform . . . "Pederasty" has an awful sound in American ears; the sense of revulsion that the practice inspires, in all but the pederasts themselves, lies deeper than any reason that could be offered. Most Americans would if asked pronounce it a far worse crime than

opinion brings the Seventh Circuit into conflict with a number of other federal appellate courts which have held that all statutory rape convictions, regardless of the complainant's age or the specific sexual contact proscribed, are per se crimes of violence and therefore sentence enhancing.¹⁵

Judge Posner's reasoning, as well as that of those courts finding statutory rape a categorical "crime of violence," is flawed. Posner based his argument on a model of adolescent sexuality that makes presumptions based on chronological age, not on the ability of an adolescent to make meaningful choices about sexual activity. Courts following this model will reach inaccurate results in some cases, wrongly adding years to federal sentences. This Note argues that statutory rape is a "crime of violence" when there is any nonconsensual sexual contact, and that only meaningful consent¹⁶ can defeat this presumption of violence. Noting both various theoretical critiques of consent and recent empirical data on adolescent sexuality, this Note will also argue that while not all adolescents are capable of giving meaningful consent to sexual activity with older persons, many of them are. Thus courts should inquire into whether consent was given in a particular case when deciding whether a statutory rape conviction should be considered a federal "crime of violence."¹⁷ Getting this determination

marital rape. No one could convince them that it probably is less harmful to its victims.

Whether one agrees with Posner or not, his book has greatly influenced legal analysis of sexual conduct and regulation. A recent LEXIS search found 275 references to the book in law review articles since its publication. Search of LEXIS, LAWREV Library, AL-LREV File (Aug. 7, 1998).

¹⁵ See, e.g., *United States v. Velazquez-Overa*, 100 F.3d 418 (5th Cir. 1996) (holding that statutory rape is a per se "crime of violence"); *United States v. Reyes-Castro*, 13 F.3d 377 (10th Cir. 1993) (same); *United States v. Bauer*, 990 F.2d 373 (8th Cir. 1993) (same); *United States v. Rodriguez*, 979 F.2d 138 (8th Cir. 1992) (same). But see *United States v. Meader*, 118 F.3d 876 (1st Cir. 1997) (following *Shannon*).

¹⁶ See Heidi Kitrosser, *Meaningful Consent: Toward a New Generation of Statutory Rape Laws*, 4 Va. J. Soc. Pol'y & L. 287, 291 (1997) (discussing meaningful consent in terms of autonomy and "a [young] woman's . . . right to say 'no'"). Determining whether adult/minor sexual conduct involved meaningful consent by both parties requires an inquiry into the circumstances of the conduct. See *infra* Part III.A.

¹⁷ This Note will not directly treat the validity of statutory rape laws. For general criticism of statutory rape laws, see, e.g., Kitrosser, *supra* note 16, at 289 ("[I]t is far too simplistic to suggest that adolescent girls are incapable of making consensual sexual choices in all instances."); Frances Olsen, *Statutory Rape: A Feminist Critique of Rights Analysis*, 63 Tex. L. Rev. 387 (1984) (critiquing statutory rape laws as paternalistic protection of young women).

States have made many arguments for the necessity of such laws to protect minors from various injuries, such as teenage sexually transmitted disease and pregnancy. See, e.g., James Dao, *New AIDS Guide Approved by State, Angering Bishops*, N.Y. Times, June 10, 1995, at 25 (reporting on New York State Department of Education's adoption of new H.I.V. prevention guide); Martin Tolchin, *More States Trying to Curb Teen-Age*

right is all the more important now, as states are initiating new efforts to expand and enforce statutory rape laws.¹⁸

Part I of this Note will look at the "crime of violence" definition used in various federal sentence enhancement statutes and at the two approaches the federal courts have taken to deciding whether statutory rape convictions constitute "crimes of violence." Part II will deconstruct the term "crime of violence" in this context by examining how law and society have come to understand the "violence" of sexual assault and how conceptions of adolescents' ability to consent to a variety of social interactions have changed. Part III will develop a model for courts to use in identifying adolescent "consent" and apply this model to the facts of some of the cases treating this issue. This Note will argue that statutory rape should not be considered a per se "crime of violence." Rather, in fairness to defendants facing enhanced sentences, and in recognition of the sexual autonomy of adolescents, courts should evaluate the presence or absence of meaningful consent when making many "crime of violence" determinations in statutory rape cases.

I

STATUTORY RAPE AS A "CRIME OF VIOLENCE" IN THE FEDERAL COURTS

While classification of statutory rape as a "crime of violence" is a relatively recent phenomenon, construction of the phrase in the

Pregnancies, *N.Y. Times*, June 17, 1990, at 24 (reporting that two-thirds of states are making efforts to reduce incidence of teenage pregnancies). Sexual activity between adults and preadolescents presents special concerns; many states have criminal statutes with heightened penalties specifically targeting the perpetrators of such abuse. See, e.g., *N.Y. Penal Law* § 130.65 (McKinney 1998) (defining sexual abuse in first degree as class D felony: "A person is guilty of sexual abuse in the first degree when he subjects another person to sexual contact . . . [w]hen the other person is less than eleven years old.").

¹⁸ For example, Georgia has raised its age of consent from 14 to 16 and increased penalties for adults aged 21 and older convicted of statutory rape. See *Ga. Code Ann.* § 16-6-3(a) (1996). Florida has amended its statutory rape law to prohibit sexual intercourse between a person aged 24 or older and a minor aged 16 or 17. See *Fla. Stat. Ann.* § 794.05(1) (West Supp. 1998); see also Terry Pristin, *New Jersey Daily Briefing: Higher Consent Age Sought*, *N.Y. Times* (N.J. edition), May 31, 1996, at B1, available in LEXIS, News Library, NYT File (reporting introduction of New Jersey legislation raising age of consent from 16 to 18). For commentary on renewed state efforts to strengthen and enforce statutory rape laws, see Patricia Donovan, *Can Statutory Rape Laws Be Effective in Preventing Adolescent Pregnancy?*, *Family Planning Perspectives*, Jan.-Feb. 1997, at 30.

Nationally, the new federal welfare law urges that "[s]tates and local jurisdictions . . . aggressively enforce statutory rape laws" and requires state welfare plans to develop training programs for counselors, educators, and law enforcement officers focusing on statutory rape. See *Personal Responsibility and Work Opportunity Reconciliation Act of 1996* § 906(a), 42 U.S.C.A. § 14016(a) (West Supp. 1998).

broader sense has been an ongoing process over the last fifteen years. Examining this history reveals why courts have expanded the definition to include statutory rape convictions.

A. The Federal "Crime of Violence" Definition and Its Use In Sentence Enhancement

Three different federal statutes currently provide for sentence enhancement when a defendant's record includes one or more "crimes of violence." The "crime of violence" definition has its genesis in 1986 amendments to the Armed Career Criminal Act of 1984¹⁹ (ACCA). In its original form, ACCA made carrying a firearm after being convicted of three or more robberies or burglaries a federal offense punishable by a mandatory minimum of fifteen years imprisonment.²⁰ ACCA's express purpose was to deter violent crimes committed by recidivist criminals.²¹ Because it only included robberies and burglaries as qualifying predicate offenses, however, the original formulation resulted in few incarcerations of recidivists.²² In 1986, various members of Congress made calls to expand ACCA's scope to include other predicate "crime of violence" convictions.²³ Although legislators differed over how the definition should change,²⁴ eventually Congress

¹⁹ See Career Criminal Amendments Act of 1986, Pub. L. No. 99-570, 100 Stat. 3207-39 (1986) (codified as amended at 18 U.S.C. § 924(e) (1994)).

²⁰ See 18 U.S.C. § 924(e) (1994).

²¹ See, e.g., H.R. Rep. No. 98-1073, at 1 (1984) (discussing purpose of ACCA of 1984: "This bill is designed to increase the participation of the Federal law enforcement system in efforts to curb armed, habitual (career) criminals.").

²² See, e.g., ACCA Hearing, *supra* note 9, at 9 (testimony of Deputy Assistant Attorney General James Knapp) (reporting that as of 1986, only 14 people had been imprisoned under ACCA).

²³ See *id.* at 1 (statement of Sen. Specter) ("The time seems ripe . . . to expand the armed career criminal bill to include other offenses . . ."); *id.* at 7 (statement of Rep. Wyden) ("[W]e must constantly look for ways to come to the aid of hard-pressed state and local law enforcement officials who . . . are clearly losing the war against drugs and violent crime. . . . The Armed Career Criminal Act Amendments would add one more arrow to the law enforcement quiver.").

²⁴ Senator Specter and Representative Wyden introduced bills in the Senate and the House respectively that would have omitted mention of burglaries or robberies from the original version of ACCA, substituting the phrase "crime of violence," defined as "an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another," or any felony that, "by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense," thus expanding ACCA's scope. See S. 2312, 99th Cong. (1986); H.R. 4639, 99th Cong. (1986). In opposition, Representatives Hughes and McCollum introduced a bill that would also have changed ACCA's scope, omitting mention of burglaries or robberies while substituting the phrase "violent felony," meaning only state and federal felonies that have as an element the "use, attempted use, or threatened use of physical force against the person of another." H.R. 4768, 99th Cong. (1986).

enacted a new version of the "crime of violence" definition.²⁵ 18 U.S.C. § 924(e) defines a "crime of violence" as any felony that "has as an element the use, attempted use, or threatened use of force against the person of another," or "is burglary, arson, or extortion, involves use of explosives, or otherwise involves conduct that presents a serious potential risk of physical injury to another."²⁶ The definition thus presents three categories of potential federal "crimes of violence": enumerated crimes from the list above; crimes that include a force element in their statutory definition; and, under the "otherwise" category, crimes that inherently involve a serious risk of physical injury.²⁷

The amended ACCA "crime of violence" definition has been adopted by other federal sentence enhancement initiatives.²⁸ The United States Sentencing Commission, established in 1984,²⁹ counted among its mandates the deterrence of recidivist criminal acts.³⁰ After ACCA's amendment in 1986, the Commission amended the United States Sentencing Guidelines to include the new "crime of violence" definition as part of a determination of career offender status.³¹ The Commission thought the new Guidelines definition both more specific and more justifiable as a replication of the exact language approved

²⁵ See Career Criminal Amendments Act of 1986, Pub. L. No. 99-570, 100 Stat. 3207-39 (1986) (codified as amended at 18 U.S.C. § 924(e) (1994)).

²⁶ 18 U.S.C. § 924(e) (1994). Judge Posner has noted that the phrase "potential risk" appears to be a redundancy. See *United States v. Shannon*, 110 F.3d 382, 385 (7th Cir.) (en banc), cert. denied, 118 S. Ct. 223 (1997).

²⁷ See 18 U.S.C. § 924(e).

²⁸ See *supra* note 7. The federal "crime of violence" definition has also been used in statutes with civil remedies for victims of violent crimes. See, e.g., Violence Against Women Act of 1994, 42 U.S.C. § 13981(d)(2) (1994).

²⁹ See Comprehensive Crime Control Act (CCCA) of 1984, Pub. L. No. 98-473, 98 Stat. 2017 (codified as amended at scattered sections of 18 U.S.C.) (creating United States Sentencing Commission).

³⁰ See Comprehensive Crime Control Act of 1983: Hearing Before the Subcomm. on Criminal Law of the Senate Comm. on the Judiciary, 98th Cong. 1 (1983) (statement of Sen. Kennedy) ("No other area of Federal criminal law is in greater need of immediate reform than sentencing. . . . [S]ociety is the loser whenever violent defendants are returned to the streets to repeat their crimes and renew their violent ways."); see also 28 U.S.C. § 991(b) (1994) (stating purposes of United States Sentencing Commission); Stephen Breyer, *The Federal Sentencing Guidelines and the Key Compromises upon Which They Rest*, 17 Hofstra L. Rev. 1, 4 (1988) (discussing legislative intent behind establishment of federal sentencing commission).

³¹ The Guidelines originally took their definition of "crime of violence" from an amendment to the Comprehensive Crime Control Act which defined this term of art for the entire federal criminal code. See 18 U.S.C. § 16 (1994) (defining "crime of violence" as either "an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another" or "any . . . offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property . . . may be used in the course of committing the offense.").

by Congress in 18 U.S.C. § 924(e), thereby making the definition more acceptable to Congress and to federal sentencing judges.³²

More recently, ACCA's "crime of violence" definition was adopted by the authors of the Violent Crime Control and Law Enforcement Act of 1994³³ (VCCLEA). VCCLEA is the federal version of "three strikes" laws, those statutes that sentence defendants with three predicate convictions for crimes of violence to mandatory life imprisonment.³⁴ VCCLEA represents a bolder attempt than either ACCA or the Sentencing Guidelines to deter defendants from committing multiple violent crimes. Because VCCLEA makes a life sentence the mandatory minimum punishment in these cases, however, if a court errs in making a "crime of violence" determination, the defendant suffers a much greater loss of liberty.

B. Conflicting Rules for Making "Crime of Violence" Determinations

Federal courts have generally not inquired into the conduct underlying a predicate conviction when making "crime of violence" determinations. They have instead examined the statutory definition of the crime or, on occasion, statements contained in the information or indictment.³⁵ In so doing, courts have followed the Supreme Court's only holding on "crime of violence" determinations, *United States v.*

³² See United States Sentencing Commission, Career Offender Work Group Report 24 (1987):

The [work] group's general feeling is that because the penalties imposed by this guideline are so severe, linking the definitions of predicate crimes to those already approved, defined and joined together by Congress for the heavy sanction of § 924(e) would facilitate both the acceptance of the guideline and its proper application.

³³ See Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796 (1994) (codified at 18 U.S.C. § 3559 (1994)). The VCCLEA "serious violent felony" definition follows 18 U.S.C. § 16 in explicitly including the risk of force inherent in the crime rather than the inherent risk of serious injury. See 18 U.S.C. § 3559(c)(2)(F)(ii) (1994).

³⁴ See, e.g., Cal. Penal Code § 667(e)(2)(A) (West Supp. 1998) (mandating "indeterminate term of life imprisonment" for third-time felons); Tex. Penal Code Ann. § 12.42 (West 1994) (stating that, if defendant's record contains two prior felonies, third conviction will be punished by life imprisonment). Forty-seven states have enacted some form of "three-strikes" law. See Meredith McClain, Note, "Three Strikes and You're Out": The Solution to the Repeat Offender Problem?, 20 Seton Hall Legis. J. 97, 100 n.15 (1996) (listing states that have enacted "three strikes" laws).

³⁵ See, e.g., *United States v. Shannon*, 110 F.3d 382, 384 (7th Cir.) (en banc), cert. denied, 118 S. Ct. 223 (1997) (making "crime of violence" determination based on descriptive statements from information for charged crime). In *Shannon*, the defendant was previously convicted in Wisconsin, a jurisdiction which does not submit criminal charges to a grand jury for evaluation and subsequent indictment, but rather issues charges through informations.

Taylor.³⁶ In *Taylor*, the Court held that in making "crime of violence" determinations, federal courts should not inquire into the underlying charged conduct, but instead look only to the generic definitions of the offenses underlying the convictions—a "categorical" approach.³⁷ The Court reasoned that an inquiry into the circumstances of the criminal conduct would be too great a drain on judicial resources and would defeat Congress's intent to standardize sentencing for career criminals.³⁸

Despite the *Taylor* Court's attempt to clarify the federal "crime of violence" determination, judges continue to struggle with the question of whether certain offenses are crimes of violence and thus sentence-enhancing. The courts have faced the issue with defendants whose past crimes include burglary of structures that are not dwellings,³⁹ attempted burglaries,⁴⁰ threatened acts of violence,⁴¹ felony drunk driving,⁴² escape from federal custody,⁴³ and, most important here, statutory rape.⁴⁴

Courts deciding whether statutory rape convictions should be considered crimes of violence have faced a wide variety of underlying state statutes. These statutes differ by name, relevant ages of both defendant and complainant, and type of conduct proscribed.⁴⁵ The

³⁶ 495 U.S. 575 (1990) (reviewing 864 F.2d 625 (8th Cir. 1989), which followed a Missouri state statute, Mo. Rev. Stat. 569.170 (1979), and defined second degree burglary as a "crime of violence" under ACCA).

³⁷ See *Taylor*, 495 U.S. at 588.

³⁸ See *id.* at 601.

³⁹ See, e.g., *United States v. Hascall*, 76 F.3d 902, 906 (8th Cir. 1996) (holding that burglaries of commercial properties qualify as predicate crimes of violence for sentence-enhancement purposes).

⁴⁰ See, e.g., *United States v. Weekley*, 24 F.3d 1125, 1127 (9th Cir. 1994) (holding that trial court did not commit reversible error in refusing to count attempted burglary as predicate "crime of violence").

⁴¹ See, e.g., *United States v. Poff*, 926 F.2d 588, 593 (7th Cir. 1991) (en banc) (holding that writing threatening letters to public officials is "crime of violence").

⁴² See, e.g., *United States v. Rutherford*, 54 F.3d 370, 377 (7th Cir. 1995) (upholding conviction for vehicular assault while intoxicated as "crime of violence").

⁴³ See, e.g., *United States v. Dickerson*, 77 F.3d 774, 777 (4th Cir. 1996) (upholding conviction for felony attempted escape from custody as "crime of violence" since it involves conduct that presents serious risk of physical injury to others).

⁴⁴ See, e.g., *United States v. Shannon*, 110 F.3d 382, 387 (7th Cir.) (en banc), cert. denied, 118 S. Ct. 223 (1997) (upholding conviction for participating in sexual intercourse with thirteen-year-old female complainant as "crime of violence").

⁴⁵ Compare, e.g., *Ariz. Rev. Stat. Ann.* § 13-1405 (West 1997) (identifying felony for adult to engage in sexual intercourse or oral sexual contact with any person who is under eighteen), with *S.D. Codified Laws* § 22-22-1 (Michie 1997) (stating that it is felony for adult to engage in sexual penetration with person under 16 if offender is at least 3 years older than victim, or to engage in sexual penetration with child under 10). A survey of state statutory rape laws shows that state ages of consent range from 10 to 18; that codified age differentials between defendants and complainants (relevant as a circumstance of some

federal appellate courts have developed two approaches to treating these differing statutes in the "crime of violence" context. Some courts have followed the lead of the Eighth Circuit in *United States v. Rodriguez*⁴⁶ and *United States v. Bauer*,⁴⁷ proposing a categorical approach to the issue: All prior statutory rape convictions are crimes that "involve[] conduct that presents a serious potential risk of physical injury to another,"⁴⁸ and therefore are crimes of violence. Other courts, including the Ninth Circuit in *United States v. Wood*⁴⁹ and the Seventh Circuit in *United States v. Shannon*,⁵⁰ have argued for a more fact-specific approach, holding that although some statutory rape crimes may be crimes of violence, it is impossible to declare that all such crimes are per se violent crimes.

1. *The Rodriguez-Bauer Per Se Approach to Determining Whether Statutory Rape is a "Crime of Violence"*

In *Rodriguez* and *Bauer*, the Eighth Circuit analyzed the original Sentencing Guidelines "crime of violence" definition, which emphasized inherent risk of *force*⁵¹ and the amended definition, which follows ACCA in emphasizing inherent risk of *serious injury*.⁵² *Rodriguez* decided whether punishment for illegal reentry to the United States by a previously deported alien should be enhanced if the defendant was deported after conviction for a statutory rape crime.⁵³ The government argued that *Rodriguez*'s prior Iowa conviction for lascivious acts with a child, statutorily defined as "fondl[ing] or touch[ing] the pubes or genitals of a child,"⁵⁴ was a sentence-

sexual assault crimes) range from 2 to 10 years; and that statutory language signifying sexual conduct includes "sexual intercourse," "sexual contact," "sexual penetration," "lewd and lascivious conduct," "indecent liberties," and "illicit connection." For an overview of state age of consent laws, see Richard A. Posner & Katherine B. Silbaugh, *A Guide to America's Sex Laws* 44 (1996).

⁴⁶ 979 F.2d 138 (8th Cir. 1992).

⁴⁷ 990 F.2d 373 (8th Cir. 1993).

⁴⁸ 18 U.S.C. § 924(e)(2)(B)(ii) (1994).

⁴⁹ 52 F.3d 272 (9th Cir. 1995).

⁵⁰ 110 F.3d 382 (7th Cir.) (en banc), cert. denied, 118 S. Ct. 223 (1997).

⁵¹ See U.S. Sentencing Guidelines Manual § 4B1.2 commentary (1987) ("'Crime of violence' is defined in 18 U.S.C. § 16 to mean an offense . . . that is a felony and that by its nature involves a substantial risk that physical force against the person or property of another may be used in committing the offense.").

⁵² See U.S.S.G. § 4B1.2 (1997) ("The term 'crime of violence' means any offense under federal or state law, punishable by imprisonment for a term exceeding one year, that . . . involves conduct that presents a serious potential risk of physical injury to another.").

⁵³ See *Rodriguez*, 979 F.2d at 139. The court was thus construing whether *Rodriguez*'s conviction qualified for increased punishment under U.S. Sentencing Guidelines Manual § 2L1.2 (1997), which uses the same "crime of violence" definition as does § 4B1.2.

⁵⁴ Iowa Code Ann. § 709.8 (West 1997). The code defines "child" as any person under the age of 14. See id. § 702.5.

enhancing "crime of violence."⁵⁵ The court agreed, holding that the trial court was correct in determining that *any* such conduct with a minor inherently involved a substantial risk that physical force against the person could be used in the course of committing the offense;⁵⁶ whether the conduct actually caused harm was irrelevant.⁵⁷ The conduct thus satisfied the "crime of violence" definition.

A few months later, the same court in *United States v. Bauer*⁵⁸ extended this reasoning to a decision involving career offender enhancement under Sentencing Guidelines § 4B1.1.⁵⁹ Bauer's prior conviction was under Iowa's statutory rape law, which punished by imprisonment for not less than five years those who "carnally know and abuse any female child under the age of sixteen years."⁶⁰ The court followed language in *Rodriguez* that stated: "All crimes which by their nature involve a substantial risk of physical force share the risk of harm. It matters not one whit whether the risk ultimately causes actual harm."⁶¹ This reasoning, conflating the potential risk of injury with the potential risk of force, allowed the court to hold that Bauer's conviction, as well as all other statutory rape convictions, fell under the "otherwise" clause of § 4B1.2(1)(ii), which classifies offenses that present a serious risk of physical injury as crimes of violence.⁶²

Other circuits have followed the Eighth Circuit in determining that statutory rape crimes are per se sentence-enhancing crimes of violence. In *United States v. Velazquez-Overa*,⁶³ the Fifth Circuit followed the reasoning in *Rodriguez* and *Bauer* in determining that a Texas conviction for "sexual contact"⁶⁴ with a child under the age of seventeen was a "crime of violence" under Sentencing Guidelines § 2L1.2(a).⁶⁵ Thus, such a conviction could enhance punishment for a

⁵⁵ See *Rodriguez*, 979 F.2d at 140.

⁵⁶ See *id.*

⁵⁷ See *id.* at 141.

⁵⁸ 990 F.2d 373 (8th Cir. 1993) (*per curiam*).

⁵⁹ See *supra* note 8.

⁶⁰ See Iowa Code Ann. § 698.1 (1977) (repealed 1978). The current version of this statute, Iowa Code Ann. § 709.4 (West Supp. 1997), is gender-neutral. For a discussion of the development of gender-neutral statutory rape laws, see *supra* note 2.

⁶¹ *Rodriguez*, 979 F.2d at 141.

⁶² The court noted that the "crime of violence" definitions to be satisfied were different in *Rodriguez* and *Bauer*, but stated that "any distinction is without consequence to our decision." *Bauer*, 990 F.2d at 374.

⁶³ 100 F.3d 418 (5th Cir. 1996).

⁶⁴ Tex. Penal Code Ann. § 21.11(a)(1) (West 1997). "Sexual contact" here was defined as "any touching of the anus, breast, or any part of the genitals of another person with intent to arouse or gratify the sexual desire of any person." Tex. Penal Code Ann. § 21.01(2) (West 1997).

⁶⁵ See U.S. Sentencing Guidelines Manual § 2L1.2 (1996):

subsequent criminal conviction.⁶⁶ The *Velazquez-Overa* court agreed that such contact always involves a risk of the use of force:

We think it obvious that such crimes typically occur in close quarters, and are generally perpetrated by an adult upon a victim who is not only smaller, weaker, and less experienced, but is also generally susceptible to acceding to the coercive power of adult authority figures. A child has very few, if any, resources to deter the use of physical force In such circumstances, there is a significant likelihood that physical force may be used to perpetrate the crime.⁶⁷

2. *A Fact-Based Approach to Determining Whether Statutory Rape is a "Crime of Violence"*

Other federal appellate courts have taken a less categorical approach to this issue, though none has reached a different result. In 1995, the Ninth Circuit, in *United States v. Wood*,⁶⁸ held that a prior conviction under Washington's now-amended indecent liberties statute⁶⁹ was a "crime of violence" under Sentencing Guidelines § 4B1.2 when the adult defendant engaged in sexual conduct with a four-year-old.⁷⁰ The court took the age of the complainant into account because

(1) If the defendant previously was deported after a criminal conviction, or if the defendant unlawfully remained in the United States following a removal order issued after a criminal conviction, increase as follows . . .

(B) If the conviction was for . . . three or more misdemeanor crimes of violence or misdemeanor controlled substance offenses, increase by 4 levels.

⁶⁶ See *Velazquez-Overa*, 100 F.3d at 423 (holding that prior "crime of violence" conviction enhanced punishment for illegal reentry to United States).

⁶⁷ *Id.* at 421. The court further stated that it had previously held that burglary is also a per se "crime of violence" under § 2L1.2: "[I]f burglary, with its tendency to cause alarm and to provoke physical confrontation, is considered a violent crime . . . then surely the same is true of the far greater intrusion that occurs when a child is sexually molested." *Id.* at 422. For a discussion of conceptual comparisons of property crimes and sexual assault crimes, see *infra* note 81.

Finally, the court noted that the "crime of violence" definition under § 2L1.2, emphasizing the risk of force, was different from that required for the career offender provision under § 4B1.2, emphasizing the risk of serious injury, but claimed that decisions holding that statutory rape crimes fall under the "otherwise" clause of the career offender definitions (i.e., *Bauer*) "reinforce" its categorical conclusion. See *id.* at 421 n.4.

⁶⁸ 52 F.3d 272 (9th Cir. 1995).

⁶⁹ See Wash. Rev. Code § 9A.44.100(1)(b) (1986) (amended by Wash. Rev. Code Ann. §§ 9A.44.083, 9A.44.086, 9A.44.089 (West Supp. 1997)). The statute outlawed sexual contact between adults and minors under fourteen. "Sexual contact" was defined as "any touching of the sexual or other intimate parts of a person done for the purpose of gratifying the sexual desire of either party." Wash. Rev. Code § 9A.44.100(2) (1986) (defining "sexual contact"). For discussion of the amended version of the Washington indecent liberties statute, see *infra* note 73.

⁷⁰ See *Wood*, 52 F.3d at 275.

previous Ninth Circuit holdings allowed inquiry into the circumstances of the conduct described in the information or indictment of the past crime, the defendant's plea agreement, or jury instructions.⁷¹ The court then noted that it might be possible to engage in conduct that violated the statute that "did not end in violence."⁷² Nevertheless, in the circumstances of this case, where a nineteen-year-old babysitter molested a four-year-old child, the power disparity between defendant and complainant, as measured by differences in physical size, age, and authority position, made the conviction a "crime of violence" because it posed a serious risk of physical injury to the victim.⁷³ The conviction thus fell under the "otherwise" clause of the "crime of violence" definition.

In 1997, the Seventh Circuit, in *United States v. Shannon*,⁷⁴ also intimated that statutory rape convictions may not be per se crimes of violence. In *Shannon*, the information stated that the seventeen-year-old male defendant had previously pleaded guilty to a violation of Wisconsin statutory rape law⁷⁵ for having sexual intercourse with a thirteen-year-old female complainant.⁷⁶ Chief Judge Posner first noted that in the Seventh Circuit, unlike the Ninth Circuit, neither the sentencing court nor the reviewing court were allowed to "peek behind" the predicate charging document to investigate more fully the conduct underlying the conviction.⁷⁷ The government argued that any

⁷¹ See *id.*; see also *United States v. Kilgore*, 7 F.3d 854, 855 (9th Cir. 1993) (holding that courts may examine defendant's guilty plea statement when making "crime of violence" determination under ACCA); *United States v. Sahakian*, 965 F.2d 740, 742 (9th Cir. 1992) (holding that sentencing court may examine "actual charged" conduct of defendant to make "crime of violence" determination under Sentencing Guidelines § 4B1.2).

The courts in *Rodriguez* and *Velasquez-Overa* also gained some knowledge of circumstances of the prior convictions from looking at the information or other relevant documents. These courts, however, reached categorical holdings covering any conviction under the relevant state statutes. See *supra* Part I.B.1.

⁷² See *Wood*, 52 F.3d at 276 (citing *In the Matter of Juveniles A, B, C, D, E*, 847 P.2d 455, 456 (Wash. 1993) (convicting 16-year-old male "D" under child molestation statute for apparently consensual sexual contact with 11-year-old female)).

⁷³ See *id.* The court found support for its conclusion in the successor statutes to the Washington indecent liberties statute, which now distinguishes three separate degrees of child molestation based upon the age of the complainant. See Wash. Rev. Code Ann. §§ 9A.44.083, 9A.44.086, 9A.44.089 (West Supp. 1997) (statutes proscribing child molestation in first, second, and third degrees). Washington's sentencing guidelines now refer to the degree of child molestation contested in *Wood*, where the victim is under twelve years old, as a "violent offense." See Wash. Rev. Code Ann. § 9.94A.030(36)(a) (West Supp. 1997).

⁷⁴ 110 F.3d 382 (7th Cir.) (en banc), cert. denied, 118 S. Ct. 223 (1997).

⁷⁵ See *id.* at 384 (describing violation of Wis. Stat. Ann. § 948.02(2) (West 1996)).

⁷⁶ See *id.*

⁷⁷ See *id.* (citing *United States v. Lee*, 22 F.3d 736, 738 (7th Cir. 1994) (holding that federal courts making "crime of violence" determination may only look to conduct expressly charged in count of which defendant was convicted)).

violation of the statute should be deemed a per se "crime of violence"—since the minor complainant was legally incapable of giving consent to the conduct, the crime necessarily involved force.⁷⁸ Alternatively, the government argued that a violation of the statute presented a per se serious risk of physical injury, following *Bauer* and *Velazquez-Overa*.⁷⁹

Judge Posner rejected both arguments but still classified the conviction as a "crime of violence."⁸⁰ He first argued that an inference of force, and hence violence, cannot be made from "mere unconsented-to physical contact."⁸¹ He then held that, although violation of the Wisconsin statute as written might not pose a serious risk of physical injury to the complainant in all circumstances, penetrative sexual intercourse with a thirteen-year-old girl always presents a risk of physical injury because of the risks of pain and the risk of "injuries" of pregnancy or sexually transmitted disease.⁸² According to Judge Posner, therefore, Shannon's conviction should be classified as a

⁷⁸ See *id.* at 385. This argument conflates the use of force with lack of consent. Professor Dripps has argued against such a conflation. See Donald A. Dripps, *Beyond Rape: An Essay on the Difference Between the Presence of Force and the Absence of Consent*, 92 Colum. L. Rev. 1780, 1803 (1992) (proposing two separate model rape statutes, one prohibiting sexual conduct coerced by force, other prohibiting conduct completed "over the verbal protests of the victim without purposely or knowingly putting her in fear of physical injury").

⁷⁹ See *Shannon*, 110 F.3d at 386.

⁸⁰ See *id.* at 387.

⁸¹ *Id.* at 385. Posner stated that to do so would transform any crime involving physical contact without consent, like pickpocketing, into a "crime of violence," a result already rejected by both the Seventh Circuit and other federal appellate courts. See *Lee*, 22 F.3d at 740-41 (holding that defendant's conviction for "theft from the person of another" was categorically not "crime of violence" (quoting Wis. Stat. Ann. 943.20(3)(d)(2) (West 1996))); *United States v. Mathis*, 963 F.2d 399, 409 (D.C. Cir. 1992) (holding that pickpocketing is not "violent felony"); *Lowe v. United States*, 923 F.2d 528, 530 (7th Cir. 1991) (stating, in dicta, that pickpocketing is not "violent felony"). But see *United States v. Mobley*, 40 F.3d 688, 696 (4th Cir. 1994) (holding that pickpocketing is "violent felony" because serious risk of injury exists when initial "stealthy seizure" is unsuccessful); *United States v. McVicar*, 907 F.2d 1, 2 (1st Cir. 1990) (holding that conviction for "larceny from the person" is "crime of violence" because of risk that physical injury may follow criminal conduct).

For another comparison of robbery and sexual touching, see Susan Estrich, *Rape*, 95 Yale L.J. 1087, 1152 (1986) ("[T]o say that forcibly fondling a woman's body, or forcing her to fondle and stimulate a man's, is . . . the criminal equivalent of surreptitiously grabbing her wallet from her pocketbook is to denigrate the personal integrity of men and women.") (citation omitted).

⁸² See *Shannon*, 110 F.3d at 387-88 ("A 13 year old is unlikely to have a full appreciation of the disease and fertility risks of intercourse, an accurate knowledge of contraceptive and disease preventive measures, and the maturity to make a rational comparison of the costs and benefits of premarital intercourse.").

"crime of violence."⁸³ Judge Posner specifically did not reach the question of whether either sexual contact other than penetrative intercourse or sexual intercourse with a complainant older than the *Shannon* complainant would also be a "crime of violence." Instead he urged the Sentencing Commission to clarify this section of the Guidelines.⁸⁴

II

CONSENT AS A BASIS FOR DECIDING THE "CRIME OF VIOLENCE" QUESTION

Neither the per se approach of *Rodriguez, Bauer, and Velazquez-Overa*, nor the partially fact-specific approach of *Wood* and *Shannon*, adequately addresses whether statutory rape should be considered a "crime of violence." This Note will now deconstruct the term "crime

⁸³ In response, Circuit Judge Coffey wrote a long, indignant opinion concurring with the majority's holding, but rejecting its reasoning. He first argued that limiting courts to review of only a predicate crime indictment or information could cause errors regarding whether a prior conviction falling under the "otherwise" clause of § 4B1.2 is a "crime of violence" because courts will not have clear evidence of the circumstances of the crime. Coffey argued for overturning *United States v. Lee*, 22 F.3d 736 (7th Cir. 1994):

The rule in *Lee* . . . lacks support in either the Guidelines or case law [T]he court should set *Lee* aside (overturn) and adopt the more sensible approach . . . permit[ting] the sentencing judge to be well-informed and consider all 'easily produced and evaluated court documents, including the judgment of conviction, *charging papers*, plea agreement, presentence report adopted by the court, and the findings of a sentencing judge.'

Id. at 396, 404 (Coffey, J., concurring) (quoting *United States v. Spell*, 44 F.3d 936, 939 (11th Cir. 1995)). He then castigated the majority for not following Wisconsin's determination that any violation of its second-degree sexual assault statute is a felonious "sexually violent offense," arguing that the federal judiciary lacked the authority to reject Wisconsin's reasoning regarding the gravity of this crime. See *id.* at 405. Coffey responded angrily and at great length to his perception that the *Shannon* majority was disparaging the Wisconsin legislature's intent regarding its statutory rape laws. See *id.* at 410, 414:

I am at a loss to understand the majority's suggestion that § 948.02(2) of Wisconsin's Criminal Code, which serves to protect children from sexual exploitation, is somehow *old-fashioned* [Social revisionists] would be better off preaching their sermon in Las Vegas, New York City, San Francisco, or in other isolated pockets of sexual permissiveness where the majority's stated sexual mores seem to be more socially acceptable.

(Coffey, J., concurring). Coffey would thus have reached an anomalous result: following *Wood* in allowing judges to look at documents other than the indictment or information in making a "crime of violence" determination regarding any "otherwise" offense, but also following *Bauer* in holding that any violation of a statutory rape statute is a per se "crime of violence." See *id.* at 415-16 (Coffey, J., concurring).

⁸⁴ See *id.* at 389. As of August 7, 1998, the Commission has not announced that § 4B1.2 is under consideration for amendment. See United States Sentencing Commission, Amendments to the Sentencing Guidelines for United States Courts, 63 Fed. Reg. 602 (1998) (providing notice of proposed amendments). Nor will the Supreme Court settle the issue in the near future; on appeal, the Court denied certiorari in *Shannon*. See *Shannon v. United States*, 118 S. Ct. 223 (1997).

of violence" and then begin to develop a workable model to evaluate whether, based on the circumstances of the underlying conduct, a statutory rape conviction should serve to enhance a federal prison sentence.

A. Nonconsent as the Determinative Factor in Making Sexual Conduct "Violent"

Outside of the context of the federal "crime of violence" definition, our general understanding of what makes rape a "violent" crime has changed over time. At common law, rape was seen as a property crime, where a woman's "honor," "purity," or "virginity" were stolen from her husband or father.⁸⁵ This characterization of rape changed with the advent of Freudian psychoanalytic theory at the turn of the twentieth century.⁸⁶ Law and society moved from thinking about rape as a property crime to considering it a crime of sexual passion or perversion.⁸⁷ Under this theory, a rapist desires sexual intimacy but may only achieve it by nonconsensual conduct.⁸⁸ It is only over the last three decades that feminist scholars have challenged the characterization of rape as a crime of passion, arguing instead that rape is primarily a "crime of violence" and aggression.⁸⁹ These scholars disagree over the extent and nature of the violence, debating whether it should

⁸⁵ See generally Susan Brownmiller, *Against Our Will* 17 (1975) (describing historical view of rape as theft of man's property).

⁸⁶ See, e.g., Sigmund Freud, *Three Essays on the Theory of Sexuality* 74 (James Strachey trans. & ed., 4th ed. 1962) (arguing that those persons who fail to conduct their sexual lives exclusively within marriage are suffering arrested development). Freud was preceded by Krafft-Ebing, who saw rapists as perverts. See, e.g., Richard von Krafft-Ebing, *Psychopathia-Sexualis* 435 (Harry E. Wedeck trans., G.P. Putnam's Sons 1965) (1886) ("It is a fact that rape is very often the act of degenerate male imbeciles, who, under some circumstances, do not even respect the bond of blood. Cases as a result of mania, satyriasis and epilepsy have occurred, and are to be kept in mind.") (citation omitted).

⁸⁷ See, e.g., Note, *Forcible and Statutory Rape: An Exploration of the Operation and Objectives of the Consent Standard*, 62 *Yale L.J.* 55, 66-67 (1952) (following Freud in arguing that women may show some resistance to sexual overtures as part of increasing sexual enjoyment).

⁸⁸ Some commentators apparently still consider this a fair characterization of rape. See Posner, *supra* note 14, at 384 ("[R]ape appears to be primarily a substitute for consensual sexual intercourse rather than a manifestation of male hostility toward women or a method of establishing or maintaining male domination.").

⁸⁹ The first famous proponent of this theory was Susan Brownmiller, who wrote persuasively about rape as a "crime of violence." In *Against Our Will*, Brownmiller traced the prevalence of rape in history, describing the phenomenon as "a societal problem resulting from a distorted masculine philosophy of aggression." Brownmiller, *supra* note 85, at 400; see also Estrich, *supra* note 81, at 1089, 1092 ("The history of rape, as the law has been enforced in this country, is a history of . . . sexism. . . . [T]he law has reflected, legitimized, and enforced a view of sex and women which celebrates male aggressiveness . . ."); Catherine MacKinnon, *Feminism Unmodified* 85 (1987) ("[R]ape is a crime of violence, not sexuality . . .").

be measured by the force often accompanying rape and causing physical and psychological injury,⁹⁰ the sundering of the victim's network of social relationships by response to the publication of the rape,⁹¹ or the manifestation of society's institutionalized violation of all women by sex and sex role stereotyping.⁹² In general, however, most commentators today agree that rape should be characterized as a "crime of violence" rather than as a crime of passion.⁹³ This characterization of

⁹⁰ See, e.g., Cynthia Ann Wickton, Note, Focusing on the Offender's Forceful Conduct: A Proposal for the Redefinition of Rape Laws, 56 Geo. Wash. L. Rev. 399, 400 (1988) (quoting A. Nicholas Groth et al., Rape: Power, Anger, and Sexuality, 134 Am. J. Psychiatry 1239, 1240-41 (1977)):

Rape is a "pseudo-sexual act, a pattern of sexual behavior that is concerned much more with status, aggression, control, and dominance than with sensual pleasure or sexual satisfaction." . . . "[S]ex becomes a weapon, and rape is the means by which he can use this weapon to hurt and degrade his victim."

Rape of male complainants is also physically and psychologically harmful. See generally, e.g., Michael Scarce, *Male on Male Rape* (1997) (discussing effects of rape on male complainants, including shame, depression, and hostility).

⁹¹ See, e.g., Mustafa T. Kasubhai, Destabilizing Power in Rape: Why Consent Theory in Rape Law is Turned on Its Head, 11 Wis. Women's L.J. 37, 44 (1996) ("The victim's friends, partners, and families may add to the victim's maltreatment, in many cases blaming the victim for the violation. Such blaming of the victim perpetuates the victim's silent subordination to the attacker.").

⁹² See, e.g., MacKinnon, *supra* note 89, at 86:

What women experience does not so clearly distinguish the normal, everyday things from those abuses from which they have been defined by distinction. . . . What we are saying is that sexuality in exactly these normal forms often *does* violate us. So long as we say that those things are abuses of violence, not sex, we fail to criticize what has been made of sex, what has been done to us *through sex*

This argument has been adopted by critics of statutory rape law. See, e.g., Michelle Oberman, *Turning Girls into Women: Re-evaluating Modern Statutory Rape Law*, 85 J. Crim. L. & Criminology 15, 18 n.18 (1994) (arguing that societal eroticization of young women has made coercive sexual conduct more likely); see also *infra* text accompanying notes 113-17.

MacKinnon and other feminist scholars have been criticized by some commentators for universalizing women's experiences in a culturally imperialistic way. See, e.g., Angela P. Harris, Race and Essentialism in Feminist Legal Theory, 42 Stan. L. Rev. 581, 588 (1990) (citation omitted):

[I]n feminist legal theory, as in the dominant culture, it is mostly white, straight, and socioeconomically privileged people who claim to speak for all of us. Not surprisingly, the story they tell about "women," despite its claim to universality, seems to black women to be peculiar to women who are white, straight, and sociologically privileged

⁹³ See, e.g., Kitrosser, *supra* note 16, at 288 ("[T]his Article acknowledges the existence of a social and, to a large extent, legal framework that deems male aggressiveness and female passivity the norm in sexual relations."). But see Kasubhai, *supra* note 91, at 37 ("The debate over whether rape is an act of violence or an act of sex continues to this day."). Kasubhai may be referring to the continuing preference of some law and economics theorists to characterize rape as a crime of sexual theft. See Posner, *supra* note 14, at 386 ("[A] rational model of 'normal' human behavior can be used to analyze the behavior of rapists [This model] finds rapists to be approximately as responsive to incentives

rape has been almost completely accepted by society at large.⁹⁴ In addition, the status of rape as a "crime of violence" appears to be reinforced in the law by courts' continued emphasis on the violative nature of the crime.⁹⁵ Also, most state legislatures have amended existing rape statutes to rename rape as "sexual assault"⁹⁶ and have moved statutory definitions of rape closer to those of assault and battery.⁹⁷ These reformed rape laws generally incorporate this new thinking about sexual assault by emphasizing the defendant's use of "force" as an element of the offense.⁹⁸

as persons who commit property offenses, such as auto theft and other forms of larceny."); Dripps, *supra* note 78, at 1799 (characterizing one category of a sexual assault crime as one of "sexual expropriation"); Panel Discussion: Men, Women and Rape, 63 *Fordham L. Rev.* 125, 139 (1994) (featuring colloquy between Professors Dripps and West over how to characterize crime historically known as rape).

⁹⁴ See, e.g., Dana Priest, *Conduct Unbecoming; In the Navy, Sexual Harassment Has Reached Titanic Proportions*, *Playboy*, July, 1996, at 62, 150 (reporting how, in wake of Tailhook Scandal, Chief of Naval Operations Admiral Jeremy Boorda asked senior Navy officers to remind enlistees that rape is violent crime). Societal perceptions of rape as a crime of violence were reflected in the passage of the Violence Against Women Act of 1994 (VAWA), Pub. L. No. 103-322, 108 Stat. 1796 (codified as amended in scattered sections of 8, 18, 28, and 42 U.S.C.). See Majority Staff of the Senate Judiciary Committee, 103rd Cong., *The Response to Rape: Detours on the Road to Equal Justice* (1993) (quoting Senator Biden: "Women in America suffer all the crimes that plague the nation But there are also some crimes—namely rape and family violence—that disproportionately burden women. . . . [T]he committee has studied this violence in an effort to determine what steps we can take to make women more safe.").

⁹⁵ See, e.g., *Coker v. Georgia*, 433 U.S. 584, 597 (1977) ("Short of homicide, [rape] is the 'ultimate violation of self.'") (quoting U.S. Dep't of Justice, Law Enforcement Assistance Administration, *Rape and Its Victims: A Report for Citizens, Health Facilities, and Criminal Justice Agencies* 1 (1975)); *State in the Interest of M.T.S.*, 609 A.2d 1266, 1278 (N.J. 1992) (discussing with approval definition of rape as "'a heinous crime primarily because it is a violent assault on a person's bodily security, particularly degrading because that person is forced to submit to an act of the most intimate nature'") (quoting Note, *Recent Statutory Developments in the Definition of Forcible Rape*, 61 *Va. L. Rev.* 1500, 1529 (1975)).

⁹⁶ See, e.g., 720 Ill. Comp. Stat. Ann. 5/12-12 (West Supp. 1997), as discussed in James P. Carey, *The New Illinois Criminal Sexual Assault Statute*, 16 *Loy. U. Chi. L.J.* 757, 757-58 (1985) (discussing repeal of Illinois rape law with accompanying enactment of criminal sexual assault statutes); see also N.J. Stat. Ann. 2C:14-2 (West 1995) (defining crime of sexual assault).

⁹⁷ Almost all state rape statutes have now been rewritten to eliminate an exemption for cases of marital rape, to eliminate the requirement that the complainant have shown resistance, and to emphasize the use of force as an element of the crime, much as assault and battery statutes do. Michigan's reform statute was an early example of this trend. See *Mich. Comp. Laws Ann.* §§ 750.520a, 750.520b (West 1991) (punishing sexual penetration as first degree felony if it is achieved by use of physical force or threat of physical force). Many other states have followed suit. See Posner & Silbaugh, *supra* note 45, at 5 (listing such states).

⁹⁸ See, e.g., 720 Ill. Comp. Stat. Ann. 5/12-13 (West 1993) ("The accused commits criminal sexual assault if he or she: (1) commits an act of sexual penetration by the use of force or threat of force"). The statute defines "force" or "threat of force" as:

Despite this trend, a complainant's consent to sexual conduct has been and continues to be the primary factor in determining whether the conduct was rape. At English common law, rape was defined as the "unlawfull and carnall knowledge and abuse of any woman above the age of ten years *against her will*."⁹⁹ Most American states codified the spirit of this definition through statutes that made nonconsent, as shown through proof of a complainant's utmost resistance, the defining element of rape.¹⁰⁰ Even where state legislatures adopted statutes without nonconsent as an explicit element of the crime, the statutes often retained the complainant's consent to sexual activity as a defense;¹⁰¹ if they did not, many state courts allowed a consent defense anyway.¹⁰²

More recently, in cases involving "date rape," or "acquaintance rape," where the type and level of force used may be unclear,¹⁰³ the legal system has recognized that it is the lack of consent to sexual activity that makes particular conduct violent. This focus may be discerned in the decisions of those courts that have followed the New Jersey Supreme Court's decision in *State in the Interest of M.T.S.*¹⁰⁴ In *M.T.S.*, the complainant alleged that the defendant engaged in vagi-

[T]he use of force or violence, or the threat of force or violence, including but not limited to the following situations:

- (1) when the accused threatens to use force or violence on the victim or on any other person, and the victim under the circumstances reasonably believed that the accused had the ability to execute the threat: or
- (2) when the accused has overcome the victim by use of superior strength or size, physical restraint or physical confinement.

720 Ill. Comp. Stat. Ann. 5/12-12(d) (West Supp. 1997).

⁹⁹ Sir Edmund Coke, *The Third Part of the Institutes of the Laws of England* 60 (1670) (emphasis added).

¹⁰⁰ See generally Brownmiller, *supra* note 85 (discussing history of American rape law); Leigh Bienen, *Rape III—National Developments in Rape Reform Legislation*, 6 *Women's Rts. L. Rep.* 170, 181-82 (1980) (reporting elimination of "utmost resistance" clauses in many state rape statutes).

¹⁰¹ See, e.g., 720 Ill. Comp. Stat. Ann. 5/12-17(a) (West 1993) (codifying affirmative consent defense).

¹⁰² See, e.g., *People v. Hearn*, 300 N.W.2d 396, 398 (Mich. Ct. App. 1980) (reversing conviction under Michigan's sexual assault statute because trial court did not offer jury instruction on consent); see also *State in the Interest of M.T.S.*, 609 A.2d 1266, 1279 (N.J. 1992) (holding that, if there is evidence to suggest that defendant reasonably believed "affirmative permission" to engage in sexual conduct had been given, State must prove beyond reasonable doubt that defendant did not actually hold belief, or belief was unreasonable under circumstances).

¹⁰³ See, e.g., *Commonwealth v. Berkowitz*, 609 A.2d 1338, 1340 (Pa. Super. Ct. 1992):
[He] put me down on the bed. It was kind of like—he didn't throw me on the bed. It's hard to explain. It was kind of like a push but no . . . It wasn't slow like a romantic kind of thing, but it wasn't a fast shove either. It was kind of in the middle.

¹⁰⁴ 609 A.2d 1266 (N.J. 1992).

nal-genital intercourse with her while she was asleep; when she awoke, she asked the defendant to stop, which he did.¹⁰⁵ The court held that the defendant's conduct was a sexual assault under New Jersey's reformed rape statute.¹⁰⁶ Here the only force deemed necessary to meet the statute's force requirement was that force necessary to accomplish the sexual contact itself; what was in dispute was whether the contact was consensual.¹⁰⁷ Implicit in such a holding is the concept that any sexual conduct is potentially violent because it can be an infringement of personal autonomy.¹⁰⁸ It is the meaningful

¹⁰⁵ See *id.* at 1268.

¹⁰⁶ See *id.* at 1279 (interpreting N.J. Stat. Ann. § 2C:14-2 (West 1995) ("An actor is guilty of sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances: (1) The actor uses physical force or coercion . . .")).

¹⁰⁷ See *id.* at 1277-78. Other courts have followed this holding. See, e.g., *United States v. Webster*, 37 M.J. 670, 675 n.8 (C.G.C.M.R. 1993) (approving *M.T.S.* holding, stating "Although we have found sufficient evidence of force and lack of consent . . . a better alternative would be explicit recognition of the trend toward defining rape as a sexual assault requiring only the lack of consent of the victim . . ."); *Florida v. Sedia*, 614 So. 2d 533, 535 (Fla. Dist. Ct. App. 1993) (holding that legislative intent behind Florida sexual battery statute was that state need prove use of only that force necessary to accomplish penetration to fulfill force element). But see *Berkowitz*, 609 A.2d at 1347-48 (holding that evidence of nonconsent alone did not support finding of forcible compulsion to sexual conduct).

¹⁰⁸ See, e.g., Robin L. West, *Legitimizing the Illegitimate: A Comment on Beyond Rape*, 93 Colum. L. Rev. 1442, 1448 (1993):

From the victim's perspective, unwanted sexual penetration involves unwanted force, and unwanted force is violent—it is physically painful, sometimes resulting in internal tearing and often leaving scars. [In distinguishing between sexual assault and sexual expropriation, Professor] Dripps omits this central feature of the experience. The offense that he calls "expropriation" is itself a forceful, physical, and in a word, assaultive penetration of one person's body by another. It is not in any way a "larcenous taking." . . . [It is] experienced, and typically described, as more like spiritual murder than either robbery or larceny.

M.T.S. and statutes based on similar principles focusing on nonconsent rather than force have been criticized for making all sexual activity presumptively criminal. See, e.g., Katie Roiphe, *The Morning After* 61-68 (1993) (critiquing feminist approaches to reforming rape laws to account for date rape). Some commentators, however, believe that sexual assault law should be changed to require affirmative consent in order to change the way society looks at sexual negotiations. See, e.g., Maya Manian, Book Note, 20 Harv. Women's L.J. 333, 340 (1997) (reviewing *Date Rape: Feminism, Philosophy, and the Law* (Leslie Francis, ed. 1996)).

M.T.S. has also been criticized for returning to a regime where the complainant's conduct, rather than the defendant's conduct, becomes the focus of the inquiry into whether a sexual assault occurred. See, e.g., Recent Case, 106 Harv. L. Rev. 969, 972 (1993) ("[T]he [*M.T.S.*] court interpreted a nonconsent element right back into the statute and . . . put the focus back on the victim's conduct . . ."). The *M.T.S.* court attempted to ameliorate this effect by holding the defendant's response to perceived consent to a reasonableness standard:

[T]he factfinder must decide whether the defendant's act of penetration was undertaken in circumstances that led the defendant reasonably to believe that

consent of both partners that defeats the presumption of violence and saves the conduct from criminal sanction.¹⁰⁹

B. Adolescents Are Capable of Meaningful Consent to Sexual Activity

Many jurisdictions have followed the reasoning of *M.T.S.* and reestablished consent as the primary factor determining whether so-called "forcible rape" has taken place.¹¹⁰ In many cases, the same

the alleged victim had freely given affirmative permission to the specific act of sexual penetration. . . . In applying that standard . . . the focus of attention must be on the nature of the defendant's actions. The role of the factfinder is not to decide whether reasonable people may engage in acts of penetration without the permission of others.

M.T.S., 609 A.2d at 1278. In addition, both *M.T.S.* and *Webster* allude to a "totality of the circumstances" test, whereby all the relevant facts, including the defendant's use of force and the complainant's response given that force, the complainant's fear, and the location of the activity in question, should be considered in determining whether sexual assault has taken place. See *id.* ("[T]he factfinder must decide whether the defendant's act of penetration was undertaken in circumstances that led the defendant reasonably to believe that the alleged victim had freely given affirmative permission" (emphasis added)); see also *Webster*, 37 M.J. at 674 (listing circumstances specific to date or acquaintance rape).

For a discussion of safeguards for complainant privacy when making a "crime of violence" determination for sentence enhancement purposes, see *infra* notes 212-18 and accompanying text. For a discussion of "circumstances" which, if present, make statutory rape a "crime of violence," see *infra* Part III.A.

¹⁰⁹ See, e.g., Lois Pineau, *Date Rape: A Feminist Analysis*, in *Date Rape: Feminism, Philosophy, and the Law* 1, 19-20 (Leslie Francis ed., 1996) (proposing "communicative" standard for adjudging acquaintance rape); Martha Chamallas, *Consent, Equality, and the Legal Control of Sexual Conduct*, 61 S. Cal. L. Rev. 777, 815 (1988) (proposing egalitarian "mutuality" standard for judging criminality of male/female sexual relations).

It may be argued that legal sexual conduct may include acts of violence as long as consent is present. Consensual sadomasochistic sex often includes elaborate mechanisms for establishing continuing consent. See, e.g., Charles Moser & J.J. Madeson, *Bound to Be Free: the SM Experience* 43 (1996) (describing mutual negotiations over boundaries for S&M sex); William N. Eskridge, Jr., *The Many Faces of Sexual Consent*, 37 Wm. & Mary L. Rev. 47, 64-65 (1995) (discussing sadomasochistic sexual practices as challenge to societal notions of consent, and more specifically as challenge to feminist concerns about replicating male/female power disparities).

¹¹⁰ See, e.g., Or. Rev. Stat. § 163.425(1) (1997) ("A person commits the crime of sexual abuse in the second degree if the person subjects another person to sexual intercourse and . . . the victim does not consent to thereto."); Wis. Stat. § 940.225(3) (1993-94) ("Whoever has sexual intercourse with a person without the consent of that person is guilty of a class D felony."). Thirteen other states make nonconsensual sexual contact an offense without an additional requirement of use of force. See Ala. Code § 13A-6-65(a)(1), (2) (1994); Colo. Rev. Stat. § 18-3-404(1) (1986); Conn. Gen. Stat. Ann. § 53a-73a(a)(2) (West 1994); Haw. Rev. Stat. § 707-731(1)(a), 707-732(1)(a) (1994); Kan. Stat. Ann. § 21-3517(a) (1995); La. Rev. Stat. Ann. § 14:43.1(A) (West Supp. 1997); Md. Ann. Code art. 27, § 464C(a)(1) (1997); Mo. Rev. Stat. § 566-040 (1994); Nev. Rev. Stat. § 200.366(1) (1997); S.D. Codified Laws § 22-22-7.4 (Michie Supp. 1996); Tenn. Code Ann. § 39-13-503(a)(2) (1997); Utah Code Ann. § 76-5-402(1) (1995); Vt. Stat. Ann. tit. 13, § 3252(a)(1)(A) (Michie Supp. 1997).

statutes that proscribe forcible rape also implicitly factor consent into a determination of whether statutory rape has taken place.¹¹¹ Historically, persons under the “age of consent”—specifically minor women—were presumed unable to consent to sexual activity; any sexual conduct minors engaged in with persons over the age of consent was considered coerced.¹¹² While there were many other state interests involved when “age of consent” laws were first enacted¹¹³ and then amended to protect older adolescents,¹¹⁴ protection from presumably coerced sexual activity was a major focus.¹¹⁵ Academics and

¹¹¹ Today, statutory rape crimes are often codified as specific sections of more generalized sexual assault statutes. Many of the reformed rape statutes make the specific ages of the defendant and complainant one of several possible circumstantial elements of the crime that must be proved in order to prove criminal liability. See, e.g., N.C. Gen. Stat. § 14-27.2 (1993) (calling first-degree rape either sexual conduct coerced by force *or* sexual conduct with complainant under age 13 where defendant is at least 12 years old and is at least 4 years older than the complainant).

All statutory rape laws base their codified ages on a questionable presumption that minors cannot consent to sexual activity with adults. See discussion *infra* notes 113-24 and accompanying text.

¹¹² See, e.g., *In the Matter of the Welfare of M.A.B.*, No. CO-96-2166, 1997 WL 406615, at *4 (Minn. Ct. App. July 22, 1997) (reversing trial court holding that sexual conduct between two minors was “consensual”); *State v. Chase*, 343 N.W.2d 695, 697 (Minn. Ct. App. 1984) (reviewing belief of trial court that victims of statutory rape were “particularly vulnerable” due to their age); *People v. Gonzales*, 561 N.Y.S.2d 358, 361 (N.Y. Sup. Ct. 1990) (“It has long been recognized that the State has the authority to regulate the sexual conduct of its minors by setting age limits to establish whether the individual is sufficiently mature to make intelligent and informed decisions and to consent to certain activities.”) (citations omitted); Odem, *supra* note 2, at 3 (discussing how statutory rape law reformers wanted to protect young women from sexual harm by male seducers). But see *State v. Rush*, 942 P.2d 55, 57 (Kan. Ct. App. 1997) (taking “aggressive act” and “sexual sophistication” of minor into account in sentencing defendant convicted of statutory rape); Odem, *supra* note 2, at 24 (describing alternative use of statutory rape laws to control sexuality of young working class women).

¹¹³ See, e.g., Odem, *supra* note 2, at 13 (reporting how in 1885, before enactment of reformed statutory rape laws, codified age of consent in most American states was either 10 or 12, coinciding with onset of puberty).

¹¹⁴ See, e.g., *id.* at 14-15 (showing that, by 1920, age of consent in most states had been raised to between 16 and 18).

¹¹⁵ See *id.* at 16. Professor Odem recounts the many alternative purposes for raising the age of consent. These included protecting the virginity of young women, preventing female adolescents from suffering unwanted pregnancies, inhibiting the transmission of sexually transmitted disease, and protecting the property interests of fathers and future husbands. Still, especially as psychology took hold in the United States at the end of the nineteenth century, adolescence came to be thought of as “a turbulent period of physical, emotional, and sexual development during which youths needed to be shielded from adult duties and expectations.” *Id.* at 101 (discussing G. Stanley Hall, *Adolescence: Its Psychology and Its Relations to Physiology, Anthropology, Sociology, Sex, Crime, Religion, and Education* (1904)).

policy makers addressing the need for statutory rape laws continue to express concern with consent and coercion.¹¹⁶

Nevertheless, society's expectations of how and to what sexual activity adolescents may "consent" have changed in light of new psychological and sociological data. Recent studies show that adolescents make meaningful choices through rational thinking about possible social behaviors.¹¹⁷ Studies from the 1970s and 1980s claim that four-

¹¹⁶ See Oberman, *supra* note 92, at 18 ("Although it is conceivable that a teenage girl might 'consent' to sexual intercourse in some circumstances, the seemingly facile conclusion that so long as she consents, any act of intercourse with her is freely chosen . . . is troubling."). Professor Oberman draws from the works of Carol Gilligan and other sociologists investigating female adolescents to argue for enforcement of statutory rape laws because meaningful consent can be a tenuous concept for this population:

The stories girls tell about the "consensual" sex in which they engage reflect a poignant subtext of hope and pain. Girls express longing for emotional attachment, romance, and respect. At the same time, they suffer enormous insecurity and diminished self-image. . . . Girls negotiate access to the fulfillment of these emotional needs by way of sex. A girl who wants males to find her attractive . . . might reasonably consent to sex with a popular boy . . . [A] male may commit "sexual fraud," by inducing consent by misrepresenting his intentions. Even if they defy legal categorization, construing these sexual encounters as anything but scary, painful, shaming, and/or unpleasurable for the minor girls involved requires people to strain their imaginations.

Id. at 65-67. Still, other sociologists question whether all adolescent women are as unable to make independent decisions about sexual activity as Professor Oberman suggests. See, e.g., Susan Moore & Doreen Rosenthal, *Sexuality in Adolescence* 99 (1993) (citing study showing that 31% of adolescent boys, as opposed to 9% of adolescent girls, felt unable or very uncertain about being able to refuse sexual advance made by partner). Anecdotal evidence cuts both ways. Compare Karin A. Martin, *Puberty, Sexuality, and the Self* 87 (1996) (quoting Elaine, age 16: "I didn't know, you know, I was really scared. I didn't know what, I didn't know what was supposed to happen or anything like that so . . . Now that he left I wish that we never did.") with *Losing It: The Virginity Myth* 188 (Louis M. Crosier ed., 1993) (quoting Bea, age 14: "I finally decided I wanted Paul (age 22) as my first lover. I didn't talk my decision over with anyone. . . . I knew things had gone well.").

¹¹⁷ Much of the scholarship in this area follows the thinking of the leading theoretician of adolescent cognitive development, Jean Piaget. See generally Bärbel Inhelder & Jean Piaget, *The Growth of Logical Thinking from Childhood to Adolescence* 341, 348 (1958) (noting "adolescent's new capacity to orient himself toward what is abstract" which makes adolescence "the age at which growing individuals take their place in adult society"). According to Piaget, during early adolescence, roughly 11 to 15 years, adolescents make a leap in intellectual organization. See, e.g., George R. Holmes, *Helping Teenagers into Adulthood* 35 (1995) ("[Y]oungsters who are very bright at 12 or 13 are making the transition to what Piaget . . . calls formal operations. They are becoming very different people in terms of their cognitive ability. . . . [T]hose youngsters who have made the shift can think about the world in an adult fashion."); Patricia H. Miller, *Theories of Adolescent Development*, in *The Adolescent as Decision-maker* 33 (Judith Worell & Fred Danner eds., 1989) (explaining that according to Piaget, "Adolescents think like a scientist: identifying the possibly relevant variables in a problem, mentally generating all possible outcomes of combinations of the variables, formulating a hypothesis concerning the most likely outcome, and testing the hypothesis by systematically manipulating these variables."). Other scholars do not explicitly invoke Piagetian principles, but reach similar conclusions. See, e.g., Carol J. Eagle & Lillian Schwartz, *Psychological Portraits of Adolescents* 75 (1994) ("The

teen-year-olds demonstrate adult levels of competency on various measures when making decisions about medical treatment, that fifteen- and sixteen-year-olds generally have a great capacity for abstract and ideological political thought, and that the ability to reason logically may be present as early as ages eleven or twelve.¹¹⁸

This reasoning capability often extends to decisionmaking about sexual activity; more recent studies indicate that half of minors engaging in sexual activity initiated the activity.¹¹⁹ Other studies and anecdotal

hallmark of the cognitive process during these years [ages 14-16] is in their 'testing.' They test their ideas, values, interests, and goals against adult standards. . . . Their cognitive integrity is increasingly more stable as formal logical operations and secondary processes become more solidly available."); Daniel Keating, *Adolescent Thinking*, in *At the Threshold: The Developing Adolescent* 62 (S. Shirley Feldman & Glen R. Elliott eds., 1990) ("Several potential changes in brain development related to adolescent cognition have been proposed. The first of these focuses on possible brain growth spurts at about the time of puberty . . .").

These cognitive developments often lead to improved psychosocial skills. See, e.g., Armando de Armas & Jeffrey A. Kelly, *Social Relationships in Adolescence*, in Worell & Danner, *supra*, at 101 (relating successful social skills training for adolescents driven by problem solving techniques); Anne C. Peterson & Nancy Leffert, *What is Special About Adolescence?*, in *Psychosocial Disturbances in Young People* 3, 12 (Michael Rutter ed., 1995) ("In adolescence, friendships are formed on the mutual sharing of ideas, feelings, and experiences, and this new intimacy is the first evidence we have of true adultlike relationships."). Not all adolescents, it should be noted, advance in cognitive and psychosocial development at the same pace. See Holmes, *supra*, at 55 ("[G]oing through adolescence can stir up powerful emotional experiences for some adolescents. They can experience fear, anxiety, and sadness over various issues such as relationships with parents and peers, sexual urges [or] general health concerns . . ."). That many do advance, however, makes generalizations about adolescent development problematic.

Piaget has been criticized for not distinguishing the differences in the social contexts in which female minors make decisions. See, e.g., Carol Gilligan, *Moral Orientation and Moral Development*, in *Women and Moral Theory* 19, 21 (Eva Feder Kittay & Diana T. Meyers eds., 1987) (criticizing Piaget for conducting tests of cognitive skills of male and female preadolescents by observing games of marbles).

¹¹⁸ See Hyman Rodman et al., *The Sexual Rights of Adolescents: Competence, Vulnerability, and Parental Control* 82-85 (1984) (summarizing various studies of cognitive development in adolescence).

¹¹⁹ See Holmes, *supra* note 117, at 119 (discussing study results as symptomatic of how "sexual experiences that were usually seen later are now occurring earlier"); see also the Alan Guttmacher Institute (AGI), *Sex and America's Teenagers* 28 (1994) (reporting that, although 60% of women under age 15 polled reported self-identified coerced sexual experience, 26% reported only voluntary sexual experience and an additional 14% reported that at least some of their experiences were voluntary). The AGI study did not reveal the ages of the women's partners. Nevertheless, the participants' assertions of participation in uncoerced sex speaks against a per se rule judging all adolescents as incapable of meaningful consent.

Some have questioned, however, whether minors give informed answers to questions about sexual coercion. See, e.g., Gail Elizabeth Wyatt et al., *Sexual Abuse and Consensual Sex* 26 (1993) (criticizing self-report questionnaires for not allowing interviewee and interviewer to establish rapport); Rick S. Zimmerman & Lilly M. Langer, *Improving Estimates of Prevalence Rates of Sensitive Behaviors: The Randomized Lists Technique and Consideration of Self-Reported Honesty*, 32 *J. Sex Res.* 107, 107 (1995) (questioning validity of

dotal evidence also tend to show that many adolescents are making uncoerced choices to engage in sexual conduct.¹²⁰

The outcomes of these studies and other evidence are paralleled by the changing legal status of adolescents, including changes in laws giving adolescents authority to consent to contraceptive care, prenatal care, mental health counseling, and other medical care.¹²¹ In jurisdic-

self-reports of sexual behaviors). Many researchers argue that these flaws can be corrected with supplementary face-to-face interviews or questions regarding honesty. See, e.g., Wyatt, *supra*, at 27 ("[F]ace-to-face interviews that allow [adolescent respondents to questionnaires] to build a rapport with their interviewers and to have questions about sexual terminology answered [are necessary] if we are to obtain accurate and useful information about adolescent sexuality."); Zimmerman & Langer, *supra*, at 109 (reporting favorable results of face-to-face interviews including questions about honesty). If data suggest that adolescents often make independent decisions about sexual behavior, however, they should be presumed able to report accurately this behavior to researchers. See, e.g., Martin, *supra* note 116, at 88 (suggesting that many young women in study relate sexual experiences in ways that allow for independent agency); Zimmerman & Langer, *supra*, at 109 (citing study showing that 83% of junior high school students surveyed reported that they had been honest in answering earlier questions about sexual behavior).

¹²⁰ See Wyatt, *supra* note 119, at 23 (reporting that 50% of adolescent women have experienced consensual sexual intercourse by either age 17 or age 19); Robert Bauserman & Bruce Rind, *Psychological Correlates of Male Child and Adolescent Sexual Experiences with Adults: A Review of the Nonclinical Literature*, 26 *Archives of Sexual Behavior* 105, 122 (1997) (reviewing studies exploring effects of sexual conduct between male minors and male and female adults and noting that, in many cases, minors reported consenting to sexual relationships and setting limits on sexual activity). These consensual sexual relationships may be most likely to take place in the context of ongoing social relationships. See, e.g., Andrew Boxer, et al., *Adolescent Sexuality*, in Worrell & Danner, *supra* note 117, at 224-25 (recounting studies finding that 44% of male minors and 30% of female minors had sexual intercourse prior to age 16, and that 60% of females reported first engaging in coitus with "someone toward whom they felt a commitment," while 40% of male minors reported friendships with their sexual partners).

Tales of sexual conduct to which minors give meaningful consent are a consistent theme of gay male and lesbian "coming out" nonfiction and oral histories. See, e.g., Paul Monette, *Becoming a Man* 21-22, 51-52 (1992); *Farm Boys: Lives of Gay Men from the Rural Midwest* 287 (Will Fellows ed., 1996) (quoting, among others, "Ken" telling story of consensual sex at age 14); *Two Teenagers in 20: Writings by Gay and Lesbian Youth* (Ann Heron ed., 1994) (recounting oral histories of lesbian and gay teenagers).

¹²¹ See, e.g., 410 Ill. Comp. Stat. Ann. 210/4 (West 1997) (allowing minors 12 and over to seek confidential treatment for sexually transmitted diseases); Mich. Comp. Laws Ann. § 330.1498(d)(3) (West 1992) (allowing minors 14 and over to request hospitalization for mental health treatment); see also AGI, *Teenagers' Right to Consent to Reproductive Health Care* (visited June 23, 1998) <<http://www.agi-usa.org/pubs/fib21.html>> (summarizing research into various state laws giving minors consent to medical care related to sexual activity).

Some commentators consider these laws to be efforts to prevent adolescents from harm after poor social and sexual decisionmaking. See, e.g., Walter Wadlington, *Medical Decision Making for and by Children: Tensions Between Parent, State, and Child*, 1994 U. Ill. L. Rev. 311, 324 (describing "mature minor" laws as necessary for situations where minors need medical care but may be unwilling to seek consent from their parents). Still, many researchers claim that adolescents have the cognitive skills necessary to make reasonable decisions about the consequences of sexual activity. See, e.g., Anita J. Pliner &

tions both with and without these statutes, courts have adopted "mature minor" rules which allow minors deemed sufficiently intelligent and mature to consent to medical care, including contraceptive care, without parental permission.¹²² It thus appears that in many situations adolescents are found able to make independent choices about issues of personal autonomy based on the totality of circumstances, including, in some cases, the ages of their sexual partners.¹²³

III

CONSTRUCTING A NEW MODEL FOR DETERMINING MEANINGFUL CONSENT

"Forcible" rape is a violent crime because it concerns the infringement of personal autonomy in the face of expressed nonconsent. Prosecutors have argued that statutory rape is by definition a violent crime because personal autonomy is necessarily violated where a minor is presumed unable to consent.¹²⁴ Because state statutory rape

Suzanne Yates, *Psychological and Legal Issues in Minors' Rights to Abortion*, 48 J. of Soc. Issues 203, 214 (1992) (stating that "most adolescents have achieved a sufficient level of competence by the age of 15 to enable them to make mature and informed decisions regarding health related issues").

¹²² See, e.g., *Bellotti v. Baird*, 443 U.S. 622, 647 (1979) (holding that minor is entitled to confidential abortion if she understands her situation, understands risks attendant to abortion procedures, and affirmatively articulates request to have abortion); *Carey v. Population Servs. Int'l*, 431 U.S. 678, 697 (1977) (defining minors' right to contraceptive care). One scholar proposes that a factor driving decisions such as these has been the fact that the minor in question was an older adolescent considered to have sufficient mental capacity to understand the nature and importance of the medical care in question. See Walter Wadlington, *Minors and Health Care: The Age of Consent*, 11 Osgoode Hall L.J. 115, 119 (1973). In general, minors are beginning to be judged capable of making many personal and professional decisions. See, e.g., *Dodson v. Shrader*, 824 S.W.2d 545, 549 (Tenn. 1992) (holding that minor may not recover amount paid for automobile without allowing venter to recover for depreciation of automobile due to negligently incurred damages); Homer H. Clark, Jr., *The Law of Domestic Relations in the United States* 310 (2d ed. 1988) (reporting on rights of minors to own property in many states). For a discussion of "mature minor" rules in various contexts, see Oberman, *supra* note 92, at 46-53.

¹²³ This judgment is reflected in the revised statutory rape laws of some states. See, e.g., Del. Code Ann. tit. 11, § 775 (1995):

(a) A person is guilty of unlawful sexual intercourse in the first degree when the person intentionally engages in sexual intercourse with another person and any of the following circumstances exist . . .

(4) The victim is less than 16 years of age and the defendant is not the victim's voluntary social companion on the occasion of the crime.

See also Wis. Stat. Ann. § 948.09 (West 1996) (making "sexual intercourse with a child . . . who has attained the age of 16 years" misdemeanor rebuttable through showing of consent).

¹²⁴ See *United States v. Shannon*, 110 F.3d 382, 385 (7th Cir.) (en banc), cert. denied, 118 S. Ct. 223 (1997) ("The government argues that *any* felonious sexual act with a minor should be deemed . . . to involve force, because the minor is incapable of giving legally recognized consent . . .").

laws presume nonconsent, however, does not mean that nonconsent must be presumed in determining whether a statutory rape conviction is a sentence-enhancing federal "crime of violence."¹²⁵ For adult/minor sexual conduct, the presumption of nonconsent, and therefore "violence," should be rebuttable through a showing of meaningful consent. If the defendant makes such a showing, the federal sentencing court should find the predicate statutory rape conviction to fall short of the "crime of violence" standard. To this end, Congress and federal courts should consider developing a set of criteria to help determine whether meaningful consent to sexual conduct occurred. Such a test would help to ensure accurate federal sentencing in light of changing definitions of statutory rape and differences among state statutory rape laws.¹²⁶ Examining meaningful consent would also serve fairness interests by protecting defendants with statutory rape convictions who did not coerce minors into sexual conduct from enhanced sentences. The inquiry also incorporates respect for the sexual autonomy of those adolescents who are capable of making informed decisions about consent.¹²⁷

Although justice for defendants requires a reevaluation of whether adolescents may give meaningful consent to sexual activity with older persons, efficiency interests may require some per se rule regarding an age below which an inquiry into consent is undesirable.

¹²⁵ As Judge Posner states in *Shannon*, 110 F.3d at 387:

[T]he well-known failure of state legislatures to keep their sex laws up to date with the changing sexual mores of the American people make it difficult to impute a single goal to statutory rape laws To decide this case, however, we need not characterize the goals or grounds of the Wisconsin statute or for that matter of any other specific law punishing sex with minors. . . . The Wisconsin statute covers a lot of ground, and some of it may not be crime of violence ground.

For a discussion of findings on adolescent ability to consent in a variety of social contexts, see *supra* notes 117-23 and accompanying text.

¹²⁶ See *infra* Part III.A. This inquiry could be written into the various "crime of violence" statutes. See *infra* note 172.

¹²⁷ An inquiry into consent at sentencing might defeat the stated purposes of the Sentencing Commission in uniform sentencing. See, e.g., 28 U.S.C. § 991(b)(1)(B) (1994) ("The purposes of the United States Sentencing Commission are to establish sentencing policies and practices for the Federal criminal justice system that . . . avoid[] unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar criminal conduct . . ."). Still, given the unhappiness of many federal judges with the rigidity of the guidelines, many judges may be willing to conduct ad hoc reviews of the circumstances underlying predicate convictions. See, e.g., Patti B. Saris, *Below the Radar Screens: Have the Sentencing Guidelines Eliminated Disparity? One Judge's Perspective*, 30 Suffolk U. L. Rev. 1027, 1029 (1997) ("[A]ppellate and district judges applying the guidelines may have failed to recognize warranted disparity. . . . [N]ot all seemingly similar offenders are in fact similar, and there are atypical situations when justice is best served by different sentences for different people.").

It would be inefficient for courts to undertake such an inquiry when, under a certain complainant age, the result will almost always be a finding of coerced conduct or uninformed consent. The *Shannon* court may have attempted to use risk of serious injury as an acceptable proxy for a per se age.¹²⁸ However, not all statutes separate penetrative sexual intercourse from other forms of sexual contact such as fondling or touching.¹²⁹ The *Shannon* rule would therefore fail to appropriately punish some adults engaging in certain sexual behaviors with minors younger than the *Shannon* complainant. This Note proposes a meaningful consent standard for determining whether sexual conduct qualifies as a "crime of violence." Studies suggest that below a certain age adolescents and preadolescents are not able to make an independent judgment about whether to engage in sexual activity.¹³⁰ Analyzing this data to establish a per se age of consent would allow courts to reach a more accurate result about whether particular sexual conduct is indeed a "crime of violence."

A. Defining "Consent" in Adult/Minor Sexual Conduct

If our construction of the term "crime of violence" in the context of statutory rape convictions is to be based on the theory that violence can be negated by consent, it is crucial to define consent in a way that reflects circumstances specific to these crimes. Some of the circumstances suggesting that meaningful consent has or has not taken place are similar in all instances of sexual conduct, whether among minors, among adults, or between minors and adults. Other concerns apply primarily to those occasions when adolescents make choices about sexual conduct. This Note argues that an inquiry into consent requires the development of a model including both general and adolescent-specific factors.

Such a model would include dispositive factors such as physical or emotional coercion which, if present, would abbreviate the inquiry

¹²⁸ See *Shannon*, 110 F.3d at 387.

¹²⁹ See, e.g., Ohio Rev. Code Ann. § 2907.02 (Banks-Baldwin 1997) ("No person shall engage in sexual conduct with another . . . when . . . [t]he other person is less than thirteen years of age, whether or not the offender knows the age of the other person.") (emphasis added).

¹³⁰ Piaget and his disciples might make 13 the age below which minors are per se unable to make independent decisions about sex. See Keating, *supra* note 117, at 65 (reporting results of study identifying age 12 as crucial turning point in cognitive development); Miller, *supra* note 117, at 32 (describing age 11 as beginning of "the period of formal operational thought"). Nevertheless, a judicial or administrative determination of any per se age will result in errors regarding the individual circumstances of some minor/adult sexual activity. A per se age determination should be made only after careful investigation of data regarding adolescent cognition and social decisionmaking.

into consent. These factors would be easily identifiable under a regime following *United States v. Wood*,¹³¹ in which the sentencing court would be allowed to look at evidence including the statutory definition of the crime, as well as the conduct charged in the indictment or information, plea agreement, or jury instructions.¹³² If none of these dispositive factors were present in the instance of adult/minor sexual conduct in question, courts would examine other, nondispositive factors. Investigation through a presentencing report and/or additional testimonial evidence may be necessary before a determination of consent, and thus the presence of violence, is made.¹³³

1. *Dispositive Factors Suggesting Emotional or Physical Coercion*

Some social relationships between adults result in a power disparity that makes coerced sexual conduct more likely.¹³⁴ Similarly, some biological and social relationships between statutory rape defendants and complainants may make a full inquiry into meaningful consent unnecessary. In some cases of statutory rape, the complainant and the defendant are biologically related.¹³⁵ Studies indicate that meaningful consent is rarely, if ever, possible in parent/child relationships or in other relationships between adult and minor biological relatives.¹³⁶

¹³¹ 52 F.3d 272 (9th Cir. 1995).

¹³² See *id.* at 275 (describing what sentencing courts may consider when determining if past conviction is "crime of violence").

¹³³ For a proposed procedural model for this inquiry, see *infra* Part III.C.

¹³⁴ Workplace supervisor/employee relationships are perhaps particularly susceptible to a power dynamic involving coercion. See, e.g., *Faragher v. City of Boca Raton*, No. 97-282, 1998 U.S. Lexis 4216, at *52 (June 26, 1998) (describing supervisory sexual abuse of employee where "victim may well be reluctant to accept the risks of blowing the whistle on a supervisor").

¹³⁵ See, e.g., *United States v. Passi*, 62 F.3d 1278, 1281 (10th Cir. 1995) (finding that defendant's stipulation that victim of sexual abuse was his biological daughter classified crime as aggravated incest); *United States v. Reyes-Castro*, 13 F.3d 377, 378, 380 (10th Cir. 1993) (holding sexual abuse of 12-year-old female by father "aggravated felony" for deportation purposes); *State v. Etheridge*, 352 S.E.2d 673, 681-82 (N.C. 1987) (finding that father effected sexual relationship with minor daughter through fear).

¹³⁶ See, e.g., Richard Green, *Sexual Science and the Law* 151 (1992) (reporting increased trauma accompanying sexual involvement between father and child); *id.* at 157 (reporting that physical abuse was more likely to accompany incestuous sexual experiences than sexual conduct between nonbiologically related persons); David Finkelhor & Angela Browne, *Assessing the Long-Term Impact of Child Sexual Abuse: A Review and Conceptualization*, in *Handbook on Sexual Abuse of Children* 55 (Leonore E. Auerbach Walker ed., 1988) (discussing long term harmful effects of incest on minors, including depression, poor self-esteem, and self-destructive behavior including self-mutilation and suicide).

These studies support the *Etheridge* court's intuitive response to the possibility of coercion in an incestuous sexual experience:

Sexual activity between a parent and a minor child is not comparable to sexual activity between two adults. . . . The youth and vulnerability of children, coupled with the power inherent in a parent's position of authority, creates a

The same is true for adult/minor social relationships with evident power disparities such as stepparent/stepchild, teacher/student, or babysitter/sittee.¹³⁷ Many states have specifically criminalized sexual activity within the context of these relationships, finding that coercion is inherent in such relationships because of the power disparity between the participants.¹³⁸ If facts revealing these potentially coercive social relationships are uncovered in charging papers, then no further inquiry into consent should be made.

Another dispositive factor for courts to consider is whether physical force was used to coerce sexual conduct. Courts deciding sexual assault cases often infer from a disparity in size and physical strength between defendant and complainant that physical force was used to induce participation in sexual activity.¹³⁹ These disparities in physical size and corresponding strength may be greater in many—though per-

unique situation of dominance and control in which explicit threats and displays of force are not necessary to effect the abuser's purpose.

Etheridge, 352 S.E.2d at 681. But see Posner, *supra* note 14, at 398 ("We cannot be certain in the case of incest whether it is the sexual act itself that inflicts harm or the family situation that gave rise to the act.").

¹³⁷ See, e.g., David Finkelhor, *Child Sexual Abuse: New Theory and Research* 25 (1984) (explaining that having a stepfather doubles stepdaughter's vulnerability to sexual victimization); *Sexual Offenses Against Children: Report of the Committee on Sexual Offenses against Children and Youths*, vol. 1 at 529-32 (1984) (reporting harms to minors engaged in sexual activity with biologically related family members, guardians, and family friends).

¹³⁸ See, e.g., Iowa Code Ann. § 709.4(2)(c)(3) (West 1997) (sexual abuse in third degree); Mich. Comp. Laws Ann. § 750.520(b)(1)(b)(iii) (West 1997) (first degree criminal sexual conduct); Minn. Stat. Ann. § 28.788(5) (Law Co-op. 1997) (criminal sexual conduct in fourth degree). These statutes make both complainant age and social relationship of complainant and defendant elements of the crime:

A person commits sexual abuse in the third degree when the person performs a sex act under any of the following circumstances . . .

2. The act is between persons who are not at the time cohabiting as husband and wife and if any of the following are true . . .
 - c. The other participant is fourteen or fifteen years of age and any of the following are true . . .
 - (3) The person is in a position of authority over the other participant and uses that authority to coerce the other participant to submit.

Iowa Code Ann. § 709.4 (West 1997).

These relationships also form the basis for traditional statutory rape prosecutions. See, e.g., Bill Hewitt, et al., *Out of Control, People*, Mar. 30, 1998, at 44 (detailing story of statutory rape convictions stemming from relationship between sixth-grade teacher Mary Kay Letourneau and her former student).

¹³⁹ See, e.g., *United States v. Hicks*, 24 M.J. 3, 6 (C.M.A. 1987) (holding that factors in sexual conduct which indicated coercive atmosphere included respective sizes of defendant and complainant). Jurisdictions making this inference may appear to require a showing of force to obtain a sexual assault conviction. This Note argues that only a showing of lack of meaningful consent should be necessary to convict a defendant for "forcible" rape or to classify statutory rape as a "crime of violence" for sentencing purposes.

haps not all—statutory rape situations.¹⁴⁰ Further, many statutory rape cases involve the use of force beyond that necessary to achieve sexual contact.¹⁴¹ Although this additional force would seem to qualify this conduct for charges of forcible rape, prosecutors may face difficulties in proving the use of force when charging forcible rape¹⁴² or may believe that defendants will be subject to harsher penalties if convicted of statutory rape.¹⁴³ In making a federal sentencing determination, a showing of force greater than that necessary to achieve sexual contact should end the inquiry into consent.¹⁴⁴ In the context of statutory rape, a showing of force makes meaningful consent impossible.

2. *Nondispositive Factors to Be Balanced in an Extended Inquiry into Meaningful Consent*

Various critiques of sexual regulation suggest nondispositive factors to consider as part of an inquiry into meaningful consent. Feminist critiques of the legal model of consent have focused on a woman's

¹⁴⁰ See, e.g., *United States v. Wood*, 52 F.3d 272, 275 (9th Cir. 1995) ("The government emphasizes as well that the risk of violence is implicit in the size . . . of the adult in dealing with a child. We agree.") (emphasis added).

¹⁴¹ See, e.g., *United States v. Taylor*, 98 F.3d 768, 772-73 (3d Cir. 1996), cert. denied, 117 S. Ct. 1016 (1997) ("Count two of the indictment, the statutory rape count for which defendant was convicted, specifically alleged that defendant did grab the [victim] off the street onto the ballfield . . . threw her on the ground, got on top of [her], and attempted to have sexual intercourse with her . . .").

¹⁴² See, e.g., *United States v. Shannon*, 110 F.3d 382, 394 (7th Cir.) (en banc) (Coffey, J., concurring in part, dissenting in part) (discussing how, under Wisconsin law, prosecutors may charge adult defendant accused of sexual conduct with a minor with second degree sexual assault of child whether force was used or not, "thus avoiding the need for prosecutors to establish that force was used in order to obtain a conviction."), cert. denied, 118 S. Ct. 223 (1997).

Some commentators feel that prosecutors should be encouraged to discontinue the use of statutory rape as a lesser included offense to forcible rape charges. See Interview with Sylvia A. Law, Professor at New York University School of Law, in New York, N.Y. (Feb. 10, 1998). Still, given the renewed emphasis on statutory rape prosecutions, see supra note 19, law enforcement officials will probably continue to seek these convictions even where physical force is used to coerce sexual activity.

¹⁴³ For example, compare Georgia's felony child molestation statute, Ga. Code Ann. § 16-6-4 (1996), which punishes "any immoral or indecent act to or in the presence of or with any child under the age of 16 years with the intent to arouse or satisfy the sexual desires of either the child or the person" with a sentence of between 5 and 20 years, with its misdemeanor sexual battery statute, Ga. Code Ann. § 16-6-22.1 (1996), which punishes engaging intentionally in "physical contact with the intimate parts of the body of another person without the consent of that person" with usual sentence under one year. Thus, if a defendant used physical coercion to fondle a minor or force the minor to fondle himself or herself, a prosecutor would have the option of charging the defendant with either molestation or sexual assault, but could punish the defendant more harshly under the molestation statute.

¹⁴⁴ See supra note 107 and accompanying text.

right to sexual autonomy.¹⁴⁵ Persons advocating this right have won the increased availability of birth control, including contraceptives and abortion, for all women, both above and below the age of consent.¹⁴⁶ Queer theory¹⁴⁷ scholarship has also argued for an autonomy or privacy right to engage in private, consensual sexual conduct.¹⁴⁸ The concept of a right to such private sexual conduct has been upheld by

¹⁴⁵ See, e.g., Chamallas, *supra* note 109, at 798 ("Feminists argued that [marital rape] represented a severe incursion on sexual freedom of women, and was a clear example of how the legal notion of sexual privacy operated to legitimate the sexual dominance of males."); Estrich, *supra* note 81, at 1122 ("Rape is unique . . . in the definition which has been accorded to consent. That definition makes all too plain that the purpose of the consent rule is not to protect female autonomy and freedom of choice, but to assure men the broadest sexual access to women.").

¹⁴⁶ See, e.g., *Griswold v. Connecticut*, 381 U.S. 479, 485 (1965) (finding constitutional right to privacy that includes married persons' access to contraceptives); *Eisenstadt v. Baird*, 405 U.S. 438, 454 (1972) (extending *Griswold* right to unmarried persons); *Carey v. Population Servs. Int'l*, 431 U.S. 678, 687, 694 (1977) (extending *Griswold* and *Eisenstadt* to unmarried female minors); *Roe v. Wade*, 410 U.S. 113, 154 (1973) (holding that constitutional right to privacy encompasses woman's right to choose abortion); *Bellotti v. Baird*, 443 U.S. 622, 647 (1979) (allowing female minor "judicial bypass" to choose abortion without parental consent).

¹⁴⁷ This Note defines queer theory as thinking and writing about the construction of sexual identity by and through politics, law, and culture. Although it has its genesis in gay and lesbian studies, much queer theory writing explicitly rejects identity by sexual orientation or any other supposedly universal characteristic. See, e.g., Steven Seidman, *Identity and Politics in a "Postmodern" Gay Culture: Some Historical and Conceptual Notes, in Fear of a Queer Planet* 105, 120-22 (Michael Warner ed., 1993):

Lesbian[s] and gay men of color have contested the notion of a unitary gay subject and the idea that the meaning and experience of being gay are socially uniform. . . . [Also, while] [s]ome individuals who identify as bisexual aim to legitimate this identity alongside a heterosexual or homosexual one. . . . For others . . . bisexuality challenges the privileging of . . . sexual object-choice . . . as the basis of sexual identity.

For a brief overview of the current state of queer theory, see Richard Goldstein, *It's Here! It's Queer! It's Too Hot For Yale! Gay Studies Spawns A Radical Theory of Desire*, *Village Voice* (N.Y.), July 29, 1997, at 38; see also *infra* note 157.

Queer theory is useful to this inquiry because it helps us analyze circumstances present in both same-sex and differing-sex statutory rape cases.

¹⁴⁸ The Supreme Court rejected this argument in *Bowers v. Hardwick*, 478 U.S. 186, 190-91 (1986) (finding that Constitution does not confer "a fundamental right upon homosexuals to engage in sodomy"). For an in-depth study of these arguments and their effects, see William N. Eskridge, Jr., *Challenging the Apartheid of the Closet: Establishing Conditions for Lesbian and Gay Intimacy, Nomos, and Citizenship, 1961-1981*, 25 *Hofstra L. Rev.* 817, 843-45 (1997) (outlining extraction of sexual privacy arguments from arguments for contraceptive privacy); see also Kendall Thomas, *Beyond the Privacy Principle*, 92 *Colum. L. Rev.* 1431, 1449-60 (1992) (discussing limits of Supreme Court privacy doctrine as protection for consensual sexual activity).

several states under state constitutions.¹⁴⁹ In at least one state, Florida, such a right has been explicitly extended to minors.¹⁵⁰

A minor's interest in participating in consensual sexual activity should be given substantial weight as part of an inquiry into consent. To establish the strength of the minor's interest, the arbiter of consent must ask whether the minor complainant affirmatively expressed the desire to participate in the sexual activity and to what extent the minor was aware that he or she could choose not to participate in the sexual activity. If it is determined that the minor did not affirmatively express the desire to participate in sexual activity, the possibility of meaningful consent is diminished.¹⁵¹

The minor's expressed interest in participating in sexual conduct should be given further weight if it was shown to be accompanied by knowledge of risks of pregnancy and sexually transmitted disease.¹⁵² Evidence of such knowledge on the part of the complainant, as well as the defendant, would tend to show meaningful consent.

Feminist and queer theory is also concerned with the ways in which personal identity is formed, either by gender or by sexual orientation.¹⁵³ Social interactions and sexual activity with older persons

¹⁴⁹ See, e.g., *Commonwealth v. Wasson*, 842 S.W.2d 487, 491-92 (Ky. 1992) (holding that state sodomy statute violated privacy guarantees of Kentucky state constitution).

¹⁵⁰ See, e.g., *In re T.W.*, 551 So. 2d 1186, 1193 (Fla. 1989) (holding that minors have state constitutional right to sexual privacy and abortion). For commentary, see Anthony M. Amelio, Note, *Florida's Statutory Rape Law: A Shield or a Weapon?—A Minor's Right of Privacy Under Florida Statutes § 794.05*, 26 *Stetson L. Rev.* 407 (1996).

¹⁵¹ See, e.g., *State in the Interest of M.T.S.*, 609 A.2d 1266, 1277 (N.J. 1992) ("[P]ermission to engage in sexual penetration must be affirmative and it must be given freely. . . . Permission is demonstrated when the evidence, in whatever form, is sufficient to demonstrate that a reasonable person would have believed that the alleged victim had affirmatively and freely given authorization to the act.").

¹⁵² See, e.g., Jacqueline L. Stock et al., *Adolescent Pregnancy and Sexual Risk-Taking Among Sexually Abused Girls, Family Planning Perspectives*, Sept.-Oct. 1997, at 200-03 (discussing evidence of higher incidence of unintended pregnancy and a higher risk of HIV infection in adolescent women experiencing coerced sexual activity).

¹⁵³ Feminist theory critiques the formation of stereotypical gender identities. These critiques have often focused on the ways in which women are often forced into adopting feminine behaviors in order to conform to male expectations. Many feminists argue that regulation of sexual behavior should be reformed to address this historical bias. See, e.g., Mary Anne C. Case, *Disaggregating Gender from Sex and Sexual Orientation: The Effeminate Man in the Law and Feminist Jurisprudence*, 105 *Yale L.J.* 1, 36-75 (1995) (discussing how societal recognition of inappropriate masculine or feminine behaviors leads to sexual harassment or job related gender bias).

Queer theory also explores construction of sexual and social identity, basing many of its ideas on the foundational work of Michel Foucault. See Michel Foucault, *The History of Sexuality: Volume I: An Introduction* (1978) (tracing historical constructions of sexualities); see also Ritch C. Savin-Williams, *Gay and Lesbian Youth: Expressions of Identity 3* (1990) ("Sexual identity . . . represents a consistent, enduring self-recognition of the meanings that sexual orientation and sexual behavior have for oneself.") (emphasis omitted).

may be part of this process of gender and sexual identity construction.¹⁵⁴ The interest of the minor participating in sexual activity with adults in constructing his or her own sexual identity should be considered in analyzing the meaningfulness of the consent. Anecdotal evidence suggests many lesbian and gay adolescents self-identify by same-sex sexual orientation before participating in sexual conduct, or believe they participated in sexual activity as a means of constructing sexual identity.¹⁵⁵ Implicit in such sexual experimentation as part of a process of identity construction is a decisionmaking process, a conscious choice to explore the self through sexual activity. Thus, the inquiry into consent may involve questioning the complainant about whether he or she self-identified by sexual orientation before the sexual conduct took place,¹⁵⁶ and, if not, whether he or she considered the sexual activity important to the construction of sexual identity.¹⁵⁷

¹⁵⁴ See, e.g., Kevin Jennings, *I Remember, in One Teacher in 10: Gay and Lesbian Educators Tell Their Stories* 18, 21 (Kevin Jennings ed., 1994):

I know now that Mr. Korn must have been gay. And I know that this is what I was asking when I queried after his children. What I was truly asking for, however, was not information about his sexual orientation. I was asking for information about me. I was asking him to tell me that I was going to be all right, that I was going to grow up and be gay and be okay.

See also Savin-Williams, *supra* note 153, at 5 (arguing that "pre-gay and pre-lesbian" adolescents are more likely than other adolescents to engage in homosexual behavior and to do so for longer period of time).

Experts in psychological development have identified these searches for identity as common to all adolescents. See, e.g., Susan Moore & Doreen Rosenthal, *supra* note 116, at 32 (discussing Marcia's identification of four stages of identity development, including "identity moratorium," where "[t]here could be experimentation with different styles of relating to the opposite sex, with different sexual values, and with different sexual orientations").

¹⁵⁵ Gay male adolescents often see sexual conduct, sometimes with older persons, as a means of discovering sexual identity and community. See, e.g., James T. Sears, *Growing Up Gay in the South: Race, Gender, and Journeys of the Spirit* 121 (1991) (quoting "Jacob" describing sexual relationship with older person as part of "coming out" process). Lesbian adolescents report differing experiences that also may include sexual activity with older persons. For example one anthology quotes:

My parents . . . feel that I was too young to make such a decision in high school. Now I am eighteen and they still think I am too young to decide that I am emotionally, mentally, and physically attracted to women. I am not, nor was I ever, too young to make the decisions I have made.

Heron, *supra* note 120, at 43.

¹⁵⁶ See, e.g., Savin-Williams, *supra* note 153, at 4 ("Among 118 [self-identified lesbian and gay] youths, 9% of the boys and 6% of the girls had never experienced same-sex activity.").

¹⁵⁷ While many adolescents may consider sex an identity affirming experience, some queer theorists would separate sexual activity from any particular identity. See, e.g., Judith Butler, *Bodies That Matter* 94 (1993) (noting that understanding sexuality as either constructed or determined does not "describe the complexity of what is at stake in any effort to take account of the conditions under which sex and sexuality are assumed. The 'performative' dimension of construction is precisely the forced reiteration of norms.");

Adolescent interests in autonomy and identity must be balanced against concerns about whether sexual activity was coerced by older adolescents or adults.¹⁵⁸ Sociologists have identified adolescent self-esteem concerns specific to both young women and young men.¹⁵⁹

Judith Butler, *Gender Trouble* 30-34 (1990) (arguing for "subversive confusion" of "sexual-ity and identity within the terms of power itself"). They argue that sexual identity is fluid and/or malleable, and that whether or not one chooses to identify according to one's sexual conduct, the conduct itself should be permitted. The same concept would hold true for minors who experiment sexually. See Savin-Williams, *supra* note 153, at 8 (discussing minors' participation in homosexual activity as a phase of adult heterosexual development). Even if sexual conduct does not lead to sexual identity, active affirmative conduct, if uncoerced, should be viewed as an indication of consent. It may be impossible, of course, to gather adequate evidence regarding complainant interest in formation of sexual identity without interviewing the complainant. For a procedural model of how this interview could be conducted and used, see *infra* Part III.C.

¹⁵⁸ For a discussion of relationships that involve inherent power disparities, see *supra* notes 137-38 and accompanying text.

¹⁵⁹ Feminist scholars have used the work of Carol Gilligan and other sociologists who study adolescent social decisionmaking to argue that there is a generalized self-esteem gap between young men and young women. See, e.g., Oberman, *supra* note 92, at 55-56:

The most pervasive finding of the "post-Gilligan" psychologists who have dedicated their research to the study of girls' development is that among girls, adolescence is a time of acute crisis, in which self-esteem, body image, academic confidence, and the willingness to speak out decline precipitously. . . . In one survey . . . researchers found that by high school only 29% of the girls, in contrast with 46% of the boys, reported feelings of high self-esteem.

Gilligan's work suggests that young women may be more likely to "consent" to sexual conduct as a means of bolstering self-esteem. See, e.g., Lyn Mikel Brown & Carol Gilligan, *Meeting at the Crossroads: Women's Psychology and Girls' Development* 2, 210 (1992) (describing female adolescence as time of "a relational crisis in women's psychology" in which girls lose their "sense of themselves and their character"). Gilligan's findings as to the susceptibility of adolescent girls to self-esteem problems and depression are echoed by other psychologists. See generally Anne C. Petersen et al., *Adolescent Depression: Why More Girls?*, 20 *J. Youth & Adolescence* 247, 265-67 (1991) (finding evidence that higher incidence of depression and poor coping skills among twelfth-grade girls than boys is due to experiences in early adolescence); Millicent E. Poole & Glen T. Evans, *Adolescents' Self-Perceptions of Competence in Life Skill Areas*, 18 *J. Youth & Adolescence* 147, 159 (1989) (finding that females "tended to underestimate their competence, compared with the males, generally expressing lower self-esteem and confidence").

Young men may also have self-esteem problems. See, e.g., Martin, *supra* note 116, at 50 ("At puberty boys begin to develop . . . bonds, many of which are of a joking or boasting nature. Although at a deeper level they may be a way of expressing uncertainty and a fear of inadequacy, these jokes and boasts encourage feelings of adult masculinity . . ."); Savin-Williams, *supra* note 153, at 67-110, 170-71 (discussing results of study measuring self-esteem among gay adolescents which showed that gay male adolescents experience variation in self-esteem levels); Carey Goldberg, *After Girls Get the Attention, Focus Shifts to Boys' Woes*, *N.Y. Times*, April 23, 1998, at A1 (reporting statements of Professor Kindlon: "In the period of seventh, eighth, and ninth grade, boys learn that to show vulnerability is akin to death You talk to a 75-year-old man and he can still remember the names he was called then.").

Gilligan is criticized by Karin Martin, both for romanticizing an essentialist childhood where female preadolescents possess some universal, ideal "authentic self" and for failing to consider the effects of rigid societal gender norms on male and female adolescents. See

Older persons may take advantage of minors suffering from inadequate self-esteem.¹⁶⁰ While not dispositive, interactions that can be thus identified as opportunistic may indicate a lack of meaningful consent to the sexual activity in question.¹⁶¹

Adolescent interests may also be outweighed by the presence of economic coercion in the sexual negotiation between defendant and complainant. For the most part, although economic coercion of sexual activity has been punished through common law torts or civil sexual harassment statutes, such coercion has never been characterized as rape.¹⁶² Statutory rape laws, on the other hand, were based in part on a desire to protect young women from prostitution.¹⁶³ Society in general still fears that minors will be coerced to participate in sexual activity through economic inducements.¹⁶⁴ Commentators disagree over whether the "selling" of sexual conduct, either explicitly through pros-

Martin, *supra* note 116, at 8-12. Martin notes that "[i]n our culture it is generally more difficult for women to derive power, positive feelings of self, or agency from *adult* sexuality." *Id.* at 12 (emphasis added).

¹⁶⁰ See, e.g., *State in the Interest of B.G., C.A., and P.A.*, 589 A.2d 637, 643 (N.J. Super. Ct. App. Div. 1991) (discussing sexual assault of young developmentally disabled woman said by doctor to be "willing to do almost anything to gain some modicum of social acceptance").

¹⁶¹ Remember, though, that any judicial inquiry into the effects on consent of societal self-esteem disparities between male and female adolescents runs the risk of treating young women differently from young men in a way that encourages paternalistic views of adolescent females' ability to make independent decisions. See, e.g., *Mary M. v. North Lawrence Comm. Sch. Corp.*, 131 F.3d 1220, 1228 (7th Cir. 1997) ("That Diane consented to sex with Fields does not mean she understood the risks associated with her actions. A thirteen year old girl cannot be said to understand the nature of her actions when she engages in sexual intercourse."). Questions addressed specifically to female self-esteem must be handled carefully, and the empirical evidence analyzed to avoid paternalistic stereotyping.

¹⁶² But see Rosemarie Tong, *Women, Sex, and the Law* 111 (1984) (discussing Virginia legislation that proposed criminal liability in cases where defendant abused his "position of authority" to obtain sex from a subordinate). Professor Chamallas questions the logic of making prostitution a crime in most states, while not characterizing economic coercion as a form of sexual assault. See Chamallas, *supra* note 109, at 826 ("[I]f prostitution is nonconsensual, it is presumably because a prostitute's solicitation of sex for money is not truly consensual. . . . [T]he characterization of prostitution as economically coerced sex would also make it unreasonable to impose criminal penalties on the prostitute herself, because she is the coerced party in the encounter.").

¹⁶³ See Odem, *supra* note 2, at 10-11 (discussing abolition of prostitution as early goal of statutory rape laws); Oberman, *supra* note 92, at 27-28 (discussing mobilization of Victorian feminists to strengthen statutory rape laws to prevent child prostitution). Laws prohibiting prostitution also count the protection of young women as a goal. See Posner & Silbaugh, *supra* note 45, at 155 ("[T]he many reasons . . . put forward for prohibiting prostitution . . . have included . . . protecting minors who are coerced into a life of prostitution.").

¹⁶⁴ Professor Oberman recounts an infamous example of the paradigm:

"Your Honor, when this relationship began, I was not just a 16-year-old teenager taken to bed by a man twice my age. I was a 16-year-old teen-ager shown a world that I was not ready for, a world of elaborate spending and fast boats. This man took me to expensive restaurants and cheap motels. . . . I am sad to

titution or implicitly through the quid pro quo of sex in exchange for economic security, is unacceptable coercion, or whether it is the legitimate bargaining of one commodity for another.¹⁶⁵ Nonetheless, such evidence of economic coercion weighs heavily towards a determination that meaningful consent was not present in the sexual activity in question.

A final consideration, perhaps more specifically a lens through which to view other factors, has to do with identifying different constructions of sexual normalcy based on the practices and beliefs of differing cultures. Commentators have noted the various non-Western cultures where sexual activity between minors and adults historically has been accepted.¹⁶⁶ Within the continental United States, there may be cultural differences between the parties consenting to minor/adult sexual activity and the arbiter of consent that cloud the analysis.¹⁶⁷ For example, a highly educated heterosexual male judge may not be able to determine accurately whether a fourteen-year-old Latina has

say that he taught me well. He taught me to disrespect myself and to deceive my parents."

Oberman, *supra* note 92, at 38 (quoting Joey Buttafuoco Gets 6-Month Jail Sentence; Amy Fisher Makes Statement in Court, *Houston Chron.*, Nov. 16, 1993, at A9 (quoting Amy Fisher)). Oberman generally supports the reform of statutory rape laws to further protect young women. See *id.* at 22 ("[L]aw makers must revive and reconfigure the crime of statutory rape.").

¹⁶⁵ The colloquy between Professors West and Dripps is a fascinating example of this debate. Compare West, *supra* note 108, at 1455 ("This woman is 'having sex'—she is being physically penetrated—by someone who is at least willing to let her live in fear of cold and hunger, and, if the fear is justified, willing to render her homeless and hungry. . . . Clearly, sex obtained through such means is extremely damaging."), with Dripps, *supra* note 78, at 1801 ("[S]o long as the complex relationship is accepted as legitimate, the fact that only one party to sex found it enjoyable does not establish its illegitimacy, given compensation in some nonsexual form.").

The Model Penal Code makes a distinction between "coercion" and "bargain." Coercion is described as overcoming the victim's will, while a bargain is characterized as "an unattractive choice to avoid some unwanted alternative." Model Penal Code § 213.1 commentary at 314 (1962).

¹⁶⁶ See, e.g., Robert J. Morris, *Configuring the Bo(u)nds of Marriage: The Implications of Hawaiian Culture & Values for the Debate About Homogamy*, 8 *Yale J.L. & Human.* 105, 127-30 (1996) (discussing Hawaiian cultural traditions involving same-sex relationships between minors and adults); Francisco Valdes, *Queers, Sissies, Dykes, and Tomboys: Deconstructing the Conflation of "Sex," "Gender," and "Sexual Orientation" in Euro-American Law and Society*, 83 *Calif. L. Rev.* 1, 209-44 (1995) (describing non-Western same-sex sexual practices involving younger persons).

For criticism of these perspectives, see Angela P. Harris, *Seductions of Modern Culture*, 8 *Yale J.L. & Human.* 213, 218 (1996) (pointing out dangers of Morris's and Valdes's Western historical perspectives on non-Western cultural traditions).

¹⁶⁷ Cf. Janice M. Irvine, *Cultural Differences and Adolescent Sexualities*, in *Sexual Cultures and the Construction of Adolescent Identities* 3, 10-11 (Janice M. Irvine ed., 1994) (discussing how different "sexual scripts" in gay community and African American community conflict).

consented to sexual activity with an older man,¹⁶⁸ or whether gay male teenagers have engaged in a meaningful consensual sexual relationship.¹⁶⁹ While there is generally no common law "cultural defense" for persons accused of committing crimes including sexual assault,¹⁷⁰ courts may use information about cultural norms in making appropriate sentencing determinations.¹⁷¹ In the statutory rape context, the possibility of consent based on differing cultural norms should be factored into the meaningful consent equation.

B. Applying the Meaningful Consent Inquiry to Make "Crime of Violence" Determinations

Together, the factors above form an appropriately nuanced model for determining whether meaningful consent negated the "violence" in statutory rape cases. Applying this model will help determine whether meaningful consent to sexual activity took place in both easy cases and closer cases.¹⁷² Application of the model requires an ade-

¹⁶⁸ See, e.g., Gloria Anzaldúa, *Borderlands: La Frontera: The New Mestiza* 16-23 (1987) (discussing cultural norms specific to women from Mexico); see also Donovan, *supra* note 18, at 33 (reporting that "in some cultures it is accepted, even encouraged, for young girls to have relationships with much older men [who then] help support the entire family"); Jill McLean Taylor, *Adolescent Development: Whose Perspective?*, in *Sexual Cultures and the Construction of Adolescent Identities* 29, 37 (Janice M. Irvine ed., 1994) (discussing Carol Stack's criticism of Gilligan as culturally normative). Of course, any treatment of "meaningful consent" is itself culturally specific. If a Caucasian male judge errs in making a meaningful consent determination in a case involving a defendant and complainant from Puerto Rico, it may be because the concept of "meaningful consent" does not travel between cultures.

¹⁶⁹ See, e.g., Teemu Ruskola, *Minor Disregard: The Legal Construction of the Fantasy That Gay and Lesbian Youth Do Not Exist*, 8 *Yale J.L. & Feminism* 269, 284-86 (1996) (discussing law's failure to address adolescent queer sexuality).

¹⁷⁰ See, e.g., Katherine Bishop, *Asian Tradition at War with American Laws*, N.Y. Times, Feb. 10, 1988, at A18 (discussing application of kidnapping and rape laws to Southeast Asian cultural practices, including capturing of brides).

¹⁷¹ See, e.g., *People v. Ton Moua*, No. 315972-0 (Fresno County Super. Ct. Feb. 7, 1985) (offering reduced sentence to defendant based on appreciation of differing cultural traditions); *People v. Kimura*, No. 315972-0 (Fresno County Super. Ct. Feb. 7, 1985) (same); see also Holly Maguigan, *Cultural Evidence and Male Violence: Are Feminist and Multicultural Reformers on a Collision Course in Criminal Courts?*, 70 *N.Y.U. L. Rev.* 36, 57-58, 63 n.90 & 91 (1995) (proposing that sentencing decisions, as well as defenses at trial, take into account "outsider" cultural practices and discussing *Tou Moua* and *Kimura* cases as examples).

¹⁷² The model could be codified into the statutes. The commentary to Sentencing Guidelines § 4B1.2 lists crimes, including forcible rape, that courts have construed to be crimes of violence. See U.S.S.G. § 4B1.2 commentary (1996). Statutory rape could be listed in such notes or commentary, as well as some direction as to how to make a determination about when statutory rape convictions should be considered crimes of violence. For a discussion of how one statute outlines a procedural model for making a fact-based determination about whether a prior conviction is a "crime of violence," see *infra* notes 212-18 and accompanying text.

quate factual record. Following *Taylor's* categorical approach, most of the federal trial courts making "crime of violence" determinations about statutory rape convictions have not described the facts of conduct underlying the convictions in question. This makes an inquiry into consent in these cases difficult.¹⁷³ But even with these underdeveloped factual records, the inquiry model developed above is helpful.

United States v. Passi,¹⁷⁴ from the Tenth Circuit, is an easy case. In *Passi*, the defendant stipulated as part of his guilty plea to charges of knowingly engaging in sexual acts with a minor on federal property that the complainant was his thirteen-year-old biological daughter.¹⁷⁵ The inquiry model above argues that an incestuous relationship between defendant and complainant negates meaningful consent.¹⁷⁶ In this case, given the stipulation, no further inquiry would be necessary.

Shannon, however, illustrates that skeletal facts may be misleading. The information in *Shannon* stated only that the seventeen-year-old male defendant engaged in sexual intercourse with a thirteen-year-old female complainant.¹⁷⁷ Based on these statements, the three judge panel first reviewing the defendant's sentence held that this statutory rape conviction was not a "crime of violence," since force was neither an element of the statutory rape crime with which the defendant was charged, nor did the crime involve conduct inherently presenting "an inherent risk of physical injury."¹⁷⁸ As the criminal complaint in the case showed, however, Shannon dragged the complainant down a flight of stairs, grabbed her by the arms when she attempted to escape, and threw her onto the floor, where she tried in vain to push him off.¹⁷⁹ The defendant in *Shannon* used more force than was necessary to achieve sexual intercourse. According to the inquiry into consent outlined above,¹⁸⁰ no further questions need be

¹⁷³ For example, in *Bauer* the defendant claimed that the sexual activity with the minor complainant underlying his statutory rape conviction was consensual. The court only looked at the fact that Bauer was convicted of having sexual intercourse with a female child under the age of 16 to make the "crime of violence" determination. See *United States v. Bauer*, 990 F.2d 373, 374 (8th Cir. 1993).

¹⁷⁴ 62 F.3d 1278 (10th Cir. 1995).

¹⁷⁵ See *id.* at 1279.

¹⁷⁶ See *supra* notes 136-38 and accompanying text.

¹⁷⁷ See *United States v. Shannon*, 110 F.3d 382, 384 (7th Cir.) (en banc) (explaining that "Shannon was permitted to plead guilty to the information, which means that he admitted only the facts contained in it"), cert. denied, 118 S. Ct. 223 (1997).

¹⁷⁸ See *Shannon*, 94 F.3d at 1069, 1070 (7th Cir. 1996) ("Here, Shannon was 17 and the girl 13 years, 10 months. Though both immoral and criminal, many teenagers have nonviolent, noncoercive sex with no hint of physical injury. Without something in the indictment or information suggesting otherwise, we cannot simply presume violence attends this crime."), rev'd en banc, 110 F.3d 382 (7th Cir.), cert. denied, 118 S. Ct. 223 (1997).

¹⁷⁹ See *Shannon*, 110 F.3d at 391 (Coffey, J., concurring in part, dissenting in part).

¹⁸⁰ See *supra* notes 141-71 and accompanying text.

asked. The complainant could not have given meaningful consent to the physically coerced conduct in question. Since the use of force is a dispositive factor in determining whether meaningful consent occurred, the defendant's conviction should be classified as a sentence-enhancing "crime of violence."

Two recent court opinions not involving sentencing, but with more detailed recounting of facts, provide examples of how an inquiry into consent will help courts make more accurate, reasonable determinations of whether particular statutory rape convictions are crimes of violence. In *People v. M.K.R.*,¹⁸¹ a sixteen-year-old male defendant was charged with sexual misconduct for engaging in sexual intercourse with a fifteen-year-old female.¹⁸² Here the defendant was a young man with no history of delinquency, working at two parttime jobs to save money for college.¹⁸³ He met the complainant while they were both in high school.¹⁸⁴ The two parties had classes together and were tennis partners.¹⁸⁵ In court, the complainant testified that she agreed to a sexual relationship with the defendant, "stated that he was very kind and supportive, that she wished to continue to see him, and that she would feel guilty if anything happened to him [because] of their relationship."¹⁸⁶ She reported that no additional force was used to coerce sexual activity.¹⁸⁷ Her parents insisted that the prosecutor bring criminal charges against the defendant.¹⁸⁸

Based on these facts, the inquiry model suggests that the complainant gave meaningful consent to sexual activity with the defendant. They were not involved in an incestuous relationship, nor one where there was a social power disparity. No physical force was used to coerce sex, nor does it seem economic coercion was possible. These two adolescents had a right to sexual privacy recognized in some states,¹⁸⁹ and, from what is known from the facts the court described, both desired physical intimacy. Here the inquiry leads to a conclusion that both parties meaningfully consented to sexual activity, which would disallow the characterization of the defendant's conviction as a "crime of violence."

¹⁸¹ 632 N.Y.S.2d 382 (N.Y. Sup. Ct. 1995).

¹⁸² See *id.* at 383.

¹⁸³ See *id.* at 384.

¹⁸⁴ See *id.*

¹⁸⁵ See *id.*

¹⁸⁶ *Id.*

¹⁸⁷ See *id.*

¹⁸⁸ See *id.*

¹⁸⁹ See *supra* notes 149-50.

Compare *M.K.R. with Mary M. v. North Lawrence Community School Corp.*,¹⁹⁰ where a twenty-one-year-old male defendant was convicted under an Indiana child molestation statute for engaging in sexual intercourse with a thirteen-year-old female complainant.¹⁹¹ Here the complainant was an eighth grade student at a rural junior high school; the defendant was employed in the school cafeteria.¹⁹² The two met in the cafeteria; within weeks the defendant was passing suggestive notes to the complainant as she stood in the lunch line.¹⁹³ Shortly thereafter some witnesses reported that the defendant and complainant engaged in inappropriate hugging and kissing at a school dance where the defendant was a chaperone.¹⁹⁴ One month into their relationship, the defendant and complainant decided to skip work and school and spend the day together.¹⁹⁵ During the course of this day, the two parties engaged in their one and only act of sexual intercourse.¹⁹⁶ The defendant was arrested shortly thereafter, when the complainant "reluctantly" pressed charges.¹⁹⁷

The inquiry model this Note has developed would help to analyze these facts to determine if the complainant gave meaningful consent to sexual conduct. Many of the facts here might suggest that meaningful consent was present in the relationship between the defendant and the complainant. The relationship was not incestuous, nor did it seem to be a coercive social relationship—cafeteria employees have no authority over students—based on an obvious power disparity. The defendant apparently did not use excessive force to coerce the complainant to participate in sexual activity. Nor, as far as we know, did the defendant economically coerce the complainant to engage in sexual intercourse. It appears from these facts that the complainant gave uncoerced consent to sexual activity.¹⁹⁸

Balanced against these factors, however, are facts that call into question the meaningfulness of the *Mary M.* complainant's consent. The complainant may have been suffering some of the self-esteem re-

¹⁹⁰ 131 F.3d 1220 (7th Cir. 1997) (describing facts of relationship that resulted in child molestation conviction for purposes of civil case against school district).

¹⁹¹ See *id.* at 1223.

¹⁹² See *id.* at 1221.

¹⁹³ See *id.*

¹⁹⁴ Other witnesses disputed these accounts. See *id.* at 1222.

¹⁹⁵ See *id.*

¹⁹⁶ See *id.* at 1223.

¹⁹⁷ See *id.*

¹⁹⁸ Note that the complainant's age here, 13, might fall beneath the *per se* age below which minors may not give meaningful consent to sexual activity with adults. See *supra* notes 128-30 and accompanying text. If this is the case, there is no need to inquire into consent.

lated concerns some critics have discussed.¹⁹⁹ Her relationship with the older defendant, the “talk of the eighth grade,”²⁰⁰ resembles others where young women consent to sex in order to please older men who they hope will make them feel attractive and lovable.²⁰¹ The complainant also may have hoped the relationship would grant her higher social status among her peers.²⁰² Finally, the complainant’s willingness to lie and miss classes in order to be with the defendant may signify immature behavior, suggesting she could not give meaningful consent to sexual activity.²⁰³ Still, without evidence of physical, emotional, or economic coercion, and giving weight to the complainant’s interest in sexual autonomy, the inquiry model developed above suggests that the sexual conduct in question was not a “crime of violence” meriting sentence enhancement.²⁰⁴

C. *Procedural Safeguards for Making a Fact-Based Inquiry into Meaningful Consent*

Two concerns in applying the consent inquiry to the facts of cases in this way must be addressed. First, any fact-specific model for making a “crime of violence” determination may run afoul of *Taylor*’s approval of categorical “crime of violence” determinations.²⁰⁵ In response, it may be argued that the *Taylor* Court did not intend that a

¹⁹⁹ See *supra* note 159.

²⁰⁰ *Mary M.*, 131 F.3d at 1222 (referring to classroom gossip about relationship between defendant and complainant).

²⁰¹ See *supra* note 134.

²⁰² See, e.g., Oberman, *supra* note 92, at 66 n.302 (“Rochelle, who avoided boys early on . . . began to feel she had to get a boyfriend during her sophomore year in high school. . . . ‘I just thought I had to stay with him because I needed a boyfriend to make my life complete.’”) (quoting Deborah Tolman, *Doing Desire: Adolescent Girls’ Struggles For/With Sexuality* (1993) (unpublished manuscript)).

²⁰³ The alternative explanation for this behavior, though, is that the complainant felt she had to misrepresent her whereabouts because she was not allowed to date *anyone*. See *Mary M.*, 131 F.3d at 1222 (“Diane was careful to hide her relationship with Fields from her parents because she knew that her mother thought she was too young to date. According to [her mother], Diane’s teachers were also aware of this fact.”).

²⁰⁴ The *Mary M.* court opined: “A thirteen year old girl cannot be said to understand the nature of her actions when she engages in sexual intercourse.” *Mary M.*, 131 F.3d at 1228. Reasonable minds differ on this point. See, e.g., Catherine Elton, *Jail Baiting: Statutory Rape’s Dubious Comeback*, *New Republic*, Oct. 20, 1997, at 12 (quoting adolescent sexuality researcher Mike Males: “When you meet the 20-year-old and the 13-year-old you are surprised. . . . Thirteen-year-olds are portrayed as gum-chewing, braces-wearing twits and the 20-year-olds are supposed to be more mature. Very often this is not the case.”).

²⁰⁵ *United States v. Taylor*, 495 U.S. 575, 600 (1990) (“The Courts of Appeals uniformly have held that [ACCA] § 924(e) mandates a formal categorical approach, looking only to the statutory definitions of the prior offenses, and not to the particular facts underlying those convictions. . . . We find the reasoning of these cases persuasive.”).

categorical approach be required in all cases,²⁰⁶ or that statutory rape does not lend itself to such analysis as readily as burglary does.²⁰⁷ There are important policy concerns underlying *Taylor*, however: The Court stated that part of the legislative intent behind the ACCA "crime of violence" definition was to encourage efficient use of judicial resources through categorical determinations of "crime of violence" status.²⁰⁸

In addition to possible *Taylor* violations, any fact-based inquiry into past sexual conduct raises the concern that the complainant's conduct will be placed on trial years after the sexual activity in question. The perception that all rape complainants faced this trial-within-a-trial during rape proceedings was a motivation for the rape reform movement of the 1970s,²⁰⁹ which included rape shield laws protecting a complainant's past sexual behavior from attack by defense counsel²¹⁰ and the rewriting of sexual assault statutes to emphasize defendant

²⁰⁶ Commentators have pointed out that *Taylor* analyzed the intent of Congress only as it pertained to one of the enumerated crimes, burglary, in the ACCA "crime of violence" definition. See Douglas A. Passon, Note, Attempted Burglary as a "Violent Felony" Under the Armed Career Criminal Act: Avoiding a "Serious Potential Risk" of Confusion in the Wake of *Taylor v. United States*, 495 U.S. 575, 73 Wash. U. L.Q. 1649, 1650 (1995). Arguably, the Court never intended to limit sentencing courts in making accurate determinations of how "otherwise" convictions may have been violent crimes. See *Taylor*, 495 U.S. at 602 ("This categorical approach, however, may permit the sentencing court to go beyond the mere fact of conviction in a narrow range of cases where a jury was actually required to find all the elements of *generic burglary*." (emphasis added)). A review of legislative history for the amended ACCA "crime of violence" definition reveals no discussion of whether statutory rape convictions could be easily "standardized" for sentence-enhancing purposes. See ACCA Hearing, *supra* note 9; H.R. Rep. No. 99-849 (1986) (reporting on findings of House Committee on the Judiciary on 1986 compromise amendments to ACCA).

²⁰⁷ As a nonenumerated potential "crime of violence," statutory rape may not have a definitive generic definition. As Judge Posner points out in *Shannon*, the various state statutes outlawing sexual conduct with minors include a wide variety of complainant ages and sexual conduct. See *United States v. Shannon*, 110 F.3d 382, 385-86 (7th Cir.) (en banc), cert. denied, 118 S. Ct. 223 (1997); see also Posner & Silbaugh, *supra* note 45, at 44 (detailing state age of consent laws). The Model Penal Code, containing the generic burglary definition noted with approval in *Taylor*, includes a statutory rape section which leaves the complainant age up to the discretion of the adopting jurisdiction. See Model Penal Code § 213.3 (1962).

²⁰⁸ See *Taylor*, 495 U.S. at 601 (discussing Congressional "categorical" approach to sentence-enhancing predicate offenses).

²⁰⁹ See, e.g., Estrich, *supra* note 81, at 1100 ("The Michigan statute's emphasis on force or coercion attempts to shift the focus of rape prosecutions from what the victim does or does not do (consent or resist) to the actions of the defendant.").

²¹⁰ See, e.g., Harriett R. Galvin, Shielding Rape Victims in the State and Federal Courts: A Proposal for the Second Decade, 70 Minn. L. Rev. 763, 765-69 (1986) (discussing enactment of rape shield statutes in 48 states and U.S. military). Commentators have called for these statutes to cover instances of same-sex rape. See, e.g., Elizabeth J. Kramer, Note, The Application of Rape Shield Laws to Cases of Male Same-Sex Rape, 73 N.Y.U. L. Rev. 293, 330-31 (1998).

behavior rather than complainant resistance.²¹¹ By necessity, a "crime of violence" determination featuring a factual inquiry into consent, including possible evidentiary hearings, reviews the complainant's conduct, undermining the goals of the rape reform statutes.

There is an existing model for a determination, however, which could be modified here to promote judicial efficiency while protecting witness privacy. VCCLEA, the federal "three strikes" law, allows a defendant to make an affirmative collateral challenge to a "crime of violence" determination.²¹² Under VCCLEA, defendants are allowed to prove, by a "clear and convincing evidence" standard, that conduct underlying convictions falling under the "otherwise" clause did not include the use or threat of use of a firearm or other dangerous weapon, and that the conduct did not result in death or serious bodily injury.²¹³ Although courts have only recently begun to grapple with procedures for conducting this fact-based inquiry,²¹⁴ commentators

²¹¹ See *supra* note 98.

²¹² See Violent Crime Control and Law Enforcement Act of 1994, 18 U.S.C.A. § 3559 (c)(3) (West Supp. 1998).

²¹³ The collateral challenge provision reads as follows:

(3) Nonqualifying felonies.

(A) Robbery in certain cases. Robbery, an attempt, conspiracy, or solicitation to commit robbery; or an offense described in paragraph (2)(F)(ii) shall not serve as a basis for sentencing under this subsection if the defendant establishes by clear and convincing evidence that—

(i) no firearm or other dangerous weapon was used in the offense and no threat of use of a firearm or other dangerous weapon was involved in the offense; and

(ii) the offense did not result in death or serious bodily injury . . . to any person.

(B) Arson in certain cases. Arson shall not serve as a basis for sentencing under this subsection if the defendant establishes by clear and convincing evidence that—

(i) the offense posed no threat to human life; and

(ii) the defendant reasonably believed the offense posed no threat to human life.

18 U.S.C.A. § 3559(c)(3) (West Supp. 1998). The definition of "serious bodily injury" here tracks that used in Sentencing Guidelines § 1B1.1, meaning "injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty." See *id.*; U.S. Sentencing Guidelines Manual § 1B1.1 (1997). Courts construing "physical injury" under ACCA or the sentencing guidelines generally have not followed this definition explicitly. See, e.g., *United States v. Shannon*, 110 F.3d 382, 387 (7th Cir.) (en banc) (construing "serious injury" to include pregnancy and sexually transmitted disease), cert. denied, 118 S. Ct. 223 (1997).

²¹⁴ See, e.g., *United States v. Mixon*, No. 96-40065-01-RDR, 1997 U.S. Dist. LEXIS 17695, at *8-*9 (D. Kan. Oct. 8, 1997) (holding that court correctly accepted presentence report that defendant claimed provided inadequate notice, but deciding that court erred in disregarding defendant's argument that he received ineffective assistance of counsel for his prior convictions), modified, No. 96-40065-01-RDR, 1997 U.S. Dist. LEXIS 21135, at *8-

have advocated an approach making initial determinations based on presentencing reports.²¹⁵ If the need for further evidentiary hearings is indicated after the court reviews the presentencing report, complainant or witness testimony may be heard.²¹⁶ If this procedure is used, most, if not all, of the information needed to make a "crime of violence" determination would be available through the presentencing report, sparing all parties from further proceedings.²¹⁷ If the court finds additional consent evidence necessary after reviewing the report, it may request that the parties handle evidence gathering through interrogatories or depositions instead of in-court testimony. Even if the court decides that the complainant should appear in court, testimony could be limited to the inquiry into consent, not reaching the complainant's past sexual activity with other persons.²¹⁸

Finally, many complainants may not necessarily find the prospect of a consent inquiry painful. Many statutory rape convictions are brought by the state at the behest of the complainant's parents.²¹⁹ Studies suggest that some relationships between parties engaging in conduct underlying statutory rape are valuable to the complainants, who view the defendants with affection.²²⁰ These complainants may

*10 (D. Kan. Dec. 17, 1997) (finding after review of record that defendant had received effective assistance of counsel in prior case).

²¹⁵ See, e.g., R. Daniel O'Connor, Note, *Defining the Strike Zone—An Analysis of the Classification of Prior Convictions Under the Federal "Three-Strikes and You're Out" Scheme*, 36 B.C. L. Rev. 847, 880-81 (1995) (advocating establishment of database of information on previous felony convictions which courts could use as presentencing report).

²¹⁶ See id. at 882-83. O'Connor argues that the procedural framework created by section 411 of the Controlled Substances Act, 21 U.S.C. §§ 801-904 (1994), which mandates the filing of a presentence report and a written response from the defendant denying the allegations in the report, would be an appropriate means of fairly apportioning judicial resources to an inquiry into conduct underlying possible "crime of violence" convictions under VCCLEA. See O'Connor, *supra* note 215, at 882-83.

²¹⁷ For a discussion of what information would be useful in determining consent, see *supra* Part III.A.

²¹⁸ Historically, the fact of a statutory rape complainant's past sexual conduct was a defense to a conviction. After engaging in prior sexual conduct, a complainant was seen as having lost the "purity" or virginity the "age of consent" laws were enacted to protect. See, e.g., Odem, *supra* note 2, at 71 (explaining how courts "deemed sexual intercourse with an 'unchaste' girl a less serious offense than the same act with a 'chaste' girl"). Inquiries into prior sexual conduct are generally no longer explicit. But see *State v. Rush*, 942 P.2d 55, 57 (Kan. App. 1997) ("[A] female adolescent's sexual sophistication may be properly considered in imposing punishment").

²¹⁹ See, e.g., *People v. M.K.R.*, 632 N.Y.S.2d 382, 383 (N.Y. Sup. Ct. 1995) (reporting that statutory rape charges were brought at behest of complainant's parents); *Good Morning America* (ABC television broadcast, June 24, 1997) (quoting mother of female complainant after 18-year-old statutory rape defendant received 40-year sentence: "I believe that they both should pay some price for what they've done. But the sentencing that they're trying to push on him is just too much.").

²²⁰ See, e.g., Donovan, *supra* note 18, at 32, 34 (discussing many young women who love their older partners or rely on them for support); see also Frank Bruni, *In an Age of Con-*

wish to validate their relationship with the defendant through testimony regarding meaningful consent, or may wish to testify to prevent the defendant from suffering an overly severe penalty based on a conviction for a nonviolent crime.²²¹

CONCLUSION

The existing federal "crime of violence" model is inadequate for helping courts make decisions about predicate statutory rape convictions because it produces inaccurate, unreasonably harsh results. Given the new data on adolescent sexuality and cognition that this Note has explored, John White's status as a violent recidivist meriting increased punishment is questionable. Older adolescents, though nominally or actually complainants in charges for statutory rape, are often capable of meaningful consent to sexual activity. Thoughtful, self-manifested consent turns otherwise potentially harmful acts into acts of affection and self-actualization. The model for determining consent described above balances these interests in sexual autonomy with the state interest in punishing this sexual conduct when appropriate and in keeping truly violent recidivists incarcerated. Federal courts using the meaningful consent model would reach more accurate and just results when making "crime of violence" determinations involving statutory rape.

sent, *Defining Abuse by Adults*, N.Y. Times, Nov. 9, 1997, B1 (citing experts discussing complexities of relationships between some adolescents and adults involved in sexual activity).

²²¹ See, e.g., *Ojito*, *supra* note 1, at B2 (reporting how mother of statutory rape complainant wrote on behalf of defendant facing deportation: "Now I feel extremely guilty that what we did to him . . . has come back to cause him and his family such pain and hardship. . . . [The defendant] is not a criminal nor a violent or immoral person, and he does not deserve to be treated as such.").

Appendix M – Leaving an Abusive Partner: An Empirical Review of Predicators, the Process of Leaving, and Psychological Well-Being

LEAVING AN ABUSIVE PARTNER

An Empirical Review of Predictors, the Process of Leaving, and Psychological Well-Being

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Four facets of leaving an abusive relationship are reviewed: (a) factors related to initially leaving an abusive partner; (b) the process of leaving an abusive relationship; (c) the psychological well-being of survivors after leaving; and (d) the predictors of this well-being. The conceptual and methodological limitations of studies in each of these areas are presented. Consistently found predictors of leaving include both material and psychological factors. Because battered women typically undergo several shifts in their thinking about the abuse before leaving permanently, research on leaving as a process is highlighted. A stress-process framework is used to explain the seemingly paradoxical finding that some women just out of the abusive relationship may have greater psychological difficulties than those who are still in it. For those experiencing the most stress, psychological health can worsen over time. Researchers and practitioners need to pay more attention to the plight of women who have left abusive partners.

Key words: domestic violence, battered women, leaving, psychological well-being

STUDIES OF BATTERED WOMEN have grown exponentially in number since the discovery or, as some would say, the “rediscovery” of domestic violence in the mid- to late 1970s (Pleck, 1987). Despite this volume of research, little is known about the challenges faced by women who separate from an abusive partner. By various estimates, it appears that many or most women do eventually leave abusive relationships (e.g., L. Okun, 1986; Strube, 1988). Most of the battered women in Lehnen and Skogan’s (1981) sample from the National Crime Survey had already divorced or separated from their as-

sailants at the time of the survey. A great deal of research has focused on factors related to a woman’s decision to leave or stay and the processes involved in arriving at such a decision. However, a woman’s need for protection from further abuse, practical assistance, and other forms of intervention do not usually end when she leaves an abusive partner. In fact, such needs are likely to increase. Currently, the overlap between research on battered women and divorce largely remains uncharted territory. Studies on domestic violence have seldom ventured beyond the point of physical separation.

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At the same time, woman battering is rarely mentioned in the divorce literature, with only a few exceptions (e.g., Kurz, 1996; Molina, 1999). The present review addresses this gap in the literature by focusing on battered women who have left the assailant and extending the concept of leaving as a process to include the aftermath of the separation.

Our review begins with a brief overview of the theoretical context in which research on battered women's leaving developed. It then turns to studies that focus on factors relating to the decision to leave or return and the processes involved in terminating a relationship with an abusive partner. Finally, the challenges battered women face and their subsequent psychological well-being in the postseparation period are examined from the available, mostly descriptive evidence. These findings are synthesized and interpreted from a stress-process framework to address the seemingly paradoxical question, Why would a substantial proportion of women experience low levels of well-being *after* leaving an abusive mate? We then identify various risk and protective factors influencing a battered woman's psychological well-being after separation.

BACKGROUND

A wide variety of theories have been proposed to explain why women remain with abusive partners. Prior to the

Battered women were believed to harbor a conscious or unconscious need for pain and punishment, which was used to explain their "provocation" leading to abuse and/or a lack of motivation for leaving.

1970s, Freudian notions of female masochism predominated (e.g., Snell, Rosenwald, & Robey, 1964; Young & Gerson, 1991). Battered women were believed to harbor a conscious or unconscious need for pain and punishment, which was used to explain their "provocation" leading to abuse and/or a lack of motiva-

tion for leaving. Feminist activists and social scientists challenged these psychodynamic views and helped to construct a new image of the battered woman, one that emphasized gender role

KEY POINTS OF THE RESEARCH REVIEW

- Predictors of leaving are found consistently in two broad categories: material resources (especially employment and income) and social psychological factors. Income variables were stronger predictors than psychological ones in multivariate studies. A history of childhood abuse and the nature of adult abuse were not consistent predictors of leaving or staying.
- Many survivors go through several phases in the process of leaving. They may leave and return multiple times, each time learning new coping skills. As with divorcing women, these phases may involve cognitive and emotional "leaving" before the physical leaving. The phases include (a) endurance of and managing the violence while disconnecting from self and others; (b) acknowledging the abuse, reframing it, and counteracting it; and (c) "breaking free," disengaging, and focusing on one's own needs. There appears to be a fourth phase following separation that is not addressed by the majority of these studies.
- Trauma effects decline in the months after separation, but a substantial proportion of women continue to suffer from post-traumatic stress disorder (PTSD), depression, and other traumatic problems. Some groups of abuse survivors experience more traumatic effects and depression right after separation than survivors still in a relationship.
- After separation, continued violence and additional stresses can create a negative spiral, creating worsening psychological outcomes. Preliminary evidence suggests that the presence of various coping resources such as social support, material necessities, and self-efficacy can protect against negative psychological outcomes. Women often have insufficient personal resources and require additional services and support.

conditioning, institutionalized sexism, and external constraints on women's ability to leave.

Thus, in the 1970s and 1980s, explanations for why a battered woman does or does not leave were more likely to locate the source of the woman's entrapment outside of her personality. However, the emphasis on internal versus external explanatory factors varied considerably and many theories combined psychological dynamics with external factors. On one end of the continuum are the theories of female masochism mentioned earlier (Shainess, 1979). Next are theories with interpersonal components. These

involve principles such as (a) intermittent reinforcement, which Walker (1984) popularized as the “cycle of violence”; (b) traumatic bonding, which was hypothesized to result from alternating punishment and indulgences (Dutton & Painter, 1981); and (c) fear of greater harm upon separation, which we will show later is a realistic fear for many women. Social learning theory has been applied in studies that investigate whether battered women were likely to have witnessed abuse or been abused in childhood and, perhaps as a result of this abuse, develop beliefs that violence is a normal part of family life. We also provide evidence regarding the impact of these childhood experiences. Learned helplessness theory hypothesized that motivational, cognitive, and affective deficits result when abused women repeatedly but unsuccessfully attempt to get the help they need (Walker, 1984). Closely related are theories of victim blaming and institutional sexism that create apathetic and sometimes hostile responses to battered women when they seek help, leaving them isolated and without resources. On the macro level are patriarchal social structures that tend to keep women as a group economically dependent on men and patriarchal norms about gender roles that women tend to internalize. The above theories are described more fully elsewhere (e.g., Barnett & LaViolette, 1993; Dobash & Dobash, 1992; Kirkwood, 1993; Strube, 1988). In sum, many potential impediments to women’s leaving have been described and investigated. As a result of theorizing since the 1970s, battered women are less likely to be described as culpable participants in a “troubled relationship” than victims facing many obstacles restricting their alternatives to leaving an abusive relationship.

QUANTITATIVE RESEARCH PREDICTING WOMEN’S STAY/LEAVE DECISIONS

Consistent with the background just described, studies on women’s decisions to stay or leave began to appear in the mid-1970s. These studies attempted to isolate the reasons for battered women’s apparent entrapment in abusive

relationships. Additionally, most of these studies have tried to account both for structural constraints on a woman’s decision to leave or stay as well as psychological factors. This body of research is important for purposes of the current review inasmuch as it is among the first to shed some light on possible factors influencing the well-being of women who leave. Whereas other recent reviews have included some stay/leave studies (e.g., Rhodes & McKenzie, 1998), the present review provides a fairly comprehensive assessment of those studies that directly involve the empirical testing of factors hypothesized to predict relationship status (see Table 1).¹

Before presenting the results of the review, it should be noted that making direct comparisons between studies and resolving discrepant findings among them is made difficult by differences in the types of variables included, sample selection (nonrandom), time of measurement, and the operationalization of independent and dependent variables. Some of the studies are retrospective whereas others are prospective; some base their findings on women’s self-reports of “intentions,” and others measure actual behavior. The dependent variables in these studies, for example, range from a woman’s intentions to leave a violent partner at shelter exit, to her actual leaving/returning to the batterer immediately after exiting a shelter, to her relationship status in the months or years following a separation, during which she may have returned and left several times. Although these outcomes are related (e.g., Rusbult & Martz, 1995), results could vary somewhat depending on which outcome measure is used. Nevertheless, findings that are consistently significant across studies with slightly different outcome variables can be considered more robust. Keeping in mind the various operationalizations of the dependent variables, the outcome variables will generally be referred to as “leaving” for ease of discussion. The most common predictors from these studies can be categorized as (a) the nature of the violence, (b) the woman’s life history, (c) social psychological factors, (d) external resources, and (e) previous coping strategies.

(text continues on p. 170)

TABLE 1 Quantitative Studies of Battered Women's Stay/Leave Decisions

<i>Study</i>	<i>Sample Size</i>	<i>Source of Sample</i>	<i>Design</i>	<i>Dependent Variable</i>	<i>Predictors of Leaving</i>
Aguirre, 1985	312	Residents of 15 battered women's shelters	Cross-sectional	Intentions to leave/return at shelter exit	2 of 8 predictors significant (multivariate): Economic independence from husband, and number of decisions made while at shelter
Compton, Michael, Krasavage-Hopkins, Schneiderman, & Bickman, 1989	141	Residents of a YWCA shelter	Cross-sectional	Intentions to live on own, return to abuser, or live with friends/family at shelter exit	6 of (unknown number) predictors significant (multivariate): Batterer unemployed, length of shelter stay, number of years married, years of abuse, number of previous separations, woman has good health
Dalto, 1983	32	Residents of a battered women's shelter	Time 1: interview at shelter Time 2: 6-week follow-up mail survey	Relationship status at follow-up	11 of 27 predictors significant (bivariate): Did not seek medical attention, feminist stance toward battering, negative attitude toward returning, low social pressure to return, time at shelter and looking for housing (2 variables), attributes responsibility for violence to abuser, cause of violence perceived as stable, interpersonal relationships at shelter (2 variables), perceived dissimilarity of role model
Frisch & MacKenzie, 1991	46	Former and current residents of two battered women's shelters (currently battered women were abused for at least 4 years)	Cross-sectional	Relationship status at the time of the data collection	8 of 19 predictors significant (bivariate): Liberal attitudes toward women, self-esteem, does not feel controlled by outside forces, woman employed, ever received counseling, education, incidents of serious bodily harm, attributions for violence external to self
Gelles, 1976	41	Community sample of battered women (obtained from police records, a private social service agency, and from neighboring families in which women had sought no outside intervention)	Cross-sectional	Relationship status at the time of data collection	3 of 6 predictors significant (bivariate): Severity of violence, frequency of violence, woman employed
Gondolf & Fisher, 1988	2,000	Residents of 50 battered women's shelters in Texas	Cross-sectional	Intentions to leave/return at shelter exit	12 of 32 predictors significant (multivariate): Batterer not in counseling, own transportation, child care, own income, emergency room care, batterer threatened to harm child, weapons used, child abuse, batterer threatened to kill her, not a racial minority, police not contacted, woman does not abuse alcohol

Herbert, Silver, & Ellard, 1991	130 (44 still actively involved; 86 not involved)	Community sample of battered women recruited through public service announcements, television, radio, and newspaper ads	Cross-sectional	Relationship status at time of data collection	9 of 16 predictors significant (multivariate): Fewer positive aspects of the relationship, negative change in relationship, low family income, less likely to make downward comparisons, partner blamed for abuse, manipulatory attributions for positive behaviors, does not blame self for abuse, frequency of severe abuse, frequency of verbal abuse
Hilbert & Hilbert, 1984	35	Residents of a battered woman's shelter	Cross-sectional	Whether woman leaves/returns at shelter exit	6 of 20 predictors significant (multivariate): Woman's age, low severity of violence, frequency of violence, shorter length of battering relationship, victim income, length of shelter stay
Hilbert, Kolia, & VanLeeuwen, 1997	216	Residents of three New Mexico battered women's shelters (87% living with abuser at intake)	Cross-sectional	Whether woman leaves/returns at shelter exit	2 of 4 predictors significant (multivariate): Length of shelter stay, verbal and physical abuse
Jacobson, Gottman, Gortner, Berns, & Wu Shortt, 1996	45 (couples)	Community sample of 45 severely abused married women and their batterers (recruited through advertisements & random phone dialing)	Time 1: Initial assessment Time 2: 2-year follow-up	Relationship status at the 2-year follow-up	13 of 34 predictors significant (multivariate): Husband's isolation of wife, husband's degradation of wife, husband's physiological arousal (2 variables), frequency of husband violence, husband negative affect (4 variables), wife marital dissatisfaction, wife defensiveness (2 variables), wife does not use humor to cope with abuse, wife physiological arousal
I. Johnson, 1992	426	Residents of a battered woman's shelter	Cross-sectional	Whether woman leaves/returns at shelter exit	2 of 14 predictors significant (bivariate): Woman employed, low severity of violence
Lesser, 1990	58	Former residents of a battered woman's shelter	Cross-sectional	Length of time remained separated from abuser 1 year after shelter stay	9 of (unknown number) predictors significant (multivariate): Social support, length of shelter stay, low attachment to abuser, personal financial independence, low family income, did not witness parental violence, younger women, woman's education, batterer abuses alcohol
Martin et al., 2000	70	Residents of a battered women's shelter	Cross-sectional	Residents' perceived chances of leaving	0 of 3 predictors significant (bivariate).

(continued)

TABLE 1 (continued)

<i>Study</i>	<i>Sample Size</i>	<i>Source of Sample</i>	<i>Design</i>	<i>Dependent Variable</i>	<i>Predictors of Leaving</i>
L. Okun, 1986	300	Residents of a battered woman's shelter	Time 1: Intake Time 2: 1 year following exit (outcome form filled out by shelter worker)	Relationship status at 1-year postshelter follow-up (terminated immediately, terminated eventually, did not terminate)	7 of 47 predictors significant (bivariate): Batterer unemployed, woman has greater income than batterer, woman does not take psychoactive medications, number of previous separations, length of separation, batterer's low level of education, batterer's criminal record of violence
Pagelow, 1981	350	Residents of various battered women's shelters and some nonshelter volunteers	Cross-sectional	Length of cohabitation with batterer after first battering incident	2 of 2 major predictors significant (bivariate): Less severe injuries, childhood violence victimization
Rounsaville, 1978	31	Battered women receiving services from an emergency room and a mental health center	Cross-sectional	Relationship status at the time of data collection	5 of 15 predictors significant (bivariate): Severity of abuse (2 variables), fear of being killed, contact with the police, abuse of children by partner
Rusbult & Martz, 1995	100	Residents of a battered woman's shelter	Time 1: Shelter intake Time 2: 3 months following exit Time 3: 6 months following exit Time 4: 12 months following exit	Relationship status at 3-, 6-, & 12-month postshelter follow-ups	2 of 3 predictors significant (multivariate): Personal resources (education, income, employment, transportation), investment items (married, duration of relationship, number of children)
Schutte, Malouff, & Doyle, 1988	117	Residents of a battered woman's shelter	Cross-sectional	Intentions to return	4 of 7 predictors significant (multivariate): Experienced childhood abuse, woman's education, number of previous separations, number of shelter stays
Snyder & Scheer, 1981	74	Residents of a battered woman's shelter	Time 1: Shelter intake Time 2: 6-10 weeks following exit	Living arrangements at 6-10 week postshelter follow-up	9 of 40 predictors (bivariate): Seeks more than short-term separation, does not seek conjoint marital counseling, unmarried, shorter length of marriage, number of previous separations, woman is not Roman Catholic, length of shelter stay, not intending to return at discharge, separated/divorced from partner at follow-up
Strube & Barbour, 1983	98	Battered women seeking counseling with county attorney's office (All living w/abuser at intake)	Time 1: Initial intake Time 2: 1-18 months following intake	Relationship status at follow-up after closing of case (typically 2-3 months after closing)	5 of 10 predictors significant (bivariate): Woman employed, shorter length of relationship, no mention of economic hardship, no mention of love for the partner, partner promised change at Time 1

Strube & Barbour, 1984	251	Battered women seeking counseling w/county attorney's office (All living w/abuser at intake)	Time 1: Intake Time 2: Roughly 2-3 months following intake	Relationship status at follow-up contact after closing of case.	8 of 18 predictors significant: (multivariate): Woman employed, shorter length of relationship, no mention of economic hardship, no mention of love for partner, racial minority, somewhere else to go, number of coping strategies used, partner did not make promise to change
Truman-Schram, Cann, Calhoun, & Vanwallendael, 2000 ^a	78	Unmarried, female college undergraduates, all of whom had experienced violence in a dating relationship	Time 1: Initial assessment Time 2: Roughly 1 month after initial assessment	Relationship status at the time of the data collection (currently involved vs. left the abusive dating partner)	7 of (unknown number) predictors significant (multivariate): Catholic women, education of woman's mother, low psychological investment in the relationship, dissatisfaction with the relationship (3 variables), shorter length of relationship
Williams, 2000 ^b	100	Residents of shelters and support group participants	Cross-sectional	Relationship status at the time of the data collection	1 of 5 predictors significant (multivariate): Self-efficacy for meeting personal needs

a. It should be noted that unlike the rest of the above studies, this one is included in the table even though the research focuses exclusively on "dating relationships." It is cited in the text only with respect to findings relating to psychological investment in the relationship, which was the primary concern of the investigators.

b. Williams (2000) is much more recent than the bulk of the studies in this table and has clearly been influenced by both the stay/leave studies and the process studies described in the next section. Although this study employs a stage theory to conceptualize leaving as a process, it is categorized with the stay/leave studies because it employs a quantitative method for the purpose of predicting women's likelihood of being in or out of the relationship.

The Nature of the Violence

The nature of the violence, usually assessed in terms of frequency and severity, was among the most likely predictors to be investigated. Whereas some perspectives such as learned helplessness (Walker, 1984) or theories of female masochism (Snell et al., 1964) would expect women to be more likely to remain in the relationship as the abuse escalates over time, the studies under review favor the "common sense" hypothesis advanced by Gelles (1976), which holds that battered women will be more likely to leave as the violence increases in its severity and frequency. However, the findings were often quite inconsistent, possibly due to definitional ambiguity of concepts such as "se-

Several studies hypothesized that women with a greater sense of commitment would be more likely to remain with the abuser compared with women with less commitment.

vere" violence and differences in the types of measurement instruments used. The nonsignificant findings in numerous studies (e.g., Gelles, 1976; L. Okun, 1986; Snyder & Scheer, 1981) are likely due to a lack of variation within samples because most of the women experienced high levels of vio-

lence. Verbal and emotional abuse was sometimes as good or more accurate than physical abuse in predicting leaving (e.g., Herbert, Silver, & Ellard, 1991; Hilbert, Kolia, & VanLeeuwen, 1997; Jacobson, Gottman, Gortner, Berns, & Wu Shortt, 1996).

Woman's History of Other Abuse

A woman's previous experiences with violence as a child or an adult are believed by many to play a key role in her staying with an abusive intimate partner. In particular, factors relating to a woman's childhood history of family violence, either as a witness or victim of abuse, were the most frequently examined—close to three quarters of the studies in Table 1. However, studies finding support for the hypothesized link between childhood history of violence and a greater likelihood of returning were the exceptions (Lesser, 1990). Rusbult and Martz

(1995) found a significant relationship at the bivariate level, which disappeared after other factors were controlled (not shown in table). These studies were outnumbered by studies finding that women who witnessed parental violence or who were themselves abused as children, were more likely to leave than their nonvictimized counterparts (Gondolf & Fisher, 1988; Pagelow, 1981; Schutte, Malouff, & Doyle, 1988). Results from Williams's (2000) study support these findings at the bivariate level only (not shown in table). Finally, the majority of studies that examined the relationship between such childhood history of violence and stay/leave decisions reported no significant findings (e.g., Aguirre, 1985; L. Okun, 1986; Strube & Barbour, 1984). Overall, the findings are inconsistent but violence history may sometimes bolster women's determination to escape the abuse.

Social Psychological Factors

A variety of psychological and social psychological factors were assessed for their predictive ability regarding the stay/leave decision. The most frequently assessed predictor variables in this category, however, were psychological commitment to the relationship and objective indicators of potential commitment. Several studies hypothesized that women with a greater sense of commitment would be more likely to remain with the abuser compared with women with less commitment (Rusbult & Martz, 1995; Strube & Barbour, 1983, 1984; Truman-Schram, Cann, Calhoun, & Vanwallendael, 2000). For example, the more she has invested in terms of time, effort, resources, legal ties, or love for her partner, for example, the more compelled she should feel to justify these investments through further efforts to save the relationship. There was a fair amount of support for these hypotheses across the various studies but primarily for subjective measures of commitment. Women who indicated love or positive feelings for the abuser or the relationship (Strube & Barbour, 1983, 1984; Truman-Schram et al., 2000) and held traditional religious values/beliefs (Snyder & Scheer, 1981) were more likely to be involved in the relationship at the time of mea-

surement. However, findings were much less likely to be significant when objective indicators such as marital status (2 of 6 studies) and length of the relationship (5 of 10 studies) served as indicators of commitment (e.g., Compton, Michael, Krasavage-Hopkins, Schneiderman, & Bickman, 1989; Martin et al., 2000; L. Okun, 1986; Schutte et al., 1988).

External Resources

In a number of studies, external resources appeared to outweigh subjective factors in predictive ability. In the Strube and Barbour (1984) study, for example, a woman's employment status was a more powerful predictor of staying than a woman's positive feelings about the relationship (e.g., love, partner promised to change). Similarly, in the Lesser (1990) study, feelings of economic dependence and the need for a place to go were mentioned as reasons for returning by only 15% of the women, yet an objective measure of women's income was the best single predictor of women's leaving, controlling for other factors (including life history variables). Other studies report similar findings. Women who were more economically advantaged in terms of employment status and personal income were less psychologically committed and significantly more likely to leave than other women (e.g., Frisch & MacKenzie, 1991; Rusbult & Martz, 1995; Schutte et al., 1988) with few exceptions (e.g., Dalto, 1983; Williams, 2000). It may be less disturbing to a woman to believe that she is staying for the positive aspects of the relationship (i.e., voluntarily) rather than for negative reasons, such as economic entrapment.

Income variables were not only among the most consistently related but possibly the most powerful predictors of the stay/leave decision overall, even when controlling for a variety of psychological and other variables. Studies that employed multivariate techniques and included a broad range of variables more frequently reported income to be the strongest predictor of leaving (e.g., Aguirre, 1985; Compton et al., 1989; Gelles, 1976; Hilbert & Hilbert, 1984; Lesser, 1990; Rusbult & Martz, 1995). Women who had a source of income independent of the

abuser, including welfare (Aguirre, 1985; Gondolf & Fisher, 1988; Lesser, 1990; Rusbult & Martz, 1995), or who had incomes larger than those of their partners (L. Okun, 1986) were much more likely to leave the abuser. In sum, findings for financial indicators appear quite robust.

Unfortunately, fewer studies assessed the effects of other barriers to women's leaving. Women were more likely to leave when they had regular access to child care (Gondolf & Fisher, 1988), transportation (Gondolf & Fisher, 1988; Rusbult & Martz, 1995), and in some cases, social support (Lesser, 1990) but not always (Strube & Barbour, 1984). Potential financial liabilities, such as the number, age, or presence of children, as well as the woman's age, were mostly nonsignificant (e.g., Compton et al., 1989; Gondolf & Fisher, 1988; Herbert et al., 1991; I. Johnson, 1992; L. Okun, 1986). One study found women's health problems to be a significant predictor of returning to the abuser (Compton et al., 1989). Findings for race as a predictor variable were inconsistent (Compton et al., 1989; Gondolf & Fisher, 1988; L. Okun, 1986; Rounsaville, 1978; Strube & Barbour, 1984).

Previous Coping Strategies

A woman's repeated attempts to cope with the abuse are an integral part of the overall experience of violence. Studies that directly or indirectly included women's prior efforts to cope with the violence as a predictor of the stay/leave decision serve as precursors to studies of leaving as a process. Four (of eight) studies found that the greater the number of previous separations from an abuser, the more apt a woman is to leave (Compton et al., 1989; L. Okun, 1986; Schutte et al., 1988; Snyder & Scheer, 1981). Findings from two (of three) studies indicated that women who had previously employed numerous other coping strategies besides leaving were significantly more likely to separate from the abuser (Rounsaville, 1978; Strube & Barbour, 1984). Short-lived separations and the development of new coping skills may enhance women's feelings of mastery and self-efficacy, making permanent separation

more likely. However, the mixed findings on prior number of separations suggest that other factors may need to be considered as well, such as the resources to which she had access and her desire to seek long- or short-term separation.

Although many of the stay/leave studies view women's multiple returns as problematic and evidence of an inability or reluctance to separate from an abusive mate (e.g., Lesser, 1990; Rounsaville, 1978; Strube & Barbour, 1983), others stress the multiple separations as indicators of persistent, strong efforts by "survivors" to leave for good (Gondolf & Fisher, 1988). In light of women's perseverance in the face of violence, L. Okun (1986) suggests the need to view leaving as a process. This positive view of leaving and returning foreshadows the process of leaving studies to be reviewed shortly.

Taken as a whole, the stay/leave studies have furthered our understanding of factors affecting a woman's leaving an abusive partner. They point to an array of environmental and psychological factors that influence a woman's decision to leave or stay—a marked improvement over earlier work that located the source of the problem almost solely within the personalities of battered women. In sum, the current group of studies provides empirical backing to the claims of advocates and theorists in the 1970s who portrayed abused women not as masochists who provoked the abuse but as women facing multiple internal and external obstacles to leaving.

However, there are a number of conceptual problems with this group of studies. First, designating the decision to leave as *the* ultimate outcome variable of interest equates leaving with the cessation of violence. Some research has found that the abuse may cease while she remains with the abuser (e.g., Aldarondo, 1996; Bowker, 1983; J. Campbell, Miller, Cardwell, & Belknap, 1994; Horton & Johnson, 1993) or continue well after the separation (e.g., Bachman & Saltzman, 1995; Wilson, Johnson, & Daly, 1995). Moreover, even though these studies consider a wide variety of internal and external obstacles as predictive factors, leaving itself is typically conceptualized as a single act that hinges only on a decision. In reality, not only can the decision change several times, but leaving typically entails a series of other decisions and actions.

Second, because the greater emphasis is clearly on women who have not left or who are still trying to leave, this line of research frequently tends to reinforce an image of the battered woman as relatively passive. It can become difficult for researchers to conceive of her as an active agent who frequently does leave or otherwise manages to free herself from the violence (Gondolf & Fisher, 1988). Furthermore, by focusing on stay/leave outcomes, the challenges faced by women in the aftermath of separation are not addressed. Despite these criticisms, findings from the stay/leave studies do provide clues to some of the risk and protective factors faced by battered women after they separate. Implicit in the why-does-she-stay question is the flip side of the coin, "What enables her to leave?"

QUALITATIVE RESEARCH THAT CONCEPTUALIZES LEAVING AS A PROCESS

The 28 publications under review in this section (25 original studies, 1 theoretical article, and 2 review papers listed in Table 2) tend to be more recent than the stay/leave decision studies. Process-of-leaving researchers take issue with the predominant focus on leaving as a single act or decision and they are also more deliberate in their efforts to counter popular stereotypes of battered women as helpless or passive. The main research question differs primarily in its point of emphasis. Because these studies take it for granted that many women can and do leave abusive partners, they place greater emphasis on the flip side of the why-does-she-stay question and so are more likely to underscore women's agency. The question that requires explanation is, namely, "How does she ever manage to leave given all the strikes against her?"

Process studies typically differ qualitatively from stay/leave studies in conceptualizing leaving as a complex process involving many decisions and actions taking place over a period of months or years. According to these studies, leaving begins with changes at the emotional and cognitive levels well before an actual physical departure. When attention is focused only on a single act of leaving, subtle changes in her thinking and behavior are missed and her ap-

TABLE 2 Qualitative Studies Focusing on the Process of Leaving for Battered Women

<i>Study</i>	<i>Sample Size</i>	<i>Source of Sample</i>	<i>Design</i>	<i>Type of Publication</i>	<i>Consideration of Postseparation Issues</i>
Angless, Moconachie, & Van Zyl, 1998	21	Former residents of a battered woman's shelter in South Africa; Women were located from information provided on release forms	Cross-sectional	Article	Approximately one page on this topic
Brown, 1997	na	na (theoretical framework for process of leaving)	na	Article	No mention
Burke, Gielen, McDonnell, O'Campo, & Maman, 2001	78	A subset drawn from a larger women's health study; recruited from five sites affiliated with an urban teaching hospital, including a homeless shelter, HIV care clinic, an infant mortality prevention center, a gynecology clinic, and an outpatient drug treatment center; all were either currently or formerly battered women	Cross-sectional	Article	Approximately one page on this topic
Campbell, Rose, Kub, & Nedd, 1998	32	Urban community sample of battered women self-identified as having a serious problem in an intimate relationship; recruited from newspaper ads and bulletin board postings	Interviewed 3 times over 2 ½ years	Article	Postseparation issues and violence mentioned in brief but focus is on degree of women's psychological commitment to relationship
Carlin, 1998	5	Women who had been with an abusive partner for at least 5 years; all had left partner within past 2 years; recruited from a counseling program for battered women	Cross-sectional	Dissertation	Approximately seven pages on this topic
Dobash & Dobash, 1979	109	Current or recent residents of battered women's shelters in Scotland	Cross-sectional	Book	Passing references to postseparation issues but no sections devoted to it
Eisikovits, Buchbinder, & Mor, 1998	20	A purposive sample of Israeli women who sought help from an emergency hotline for survivors of domestic abuse	Cross-sectional	Article	No mention
Eldar-Avidan & Haj-Yahia, 2000	15	Divorced Israeli women who had been abused by their former husbands; accessed through social welfare and human service agencies	Cross-sectional	Article	Article devoted to this topic
Ferraro & Johnson, 1983	120	Primarily residents of a battered women's shelter (5 had received services but were not residents)	Cross-sectional	Article	Less than one page on this topic
Goetting, 1999	16	Convenience sample recruited from battered women's shelters and other organizations and agencies sympathetic to battered women	Cross-sectional	Book	Some attention to postseparation issues on a case-by-case basis, but primary emphasis is on women's biographies up to physical exit from relationship
Hoff, 1990	9	Former residents of a battered women's shelter; contacted through state shelter and health networks	1-year naturalistic study (qualitative methodology)	Book	One chapter and brief epilogue on this topic
Holt, 1995	10	Women who had left their abusive partners; social workers in a variety of settings identified and initiated contact with women for possible inclusion in the study	Cross-sectional	Dissertation	No mention
Kirkwood, 1993	30	Women who had been out of an abusive relationship for at least 1 year; recruited through newspaper and radio ads and contacts with an organization for single parents	Cross-sectional	Book	One chapter on this topic

(continued)

TABLE 2 (continued)

<i>Study</i>	<i>Sample Size</i>	<i>Source of Sample</i>	<i>Design</i>	<i>Type of Publication</i>	<i>Consideration of Postseparation Issues</i>
Landenburger, 1989	30	Current or previously battered women recruited through newspaper ads, a community support group, and a battered women's shelter	Cross-sectional	Article	Approximately one page on this topic
Merritt-Gray & Wuest, 1995	13	Domestic violence survivors recruited by lay and professional helpers in a rural Canadian community	Cross-sectional	Article	No mention
Mills, 1985	10	Residents from a battered women's shelter	Cross-sectional	Article	No mention
Molina, 1999	30	African American working women who sought legal services to obtain a divorce; 18 of these women were domestic violence survivors	Cross-sectional	Article	Article devoted to this topic
Moss, Pitula, Campbell, & Halstead, 1997	30	Survivors who had terminated a relationship with an abusive partner; recruited through local women's organizations & posters on college campuses	Cross-sectional	Article	Approximately two pages on this topic
NiCarthy, 1987	33	Women who had been out of an abusive relationship for at least a year; recruited from flyers, newspaper ads, and programs servicing battered women	Cross-sectional	Book	Approximately 9-10 pages on this topic
A. Okun, 1998	30	Women who had left an abusive partner for a minimum of 2 years; recruited through newspaper ads, community television ads, and flyers placed at local venues frequented by women	Cross-sectional	Dissertation	No mention
Patzel, 2001	10	Convenience sample recruited from two outreach programs and a resource center for battered women; all had terminated their relationships with the batterer at least 6 months prior to the study	Cross-sectional	Article	No mention
Rosen & Stith, 1997	22	Women had been or were currently in a violent dating relationship; recruited through newspaper ads, flyers reaching the general public, and referrals from clinical colleagues	Cross-sectional	Article	Approximately two pages on this topic
Sleutel, 1998	na	Review of qualitative work within past 15 years	na	Article	Less than one page on this topic
Syers-McNairy, 1990	15	Women who had terminated a relationship with an abusive partner at least 1 year prior to the study; some recruited from women's support groups at a local women's center; others recruited from battered women's programs	Cross-sectional	Dissertation	Much of manuscript devoted to this topic
Ulrich, 1991	51	Formerly battered women recruited through community newsletters, crisis center support groups, and therapists' offices.	Cross-sectional	Article	No mention
Ulrich, 1998	na	Reviews some evidence from various studies that supports notion of a "process of leaving"	na	Article	No mention
Wilson, 1999	9	Women had left their abusive partners at least 1 year prior to study; women recruited by word of mouth and snowball sampling.	Cross-sectional	Dissertation	Approximately 15-20 pages devoted to this topic
Wuest & Merritt-Gray, 1999	15	Formerly battered women who had terminated the relationship at least 1 year prior to the study; recruited with the help of professional and lay helpers who gave women letters explaining the study.	Cross-sectional	Article	Article devoted to this topic

NOTE: na = not applicable

parent staying behavior is likely to be interpreted in a manner consistent with traditional views of women (e.g., she cannot leave because she is helpless or dependent). To capture the complexity of leaving, process studies attempt to understand women's behavior through their own voices. Women's accounts describe the social context within which the process of leaving takes place, thus bringing to light the courage and determination required in preparing for the final separation. They also highlight the insights that lead to growth experiences along the way, often before an act of leaving can be observed by the outsider.

In this view, survival status is attained through active and cumulative efforts as women gradually learn more effective strategies for dealing with the abuse. Most of the studies that view leaving as a process described women passing through a series of stages or phases leading to an eventual separation(s) from the abuser; however, periods of return to earlier phases are considered normal (J. Campbell, Rose, Kub, & Nedd, 1998; Patzel, 2001). Increasingly popular among process studies is the application of Prochaska and DiClemente's (1984) Transtheoretical Model of Change to battered women's leaving (e.g., J. Brown, 1997; Burke, Gielen, McDonnell, O'Campo, & Maman, 2001; Williams, 2000). The model assesses a person's cognitive, emotional, and behavioral readiness to make a needed change to her life, such as terminating the relationship. Despite differences among individual studies in the amount of emphasis put on a distinct set of stages, several common themes emerged. Because these process studies are feminist in orientation, importance is placed on the role that patriarchy plays, particularly through traditional female socialization and "family values" in women's responses to their abuse (e.g., Dobash & Dobash, 1979; Hoff, 1990; Kirkwood, 1993). Under a system of patriarchy, women's oppression and devaluation seems almost natural and inevitable. Not surprisingly, most process studies found that many battered women initially drew on traditional religious ideals and female stereotypes to develop strategies to cope with the violence (Mills, 1985; Wilson, 1999). For example, many adopted the role of nurturer (i.e.,

she is the only one who can help him), while minimizing or denying the extent of abuse (Ferraro and Johnson, 1983; Mills, 1985). Similarly, others stayed out of a wifely duty to "stand behind their man." However, as Ferraro and Johnson (1983) emphasize, this does not necessarily indicate a woman's passive acceptance or resignation to her fate. Rather, it requires active efforts to construct a particular meaning to her circumstances that will allow both the continuation of the love that she feels toward her partner and endurance of the pain of the abuse. Additionally, many women were isolated from external influences that might challenge either their own or the abuser's definition of the situation. Moreover, African American women are socialized not to seek help from outside the black community to avoid bringing further disgrace and suffering onto the black male by the wider society (Moss, Pitula, Campbell, & Halstead, 1997). Studies have referred to this phase variously as "endurance" (Landenburger, 1989; Moss et al., 1997), "making do" (J. Campbell et al., 1998), "managing" the violence (Mills, 1985), or disconnecting from self and others (Carlin, 1998).

Additional effort and knowledge is usually required for her to begin questioning her situation, let alone give up the dream of a happy life with a loving partner. Nevertheless, process studies almost invariably found that most of the women reported another shift in their perspective that sometimes occurred suddenly but more often developed gradually as women experienced fleeting insights about themselves and the relationship (e.g., Eisikovits, Buchbinder, & Mor, 1998; Holt, 1995; Mills, 1985; A. Okun, 1998; Rosen & Stith, 1997). In this period of reframing (Moss et al., 1997; Patzel, 2001), acknowledgement/contemplation (J. Brown, 1997; Burke et al., 2001), shrinking/loss of the self (Landenburger, 1989; Mills, 1985), or counteracting the abuse (Merritt-Gray & Wuest, 1995), women began to redefine the relationship

Women's accounts describe the social context within which the process of leaving takes place, thus bringing to light the courage and determination required in preparing for the final separation.

as abusive and label themselves as victims. Catalysts that helped to bring about this shift in thinking included an increase in the level of the violence or fewer periods of love and affection; loss of hope that the relationship will get better; witnessing the effect of the abuse on the children; or external influences such as friends, family, and helping professionals who offer support and alternative perspectives (e.g., Dobash & Dobash, 1979; Eisikovits et al., 1998; Ferraro & Johnson, 1983; Kirkwood, 1993; Ulrich, 1991). Importantly, Ferraro and Johnson (1983) were among the few to report how some women began reinterpreting the violence when financial and material resources necessary for escape became available. As women recognized the negative impact of the violence on their well-being, suppressed feelings of loss, failure, anger, and/or fear commonly began to surface. However, such feelings provided the fuel many women needed to begin searching for a way out (Carlin, 1998; Eisikovits et al., 1998; Hoff, 1990; Kirkwood, 1993; A. Okun, 1998).

Finally, in the disengagement (Landenburger, 1989) or breaking free stage (Merritt-Gray & Wuest, 1995), women's priorities seemed to change from focusing only on the needs of partners to protecting her own needs and reconnecting with the self (Carlin, 1998; Wilson, 1999). Most of the process studies noted how a "woman's agenda to maintain her relationship" was slowly "replaced with an agenda to leave the relationship" (Rosen & Stith, 1997, p. 177). At this stage, women began to engage in activities they believed would help them leave, such as finding a safe place to think, focusing on other areas of life, finding social support, turning to alcohol, making safety plans, enrolling in self-defense classes, setting some limits in the relationship, and making small decisions that helped increase self-efficacy and self-worth (e.g., Goetting, 1999; Merritt-Gray & Wuest, 1995; NiCarthy, 1987). Although many women's newfound feelings about themselves were mixed with pain and anguish, they began leaving in many ways that were not always visible to the casual observer, such as arriving home later than usual, withdrawing from their partners emotionally, accepting jobs that took them away from home, separating their belongings

from the abuser's while living under the same roof, and seeking temporary separations at a shelter (e.g., Landenburger, 1989; Merritt-Gray & Wuest, 1995). These temporary separations were not a sign of weakness; rather, they seemed to give many women enough autonomy and self-confidence to make the final break, although sometimes not before a "last straw" episode of abuse occurred (e.g., Angless, Maconachie, & Van Zyl, 1998; Goetting, 1999; Holt, 1995; Rosen & Stith, 1997).

Clearly, process studies highlight the courage, determination, and persistence involved in leaving an abusive partner. By underscoring the agency of battered women, the stereotype of the woman as a passive victim is replaced with a new and more complex psychology of woman-as-survivor, in which battered women slowly regain control over their own lives. From this standpoint, the expectation that women will have the strength and resolve to maintain this independence after the separation seems to follow more easily, unlike most of the work on the stay/leave decision. However, several limitations of this research need to be addressed. The retrospective nature of the data, with one exception (e.g., J. Campbell et al., 1998), and nonrandom sampling procedures should first be noted. The women in these studies were from select samples (e.g., recruited from shelters, battered women's groups, and community advertisements), and most had already made the final break. Furthermore, it is not known to what extent the data might be subject to recall errors as most of the interviews took place quite a few months or years after the separation or shelter stay. Additionally, very little attention is given to ways in which the leaving process may differ by race or ethnicity. One study found that women of color (primarily African American) were much more similar than different from their White counterparts, despite the multiple oppressions faced by minority women (J. Campbell et al., 1998). However, possibly due to racial oppression, African American women in Wilson's (1999) sample appeared to be more conscious of the sociopolitical context that supports men's domination of women.

Most important, however, in trying to counter older notions of female masochism and pas-

sivity, the process studies (e.g., Hoff, 1990; Kirkwood, 1993) face conceptual limitations. The parameters for the study of battered women's leaving behavior are similar in at least two ways to earlier research emphasizing intrapsychic processes. First, whereas the notion that battered women can be survivors as well as victims was a necessary and valuable contribution to the field, many of the process studies, with a few exceptions (Dobash & Dobash, 1979; A. Okun, 1998; Syers-McNairy, 1990), come close to the psychological reductionism for which theories of female masochism and learned helplessness have been criticized (see Dobash & Dobash, 1988, for a critique of learned helplessness). Internal explanations for women's decisions need also to be viewed in light of major structural constraints faced by battered women, as many of the stay/leave studies have effectively demonstrated. However, many of the process studies, including the newer ones employing the Transtheoretical Model of Change, seem to suggest that leaving an abusive relationship is primarily contingent on changes in the subjective meaning of the situation to the women (e.g., J. Brown, 1997; Burke et al., 2001; J. Campbell et al., 1998; Landenburger, 1989; Mills, 1985; Ulrich, 1998). For example, Mills (1985) characterizes the process of leaving as one in which battered women shift from being "compliant zombies to reflective actors who decide to leave their husbands" (p. 115). At the same time, Landenburger (1989) emphasizes that battered women need to learn more about abusive relationships. However, in the policy and practice implications section of this study, no mention is made of the need for the provision of external resources, nor the larger social forces that contribute to a woman's continued victimization or harassment should she decide to separate.

Second, the primary goal of most process studies has been to demonstrate the ways in which women still technically "in" the relationship progressively undergo significant growth experiences that are part of the leaving process and are otherwise overlooked by traditional research. Although this has been an important contribution, there seems to be an assumption, with a few exceptions (e.g., J. Campbell et al.,

1998), that the only way a woman can regain her agency is to leave and that staying is always unhealthy. This view is perhaps most apparent among process studies employing the Transtheoretical Model, which is often applied to populations with addictive and problem behaviors such as smoking, drug use, and delinquency (Prochaska, Norcross, & DiClemente, 1994). Many well-intentioned practitioners and battered women's activists who adopt this view are likely to be of little help to women who experience less severe abuse and may wish to achieve nonviolence from within the relationship (Peled, Eisikovits, Enosh, & Winstok, 2000).

Moreover, given the intensity of effort going into showing that these women living with abusive partners are not helpless victims, perhaps it is not surprising that most of the process studies also neglect or give minimal attention to the postseparation period. In most of the studies, the process of leaving seems to abruptly end with the woman's physical departure from the relationship, or else the possibility of ongoing violence or other obstacles following the separation is mentioned in passing (e.g., Angless et al., 1998; J. Brown, 1997; J. Campbell et al., 1998; Eisikovits et al., 1998; Holt, 1995; Landenburger, 1989). As shown in Table 2, only 7 of the 28 qualitative studies devote a somewhat considerable proportion of space to the aftermath of separation (Eldar-Avidan & Haj-Yahia, 2000; Hoff, 1990; Kirkwood, 1993; Molina, 1999; NiCarthy, 1987; Syers-McNairy, 1990; Wuest & Merritt-Gray, 1999), and this period is the primary concern of only four of the studies (Eldar-Avidan & Haj-Yahia, 2000; Molina, 1999; Syers-McNairy, 1990; Wuest & Merritt-Gray, 1999). However, the challenges to maintaining a life independent from the abuser would seem to constitute an equally important part of the process. Notably, a parallel trend cannot be found in the general divorce literature. When divorce is treated as a multistage process, the process frequently begins with the initial sepa-

There seems to be an assumption, with a few exceptions . . . , that the only way a woman can regain her agency is to leave and that staying is always unhealthy.

ration (e.g., Bursik, 1991; Gray, Koopman, & Hunt, 1991; Pledge, 1992), although there are some exceptions (e.g., Guerin, Fay, Burden, & Kautto, 1987). Thus, the majority of the process studies on battered women either ignore or downplay the importance of the postseparation period, including the violence and other stressors that often occur then.

POSTSEPARATION PSYCHOLOGICAL WELL-BEING

Psychological Outcomes of Abuse

The preceding sections identified some key factors predicting who is most likely to leave an abusive partner as well as the processlike nature of this decision. The emphasis shifted from "What keeps her there?" to "How does she even manage to leave?" For the next set of studies, inquiry centers on the question of "What happens after she leaves?" As the focus now turns to battered women in the postseparation stage of the process, psychological well-being will replace relationship status as the outcome of interest inasmuch as leaving does not necessarily mean a safer, happier life. Relationship status may be related less to well-being but seems to determine the types of environmental circumstances and stressors to which a woman is exposed. Given that battered women who separate will encounter a unique set of circumstances and stressors, it is important to determine how the psychological well-being of these women may differ from that of women who are still living with the batterer and from nonabused divorcing women.

Although many studies include both women who are currently involved with the abuser and women who have since left, very few have made comparisons between these groups when assessing psychological well-being. Among the exceptions, several studies have found that average levels of depression, PTSD, or other trauma symptoms among battered women who have left can equal (Herbert et al., 1991; Rounsaville, 1978) or exceed (Kemp, Green, Hovanitz, & Rawlings, 1995; Lerner & Kennedy,

2000; Walker, 1984) those of women still in the relationship. Recency of separation in one of the cross-sectional studies was related to lower levels of psychological well-being among women who had left (Lerner & Kennedy, 2000). These findings are confirmed by several longitudinal studies that found a significant reduction in the level of trauma symptoms for recently separated battered women over a 6-month (Dutton & Painter, 1993) and 1-year interval (Mertin & Mohr, 2001). At the same time, Anderson (2001) found that positive aspects of well-being, specifically perceived quality of life, increased over multiple time points for women who remained separated from their abusers at least 2 years after shelter exit.

Although the psychological well-being of many separated battered women appears to increase with time, mean rates of well-being provide limited information. Anderson, Saunders, Yoshihama, Bybee, and Sullivan (in press) assessed the course of recovery at multiple time points over a 2-year period for 94 battered women who had left their abusive partners. Findings from the study indicate the need to distinguish among various subgroups of women who have left, as the depression levels for one third of the sample remained moderate to high or actually increased significantly with time. Prevalence rates of depression and anxiety were reported in another study of separated battered women. At the time of shelter residence, 42% of the 59 women in the Mertin and Mohr (2001) study met the full *DSM-IV* (*Diagnostic and Statistical Manual of Mental Disorders*, fourth edition) (American Psychiatric Association, 1994) diagnostic criteria for PTSD, whereas 14% still met the criteria 1 year later. Similar percentages for clinical levels of anxiety were reported at both time points. The prevalence rates at the 1-year follow-up, however, are likely underestimated because 41 women who were unavailable for the follow-up interview were significantly more likely to believe they would be killed by their partner at Time 1. If substantial numbers of women who separate are highly distressed, then more research concerning the relevant risk and protective factors affecting their psychological well-being is needed.

Predictors of Postseparation Well-Being: A Stress Process Model

Drawing from the work of Pearlin, Lieberman, Menaghan, and Mullan (1981), the remainder of the review employs a stress process conceptual framework from which the findings on predictors of women's postseparation well-being can be organized, interpreted, and integrated. The model may not be superior to others but can provide a valuable, heuristic framework. This approach seems applicable to the study of battered women in the separation process for at least several reasons. First, the stress experience is viewed not as an isolated event but an ongoing process. Similarly, "leaving" for the battered woman is the continuation of a process that begins at the emotional and cognitive level while she is still in the relationship and extends well beyond her physical departure. Second, such models place a heavy emphasis on the combined impact of various environmental factors accompanying a major stressor such as domestic violence and subsequent separation. A severe stressor rarely occurs as an isolated event but is likely to trigger a series of other stressors affecting multiple life domains. Leaving an abusive partner sets in motion numerous, sudden, and often dramatic changes in women's life situations. The multiple stressors facing women potentially involve various emotional and financial losses; new or altered responsibilities as a single parent or sole provider; repeated exposures to violence; and limited access to key social, material, and internal coping resources. Thus, it is theoretically possible for the negative effects of stress to be cumulative.

Finally, process models conceptually allow for diverse outcomes depending on the number, strength, and combinations of environmental factors present. In other words, some women will be more or less traumatized due to differences in the level of overall stress as well as in the amount of social support, self-efficacy, and financial and material resources. Below we review evidence for the impact of three types of factors believed to influence women's postseparation psychological well-being: primary stressors that set the stress process in mo-

tion (the violence that caused or contributed to the separation); secondary stressors, or those that accompany the primary stressor chronologically; and coping resources that can serve to cushion the impact of stressors or prevent their future reoccurrence.

Violence

A source of stress that sets battered women apart from other divorcing and separating women is the experience of abuse. Besides having to cope with the traumatic effects of pre-separation violence, many battered women are subject to ongoing or escalated violence after leaving. According to the National Violence Against Women Survey, over one half million women are stalked by (typically an ex-) intimate partner annually in the United States (Tjaden & Thoennes, 2000). Data from national crime surveys in the United States and Canada estimate that compared with married women, separated women are about 25 times more likely to be assaulted by ex-mates (Bachman & Saltzman, 1995) and 5 times more likely to be murdered (Wilson & Daly, 1993). Furthermore, 24%-35% of those who were assaulted before separation experience even more severe violence after leaving (H. Johnson, 1995; Statistics Canada, 2001). At least one recent study found that the length of time out of a physically abusive relationship (from 4 days to 4 years) was associated with a greater frequency of stalking victimizations by the former partner in the past month, even after controlling for previous levels of physical and emotional abuse (Mechanic, Weaver, & Resick, 2000).

Unfortunately, domestic violence research is typically focused on the violence taking place prior to separating from the abuser. Only one quantitative study directly examined the relationship between postseparation violence and well-being. Mertin and Mohr (2001) found that

"Leaving" for the battered woman is the continuation of a process that begins at the emotional and cognitive level while she is still in the relationship and extends well beyond her physical departure.

continued abuse after separation was significantly and positively correlated with anxiety, depression, and PTSD. A number of existing qualitative studies, however, provide more vivid accounts of the stress that postseparation abuse can have on a woman and the direct effects it can have on her well-being. Whereas only 14% of B. Brown and Foye's (1982) divorced homemakers ($n = 134$) described interactions with their estranged husbands as "worrisome," fear of retaliation and continued victimization was a common theme in the stories of most of the battered women who left their abusers (Angless et al., 1998; Hoff, 1990; Kirkwood, 1993; Kurz, 1996; Landenburger, 1989; Moss et al., 1997; NiCarthy, 1987; Tutty, 1998; Wuest & Merritt-Gray, 1999). These studies make note of other forms of violence often missed by quantitative measures. Harassment and intimidation by batterers ranged from begging, sending flowers, and threatening suicide to pressuring the children for information, making menacing phone calls, trumping up false child abuse charges against her, and threatening to "blow" her head off (Raphael, 1999; Tutty, 1998; Wuest & Merritt-Gray, 1999). The presence of restraining orders and mandatory arrest laws seemed to provide little relief for most women (Kirkwood, 1993). Having to live like a fugitive and lack of protection from others were rated among the biggest problems by women from South Africa (Angless et al., 1998). Likewise, about half of the Canadian women in the Tutty (1998) study continued to feel threatened by their partners at least 4 to 6 months after leaving a shelter for battered women. Some women were still having to endure the abuser's continued manipulation and control several years after leaving (Moss et al., 1997). Those who finally found safety expressed how much the violence had been a drain on their emotional resources. One third of Kirkwood's (1993) sample expressed relief as the "dominant feeling" in their lives. "Relief was in response to the lessening of the emotional or physical danger, of the need to be constantly vigilant of their partners' moods and behavior, and of the expenditure of energy in worry, fear, and survival" (p. 107). These

women seemed to be enjoying a higher perceived quality of life and less depression. Similar sentiments were echoed in Eldar-Avidan and Haj-Yahia's (2000) sample of divorced Israeli women.

Secondary Stressors

Secondary stressors, brought on by the separation itself, simultaneously involve multiple losses on one hand and new or altered responsibilities on the other. In this respect, divorce is sometimes conceptualized as a dual transition (B. Brown & Foye, 1982) and is typically considered one of the most stressful life experiences (see Pledge, 1992, for a review). Separated women experience significantly more negative life changes (psychological, physical, and social) on average within the 1st year than do married women (Nelson, 1989). Researchers have begun to delineate some of the stressful life disruptions that are specific to the divorce process, three of which are discussed below.

Attachment and loss. At the emotional level, one key issue facing many women who separate is the presence of lingering feelings of attachment and loss around the former intimate partner. One small body of research begins with the assumption that feelings of attachment and loss in battered women are more situational and not qualitatively different from those of other women leaving troubled nonviolent relationships (e.g., J. Campbell, 1989; Eldar-Avidan & Haj-Yahia, 2000; Molina, 1999; Turner & Shapiro, 1986; Varvaro, 1991). This research—for example, J. Campbell (1989)—borrows heavily from the bereavement literature in suggesting that attachment issues in battered women might be more appropriately viewed as a normal and expected grieving response to having lost a major attachment figure. When women are in the process of leaving, they tend to miss the positive qualities of their partners and the relationship (Landenburger, 1989). However, Dutton and Painter's (1993) longitudinal data indicated that the attachment of recently separated women in their sample

decreased by 27% over a brief period of 6 months, which suggests the situational nature of the attachment.

Additionally, attachment in divorcing women must be understood in terms of women's socialization, specifically in terms of idealized, culturally prescribed gender roles as well as their access to power and resources relative to men. In qualitative interviews, battered women who had left commonly reported an ongoing attachment that was sometimes less related to feelings about the partner himself than to the loss of a relationship with the highly valued wife-mother role (Carlin, 1998; Hoff, 1990; Mills, 1985; Moss et al., 1997; NiCarthy, 1987). They felt great sadness in having to let go of these childhood dreams. In some battered and nonbattered women, the identity disruption was so keenly felt, they reported feeling a complete loss of their core selves (Kirkwood, 1993; Mills, 1985; Moss et al., 1997) requiring them to undergo a process of "identity transition" to "reconstruct a new sense of self" (DeGarmo & Kitson, 1996, p. 983). In the Degarmo and Kitson (1996) longitudinal study of divorcing and widowed women, the greater the centrality of the "coupled identity" to a woman, the greater was the psychological distress both shortly after the partner's death/filing for divorce and 1 year after. J. Campbell and associates (1989; J. Campbell, Kub, Belknap, & Templin, 1997) found only weak or qualified support for the relationship between the valuing or defining of oneself in terms of the traditional wife/mother role and greater depression among battered women. However, it is important to note that battered and nonbattered control women were recruited on the basis of their currently having serious difficulties within an intimate relationship, so feelings of loss may not yet have been as great to these women. In sum, these findings reflect the powerful role of socialization in shaping women's reactions to such deeply felt loss.

Other losses. Finally, many women undergo a sudden major loss of economic resources as a result of the separation. According to data from national samples, divorcing women experienced declines in financial well-being averaging about 30% to 36% when there were young chil-

dren in the household (e.g., Bianchi, Subaiya, & Kahn, 1999; Duncan & Hoffman, 1985). For more than one quarter of single mothers, the declines in income relative to needs were greater than 50%. Many battered women arrive at shelters with no money or possessions except for the clothes they are wearing (Tutty, 1998). Domestic violence has been linked to homelessness and other economic problems in samples of poor women (e.g., Browne & Bassuk, 1997; Tolman & Rosen, 2001). Nevertheless, only two quantitative studies under review have directly examined the impact of the actual loss on women's postseparation psychological well-being. Sato and Heiby (1992) link the loss of household income and other primarily material losses (e.g., home, job, security) directly to greater depression in battered women after controlling for the effects of physical abuse, prior depression, and other variables. Similarly, Berman (1988) found a strong trend in his multivariate analysis toward higher rates of depression in divorced women who experienced the greatest losses in income.

Changes in family responsibilities. Adding to the complexity of divorce, other stressors appear in the form of new and often conflicting responsibilities, especially those associated with the single parent/economic provider role. At the same time, many women have to find employment or increase their income to compensate at least in part for the loss of their partner's financial contributions. Family demands may increase largely due to numerous changes in family composition, roles, and relationships as well as children's difficulties in understanding and adjusting to these changes (e.g., Buehler, Hogan, Robinson, & Levy, 1985-1986; Dixon & Rettig, 1994; Gerstel, Riessman, & Rosenfield, 1985). Clearly, these challenges also loom large in the minds of battered women who separate. Children must be settled in the new home, schools, day care, and the neighborhood. A substantial number of battered women mention their children's difficulties in sorting out what happened (Wuest & Merritt-Gray, 1999). In the Humphreys (1995) study, every woman spontaneously mentioned concerns around her children, especially in trying to adjust her work

schedule so that children would need a babysitter as little as possible. This frequently proves extremely challenging given the continual close supervision required for preschool children and the time involved in transporting school-aged children to and from school and other activities (B. Brown & Foye, 1982). Issues concerning jobs and children were among the most important and frequently mentioned 4 to 6 months after having left the shelter, for Tutty's (1998) sample. Parenting responsibilities and getting or keeping a job were also among the top three worries of divorcing homemakers in another study (B. Brown & Foye, 1982). Competing goals and time demands seem to be more the rule than the exception for divorcing women and this has definite implications for their psychological well-being.

Studies that focused on the number of recent changes across multiple life domains, and women's feelings about the changes, seem to show fairly consistent results with respect to psychological well-being. For example, Voydanoff and Kelly's (1984) study of 468 married and divorced parents indicated that parents in households experiencing three or more major changes in family life during the year preceding the interview (e.g., divorce, increased expenses) had higher levels of perceived time shortages. This was especially characteristic of households with single custodial mothers. Moreover, feelings about single parenthood and parenting skills were significantly correlated with mothers' general sense of psychological well-being (Thiriot & Buckner, 1992). Buehler et al. (1985-1986) found that the more divorce-related stressors experienced by single mothers in various areas, including those relating to parent-child relationships, the former spouse, or financial, housing, and legal issues, the worse was the women's level of parenting satisfaction. In short, there may be a cumulative effect of multiple stressors that negatively affects divorcing women's well-being in the form of time pressures, job tensions, and low levels of satisfaction with family life simultaneously.

Cumulative effects of stressors. One study longitudinally tested the long-term effects of multiple stressors, including violence and secondary

stressors (i.e., attachment/loss, changes in family responsibilities, financial losses), on depression in a sample of 94 women who had remained separated from their abusers for at least 2 years (Anderson et al., in press). The sample was divided into thirds by overall level of exposure to stress. Depression for those with the highest stress levels near the time of shelter exit remained moderately high or actually increased for some over the 2-year period. The gap in psychological well-being between the highest and lowest stress groups widened with time. These findings are consistent with a stress process conceptual framework in at least several ways: (a) Mental health outcomes varied among women exposed to a similar traumatic stressor (i.e., severe violence), which suggests that women who leave their abusive partners are not a single population; and (b) downward spirals in well-being over time is one form the stress process can take. It may be that initially high levels of stress can trigger a series of subsequent negative events or more chronic strains that place an individual at an ever greater risk for negative mental health consequences if coping resources are not present in sufficient quantities (e.g., Pearlin, 1999; Wheaton, 1999).

Coping Resources

Although a link between the violence and/or subsequent separation from the abusive partner and psychological distress seems clear, not all women will develop clinical depression, PTSD, or other trauma symptoms. Reactions to stressors will vary even after differences in the severity of the violence and secondary stressors have been considered. A major explanatory factor for such differences lies in women's access to various coping resources that provide them with the means to exert some control over their lives in general and to respond to particular life stressors when they arise. Coping resources include (but are not limited to) various external and internal necessities such as material goods and services, income, social support, and self-efficacy. Coping resources are believed to be especially relevant for battered women and other women who separate from their intimate partners.

Material resources. Material necessities are crucial for a woman to establish a life independent from her former partner. For example, affordable housing and transportation are especially important for a battered woman as these resources literally make her less available to be beaten (Ellis, 1992). Food, clothing, child care, and a personal source of income are essentials in maintaining her independence. However, of 11 possible areas of unmet needs, the battered women in Sullivan and associates' (Sullivan, Basta, Tan, & Davidson, 1992; Sullivan & Davidson, 1991) shelter sample most often reported needing help with obtaining material goods and services such as furniture and clothing (83%-84%). Not surprisingly, compared with battered women who returned to the abuser, women who were ending their relationships were even more likely to need help with accessing resources such as finances, education, legal assistance, and transportation.

The need for housing and economic resources was documented in several studies as the most pressing concern among battered women who had recently left (Kirkwood, 1993) and divorcing women from the general population (Amato & Partridge, 1987; Berman, 1988; B. Brown & Foye, 1982; Miller, Smerglia, Gaudet, & Kitson, 1998). Even among the employed African American women in Molina's (1999) sample (40% of whom had been battered), divorce presented substantial financial difficulties for a majority (57%) due to low salaries and lack of child support. Many battered women in Hoff's (1990) and Kirkwood's (1993) qualitative studies remarked that their energy during their shelter stay, or shortly after, was almost totally absorbed in practical concerns such as securing permanent housing or a fixed address for themselves and their children, a necessary prerequisite for receiving government financial aid (Ellis, 1992). They frequently reported getting little cooperation from housing authorities and other institutions. When they did locate housing, it was often too expensive, too small for a woman with children, or located in a high-crime area where they felt unsafe. These issues were cited as a major source of stress by many women. Only a single empirical study specifically tested for the effects of housing stressors

for divorcing women and men (e.g., residential moves) and found partial support for its negative impact on single parents' adjustment (Buehler et al., 1985-1986). Other studies of battered women (e.g., J. Campbell et al., 1997; Dutton & Painter, 1993; Mitchell & Hodson, 1983) and other divorcing women (e.g., Duffy, 1989; Lindsay & Scherman, 1987; Miller et al., 1998; Shapiro, 1996; Thabes, 1997; Thiriot & Buckner, 1992; Wilcox, 1986) are fairly consistent in finding that various measures of income and to a lesser extent, education, predict better postseparation psychological well-being.

Social Support. Of all the coping resources, social support—most broadly defined as “the available social relationships that objectively may be called upon for help in times of need” (Hobfoll & Vaux, 1993, p. 687)—has been the most widely researched in the domestic violence and general stress fields. Most quantitative studies of battered women assessing the impact of social support on various measures of psychological well-being have found a significant, positive relationship (e.g., Anderson et al., in press; Astin, Lawrence, & Foy, 1993; R. Campbell, Sullivan, & Davidson, 1995; Kemp et al., 1995; Mertin & Mohr, 2001; Mitchell & Hodson, 1983; Tan, Basta, Sullivan, & Davidson, 1995). However, only two of the studies under review specifically tested for the efficacy of social support for women who have since left the shelter or otherwise remained separated from the abuser (Mertin & Mohr, 2001; Anderson et al., in press). In the Anderson et al. (in press) study, separated battered women with superior support systems at the time of shelter exit had significantly lower levels of depression than those with less support more than 2 years later even when controlling for other coping resources, stressors, and baseline levels of depression. These findings fit with those of studies with qualitative data on the importance of postsepa-

The need for housing and economic resources was documented in several studies as the most pressing concern among battered women who had recently left . . . and divorcing women from the general population.

ration social support. Friends, family, support groups, and new romantic partners provided support in the form of advice and information, practical assistance, companionship, and emotional support (e.g., Hoff, 1990; Molina, 1999; Syers-McNairy, 1990; Tutty, 1998; Wuest & Merritt-Gray, 1999).

Internal resources. Also very important for the battered woman are internal resources such as having confidence in her ability to exert some measure of control over her immediate environment, variously referred to as self-care agency (e.g., J. Campbell, 1989), locus of control (e.g., R. Campbell et al., 1995; Garvin, Kalter, & Hansell, 1993; Orava, McLeod, & Sharpe, 1996), mastery (Mitchell & Hodson, 1983; Nurius, Furrey, & Berliner, 1992), and self-efficacy (e.g., Benight, Swift, Sanger, Smith, & Zeppelin, 1999; Sullivan, Campbell, Angelique, Eby, & Davidson, 1994; Sullivan, Tan, Basta, Rumpitz, & Davidson, 1992). Numerous studies, including some well-controlled prospective analyses, have found one or more of these closely related internal resources to be directly and significantly related to subsequent positive adjustment in battered women (e.g., J. Campbell et al., 1997; R. Campbell et al., 1995; Dutton & Painter, 1993), with greater feelings of self-worth related to higher levels of well-being in terms of perceived quality of life, less depression, and other psychological improvements. Although separating battered women typically exit the relationship with an eroded sense of self, their final resolve to leave and maintain their independence also provides them with a sense of accomplishment (e.g., Carlin, 1998; Wilson, 1999). A number of other investigators (J. Campbell, 1989; J. Campbell et al., 1997; Sullivan & Bybee, 1999) have begun to call attention to these existing inner resources so that service providers can help women enhance their capacity for resilience and growth at a time when they are quite vulnerable.

Institutional resources. From the literature reviewed thus far, it seems apparent that many separating battered women are in need of a variety of resources and that their personal resources as well as those of their informal social

support networks can be overwhelmed by the multitude of stressors. The threat of ongoing or escalated violence is frequently accompanied by housing problems and a lack of transportation, job opportunities, and affordable child care (Correia, 2001). For many women who are able to call on the support of close friends and family members, both emotional and financial help is usually temporary, particularly when the threat of violence continues after separation (e.g., Angless et al., 1998).

Institutional support, on the other hand, can be more substantial and provide women with resources that may be more lasting than personal resources. Quantitative studies assessing the impact of institutional resources on separated battered women's well-being are rare and most of them include women in their samples who are still with their abusers. Nevertheless, Sullivan and associates (e.g., Sullivan & Bybee, 1999; Sullivan et al., 1994) assessed the efficacy of a postshelter advocacy intervention program using an experimental design. At shelter exit, 278 battered women (some who were returning to the assailant) indicated what issues they would like to work on with trained paraprofessionals should they be randomly selected to receive a 10-week advocacy intervention, 4 to 6 hours per week. Controlling for baseline perceptions of life quality and other variables, the investigators found that battered women who received the support of advocates reported significantly greater satisfaction in attaining needed resources, fewer incidences of abuse by their assailants, and higher levels of quality of life at subsequent follow-up interviews, compared with women who were not randomly selected to participate in the intervention.

Another follow-up program for battered women who had exited shelters employed trained professionals who assumed more of a general, supportive counseling or case manager role on many issues, including self-esteem and effective ways of accessing needed services and resources (Tutty, 1998). Results of this study are also very encouraging, with a greater proportion of follow-up clients' seeking further education or job training than those in the non-follow-up group. Quantitative measures showed significant improvements in self-esteem and in

emotional support for participants 4 to 6 months into the program. The qualitative component of the study indicated that women were particularly pleased with the emotional support they received but also felt they benefited from the help with accessing community resources to satisfy legal, financial, or other needs. However, it is difficult to isolate the specific components of the programs that contributed the most to these positive outcomes as many of the women were simultaneously involved in battered women's support groups as part of the follow-up program.

In at least two evaluative studies of professionally led support groups for battered women, there were pretest to posttest improvements in self-esteem, belonging support, locus of control, and perceived stress (Tutty, Bidgood, & Rothery, 1993). Participants were also being subjected to less violence at the time of the posttest. Moreover, group participants showed greater decreases in depression, anxiety, and other negative outcome variables compared with controls who were not part of the intervention. No differences between participants and nonparticipants emerged in another study, possibly because of the small sample size (Cox & Stoltenberg, 1991).

Despite the small sample sizes and exploratory nature of many existing evaluative studies, both the qualitative and quantitative evidence suggest the promise of postseparation and postshelter services for battered women. Although these kinds of piecemeal services cannot adequately address the many significant needs of this population, findings from these studies provide evidence that women benefit from such resources.

SUMMARY AND CONCLUSIONS

The findings on women's stay/leave decisions consistently revealed two broad categories of predictors of leaving: material resources (especially employment and income) and social psychological factors such as negative feelings toward the partner. Income variables were stronger predictors than psychological ones in multivariate studies. A history of childhood

abuse and the nature of adult abuse were not consistent predictors of leaving or staying. These findings imply that counselors need to maintain a dual consideration of material resources as well as the psychological/emotional lives of survivors. Policies that bolster women's income are especially needed, along with job supports such as child care and transportation. Research in this area needs to focus more on women who are more representative of the population and not part of help-seeking samples.

Survivors typically go through several phases or shifts in their thinking during the process of leaving. They may leave and return multiple times, each time learning new coping skills. As with divorcing women, these phases may involve cognitive and emotional "leaving" before the physical leaving. The phases include (a) endurance of and managing the violence while disconnecting from self and others; (b) acknowledging the abuse, reframing it, and counteracting it; (c) breaking free, disengaging, and focusing on one's own needs. There appears to be a fourth, postseparation phase that is not addressed by the majority of these studies. The findings of studies on the process of leaving can help advocates and counselors understand that the leave/return cycle is an opportunity to learn better coping skills and is not a sign of failure. Counselors can use the process model to educate women and validate their experiences. This type of research would benefit from larger, more representative samples. The research also needs standardized measures and longitudinal designs.

Fewer research efforts have focused on the psychological well-being of survivors who have left their abusers. In the months after separation, well-being seems to improve for a majority of women over time despite the difficulties they face. Many survivors experience more traumatic effects and depression right after separation than survivors still in a relationship. However, a substantial minority who are exposed to the highest levels of stressors and are most lacking in needed resources are at risk for continued negative or worsening psychological outcomes. The stressors they face have been largely underestimated or overlooked. Preliminary evidence

suggests that the presence of various coping resources such as social support, material necessities, and self-efficacy can protect against negative psychological outcomes. Women often have insufficient personal resources and require additional services and support.

Research on the psychological well-being of separated survivors highlights again the need for policies that increase resources for employment, employment training, child care, and transportation. Domestic violence programs and other social service agencies need to do more to reach out to separated battered women and assess their needs. More studies are needed with specific measures of social support, and more research is needed on identifying factors

early in the separation process that signal negative outcomes. The increased focus in research and practice on victims who are struggling to leave or who have left highlights the multiple challenges they face in leaving an abusive partner. The research also points to some promising steps that can be taken to help these victims alleviate the traumatic effects of battering.

NOTE

1. Table 1 represents a fairly comprehensive inclusion of such studies. We focused on the most rigorous ones with a sample size of at least 30. We also included reviews of these articles. The first phase of the search process involved locating articles via the PsycINFO database, using the keywords *battered women*, *domestic violence*, *family violence*, *leaving*, and *staying*. We then located numerous studies from the reference lists of the above studies.

IMPLICATIONS FOR PRACTICE, POLICY, AND RESEARCH

Practice and Policy

Predictors of staying/leaving

- Advocates and counselors need to keep dual focus on material and emotional factors related to leaving.
- Policies need to provide a means out of poverty.

Leaving as a process

- Counselors can use the stages to educate survivors.
- All practitioners need to view leave/return cycles as opportunities for new coping skills.

Psychological well-being

- There needs to be more focus on outreach to women who have left violent relationships.
- There need to be policies to support more resources such as job training, child care, and transitional housing.

Research

Predictors of staying/leaving

- There is a need for studies with a greater range of violence severity and that include victims not seeking help.

Leaving as a process

- Larger, more representative samples are needed.
- Longitudinal studies with standardized measures can further test the information gathered from qualitative studies.

Psychological well-being

- There is a need for more longitudinal studies that include subgroups of women under different levels of stress.
- There is a need for studies with specific measures of social support.

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Daniel G. Saunders, Ph.D., is an associate professor at the University of Michigan School of Social Work where he teaches

courses on direct practice and domestic violence. His research on domestic violence focuses on abuser types and treatment, the traumatic aftermath of violence victimization, and the attitudes and responses of professionals. He was a postdoctoral research fellow at the Family Violence Research Program of the University of New Hampshire and a postdoctoral research fellow and associate scientist at the Department of Psychiatry at the University of Wisconsin–Madison. His professional publications have appeared in numerous journals and books.

Appendix N – Why Does He Do That?

Domestic violence is a worldwide issue that threatens the health, safety, and lives of millions of people. This book is a must-read for anyone who wants to understand the psychology of domestic violence and how to prevent it. It is a powerful and moving work that will change the way you think about domestic violence.

WHY DOES HE DO THAT?

INSIDE THE MINDS
of ANGRY *and*
CONTROLLING MEN

Lundy Bancroft

“This fascinating investigation into what makes abusive men tick is alarming, but its candid handling of a difficult subject makes it a valuable resource for professionals and victims alike.... Jargon-free analysis is frequently broken up by interesting first-person accounts and boxes that distill in-depth information into simple checklists. Bancroft’s book promises to be a beacon of calm for many storm-tossed families.”

—*Publishers Weekly* (starred review)

“Most books about abuse in relationships focus on women—how they’re hurt, why they stay. As important as these questions are, they can also distract us from the heart of the problem. Bancroft boldly asks—and brilliantly answers—the most important questions of all: Why do so many men abuse women? What can be done about it? This book is desperately needed and long overdue.”

—Jackson Katz, creator of the award-winning video

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Tough Guise: Violence, Media and the Crisis in Masculinity

“Bancroft, a former codirector of Emerge, the first U.S. program for abusive men, and a fifteen-year veteran of work with abusive men, reminds readers that each year in this country, two to four million women are assaulted by their partners and that at least one out of three American women will be a victim of violence by a husband or boyfriend at some point in her life. His valuable resource covers early warning signs, ten abusive personality types, the abusive mentality, problems with getting help from the legal system, and the long, complex process of change....This is essential reading for those in the helping professions and highly recommended.”

—*Library Journal* (starred review)

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“At last—the straight scoop on men who abuse women. This is a book not just for abused women and domestic violence professionals, but for everyone who wonders why there’s so much violence in America. Read it.”

—Anne Jones, author of *When Love Goes Wrong*
and *Next Time She’ll Be Dead*

“Bancroft helps women who feel trapped in unhealthy relationships make sense out of what is happening.”

—Sarah Buel, J.D., codirector, Domestic Violence
Clinic, and lecturer, University of Texas Law
School

“A compelling read about a tough topic. What you

read here will come back to you long after you put the book down.”

—Angela Browne, author of *When Battered Women Kill*

“An informative and necessary read.”

—Susan Weitzman, Ph.D., author of *Not to People Like Us: Hidden Abuse in Upscale Marriages*

INSIDE THE MINDS OF ANGRY AND CONTROLLING MEN

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Why Does He Do That?

Lundy Bancroft

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To the thousands of courageous women,
many of them survivors of abuse themselves,
who have created and sustained the movement
against the abuse of women, and to the many
men who have joined this struggle as allies.

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2. THE MYTHOLOGY

3. THE ABUSIVE MENTALITY

4. THE TYPES OF ABUSIVE MEN

PART II

The Abusive Man in Relationships

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I HAVE HAD MANY, many teachers along my path to understanding the mentality and behavior of abusive men. Before I can name names, however, I need to thank above all the hundreds of female partners and ex-partners of my clients who have shared their stories with me and who have thereby shed light on the denial and distortions running through my clients' accounts of events. The survivors of abuse have been my greatest educators; if we could hear their voices much more, and the voices of the abusers and their allies much less, the world would move rapidly to eliminate the chronic mistreatment that so many women currently face in their intimate relationships.

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Lundy Bancroft

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Note on Terminology

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IN REFERRING TO angry and controlling men in this book, I have chosen to use in most cases the shorter terms *abusive man* and *abuser*. I have used these terms for readability and not because I believe that every man who has problems with angry or controlling behaviors is abusive. I needed to select a simple word I could apply to any man who has recurring problems with disrespecting, controlling, insulting, or devaluing his partner, whether or not his behavior also involves more explicit verbal abuse, physical aggression, or sexual mistreatment. Any of these behaviors can have a serious impact on a woman's life and can lead her to feel confused, depressed, anxious, or afraid. So even if your partner is not an abuser, you will find that much of what is described in the pages ahead can help to clarify for both of you the

problems in your relationship and what steps you can take to head in a more satisfying, supportive, and intimate direction. If you are not sure whether your partner's behavior should be called *abuse* or not, turn to Chapter 5, which will help you sort out the distinctions.

At the same time, remember that even if your partner's behavior doesn't fit the definition of abuse, it may still have a serious effect on you. Any coercion or disrespect by a relationship partner is an important problem. Controlling men fall on a *spectrum* of behaviors, from those who exhibit only a few of the tactics I describe in this book to those who use almost all of them. Similarly, these men run a gamut in their attitudes, from those who are willing to accept confrontation about their behaviors and strive to change them, to those who won't listen to the woman's perspective at all, feel completely justified, and become highly retaliatory if she attempts to stand up for herself. (In fact, as we see

in Chapter 5, one of the best ways to tell how deep a man's control problem goes is by seeing how he reacts when you start demanding that he treat you better. If he accepts your grievances and actually takes steps to change what he does, the prospects for the future brighten somewhat.) The level of anger exhibited by a controlling man also shows wide variation, but unfortunately it doesn't tell us much in itself about how psychologically destructive he may be or how likely he is to change, as we will see.

In addition, I have chosen to use the terms *he* to refer to the abusive person and *she* to the abused partner. I selected these terms for convenience and because they correctly describe the great majority of relationships in which power is being abused. However, control and abuse are also a widespread problem in lesbian and gay male relationships, and the bulk of what I describe in this book is relevant to same-sex abusers.

Why Does He Do That?

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I HAVE BEEN WORKING WITH angry and controlling men for fifteen years as a counselor, evaluator, and investigator, and have accumulated a wealth of knowledge from the two thousand or more cases with which I have been involved. I have learned the warning signs of abuse and control that a woman can watch out for early in a relationship. I've come to know what a controlling man is *really* saying, the meaning that is hidden behind his words. I've seen clues to recognizing when verbal and emotional aggression are heading toward violence. I've found ways to separate out abusive men who are faking change from those who are doing some genuine work on themselves. And I have learned that the problem of abusiveness has surprisingly little to do with how a man *feels*—my clients actually differ very little

from nonabusive men in their emotional experiences—and everything to do with how he *thinks*. The answers are inside his mind.

However, as delighted as I am to have had the opportunity to gain this insight, *I am not one of the people who most needs it*. The people who can best benefit from knowledge about abusers and how they think are *women*, who can use what I have learned to help themselves recognize when they are being controlled or devalued in a relationship, to find ways to get free of abuse if it is happening, and to know how to avoid getting involved with an abusive man—or a controller or a user—next time. The purpose of this book is to equip women with the ability to protect themselves, physically and psychologically, from angry and controlling men.

To prepare for writing this book, I first generated a list of the twenty-one questions that women most often ask me about their abusive partners, questions such as:

“Is he really sorry?”

“Why do so many of our friends side with him?”

“Is he going to hit me some day?”

and many others. I then built my explanations around these concerns, to make sure that women would be able to look here to find the information they urgently need. You will find these twenty-one questions highlighted as you go through this book; you might want to flip through the pages for a moment now just to grab a quick glimpse of where I have addressed the issues that are most pressing for you.

Another central goal of mine is to offer assistance to each woman who is struggling with how she is being treated in a relationship, regardless of what label she may put on her partner's behavior. Words like *control* and *abuse* can be loaded ones, and you may not feel that they

fit your particular circumstances. I have chosen to use the term *abusers* to refer to men who use a wide range of controlling, devaluing, or intimidating behaviors. In some cases I am talking about physical batterers and at other times about men who use or insult their partners but never frighten or intimidate them. Some of the men I describe in the pages ahead change moods so drastically and so often that a woman could never feel sure *what* they are like, much less attach a label. Your partner may be arrogant, or may play mind games, or may act selfishly over and over again, but his better aspects may make you feel that he is miles away from being an “abuser.” Please don’t let my language put you off; I have simply chosen the word *abuser* as a shorthand way of saying “men who chronically make their partners feel mistreated or devalued.” You can adopt a different term if you know one that fits your partner better. But whatever style of mistreatment your partner uses, rest assured that

you will find in these pages the answers to many questions that have perplexed you.

If the person you are involved with is the same sex as you are, you have a place here too. Lesbians and gay men who abuse their partners exhibit much of the same thinking, and most of the same tactics and excuses, that abusive heterosexual men do. In this book I have used the term *he* for the abuser and *she* for the abused partner to keep my discussions simple and clear, but abused lesbians and gay men are very much in my thoughts, right alongside of abused straight women. Of course, you will need to change the gender language to fit your relationship, for which I apologize in advance. You will also find a section in Chapter 6 where I speak specifically about the similarities and differences in same-sex abusers.

Similarly, this book includes stories of men from a very wide range of racial and cultural backgrounds. Although the attitudes and behaviors of controlling and abusive men vary

somewhat from culture to culture, I have found that their similarities greatly outweigh their differences. If your partner is a person of color or an immigrant, or if you are a member of one of these groups yourself, you will find that much of what this book discusses, or perhaps all of it, fits your experience quite well. While I have not specified race or ethnicity in the cases I describe in these pages, roughly one-third of the abusers whose stories I tell are men of color or men from nations outside of North America. I further discuss some specific racial and cultural issues in Chapter 6.

MY EXPERIENCE WORKING WITH ANGRY AND CONTROLLING MEN

I began counseling abusive men individually and in groups in 1987, while working for a program called Emerge, the first agency in the United States to offer specialized services for men who

abuse women. For roughly the next five years I worked almost exclusively with clients who were coming to the program voluntarily. They generally attended under heavy pressure from their female partners, who were either talking about leaving the relationship or had already done so. In many cases, the woman had gone to court to seek a restraining order legally barring the man from the home and in many cases ordering him to stay away from the woman altogether. The men's main motivation for seeking counseling was the hope of saving their relationships. It was common for them to feel some guilt or discomfort about their abusive behavior, but they simultaneously believed strongly in the validity of their excuses and justifications, so their feelings of remorse would not have been enough in themselves to have kept them in my program. In those early years, the clients I worked with were men who used far more verbal and emotional abuse than physical violence, although most of them had been

physically intimidating or assaultive on at least a few occasions.

During the 1990s the legal system became much more involved than it had been in the past in responding to domestic abuse, with the result that court-mandated clients started at first to trickle and then to pour in the doors of our program. These men often had a much greater propensity for physical violence than our earlier clients, sometimes involving the use of weapons or vicious beatings resulting in the hospitalization of their partners. Yet we observed that in other ways these men were generally not significantly different from our verbally abusive clients: their attitudes and excuses tended to be the same, and they used mental cruelty side by side with their physical assaults. Equally important was that the female partners of these battering men were largely describing the same distresses in their lives that we were hearing about from women who had been psychologically abused, showing us that

different forms of abuse have similar destructive impacts on women.

Throughout my years of working with controlling and abusive men, my colleagues and I have been strict about always speaking to the woman whom our client has mistreated, whether or not the couple is still together. (And if he has started a new relationship, we talk with his current partner as well, which is part of how we became aware of the ways in which abusive men continue their patterns from one relationship to the next.) It is through these interviews with women that we have received our greatest education about power and control in relationships. The women's accounts also have taught us that abusive men present their own stories with tremendous denial, minimization, and distortion of the history of their behaviors and that it is therefore otherwise impossible for us to get an accurate picture of what is going on in an abusive relationship without listening carefully to the abused woman.

Counseling abusive men is difficult work. They are usually very reluctant to face up to the damage that they have been causing women, and often children as well, and hold on tightly to their excuses and victim blaming. As you will see in the pages ahead, they become attached to the various privileges they earn through mistreating their partners, and they have habits of mind that make it difficult for them to imagine being in a respectful and equal relationship with a woman.

I am sometimes asked: Why work with abusive men if it is so hard to get them to change? The reasons are several. First, if even one man out of a ten-person group makes substantial and lasting changes, then my time and energy have been invested well, because his partner and his children will experience a dramatic change in the quality of their lives. Second, I believe in holding abusers accountable for their actions. If they attend an abuser program they can at least be called to task for the harm they have done, and I have hope (and

see the signs) that cultural values can change over time if people find that men who chronically mistreat and degrade women are being made answerable. Third, and probably most important is that I consider the woman that my client has mistreated to be the person I am primarily serving, and I make contact with her at least every few weeks. My goal is to give her emotional support, help her learn about counseling and legal services that exist for her in her community (usually for free), and help her get her mind untangled from the knot that her abusive partner has tied. I can make it more difficult for him to manipulate her, and I may be able to warn her of underhanded maneuvers that he is planning or of escalation that I'm observing. As long as I stay focused on the woman and her children as those who are most deserving and in need of my assistance, I can almost always make a positive contribution, whether or not my abusive client decides to seriously face his own problem. (In Chapter 14, I

describe what actually goes on inside a counseling program for abusive men, and I explain how a woman can determine whether or not a particular program is being run properly.)

In recent years, through my work as a child abuse investigator and as a custody evaluator for various courts, I have come to interact in a new way with families affected by abusive men. I share some of the insights I have gained through these experiences in Chapter 10, which examines the experiences of children who are exposed to abusive men—usually their fathers or stepfathers—and the ways in which some abusers continue their patterns of controlling and intimidating behavior through custody actions in the family courts.

HOW TO USE THIS BOOK

One of the prevalent features of life with an angry or controlling partner is that he frequently *tells*

you what you should think and tries to get you to doubt or devalue your own perceptions and beliefs. I would not like to see your experience with this book re-create that unhealthy dynamic. So the primary point to bear in mind as you read the pages ahead is to listen carefully to what I am saying, but always to think for yourself. If any part of what I describe about abusers doesn't match your experience, cast it aside and focus on the parts that do fit. You might even put the book down from time to time and ask yourself, "How does this apply to *my* relationship? What are my own examples of how a controlling or cruel man thinks and behaves?" If you come upon sections that don't speak to you—because you don't have children, for example, or because your partner is never physically frightening—just skip ahead to the pieces that can help you more.

Some women will find that being alone with this book is too difficult because it awakens feelings and realizations that are overwhelming. I

encourage you to reach out for support from trusted friends and family as you go along. While reading this book is likely to be clarifying for you, it may also awaken an awareness that can be painful or distressing.

If you can't find someone whom you know to talk to—or even if you can—call the abuse hotline in your area. If you need a listing near where you live in the United States or Canada, call the National Abuse Hotline at (800) 799-7233, and they will give you your local program information (in almost any language imaginable). For many other options for assistance, look in the “Resources” section at the back of this book.

Again, don't be stymied by the word *abuse*; the hot line staff is there to listen to you and to help you think about any relationship in which you are being treated in a way that is making you feel bad.

I understand how uncomfortable it can be to take the leap of talking with people you care about regarding the mistreatment you are experiencing

in your relationship. You may feel ashamed of having a partner who sometimes behaves in unkind or bullying ways, and you may fear that people will be critical of you for not leaving him right away. Or you might have the opposite concern: that people around you are so fond of your partner that you question whether they will believe you when you describe how mean or abusive he can be. But, regardless of these anxieties, it is essential *not* to stay isolated with your distress or confusion about what is happening in your relationship. Find someone whom you can trust—it might even be a person you have never considered opening up to before—and unburden yourself. This is probably the single most critical step you can take toward building a life that is free from control or abuse.

If your partner's controlling or devaluing behavior is chronic, you no doubt find yourself thinking about him a great deal of the time, wondering how to please him, how to keep him

from straying, or how to get him to change. As a result, you may find that you don't get much time to think about *yourself*—except about what is wrong with you in his eyes. One of my central reasons for writing this book is, ironically, to help you think about him *less*. I'm hoping that by answering as many questions as possible and clearing away the confusion that abusive behavior creates, I can make it possible for you to escape the trap of preoccupation with your partner, so that you can put yourself—and your children if you are a mother—back in the center of your life where you belong. An angry and controlling man can be like a vacuum cleaner that sucks up a woman's mind and life, but there are ways to get your life back. The first step is to learn to identify what your partner is doing and why he does it, which is what the pages ahead will illuminate. But when you have finished diving deeply into the abuser's mind, which this book will enable you to do, it is important to rise back to the surface and from then

on *try to stay out of the water as much as you can*. I don't mean that you should necessarily leave your partner—that is a complex and highly personal decision that only you can make. But whether you stay or go, the critical decision you can make is to stop letting your partner distort the lens of your life, always forcing his way into the center of the picture. You deserve to have your life be about *you*; you are worth it.

The Nature of Abusive Thinking

The Mystery

LISTEN TO THE VOICES OF THESE WOMEN:

He's two different people. I feel like I'm living with Dr. Jekyll and Mr. Hyde.

He really doesn't mean to hurt me. He just loses control.

Everyone else thinks he's great. I don't know what it is about me that sets him off.

He's fine when he's sober. But when he's drunk, watch out.

I feel like he's never happy with anything I do.

He's scared me a few times, but he never touches the children. He's a great father.

He calls me disgusting names, and then an hour later he wants sex. I don't get it.

He messes up my mind sometimes.

The thing is, he really understands me.

Why does he do that?

THESE ARE THE WORDS of women who are describing their anxiety and inner conflict about their relationships. Each of these women knows that something is wrong—very wrong—but she can't put her finger on what it is. Every time she

thinks she's got her partner figured out, that she finally understands what is bothering him, something new happens, something changes. The pieces refuse to fit together.

Each of these women is trying to make sense out of the roller-coaster ride that her relationship has become. Consider Kristen's account:

When I first met Maury, he was the man I had dreamed of. It seemed too good to be true. He was charming, funny, and smart, and best of all, he was crazy about me. I opened up to him about hard things I'd been through over the previous few years, and he was so much on my side about it all. And he was so game for *doing* things—whatever I wanted to do, he was up for it. The first year or so that we were together was great.

I can't say exactly when things started to change. I think it was around the time we started living together. It started with him saying he

needed more space. I felt confused, because before that it had always seemed like *he* was the one who wanted to be together every second.

Then he began to have more and more criticisms and complaints.

He would say that I talk on and on and that I'm self-centered. Maybe I am—it's true that I talk a lot. But earlier it had seemed like he couldn't hear enough about me. He started to say that I wasn't doing anything with my life. I know he has big ambitions, and maybe he's right that I should be more that way, but I'm happy with what I have. And then it was my weight. It started to seem like all the time he was saying that I needed to work out more, that I wasn't watching what I ate. That hurt the most, to tell you the truth. He seemed to want sex less and less often, and if I ever tried to be the one to initiate lovemaking, forget it.

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We're still together, but I have a feeling he's going to leave me. I just can't seem to live up to what he needs. I'm trying, but he doesn't think so. And now when he's really angry or frustrated, he says things that cut me down. A few days ago he said, "You're a lazy bitch, just looking for a man to live off of like your mother." I don't get that; I've contributed a lot. I haven't worked the last two years since our baby was born, but I'm getting ready to go back to work soon. I don't think he really meant it, but still...

He says I've changed a lot, but I'm not always so sure it's me.

Sometimes for a few days he seems like the guy I fell in love with, and I get hopeful, but then he slips away again into being so unhappy with me. I set him off somehow, but I don't know what I'm doing wrong.

Kristen was troubled by several questions. What had happened to the man she had loved so much? Why was he always putting her down? What could she do to stop his explosions? Why did he think *she* was the one who had changed?

Other women tell stories that are quite distinct from Kristen's, but they feel just as confused as she does. Here is what Barbara describes:

Fran is kind of quiet and shy. But he's cute as a button, and I got a crush on him the day I met him. I had to really go after him; it was hard to draw him out. We would go out and have great talks, and I couldn't wait to see him again. But three weeks would go by, and he'd say he hadn't been feeling well, or his sister was in town, or whatever. A couple of times he forgot dates we had.

Well, he finally opened up. It turned out he'd been really hurt before. He'd been cheated on a lot, and women had done some pretty mean

things to him. He was afraid to get close again.

Little by little, he came around, but I was definitely the pursuer. I tried to show him that wasn't like other women he'd been with. I'm not flirtatious. I don't show my body off to other men; I'm just not that style. But Fran wouldn't believe it. He would always say that I was making eyes at a man at the next table, or that I was checking someone out who walked past us. I feel bad for him, he's so insecure. His mother cheated on his father when he was growing up, so I guess that's made it even worse.

I was eager to get married, because I thought then he'd feel secure that I was his, but he was very reluctant to commit. When we finally did tie the knot, he was more trusting for a while, but then the jealousy came back, and it's never left. I've asked him off and on for years to go see a therapist, but he gets really mad and says there's nothing wrong with him.

A few days ago we went to a birthday party for a friend of his, and I had this great conversation with his friend's brother. It was nothing but talking—I mean, the guy isn't even cute. Well, suddenly Fran was saying that we had to go home because he had a bad headache. On the drive home, it turned out the real reason was jealousy. He started yelling at me, saying he was sick of me humiliating him in front of other people, "strutting your stuff," and on and on. He was pounding his fist on the dashboard, and two or three times he shoved me up against the car door. Each time that I told him it wasn't true he would go through the roof, so I stopped saying that. Our children were sitting in the backseat; it scared the daylights out of them.

At my age, it's hard to think about leaving him. Starting all over now seems so hard. I just wish he would get some help.

Barbara was struggling with issues different

from Kristen's. Why couldn't Fran trust her, and why was he isolating her from other people? Why couldn't he see that he had a problem, and get help? Was he going to hurt her badly some day? Would her life ever get better?

At first look, Maury and Fran sound nothing like each other: One is young, popular, energetic and assertive; the other is socially awkward, passive, and easily hurt. Fran is physically violent sometimes, whereas Maury is not. But are they as different as they seem? Or do they both actually have the same set of issues under the surface, driving their behavior? These are some of the questions for which we will find answers in the chapters ahead.

Consider one more account, from Laura:

Paul is a great guy. We dated for about six months, and now we've been living together for several more. We're engaged. I feel so bad for him. His ex-wife accused him of abusing her,

and it's a total lie. He made one mistake, which is that he cheated on her, and she is determined to get him back for that. She will stop at nothing. Now she is even saying that he was *violent*, claiming he slapped her a few times and broke her things. That's ridiculous! I've been with him for over a year now, and I can tell you, he's *nothing* like that. Paul has never even raised a hand to me. In fact, he's tried to help me get my life together and has been really there for me. I was in a bad place when I met him, I was depressed and I was drinking too much, and I'm doing so much better now, because of him. I hate that bitch for accusing him of those things. We're going to work together on getting custody of his kids, because she's out of control.

Laura wondered how Paul's ex-wife could accuse such a delightful man of abuse. She was so angry about it that she didn't notice several

warning signs about her own relationship with Paul.

If Kristen, Barbara, and Laura were to sit down together and compare notes, they might decide that their partners couldn't be more different. The personalities of the three men seem miles apart, and their relationships follow very separate paths. Yet Maury, Fran, and Paul actually have far more in common than meets the eye. Their moodiness, their excuses, their outlook, are all bubbling from the same source. And all three are abusive men.

THE TRAGEDY OF ABUSE

Abuse of women in relationships touches an unimaginable number of lives. Even if we leave aside cases of purely verbal and mental abuse and just look at physical violence, the statistics are shocking: 2 to 4 million women are assaulted by their partners *per year* in the United States. The U.S. Surgeon General has declared that attacks by

male partners are the *number one cause of injury* to women between the ages of fifteen and forty-four. The American Medical Association reports that *one woman out of three* will be a victim of violence by a husband or boyfriend at some point in her life. The emotional effects of partner violence are a factor in more than one-fourth of female suicide attempts and are a leading cause of substance abuse in adult women. Government statistics indicate that 1,500 to 2,000 women are murdered by partners and ex-partners per year, comprising more than one-third of all female homicide victims, and that these homicides almost always follow a history of violence, threats, or stalking.

The abuse of women sends shock waves through the lives of children as well. Experts estimate that 5 million children per year witness an assault on their mothers, an experience that can leave them traumatized. Children exposed to violence at home show higher rates of school

behavior and attention problems, aggression, substance abuse, depression, and many other measures of childhood distress. Abuse of women has been found to be a cause of roughly one-third of divorces among couples with children and one-half of divorces where custody is disputed.

As alarming as this picture is, we also know that physical assaults are just the beginning of the abuse that women may be subjected to. There are millions more women who have never been beaten but who live with repeated verbal assaults, humiliation, sexual coercion, and other forms of psychological abuse, often accompanied by economic exploitation. The scars from mental cruelty can be as deep and long-lasting as wounds from punches or slaps but are often not as obvious. In fact, even among women who have experienced violence from a partner, half or more report that *the man's emotional abuse is what is causing them the greatest harm.*

The differences between the verbally abusive

man and the physical batterer are not as great as many people believe. The behavior of either style of abuser grows from the same roots and is driven by the same thinking. Men in either category follow similar processes of change in overcoming their abusiveness—if they do change, which unfortunately is not common. And the categories tend to blur. Physically assaultive men are also verbally abusive to their partners. Mentally cruel and manipulative men tend to gradually drift into using physical intimidation as well. In this book you will meet abusers on a spectrum, ranging from those who never use violence to those who are terrifying. The extent of their common ground may startle you.

One of the obstacles to recognizing chronic mistreatment in relationships is that most abusive men simply don't *seem* like abusers. They have many good qualities, including times of kindness, warmth, and humor, especially in the early period of a relationship. An abuser's friends may think

the world of him. He may have a successful work life and have no problems with drugs or alcohol. He may simply not fit anyone's image of a cruel or intimidating person. So when a woman feels her relationship spinning out of control, it is unlikely to occur to her that her partner is an abuser.

The symptoms of abuse are there, and the woman usually sees them: the escalating frequency of put-downs. Early generosity turning more and more to selfishness. Verbal explosions when he is irritated or when he doesn't get his way. Her grievances constantly turned around on her, so that everything is her own fault. His growing attitude that he knows what is good for her better than she does. And, in many relationships, a mounting sense of fear or intimidation. But the woman also sees that her partner is a human being who can be caring and affectionate at times, and she loves him. She wants to figure out why he gets so upset, so that she can help him break his pattern of ups and

downs. She gets drawn into the complexities of his inner world, trying to uncover clues, moving pieces around in an attempt to solve an elaborate puzzle.

The abuser's mood changes are especially perplexing. He can be a different person from day to day, or even from hour to hour. At times he is aggressive and intimidating, his tone harsh, insults spewing from his mouth, ridicule dripping from him like oil from a drum. When he's in this mode, nothing she says seems to have any impact on him, except to make him even angrier. Her side of the argument counts for nothing in his eyes, and everything is her fault. He twists her words around so that she always ends up on the defensive. As so many partners of my clients have said to me, "I just can't seem to do anything right."

At other moments, he sounds wounded and lost, hungering for love and for someone to take care of him. When this side of him emerges, he appears open and ready to heal. He seems to let down his

guard, his hard exterior softens, and he may take on the quality of a hurt child, difficult and frustrating but lovable. Looking at him in this deflated state, his partner has trouble imagining that the abuser inside of him will ever be back. The beast that takes him over at other times looks completely unrelated to the tender person she now sees.

Sooner or later, though, the shadow comes back over him, as if it had a life of its own. Weeks of peace may go by, but eventually she finds herself under assault once again. Then her head spins with the arduous effort of untangling the many threads of his character, until she begins to wonder whether she is the one whose head isn't quite right.

To make matters worse, everyone she talks to has a different opinion about the nature of his problem and what she should do about it. Her clergyperson may tell her, "Love heals all difficulties. Give him your heart fully, and he will

find the spirit of God.” Her therapist speaks a different language, saying, “He triggers strong reactions in you because he reminds you of your father, and you set things off in him because of his relationship with his mother. You each need to work on not pushing each other’s buttons.” A recovering alcoholic friend tells her, “He’s a rage addict. He controls you because he is terrified of his own fears. You need to get him into a twelve step program.” Her brother may say to her, “He’s a good guy. I know he loses his temper with you sometimes—he does have a short fuse—but you’re no prize yourself with that mouth of yours. You two need to work it out, for the good of the children.” And then, to crown her increasing confusion, she may hear from her mother, or her child’s schoolteacher, or her best friend: “He’s mean and crazy, and he’ll never change. All he wants is to hurt you. Leave him now before he does something even worse.”

All of these people are trying to help, and they

are all talking about the same abuser. But he looks different from each angle of view.

The woman knows from living with the abusive man that there are no simple answers. Friends say: “He’s mean.” But she knows many ways in which he has been good to her. Friends say: “He treats you that way because he can get away with it. I would never let someone treat *me* that way.” But she knows that the times when she puts her foot down the most firmly, he responds by becoming his angriest and most intimidating. When she stands up to him, he makes her pay for it—sooner or later. Friends say: “Leave him.” But she knows it won’t be that easy. He will promise to change. He’ll get friends and relatives to feel sorry for him and pressure her to give him another chance. He’ll get severely depressed, causing her to worry whether he’ll be all right. And, depending on what style of abuser he is, she may know that he will become dangerous when she tries to leave him. She may even be concerned that he will try to take

her children away from her, as some abusers do.

How is an abused woman to make a sensible picture out of this confusion? How can she gain enough insight into the causes of his problem to know what path to choose? The questions she faces are urgent ones.

FIVE PUZZLES

Professionals who specialize in working with abusive and controlling men have had to face these same perplexing issues at work. I was a codirector of the first counseling program in the United States—and perhaps in the world—for abusive men. When I began leading groups for abusers fifteen years ago, they were as much of a mystery to me as they are to the women they live with. My colleagues and I had to put a picture together from the same strange clues faced by Kristen, Barbara, and Laura. Several themes kept confronting us over and over again in our clients’

stories, including:

HIS VERSION OF THE ABUSE IS WORLDS APART FROM HERS.

A man named Dale in his mid-thirties gave the following account when he entered my group for abusive men:

My wife Maureen and I have been together for eleven years. The first ten years we had a good marriage, and there was no problem with abuse or violence or anything. She was a great girl. Then about a year ago she started hanging around with this bitch she met named Eleanor who really has it in for me. Some people just can't stand to see anyone else happy. This girl was single and was obviously jealous that Maureen was in a good marriage, so she set out to wreck it. Nobody can get along with Eleanor, so of course she has no relationships that last. I just had the bad luck that she ran into my wife.

So this bitch started planting a lot of bad stuff about me in Maureen's head and turning her against me. She tells Maureen that I don't care about her, that I'm sleeping with other girls, all kinds of lies. And she's getting what she wants because now Maureen and I have started having some wicked fights. This past year we haven't gotten along at all. I tell Maureen I don't want her hanging around with that girl, but she doesn't listen to me. She sneaks around and sees her behind my back. And, look, I'm not here to hide anything. I'll tell you straight out, it's true that two or three times this year I finally couldn't take all the accusations and yelling anymore, and I've hauled off and slapped her. I need help, I'm not denying it. I have to learn to deal with the stress better; I don't want her to get me arrested. And maybe I can still figure out how to persuade Maureen not to throw a great thing away, because at the rate we're going we'll be broken up in six months.

I always interview the partner of each of my clients as soon as possible after he enrolls in the program. I reached Maureen by phone several days later, and heard her account:

Dale was great when I first met him, but by the time we got married something was already wrong. He had gone from thinking I was perfect to constantly criticizing me, and he would get in such bad moods over the littlest things. I wouldn't be able to figure out how to get him to feel better. Only a couple of months after the wedding he shoved me for the first time, and after that some explosion would happen about two or three times a year. Usually he would break something or raise a fist, but a few times he shoved me or slapped me. Some years he didn't do it at all, and I would think it was all over, but then it would happen again—it sort of came in waves. And he was always, always, putting me down and telling me what to do. I

couldn't do anything right.

Anyhow, about a year ago I made a new friend, Eleanor. She started telling me that what Dale was doing was abuse, even though he had never punched me or injured me, and that I hadn't done anything to deserve it. At first I thought she was exaggerating, because I've known women that got it so much worse than me. And Dale can be really sweet and supportive when you least expect it. We've had a lot of good times, believe it or not. Anyhow, Eleanor kind of opened my eyes up. So I started standing up to Dale about how he talks to me, and told him I was thinking of moving out for a while. And what's happened is that he's gone nuts. I swear, something has happened to him. He's backhanded me twice in the last eight months, and another time he threw me over a chair and my back went out. So I finally moved out. For now I'm not planning to get back with him, but I

guess it depends partly on what he does in the abuser program.

Notice the striking contrasts. Dale describes the first ten years of his marriage as abuse-free, while Maureen remembers put-downs and even physical assaults during those years. Maureen says that Eleanor helps and supports her, while Dale sees her as corrupting Maureen and turning her against him. Dale says that they are still together, while Maureen reports that they have already broken up. Each one thinks the other has developed a problem. How can their perceptions clash so strongly? In the chapters ahead, we will explore the thinking of abusive men to answer the question of why Dale's view contains such serious distortions.

**HE GETS INSANELY JEALOUS, BUT IN
OTHER WAYS HE SEEMS ENTIRELY
RATIONAL.**

In a group session one day, a young client named Marshall was recounting a confrontation with his partner that had occurred in the previous week:

My wife and I had plans to meet in the lobby of the building where she works to go out for lunch. I was waiting around near the elevators and when she finally came out I saw that she'd been alone on the elevator with this good-looking guy. He had a look on his face, and she did too, I can't really describe it, but I could tell something was up. I said, "What was that all about?," and she pretended like she didn't know what I was talking about. That really pissed me off, and I guess I kind of blew up at her. I may have gotten a little louder than I should have. I was mad, though, and I was saying, "You were making it with that guy on the elevator, weren't you? Don't lie to me, you slut, I'm not a fool." But she kept on playing

dumb, saying she doesn't even know him, which is a crock.

Marshall was extremely jealous, but I had worked with him long enough to know that he wasn't crazy. He was lucid and logical in group, had a stable work history and normal friendships, and showed no signs of living in a world of fantasy or hallucination. He simply did not have symptoms of the type of serious mental illness that could convince a man that his wife could have sex in an elevator, fully clothed and standing up, between floors of a busy office building. Marshall had to know that his accusation wasn't true. And when I confronted him, he admitted it.

Given that even very jealous abusers turn out to have a reasonable grasp on reality, why do they make these insane-seeming accusations? Is there something about acting crazy that they enjoy? What does this behavior accomplish for them? (I answer these questions in Chapter 3, where we

consider the issue of *possessiveness*.)

HE SUCCEEDS IN GETTING PEOPLE TO TAKE HIS SIDE AGAINST HER.

Martin, a man in his late twenties, joined my abuser group while also seeing an individual therapist. He told me the first day that he was confused about whether he had a problem or not, but that his long-time girlfriend Ginny was preparing to break up with him because she considered him abusive. He went on to describe incidents of insulting or ignoring Ginny and of deliberately causing her emotional pain “to show her how it feels when she hurts me.” He also admitted to times of humiliating her in front of other people, being flirtatious with women when he was mad at her, and ruining a couple of recent important events in her life by causing big scenes. He justified all of these behaviors because of ways he felt hurt by her.

As a routine part of my assessment of Martin, I contacted his private therapist to compare impressions. The therapist turned out to have strong opinions about the case:

TERAPIST: I think it's a big mistake for Martin to be attending your abuser program. He has very low self-esteem; he believes anything bad that anyone says about him. If you tell him he's abusive, that will just tear him down further. His partner slams him with the word *abusive* all the time, for reasons of her own. Ginny's got huge control issues, and she has obsessive-compulsive disorder. She needs treatment. I think having Martin in your program just gets her what she wants.

ANCROFT: So you have been doing couples counseling with them?

TERAPIST: No, I see him individually.

ANCROFT: How many times have you met with her?

IERAPIST: She hasn't been in at all.

ANCROFT: You must have had quite extensive phone contact with her, then.

IERAPIST: No, I haven't spoken to her.

ANCROFT: You haven't spoken to her? You have assigned Ginny a clinical diagnosis based only on Martin's descriptions of her?

IERAPIST: Yes, but you need to understand, we're talking about an unusually insightful man. Martin has told me many details, and he is perceptive and sensitive.

ANCROFT: But he admits to serious psychological abuse of Ginny, although he doesn't call it that. An abusive man is not a reliable source of

information about his partner.

What Martin was getting from individual therapy, unfortunately, was an official seal of approval for his denial, and for his view that Ginny was mentally ill. How had he shaped his therapist's view of his partner to get her to adopt this stance? How can abusers be so adept at recruiting team members in this way, including sometimes ones with considerable status or influence, and why do they want to? (These questions are the focus of Chapter 11, "Abusive Men and Their Allies.")

DURING SOME INCIDENTS HE SEEMS TO LOSE CONTROL, BUT CERTAIN OTHER CONTROLLING BEHAVIORS OF HIS APPEAR VERY CALCULATED.

Several years ago, a young man named Mark came to one of my abuser groups. When a client joins the program, I set behavioral goals with him

as soon as possible. I often begin by asking, “What are the top three or four complaints your partner has about you?” Mark’s response was:

One of the things Eileen gets on me about the most is that she says I ignore her. She says I make her a low priority and always want to do other things instead of be with her, so she feels like she’s nothing. I like to have time to myself a lot, or to relax and watch television. I guess I kind of tune her out.

Based on Mark’s account, I wrote near the top of his Behavior Plan: **“Spend more time with Eileen. Make her a higher priority.”**

Eileen was very difficult to reach by phone, but three weeks later she finally called me, with a surprising story to tell:

A few weeks before Mark started your program, I told him that I needed a total break from the relationship. I just couldn’t take it anymore, the

yelling and the selfishness. He won't even let me sleep. So I didn't even want to talk to him for a while; I had to have time away to get myself together. I reassured him that the relationship wasn't over, and we'd work on getting back together in a couple of months, after a breather.

Then, a couple of weeks later, he called me and said that he had enrolled in an abuser program. He said that his counselor wants him to spend more time with me and had written it on his sheet, and that the program told him that being with me was part of how he needed to work on his issues. I wasn't ready for that yet at all, but I also didn't want to interfere with his program. So I started seeing him again. I want whatever is going to work best to help him change. I could have used a little more time apart, to tell you the truth, but if that's what your program recommends...

Mark had succeeded in twisting the abuser program to suit his own purposes. I explained to Eileen what had happened and apologized for the way my program had added to the many difficulties she already had with him. The high degree of manipulateness that Mark used is not uncommon among abusive men, unfortunately. How can abusers be capable of such calculation yet at other times appear to be so out of control? What's the connection? The answers can be found in Chapter 2, where we examine the excuses that abusive men use to justify their behavior.

SOMETIMES HE SEEMS TO BE REALLY CHANGING, BUT IT TENDS TO VANISH.

Carl was a twenty-six-year-old man who had been arrested repeatedly for domestic assaults and had finally served a few months in jail. He said to me in a group session:

Going to jail was the last straw. I finally got it

that I have to stop blaming my problems on everybody else and take a look at myself instead. People in jail said the same thing to me: If you don't want to be back in here, get real with yourself. I have a bad temper, and kind of a mean streak to tell you the truth, and I have to deal with it. I don't want to be back inside for anything.

At the end of each counseling session, Carl would make comments such as, "I can see that I've really got to work on my attitude" and "I learned a lot tonight about how excuses keep me from changing." One night he looked at me and said, "I'm really glad I met you, because I think if I wasn't hearing the things you are saying, I would be headed straight back to being locked up. You're helping me get my head on straight."

I reached Carl's girlfriend, Peggy, by telephone and began to ask her about the history of Carl's problem with abusiveness. She sounded

noticeably distracted and uncomfortable. I suspected strongly that Carl was listening to the conversation, so I made an excuse to wrap it up soon. However, when Carl was at my group the next week, I left my co-leader in charge of the session and slipped out to give Peggy another call, to see if she would feel freer to talk. This time she gave me an earful:

Carl comes home from your program in a rage every week. I'm afraid to be around the house on Wednesday nights, which is when he has his group session. He says the program is total bullshit, and that he wouldn't have to be sitting there getting insulted by you people if I hadn't called the police on him, and he says that I know the fight that night was my fault anyhow. He says he especially hates that guy Lundy. A few nights ago I told him to stop blaming it on me that he has to go to counseling, and he slammed me up against the doorjamb and told

me if I didn't shut up he'd choke me. I should call the police, but he'd get sent away for two years this time because he's on parole, and I'm afraid that would be enough to get him to kill me when he got out.

Peggy then went on to describe the history of beatings she had suffered at Carl's hands before he went to jail: the black eyes, the smashed furniture, the time he had held a knife to her throat. He invariably had blamed each attack on her, no matter how brutal his abuse or how serious her injuries.

After speaking with Peggy, I returned to the group session, where Carl went through his usual routine of self-exploration and guilt. I of course said nothing; if he knew Peggy had told me the truth, she would be in extraordinary danger. Soon after this, I reported to his probation officer that he was not appropriate for our program, without giving the real reason.

Carl created the appearance of learning a great deal at each session, and his comments suggested serious reflection on the issues, including the effects of his abuse on his partner. What was happening each week inside his mind before he got home? How can an abuser gain such insight into his feelings and still behave so destructively? And how does real change happen? (We'll return to these questions in Chapter 14, "The Process of Change.")

THESE ARE JUST a very few of the many confounding questions that face anyone—the partner of an abusive man, a friend, or a professional—who is looking for effective ways to respond to abusive behavior. I came to realize, through my experience with over two thousand abusers, that the abusive man *wants* to be a mystery. To get away with his behavior and to avoid having to face his problem, he needs to convince everyone around him—and himself—

that his behavior makes no sense. He needs his partner to focus on everything *except* the real causes of his behavior. To see the abuser as he really is, it is necessary to strip away layer after layer of confusion, mixed messages, and deception. Like anyone with a serious problem, abusers work hard to keep their true selves hidden.

Part of how the abuser escapes confronting himself is by convincing you that *you* are the cause of his behavior, or that you at least share the blame. But abuse is not a product of bad relationship dynamics, and you cannot make things better by changing your own behavior or by attempting to manage your partner better. Abuse is a problem that lies entirely within the abuser.

Through years of direct work with abusers and their partners, I found that the realities behind the enigmatic abuser gradually came out into the bright light forming a picture that increasingly made sense to me. The pages ahead will take you through the pieces that I watched fall into place

one by one, including:

- Why abusers are charming early in relationships but don't stay that way
- What the early warning signs are that can tip you off that you may be involved with an abusive or controlling man
- Why his moods change at the drop of a hat
- What goes on inside his mind and how his thinking causes his behavior
- What role alcohol and drugs play—and don't play—in partner abuse
- Why leaving an abusive man doesn't always solve the problem
- How to tell whether an abuser is really changing—and what to do if he isn't
- How friends, relatives, and other community members can help to stop abuse

- Why many abusive men seem to be mentally ill—and why they usually aren't

We will explore answers to these questions on three levels. The first level is the abuser's thinking—his attitudes and beliefs—in daily interactions. The second is his learning process, through which his thinking began to develop early in his life. And the third involves the rewards he reaps from controlling his partner, which encourage him to use abusive behavior over and over again. As we clear away the abusive man's smoke screen with these understandings, you will find that abusiveness turns out to be far less mysterious than it appears at first.

Inside the abuser's mind, there is a world of beliefs, perceptions, and responses that fits together in a surprisingly logical way. His behavior *does* make sense. Underneath the facade of irrationality and explosiveness, there is a human being with a comprehensible—and

solvable—problem. But he doesn't want you to figure him out.

The abuser creates confusion because he has to. He can't control and intimidate you, he can't recruit people around him to take his side, he can't keep escaping the consequences of his actions, unless he can throw everyone off the track. When the world catches on to the abuser, his power begins to melt away. So we are going to travel behind the abuser's mask to the heart of his problem. This journey is critical to the health and healing of abused women and their children, for once you grasp how your partner's mind works, you can begin reclaiming control of your own life. Unmasking the abuser also does *him* a favor, because he will not confront—and overcome—his highly destructive problem as long as he can remain hidden.

The better we understand abusers, the more we can create homes and relationships that are havens of love and safety, as they should be. Peace really

does begin at home.

The Mythology

He's crazy.

He feels so bad about himself. I just need to build up his self-image a little.

He just loses it.

He's so insecure.

His mother abused him, and now he has a grudge against women and he takes it out on me.

I'm so confused. I don't understand what's going on with him.

IN ONE IMPORTANT WAY, an abusive man works like a magician: His tricks largely rely on getting you to look off in the wrong direction, distracting your attention so that you won't notice where the real action is. He draws you into focusing on the turbulent world of his feelings to keep your eyes turned away from the true cause of his abusiveness, which lies in how he *thinks*. He leads you into a convoluted maze, making your relationship with him a labyrinth of twists and turns. He wants you to puzzle over him, to try to figure him out, as though he were a wonderful but broken machine for which you need only to find and fix the malfunctioning parts to bring it roaring to its full potential. His desire, though he may not admit it even to himself, is that you wrack your brain in this way so that you won't notice the patterns and logic of his behavior, the consciousness behind the craziness.

To further divert your gaze, he may work to shape your view of his past partners to keep you

from talking to them directly and to prepare you to disbelieve them should you happen to hear what they say. If you could follow the thread of his conduct over a series of relationships, you would find out that his behavior isn't as erratic as it looks; in fact, it follows a fairly consistent pattern from woman to woman, except for brief relationships or ones he isn't that serious about.

Above all, the abusive man wants to avoid having you zero in on his abusiveness itself. So he tries to fill your head up with excuses and distortions and keep you weighed down with self-doubt and self-blame. And, unfortunately, much of the society tends to follow unsuspectingly along behind him, helping him to close your eyes, and his own, to his problem.

The mythology about abusive men that runs through modern culture has been created largely by the abusers themselves. Abusive men concoct explanations for their actions which they give to their partners, therapists, clergy people, relatives,

and social researchers. But it is a serious error to allow abusers to analyze and account for their own problems. Would we ask an active alcoholic to tell us why he or she drinks, and then accept the explanation unquestioningly? This is what we would hear:

“I drink because I have bad luck in life.”

“I actually don’t drink much at all—it’s just a rumor that some people have been spreading about me because they don’t like me.”

“I started to drink a lot because my self-esteem was ruined by all these unfair accusations that I’m alcoholic, which I’m not.”

When we hear these kinds of excuses from a drunk, we assume they are exactly that—excuses. We don’t consider an active alcoholic a reliable source of insight. So why should we let an angry and controlling man be the authority on partner

abuse? Our first task, therefore, is to remove the abusive man's smoke and mirrors, and then set about watching carefully to see what he is really doing.

A BRIEF EXERCISE

In my public presentations on abuse, I often begin with a simple exercise. I ask the audience members to write down everything they have ever heard, or ever believed, about where an abuser's problem comes from. I invite you to close this book for two or three minutes now and make a similar list for yourself, so that you can refer to it as we go along.

I then ask people to call out items from their lists, and I write them on the blackboard, organizing them into three categories: one for myths, one for partial truths, and one for accurate statements. We usually end up with twenty or thirty myths, four or five half-truths, and perhaps

one or two realities. The audience members squint at me and fidget in their seats, surprised to discover that the common beliefs about the causes of abuse contain several dollops of fantasy and misconception for each ounce of truth. If you find as you go through this chapter that your own list turns out to contain mostly myths, you are not alone.

For the partner of an abusive or controlling man, having all of these mistaken theories pulled out from under you at once can be overwhelming. But for each stick that we pull out of the structure of misconception about abusive men, a brick is waiting to take its place. When we're finished, your partner will find it much harder than before to throw you off balance and confuse you, and your relationship will make sense to you in a way that it hasn't before.

THE MYTHS ABOUT ABUSERS

1. He was abused as a child.
2. His previous partner hurt him.
3. He abuses those he loves the most.
4. He holds in his feelings too much.
5. He has an aggressive personality.
6. He loses control.
7. He is too angry.
8. He is mentally ill.
9. He hates women.
10. He is afraid of intimacy and abandonment.
11. He has low self-esteem.
12. His boss mistreats him.
13. He has poor skills in communication and conflict resolution.

14. There are as many abusive women as abusive men.
 15. His abusiveness is as bad for him as for his partner.
 16. He is a victim of racism.
 17. He abuses alcohol or drugs.
-
-

MYTH #1:

He was abused as a child, and he needs therapy for it.

The partners of my clients commonly believe that the roots of the man's abusiveness can be found in mistreatment that he suffered himself, and many professionals share the same misconception. I hear explanations along the lines of:

“He calls me all those horrible things because

that is what his mother used to do to him.”

“His father used to get angry at him and beat him with a belt, so now if I get angry at all, he just freaks out and starts throwing things around the house. He says it’s because deep down, he’s really scared of my anger.”

“His stepmother was a witch. I’ve met her; she’s vicious. So now he really has this thing against women.”

QUESTION 1:

IS IT BECAUSE HE WAS ABUSED AS A CHILD?

Multiple research studies have examined the question of whether men who abuse women tend to be survivors of childhood abuse, and the link has turned out to be weak; other predictors of

which men are likely to abuse women have proven far more reliable, as we will see. Notably, men who are violent toward other *men* are often victims of child abuse—but the connection is much less clear for men who assault women. The one exception is that those abusers who are brutally physically violent or terrifying toward women often do have histories of having been abused as children. In other words, a bad childhood doesn't cause a man to become an abuser, but it can contribute to making a man who is abusive especially dangerous.

If abusiveness were the product of childhood emotional injury, abusers could overcome their problem through psychotherapy. But it is virtually unheard of for an abusive man to make substantial and lasting changes in *his pattern of abusiveness* as a result of therapy. (In Chapter 14, we'll examine the differences between psychotherapy and a specialized abuser program, because the latter sometimes can bring good results.) He may

work through other emotional difficulties, he may gain insight into himself, but his behavior continues. In fact it typically gets worse, as he uses therapy to develop new excuses for his behavior, more sophisticated arguments to prove that his partner is mentally unstable, and more creative ways to make her feel responsible for his emotional distress. Abusive men are sometimes masters of the hard-luck story, and may find that accounts of childhood abuse are one of the best ways to pull heartstrings.

For some abusive men, the blame-the-childhood approach has an additional reason for being appealing: By focusing on what his mother did wrong, he gets to blame a woman for his mistreatment of women. This explanation can also appeal to the abused woman herself, since it makes sense out of his behavior and gives her someone safe to be angry at—since getting angry at *him* always seems to blow up in her face. The wider society, and the field of psychology in

particular, has often jumped on this bandwagon instead of confronting the hard questions that partner abuse raises. Abuse of women by men is so rampant that, unless people can somehow make it women's own fault, they are forced to take on a number of uncomfortable questions about men and about much of male thinking. So it may seem easier to just lay the problem at the feet of the man's mother?

My clients who have participated extensively in therapy or substance-abuse recovery programs sometimes sound like therapists themselves—and a few actually have been—as they adopt the terms of popular psychology or textbook theory. One client used to try to lure me into intellectual debates with comments such as, “Well, your group follows a cognitive-behavioral model, which has been shown to have limitations for addressing a problem as deep as this one.” An abusive man who is adept in the language of feelings can make his partner feel crazy by turning

each argument into a therapy session in which he puts her reactions under a microscope and assigns himself the role of “helping” her. He may, for example, “explain” to her the emotional issues she needs to work through, or analyze her reasons for “mistakenly” believing that he is mistreating her.

An abusive man may embellish his childhood suffering once he discovers that it helps him escape responsibility. The National District Attorney’s Association Bulletin reported a revealing study that was conducted on another group of destructive men: child sexual abusers. The researcher asked each man whether he himself had been sexually victimized as a child. A hefty 67 percent of the subjects said yes. However, the researcher then informed the men that he was going to hook them up to a lie-detector test and ask them the same questions again. Affirmative answers suddenly dropped to only 29 percent. In other words, abusers of all varieties tend to realize the mileage they can get out of saying, “I’m

abusive because the same thing was done to me.”

Although the typical abusive man works to maintain a positive public image, it is true that some women have abusive partners who are nasty or intimidating to *everyone*. How about that man? Do his problems result from mistreatment by his parents? The answer is both yes and no; it depends on *which* problem we're talking about. His hostility toward the human race may sprout from cruelty in his upbringing, but he abuses women because he has an abuse problem. The two problems are related but distinct.

I am not saying that you should be unsympathetic to your partner's childhood suffering. An abusive man deserves the same compassion that a nonabusive man does, neither more nor less. But a nonabusive man doesn't use his past as an excuse to mistreat you. Feeling sorry for your partner can be a trap, making you feel guilty for standing up to his abusiveness.

I have sometimes said to a client: “If you are so

in touch with your feelings from your abusive childhood, then you should know what abuse feels like. You should be able to remember how miserable it was to be cut down to nothing, to be put in fear, to be told that the abuse is your own fault. You should be *less* likely to abuse a woman, not more so, from having been through it.” Once I make this point, he generally stops mentioning his terrible childhood; **he only wants to draw attention to it if it’s an excuse to stay the same, not if it’s a reason to change.**

MYTH #2:

He had a previous partner who mistreated him terribly, and now he has a problem with women as a result. He’s a wonderful man, and that bitch made him get like this.

As we saw with Fran in Chapter 1, an abuser's bitter tale of emotional destruction by a past wife or girlfriend can have a powerful impact on his current partner. In the most common version of this story, the man recounts how his ex-partner broke his heart by cheating on him, perhaps with several different men. If you ask him how he found out, he answers that "everybody" knew about it or that his friends told him. He also may say, "I caught her cheating myself," but when you press him on what he actually *saw*, it often turns out that he saw nothing, or that he saw her talking to some guy or riding in his car late at night, "so I could tell."

He may describe other wounds he received from a previous partner: She tried to control him; she wouldn't let him have any freedom; she expected him to wait on her hand and foot; she turned their children against him; she even "had him arrested" out of vindictiveness. What he is describing usually are his *own* behaviors, but he attributes

them to the woman so that he is the victim. He can gain sympathy from his new partner in this fashion, especially because so many women know what it is like to be abused—unfortunately—so they can connect with his distress.

The abusive or controlling man can draw a rich set of excuses from his past relationships. For controlling his current partner's friendships and for accusing her of cheating on him: "It's because my ex-partner hurt me so badly by cheating on me so many times, and that's why I'm so jealous and can't trust you." For throwing a temper tantrum when she asks him to clean up after himself: "My ex-partner controlled my every move, and so now it makes me furious when I feel like you're telling me what to do." For having affairs of his own or keeping other love interests going on the side: "I got so hurt last time that now I am really afraid of committing, so I want to keep having involvements with other people." He can craft an excuse to fit any of his controlling behaviors.

I recommend applying the following principle to assertions that an angry or controlling man makes about past women in his life:

IF IT IS AN EXCUSE FOR MISTREATING YOU, IT'S A DISTORTION.

A man who was genuinely mistreated in a relationship with a woman would not be using that experience to get away with hurting someone else.

Consider the reverse situation for a moment: Have you ever heard a woman claim that the reason why she is chronically mistreating her male partner is because a previous man abused her? I have never run into this excuse in the fifteen years I have worked in the field of abuse. Certainly I have encountered cases where women had trouble trusting another man after leaving an abuser, but there is a critical distinction to be made: Her past experiences may explain how she *feels*, but they

are not an excuse for how she *behaves*. And the same is true for a man.

When a client of mine blames a past relationship for his cruel or controlling behavior in the present, I jump in with several questions: “Did your ex-partner ever say that she felt controlled or intimidated by you? What was her side of the story? Did you ever put your hands on her in anger, or did she ever get a restraining order?” By the time he has finished providing his answers, I usually can tell what happened: He abused that woman too.

It is fine to commiserate with a man about his bad experience with a previous partner, but the instant he uses her as an excuse to mistreat you, stop believing *anything* he tells you about that relationship and instead recognize it as a sign that he has problems with relating to women. Track down his ex-partner and talk with her as soon as possible, even if you hate her. An abuser can mistreat partner after partner in relationships, each

time believing that the problems are all the woman's fault and that he is the real victim.

Whether he presents himself as the victim of an ex-partner, or of his parents, the abuser's aim—though perhaps unconscious—is to play on your compassion, so that he can avoid dealing with his problem.

MYTH #3:

He's abusive because he feels so strongly about me.

People cause those they care about most deeply the most pain.

Excuses along these lines crop up frequently in my groups for abusive men. My clients say to me, "No one else gets me upset like she does. I just go out of my head sometimes because I have such

strong feelings for her. The things she does really hurt me, and nobody else can get under my skin like that.” Abusers can use this rationalization successfully with their partners, friends, and relatives. There is a grain of truth to it: People who love *can* cause us deeper pain than anyone else. But what does this have to do with abuse?

The abuser would like us to accept the following simple but erroneous formula:

“FEELINGS CAUSE BEHAVIOR.”

“When people feel hurt, they lash out at someone else in retaliation. When they feel jealous, they become possessive and accusatory. When they feel controlled, they yell and threaten.” Right?

Wrong. Each human being deals with hurt or resentment in a unique way. When you feel insulted or bullied, you may reach for a chocolate bar. In the same circumstance, I might burst into

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tears. Another person may put his or her feelings quickly into words, confronting the mistreatment directly. Although our feelings can influence how we wish to act, our choices of how to behave are ultimately determined more by our *attitudes* and our *habits*. We respond to our emotional wounds based on what we believe about ourselves, how we think about the person who has hurt us, and how we perceive the world. Only in people who are severely traumatized or who have major mental illnesses is behavior governed by feelings. And only a tiny percentage of abusive men have these kinds of severe psychological problems.

There are other reasons not to accept the “love causes abuse” excuse. First, many people reserve their *best* behavior and kindest treatment for their loved ones, including their partners. Should we accept the idea that these people feel love less strongly, or have less passion, than an abuser does? Nonsense. Outside of my professional life, I have known many couples over the years who had

passion and electricity between them and who treated each other well. But unfortunately there is wide acceptance in our society of the unhealthy notion that passion and aggression are interwoven and that cruel verbal exchanges and bomblike explosions are the price you pay for a relationship that is exciting, deep, and sexy. Popular romantic movies and soap operas sometimes reinforce this image.

Most abusive men have close relationships with people other than their wives or girlfriends. My clients may feel deep fondness for one or both of their parents, a sibling, a dear friend, an aunt or uncle. Do they abuse their other loved ones? Rarely. It isn't the love or deep affection that causes his behavior problem.

MYTH #4:

He holds in his feelings too much,
and they build up until he bursts. He

needs to get in touch with his emotions and learn to express them to prevent those explosive episodes.

My colleagues and I refer to this belief as “The Boiler Theory of Men.” The idea is that a person can only tolerate so much accumulated pain and frustration. If it doesn’t get vented periodically—kind of like a pressure cooker—then there’s bound to be a serious accident. This myth has the ring of truth to it because we are all aware of how many men keep too much emotion pent up inside. Since most abusers are male, it seems to add up.

But it doesn’t, and here’s why: *Most of my clients are not unusually repressed.* In fact, many of them express their feelings more than some nonabusive men. Rather than trapping everything inside, they actually tend to do the opposite: They have an exaggerated idea of how important their feelings are, and they talk about their feelings—and act them out—all the time, until their partners

and children are exhausted from hearing about it all. An abuser's emotions are as likely to be too big as too small. They can fill up the whole house. When he feels bad, he thinks that life should stop for everyone else in the family until someone fixes his discomfort. His partner's life crises, the children's sicknesses, meals, birthdays—nothing else matters as much as his feelings.

It is not *his* feelings the abuser is too distant from; it is his *partner's* feelings and his *children's* feelings. Those are the emotions that he knows so little about and that he needs to “get in touch with.” My job as an abuse counselor often involves steering the discussion *away* from how my clients feel and toward how they *think* (including their attitudes toward *their partners' feelings*). My clients keep trying to drive the ball back into the court that is familiar and comfortable to them, where their inner world is the only thing that matters.

For decades, many therapists have been

attempting to help abusive men change by guiding them in identifying and expressing feelings. Alas, this well-meaning but misguided approach actually feeds the abuser's selfish focus on himself, which is an important force driving his abusiveness.

Part of why you may be tempted to accept "The Boiler Theory of Men" is that you may observe that your partner follows a pattern where he becomes increasingly withdrawn, says less and less, seems to be bubbling gradually from a simmer to a boil, and then erupts in a geyser of yelling, put-downs, and ugliness. It looks like an emotional explosion, so naturally you assume that it is. But the mounting tension, the pressure-cooker buildup of his feelings, is actually being driven by his lack of empathy for *your* feelings, and by a set of attitudes that we will examine later. And he explodes when he gives himself permission to do so.

MYTH #5:

He has a violent, explosive personality.

He needs to learn to be less aggressive.

Does your partner usually get along reasonably well with everyone else except you? Is it unusual for him to verbally abuse other people or to get in physical fights with men? If he does get aggressive with men, is it usually related somehow to you—for example, getting up in the face of a man who he thinks is checking you out? The great majority of abusive men are fairly calm and reasonable in most of their dealings that are unrelated to their partners. In fact, the partners of my clients constantly complain to me: “How come he can be so nice to everyone else but he has to treat me like dirt?” If a man’s problem were that

he had an “aggressive personality,” he wouldn’t be able to reserve that side of himself just for you. Many therapists have attempted over the years to lead abusive men toward their more sensitive, vulnerable side. But the sad reality is that plenty of gentle, sensitive men are viciously—and sometimes violently—abusive to their female partners. The two-sided nature of abusers is a central aspect of the mystery.

The societal stereotype of the abuser as a relatively uneducated, blue-collar male adds to the confusion. The faulty equation goes: “Abusive equals muscle-bound caveman, which in turn equals lower class.” In addition to the fact that this image is an unfair stereotype of working-class men, it also overlooks the fact that a professional or college-educated man has roughly the same likelihood of abusing women as anyone else. A successful businessperson, a college professor, or a sailing instructor may be less likely to adopt a tough-guy image with tattoos all over his body but

still may well be a nightmare partner.

Class and racial stereotypes permit the more privileged members of society to duck the problem of abuse by pretending that it is someone else's problem. Their thinking goes: "It's those construction-worker guys who never went to college; it's those Latinos; it's those street toughs—they're the abusers. Our town, our neighborhood, isn't like that. We're not macho men here."

But women who live with abuse know that abusers come in all styles and from all backgrounds. Sometimes the more educated an abuser, the more knots he knows how to tie in a woman's brain, the better he is at getting her to blame herself, and the slicker is his ability to persuade other people that she is crazy. The more socially powerful an abuser, the more powerful his abuse can be—and the more difficult it can be to escape. Two of my early clients were Harvard professors.

Some women are attracted to the tough-guy image, and some can't stand it. Take your pick. There are ways to tell whether a man is likely to turn abusive, as we will see in Chapter 5, but his gentle or macho personality style is not one of them. (But do beware of one thing: If a man routinely intimidates people, watch out. Sooner or later, he will turn his intimidation on you. At first it may make you feel safe to be with a man who frightens people, but not when your turn comes.)

MYTH #6:

He loses control of himself. He just goes wild.

Many years ago, I was interviewing a woman named Sheila by telephone. She was describing the rages that my client Michael would periodically have: "He just goes absolutely

berserk, and you never know when he's going to go off like that. He'll just start grabbing whatever is around and throwing it. He heaves stuff everywhere, against the walls, on the floor—it's just a mess. And he smashes stuff, important things sometimes. Then it's like the storm just passes; he calms down; and he leaves for a while. Later he seems kind of ashamed of himself.”

I asked Sheila two questions. The first was, when things got broken, were they Michael's, or hers, or things that belonged to both of them? She left a considerable silence while she thought. Then she said, “You know what? I'm amazed that I've never thought of this, but he only breaks my stuff. I can't think of one thing he's smashed that belonged to him.” Next, I asked her who cleans up the mess. She answered that she does.

I commented, “See, Michael's behavior isn't nearly as berserk as it looks. And if he really felt so remorseful, he'd help clean up.”

QUESTION 2:

IS HE DOING IT ON PURPOSE?

When a client of mine tells me that he became abusive because he lost control of himself, I ask him why he didn't do something even worse. For example, I might say, "You called her a fucking whore, you grabbed the phone out of her hand and whipped it across the room, and then you gave her a shove and she fell down. There she was at your feet, where it would have been easy to kick her in the head. Now, you have just finished telling me that you were 'totally out of control' at that time, but you didn't kick her. What stopped you?" And the client *can always give me a reason*. Here are some common explanations:

"I wouldn't want to cause her a serious injury."

“I realized one of the children was watching.”

“I was afraid someone would call the police.”

“I could kill her if I did that.”

“The fight was getting loud, and I was afraid neighbors would hear.”

And the most frequent response of all:

*“Jesus, I wouldn’t do **that**. I would never do something like that to her.”*

The response that I almost never heard—I remember hearing it twice in fifteen years—was: “I don’t know.”

These ready answers strip the cover off of my clients’ loss-of-control excuse. While a man is on an abusive rampage, verbally or physically, his mind maintains awareness of a number of questions: “Am I doing something that other

people could find out about, so it could make me look bad? Am I doing anything that could get me in legal trouble? Could I get hurt myself? Am I doing anything that I myself consider too cruel, gross, or violent?”

A critical insight seeped into me from working with my first few dozen clients: **An abuser almost never does anything that he himself considers morally unacceptable.** He may hide what he does because he thinks *other* people would disagree with it, but he feels justified inside. I can't remember a client ever having said to me: “There's no way I can defend what I did. It was just totally wrong.” He invariably has a reason that he considers good enough. In short, **an abuser's core problem is that he has a distorted sense of right and wrong.**

I sometimes ask my clients the following question: “How many of you have ever felt angry enough at your mother to get the urge to call her a bitch?” Typically, half or more of the group

members raise their hands. Then I ask, “How many of you have ever acted on that urge?” All the hands fly down, and the men cast appalled gazes on me, as if I had just asked whether they sell drugs outside elementary schools. So then I ask, “Well, why haven’t you?” The same answer shoots out from the men each time I do this exercise: “But you can’t treat your *mother* like that, no matter how angry you are! You just don’t *do* that!”

The unspoken remainder of this statement, which we can fill in for my clients, is: “But you *can* treat your wife or girlfriend like that, as long as you have a good enough reason. That’s different.” In other words, the abuser’s problem lies above all in his belief that controlling or abusing his female partner is *justifiable*. This insight has tremendous implications for how counseling work with abusers has to be done, as we will see.

When I was new to counseling abusive men,

my own loss-of-control myth collided repeatedly with the realities contained in the stories of my early clients. Kenneth admitted that he used to dim the lights and then insist to Jennifer that nothing had changed, trying to make her feel crazy. (He also stands out in my mind for his outspoken criticisms of his group mates for their insensitivity toward their partners, despite his own actions.) James told me that he sometimes would hide something his partner was looking for, such as her pocketbook or car keys, wait for her to become frantic and frustrated looking for it, and then put it back out in plain view and insist that it had been there all along. Mario measured the distance from his house to the supermarket, and when his wife reported going out to shop during the day, he would check the odometer of her car to make sure she hadn't gone anywhere else.

One year my colleagues David and Carole were preparing a skit on abuse for a conference, and they decided to perform a rehearsal for their

abuser group. Afterward, the group members rapid-fired their suggestions for improving the skit, directing them mostly at David: “No, no, you don’t make excuses for why you’re home late, that puts you on the defensive, you’ve got to turn it around on her, tell her you know she’s cheating on you.... You’re staying too far away from her, David. Take a couple of steps toward her, so she’ll know that you mean business.... You’re letting hersay too much. You’ve got to cut her off and stick to your points.” The counselors were struck by how aware the clients were of the kinds of tactics they use, and why they use them: In the excitement of giving feedback on the skit, the men let down their facade as “out-of-control abuser who doesn’t realize what he’s doing.”

As we review the stories of my clients throughout this book, you will observe over and over the degree of consciousness that goes into their cruel and controlling actions. At the same time, I don’t want to make abusive men sound

evil. They don't calculate and plan out every move they make—though they use forethought more often than you would expect. It isn't that each time an abuser sweeps a pile of newspapers onto the floor or throws a cup against the wall he has determined ahead of time to take that course. For a more accurate model, think of an abuser as an acrobat in a circus ring who does “go wild” to some extent *but who never forgets where the limits are.*

When one of my clients says to me, “I exploded” or “I just lost it,” I ask him to go step by step in his mind through the moments leading up to his abusive behavior. I ask, “Did you really ‘just explode,’ or did you actually decide at one point to give yourself the green light? Wasn't there a moment when you decided you ‘had had enough’ or you ‘weren't going to take it anymore,’ and at that instant you *gave yourself permission*, setting yourself free to do what you felt like doing?” Then I see a flicker of recognition cross

my client's eyes, and usually he admits that there is indeed a moment at which he turns himself loose to begin the horror show.

Even the physically violent abuser shows self-control. The moment police pull up in front of the house, for example, he usually calms down immediately, and when the officers enter, he speaks to them in a friendly and reasonable tone. Police almost never find a fight in progress by the time they get in the door. Ty, a physical batterer who now counsels other men, describes in a training video how he would snap out of his rage when the police pulled up in front of the house and would sweet-talk the police, "telling them what *she* had done. Then they would look at her, and she'd be the one who was totally out of control, because I had just degraded her and put her in fear. I'd say to the police, 'See, it isn't me.'" Ty managed to escape arrest repeatedly with his calm demeanor and claims of self-defense.

MYTH #7:

He's too angry. He needs to learn anger-management skills.

A few years ago, the partner of one of my clients went through an ordeal where her twelve-year-old son (from a previous marriage) disappeared for more than forty-eight hours. For two days Mary Beth's heart was beating faster and faster as she drove around town looking for her son, made panicked phone calls to everyone she knew, and dropped her son's photograph at police departments, newspapers, and radio stations. She barely slept. Meanwhile her new husband, Ray, who was in one of my groups, was slowly building to a boil inside. Toward the end of the second day he finally burst out yelling at her, "I am so sick of being ignored by you! It's like I don't even exist! Go fuck yourself!"

When people conclude that anger causes abuse,

they are confusing cause and effect. Ray was not abusive because he was angry; he was angry because he was abusive. Abusers carry attitudes that produce fury. A nonabusive man would not expect his wife to be taking emotional care of *him* during a crisis of this gravity. In fact, he would be focused on what he could do for her and on trying to find the child. It would be futile to teach Ray to take a time-out to punch pillows, take a brisk walk, or concentrate on deep breathing, because his thinking process will soon get him enraged again. In Chapter 3, you will see how and why an abuser's attitudes keep him furious.

When a new client says to me, "I'm in your program because of my anger," I respond, "No you're not, you're here because of your *abuse*." Everybody gets angry. In fact, most people have at least occasional times when they are *too* angry, out of proportion to the actual event or beyond what is good for their health. Some give themselves ulcers and heart attacks and

hypertension. But they don't necessarily abuse their partners. In Chapter 3, we'll take a look at why abusive men tend to be so angry—and why at the same time their anger isn't really the main problem.

The abuser's explosive anger can divert your attention from all the disrespect, irresponsibility, talking over you, lying, and other abusive and controlling behaviors that he exhibits even at times when he *isn't* especially upset. Is it anger that causes such a high proportion of abusers to cheat on their partners? Does an abuser's rage cause him to conceal for years the fact that a former girlfriend went into hiding to get away from him? Is it a form of explosiveness when your partner pressures you into dropping your friendships and spending less time with your siblings? No. Perhaps his loudest, most obvious, or most intimidating forms of abuse come out when he's angry, but his deeper pattern is operating all the time.

MYTH #8:

He's crazy. He's got some mental illness that he should be medicated for.

When a man's face contorts in bitterness and hatred, he looks a little insane. When his mood changes from elated to assaultive in the time it takes to turn around, his mental stability seems open to question. When he accuses his partner of plotting to harm him, he seems paranoid. It is no wonder that the partner of an abusive man would come to suspect that he was mentally ill.

Yet the great majority of my clients over the years have been psychologically "normal." Their minds work logically; they understand cause and effect; they don't hallucinate. Their perceptions of most life circumstances are reasonably accurate. They get good reports at work; they do well in

school or training programs; and no one other than their partners—and children—thinks that there is anything wrong with them. **Their *value system* is unhealthy, not their psychology.**

Much of what appears to be crazy behavior in an abuser actually works well for him. We already met Michael, who never broke his own stuff, and Marshall, who did not believe his own jealous accusations. In the pages ahead, you will encounter many more examples of the method behind the abuser's madness. You will also learn how distorted his view of his partner is—which can make him appear emotionally disturbed—and where those distortions spring from.

The most recent research shows that even in physically violent abusers the rate of mental illness is not high. Several of my brutal battering clients have had psychological evaluations, and only one of them was found to have a mental illness. At the same time, some of my clients whom I have believed to be truly insane have not

necessarily been among the most violent. Research does indicate that the most extreme physical batterers—the ones who choke their partners to unconsciousness, who hold guns to their heads, who stalk and kill—have increased rates of mental illness. But there is no particular mental health condition that is typical of these severe batterers; they can have a range of diagnoses, including psychosis, borderline personality, manic depression, antisocial personality, obsessive-compulsive disorder, and others. (And, even among the most dangerous abusers, there are many who do not show clear psychiatric symptoms of any kind.)

How can all these different mental illnesses cause such similar behavioral patterns? The answer is, they don't. Mental illness doesn't cause abusiveness any more than alcohol does. What happens is rather that the man's psychiatric problem interacts with his abusiveness to form a volatile combination. If he is severely depressed,

for example, he may stop caring about the consequences his actions may cause *him* to suffer, which can increase the danger that he will decide to commit a serious attack against his partner or children. A mentally ill abuser has two separate—though interrelated—problems, just as the alcoholic or drug-addicted one does.

The basic reference book for psychiatric conditions, the *Diagnostic and Statistical Manual of Mental Disorders (DSM-IV)*, includes no condition that fits abusive men well. Some clinicians will stretch one of the definitions to apply it to an abusive client—“intermittent explosive disorder,” for example—so that insurance will cover his therapy. However, this diagnosis is erroneous if it is made solely on the basis of his abusive behavior; a man whose destructive behaviors are confined primarily or entirely to intimate relationships is an abuser, not a psychiatric patient.

Two final points about mental illness: First, I

occasionally hear someone who is discussing a violent abuser say, “He must be delusional to think he can get away with this.” But, unfortunately, it often turns out that he *can* get away with it, as we discuss in Chapter 12, so his belief is not a delusion at all. Second, I have received just a few reports of cases in which an abuser’s behavior has improved for a while as a result of taking medication prescribed by a psychiatrist. His overall abusiveness hasn’t stopped, but the most devastating or terrifying behaviors have eased. Medication is not a long-term solution, however, for two important reasons:

1. Abusers don’t like to be medicated because they tend to be too selfish to put up with the side effects, no matter how much the improvement may benefit their partners, so they almost always quit the medication after a few months. The medication then can become another

tool to be used in psychological abuse. For example, the abuser can stop taking his pills when he is upset with her, knowing that this will make her anxious and afraid. Or when he wants to strike out at her dramatically he may deliberately overdose himself, creating a medical crisis.

2. No medication yet discovered will turn an abuser into a loving, considerate, appropriate partner. It will just take the edge off his absolute worst behaviors—if it even does that. If your abusive partner is taking medication, be aware that you are only buying time. Take advantage of the (more) peaceful period to get support in your own healing. Begin by calling a program for abused women.
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MYTH #9

He hates women. His mother, or some other woman, must have done something terrible to him.

The notion that abusive men hate women was popularized by Susan Forward's book *Men Who Hate Women and the Women Who Love Them*. Dr. Forward's descriptions of abusive men are the most accurate ones I have read, but she was mistaken on one point: Most abusers don't hate women. They often have close relationships with their mothers, or sisters, or female friends. A fair number are able to work successfully with a female boss and respect her authority, at least outwardly.

Disrespect for women certainly is rampant among abusive men, with attitudes toward women that fall on a continuum from those who can interact fairly constructively with most women (as

long as they are not intimately involved with them) to men who are misogynists and treat most women they encounter with superiority and contempt. In general, I find that my clients' view that their partners should cater to their needs and are not worthy of being taken seriously does indeed carry over into how they view other females, including their own daughters. But, as we will see in Chapter 13, the disrespect that abusive men so often direct toward women in general tends to be born of their cultural values and conditioning rather than personal experiences of being victimized by women. Some abusive men use the *excuse* that their behavior is a response to such victimization because they want to be able to make women responsible for men's abuse. It is important to note that research has shown that men who have abusive mothers do not tend to develop especially negative attitudes toward females, but men who have abusive *fathers* do; the disrespect that abusive men show their female

partners and their daughters is often absorbed by their sons.

So while a small number of abusive men do hate women, the great majority exhibit a more subtle—though often quite pervasive—sense of superiority or contempt toward females, and some don't show any obvious signs of problems with women at all until they are in a serious relationship.

MYTH #10:

He is afraid of intimacy and abandonment.

Abusive men are often jealous and possessive, and their coercive and destructive behaviors can escalate when their partners attempt to break up with them. Some psychologists have glanced quickly at this pattern and concluded that abusers

have an extreme fear of abandonment. But *many people*, both male and female, are afraid of abandonment and may reel from panic, heartbreak, or desperation when being left by a partner. If a person's panicked reaction to being left could cause threats, stalking, or murder, our entire society would be a war zone. But postseparation homicides of intimate partners are committed almost exclusively by men (and there is almost always a history of abuse *before* the breakup). If fear of abandonment causes postseparation abuse, why are the statistics so lopsided? Do women have a much easier time with abandonment than men do? No, of course not. (We'll examine the real causes of the extreme behaviors some abusers use postseparation in Chapter 9.)

A close cousin of the abandonment myth is the belief that abusive men "are afraid of intimacy," which attempts to explain why most abusers mistreat only their partners and why most are

male. According to this theory, the abuser uses his periodic cruelty to keep his partner from getting too close to him emotionally, a behavior which, in the language of psychologists, is called *mediating the intimacy*.

But there are several holes in this theory. First abusive men usually have their worst incidents after a period of mounting tension and distance, *not* at the moments of greatest closeness. Some keep their emotional distance all the time so the relationship never gets close enough to trigger any fears of intimacy they might have, yet the abuse continues. Wife abuse occurs just as severely in some cultures where there is no expectation of intimacy between husbands and wives, where marriage has nothing to do with real emotional connection. And, finally, there are plenty of men who have powerful fears of intimacy who don't abuse or control their partners—because they don't have an abusive *mentality*.

MYTH #11:

He suffers from low self-esteem. He needs his self-image shored up.

QUESTION 3:

**IS IT BECAUSE HE FEELS
BAD ABOUT HIMSELF?**

An abused woman tends to pour precious energy into supporting her abusive partner and massaging his ego, hoping against hope that if he is kept well stroked his next explosion might be averted. How well does this strategy work? Unfortunately, not very. You can't manage an abuser except for brief periods. Praising him and boosting his self-opinion may buy you some time, but sooner or later he'll jump back into chewing pieces out of you. When you try to improve an

abuser's feelings about himself, his problem actually tends to get worse. An abusive man expects catering, and the more positive attention he receives, the more he demands. He never reaches a point where he is satisfied, where he has been given enough. Rather, he gets used to the luxurious treatment he is receiving and soon escalates his demands.

My colleagues and I discovered this dynamic through a mistake we made in the early years of abuse work. A few times we asked clients who had made outstanding progress in our program to be interviewed on television or to speak to a group of high school students because we thought the public could benefit from hearing an abuser speak in his own words about his behaviors and his process of change. But we found that each time we gave a client public attention, he had a bad incident of mistreating his partner within a few days thereafter. Feeling like a star and a changed man, his head swelled from all the attention he

had been given, he would go home and rip into his partner with accusations and put-downs. So we had to stop taking our clients to public appearances.

The self-esteem myth is rewarding for an abuser, because it gets his partner, his therapist, and others to cater to him emotionally. Imagine the privileges an abusive man may acquire: getting his own way most of the time, having his partner bend over backward to keep him happy so he won't explode, getting to behave as he pleases, and then on top of it all, he gets *praise* for what a good person he is, and everyone is trying to help *him* feel better about himself!

Certainly an abuser can be remorseful or ashamed after being cruel or scary to his partner, especially if any outsider has seen what he did. But those feelings are a *result* of his abusive behavior, not a cause. And as a relationship progresses, the abusive man tends to get more comfortable with his own behavior and the

remorse dies out, suffocated under the weight of his justifications. He may get nasty if he doesn't receive the frequent compliments, reassurance, and deference he feels he deserves, but this reaction is not rooted in feelings of inferiority; in fact, the reality is almost the opposite, as we will see.

Think for a just a moment about how your partner's degrading and bullying behavior has hurt *your* self-esteem. Have you suddenly turned into a cruel and explosive person? If low self-esteem isn't an excuse for you to become abusive, then it's no excuse for him either.

MYTH #12:

His boss abuses him, so he feels powerless and unsuccessful.

He comes home and takes it out on his family because that is the one

place he can feel powerful.

I call this myth “boss abuses man, man abuses woman, woman abuses children, children hit dog, dog bites cat.” The image it creates seems plausible, but too many pieces fail to fit. Hundreds of my clients have been popular, successful, good-looking men, not the downtrodden looking for a scapegoat for their inner torment. Some of the worst abusers I have worked with have been at the top of the management ladder—with no boss to blame. The more power these men have in their jobs, the more catering and submission they expect at home. Several of my clients have told me: “I have to order people around where I work, so I have trouble snapping out of that mode when I get home.” So while some abusers use the “mean boss” excuse, others use the opposite.

The most important point is this one: In my fifteen years in the field of abuse, **I have never once had a client whose behavior at home has**

improved because his job situation improved.

MYTH #13:

He has poor communication, conflict-resolution, and stress-management skills. He needs training.

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An abusive man is not *unable* to resolve conflicts nonabusively; he is *unwilling* to do so. The skill deficits of abusers have been the subject of a number of research studies, and the results lead to the following conclusion: Abusers have normal abilities in conflict resolution, communication, and assertiveness *when they choose to use them*. They typically get through tense situations at work without threatening anyone; they manage their stress without exploding when they spend Thanksgiving with their parents; they share openly

with their siblings regarding their sadness over a grandparent's death. But they don't *want* to handle these kinds of issues nonabusively when it involves their partners. You can equip an abuser with the most innovative, New Age skills for expressing his deep emotions, listening actively, and using win-win bargaining, and then he will go home and continue abusing. In the coming chapter, we'll see why.

MYTH #14:

There are just as many abusive women as abusive men.

Abused men are invisible because they are ashamed to tell.

There certainly are some women who treat their male partners badly, berating them, calling them names, attempting to control them. The negative

impact on these men's lives can be considerable. But do we see men whose self-esteem is gradually destroyed through this process? Do we see men whose progress in school or in their careers grinds to a halt because of the constant criticism and undermining? Where are the men whose partners are forcing them to have unwanted sex? Where are the men who are fleeing to shelters in fear for their lives? How about the ones who try to get to a phone to call for help, but the women block their way or cut the line? The reason we don't generally see these men is simple: They're rare.

I don't question how embarrassing it would be for a man to come forward and admit that a woman is abusing him. But don't underestimate how humiliated a woman feels when she reveals abuse; women crave dignity just as much as men do. If shame stopped people from coming forward, no one would tell.

Even if abused men didn't want to come forward, they would have been discovered by now.

Neighbors don't turn a deaf ear to abuse the way they might have ten or twenty years ago. Now, when people hear screaming, objects smashing against walls, loud slaps landing on skin, they call the police. Among my physically abusive clients nearly *one-third* have been arrested as a result of a call to the police that came from someone other than the abused woman. If there were millions of cowed, trembling men out there, the police would be finding them. Abusive men commonly like to play the role of victim, and most men who claim to be "battered men" are actually the perpetrators of violence, not the victims.

In their efforts to adopt victim status, my clients try to exaggerate their partners' verbal power: "Sure, I can win a physical fight, but she is much better with her mouth than I am, so I'd say it balances out." (One very violent man said in his group session, "She stabs me through the heart with her words," to justify the fact that he had stabbed his partner in the chest with a knife.) But

abuse is not a battle that you win by being better at expressing yourself. You win it by being better at sarcasm, put-downs, twisting everything around backward, and using other tactics of control—an arena in which my clients win hands down over their partners, just as they do in a violent altercation. Who can beat an abuser at his own game?

Men *can* be abused by other men, however, and women can be abused by women, sometimes through means that include physical intimidation or violence. If you are a gay man or lesbian who has been abused by a partner or who is facing abuse now, most of what I explain in this book will ring loud bells for you. The “he and she” language that I use obviously won’t fit your experience, but the underlying dynamics that I describe largely will. We’ll explore this issue further in Chapter 6.

MYTH #15:

Abuse is as bad for the man who is doing it as it is for his partner. They are both victims.

My clients get over the pain of the abuse incidents far, far faster than their partners do. Recall Dale from Chapter 1, who insisted to me that the first ten years of his marriage had gone swimmingly, while Maureen recounted ten years of insults and cruelty? Certainly abusing one's partner is not a healthy lifestyle, but the negative effects don't hold a candle to the emotional and physical pain, loss of freedom, self-blame, and numerous other shadows that abuse casts over the life of its female target. Unlike alcoholics or addicts, abusive men don't "hit bottom." They can continue abusing for twenty or thirty years, and their careers remain successful, their health stays normal, their friendships endure. As we'll see in Chapter 6, abusers actually tend to *benefit* in many ways from their controlling behaviors. An abuser can

usually outperform his victim on psychological tests, such as the ones that are routinely required during custody disputes, because he isn't the one who has been traumatized by years of psychological or physical assault. No one who listens carefully to the tragic accounts of abused women and then sees the abusers each week at a counseling group, as my colleagues and I have done, could be fooled into believing that life is equally hard for the men.

MYTH #16:

He is abusive because he has faced so much societal discrimination and disempowerment as a man of color, so at home he needs to feel powerful.

I address this myth in detail in Chapter 6 under "Racial and Cultural Differences in Abuse," so

here I offer only a brief overview. First, a majority of abusive men are white, many of them well educated and economically privileged, so discrimination couldn't be a central cause of partner abuse. Second, if a man has experienced oppression himself, it could just as easily make him *more* sympathetic to a woman's distress as less so, as is true for childhood abuse (see Myth #1). And in fact there are men of color among the most visible leaders in the United States in the movement against the abuse of women. So while discrimination against people of color is a terribly serious problem today, it should not be accepted as an excuse for abusing women.

MYTH #17:

The alcohol is what makes him abusive. If I can get him to stay sober, our relationship will be fine.

So many men hide their abusiveness under the cover of alcoholism or drug addiction that I have chosen to devote Chapter 8 to explore the issue of addiction in detail. The most important point to be aware of is this: Alcohol cannot create an abuser, and sobriety cannot cure one. The only way a man can overcome his abusiveness is by dealing with his abusiveness. And you are not “enabling” your partner to mistreat you; he is entirely responsible for his own actions.

WE HAVE NOW COMPLETED our tour through a museum of myths about abusive men. You may find it difficult to leave these misconceptions behind. I was attached to my own myths years ago, but the abusers themselves kept forcing me to look at the realities, even as they stubbornly avoided doing so themselves. If you are involved with a man who bullies you or cuts you down, perhaps you feel even more confused than you did before reading this chapter. You may be thinking,

“But if his problem doesn’t spring from these sources, where does it come from?”

So our next step is to carefully weave back together the tangled strands we have just unraveled, to form a coherent picture. As we do so, you will gradually find yourself relieved to leave these eye-bending distortions behind. An energizing clarity can then take their place, and the mystery that abusers work so hard to create will vanish.

KEY POINTS TO REMEMBER

- An abusive man’s emotional problems do not cause his abusiveness. You can’t change him by figuring out what is bothering him, helping him feel better, or improving the dynamics of your relationship.
- Feelings do not govern abusive or

controlling behavior; beliefs, values, and habits are the driving forces.

- The reasons that an abusive man gives for his behavior are simply *excuses*.

There is no way to overcome a problem with abusiveness by focusing on tangents such as self-esteem, conflict resolution, anger management, or impulse control. Abusiveness is resolved by dealing with abusiveness.

- Abusers thrive on creating confusion, including confusion about the abuse itself.
- There is nothing wrong with you. Your partner's abuse problem is his own.

The Abusive Mentality

His attitude always seems to be: “You owe me.”

He manages to twist everything around so that it’s my fault.

I feel suffocated by him. He’s trying to run my life.

Everyone seems to think he’s the greatest guy in the world. I wish they could see the side of him that I have to live with.

He says he loves me so much. So why does he treat me like this?

CHRONIC MISTREATMENT gets people to doubt themselves. Children of abusive parents know that something is wrong, but they suspect the badness is inside of them. Employees of an abusive boss spend much of their time feeling that they are doing a lousy job, that they should be smarter and work harder. Boys who get bullied feel that they should be stronger or less afraid to fight.

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When I work with an abused woman, my first goal is to help her to regain trust in herself; to get her to rely on her own perceptions, to listen to her own internal voices. You don't really need an "expert" on abuse to explain your life to you; what you do need above all is some support and encouragement to hold on to your own truth. Your abusive partner wants to deny your experience. He wants to pluck your view of reality out of your head and replace it with his. When someone has invaded your identity in this way enough times, you naturally start to lose your balance. But you

can find your way back to center.

An abuser creates a host of misconceptions to get his partner to doubt herself and to make it possible for him to lead her down dead-end paths. Having dispelled those myths, we can now zero in on the roots of his steamrolling style. I believe you will recognize them.

The insights I share in the pages ahead have been taught to me primarily by the abused women themselves who are the experts on abuse. My other teachers have been my abusive clients, who lead us toward clarity each time that they accidentally reveal their true thinking.

REALITY #1:

He is controlling.

My client Glenn arrived angry and agitated for his group session one night. His words spilled out

rapidly:

Harriet started yelling at me on Friday afternoon and told me she is going to move out soon. Then she left for the whole weekend and took my two-year-old son with her. She really hurt me. So I decided to hurt her too, and I wanted to go after something that was really important to her, to show her what it's like. She had been working for a week on this college paper that she had put a lot of hours into and was going to hand in on Monday. She left it sitting right on top of her dresser, just asking for it. So I tore it up into little pieces. Then I ripped up a bunch of pictures of the three of us, and I left it all in a nice pile on the bed for her to come home to. I think she learned something from that.

Glenn was remarkably honest with me about his thought process and his motives, probably because of how justified he felt. He believed in his right to control his partner's actions; he expected

his word to be the last word; and he did not accept defiance. He considered it his right to punish Harriet—in the most severe way he could think of—if she took steps to recover ownership of her life. He talked proudly of how he had “allowed” her various freedoms while they were together, as if he were her parent, and defended his right to remove her privileges when he thought the time had come.

Control comes in many different forms. A few of my clients have been so extremely controlling they could have passed for military commanders. Russell, for example, went so far as to require his children to do calisthenics each morning before school. His wife was not allowed to speak to *anyone* without his permission, and he would order her back to her room to change clothes in the morning if he didn't approve of her outfit. At dinnertime, he would sit back and comment like a restaurant reviewer on the strengths and weaknesses of what she had prepared and would

periodically instruct her to go to the kitchen to get things for the children, as if she were a waitress.

Russell's style was at one end of the spectrum of controlling behavior, however. Most of my clients stake out specific turf to control, like an explorer claiming land, rather than trying to run *everything*. One abuser may be fanatical about having to win every argument but leave his partner alone about what she wears. Another man may permit his partner to argue with him about the children, for example, but if she refuses to let him change the TV station when he wants, watch out. (Dozens of my clients have thrown or smashed remote controls; the television is tightly controlled by many abusers.) One abuser will have a curfew for his partner, while another will allow his partner to come and go as she pleases—as long as she makes his meals and does his laundry.

THE SPHERES OF CONTROL

An abusive man's control generally falls into one or more of the following central spheres:

ARGUMENTS AND DECISION MAKING

An intimate relationship involves a steady flow of decisions to be made, conflicting needs to negotiate, tastes and desires to balance. Who is going to clean up the mess in the kitchen? How much time should we spend alone together and how much with other friends? Where do our other hobbies and interests fit into our priorities? How will we process and resolve annoyances or hurt feelings? What rules will we have for our children?

The mind-set that an abuser brings to these choices and tensions can make him impossible to get along with. Consider how challenging it is to negotiate or compromise with a man who operates on the following tenets (whether or not he ever says them aloud):

1. "An argument should only last as long

as my patience does. Once I've had enough, the discussion is over and it's time for you to shut up."

2. "If the issue we're struggling over is important to me, I should get what I want. If you don't back off, you're wronging me."
3. "I know what is best for you and for our relationship. If you continue disagreeing with me after I've made it clear which path is the right one, you're acting stupid."
4. "If my control and authority seem to be slipping, I have the right to take steps to reestablish the rule of my will, including abuse if necessary."

The last item on this list is the one that most distinguishes the abuser from other people: Perhaps any of us can slip into having feelings like the ones in numbers one through three, but the

abuser gives himself permission to *take action* on the basis of his beliefs. With him, the foregoing statements aren't feelings; they are closely held *convictions* that he uses to guide his actions. That is why they lead to so much bullying behavior.

PERSONAL FREEDOM

An abusive man often considers it his right to control where his partner goes, with whom she associates, what she wears, and when she needs to be back home. He therefore feels that she should be *grateful* for any freedoms that he does choose to grant her, and will say something in a counseling session like, "She's all bent out of shape because there's one sleazy girl I don't let her hang out with, when all the rest of the time I allow her to be friends with anyone she wants." He expects his partner to give him a medal for his generosity, not to criticize him for his oppressiveness. He sees himself as a reasonably permissive parent—toward his adult partner—and he does not want to meet with a lot of resistance

on the occasions when he believes that he needs to put his foot down.

Sometimes this control is exercised through wearing the woman down with constant low-level complaints, rather than through yelling or barking orders. The abuser may repeatedly make negative comments about one of his partner's friends, for example, so that she gradually stops seeing her acquaintance to save herself the hassle. In fact, she might even believe it was her own decision, not noticing how her abuser pressured her into it.

Is the abusive man's thinking distorted? Certainly. A man's partner is not his child, and the freedoms he "grants" her are not credits to be spent like chips when the urge to control her arises. But his rules make sense to him, and he will fight to hang on to them.

PARENTING

If the couple has children, the abusive man typically considers himself the authority on parenting, even if he contributes little to the actual

work of looking after them. He sees himself as a wise and benevolent head coach who watches passively from the sidelines during the easy times but steps in with the “correct” approach when his partner isn’t handling the children properly. His arrogance about the superiority of his parenting judgment may be matched only by how little he truly understands, or pays attention to, the children’s needs. No matter how good a mother his partner is, he thinks she needs to learn from *him*, not the other way around.

THE ABUSIVE MAN CLAIMS that his control is in his partner’s best interest. This justification was captured by my client Vinnie:

Olga and I were driving in a really bad neighborhood. We were arguing, and she got crazy the way she does and started trying to get out of the car. It was dark. This was the kind of place where anything could happen to her. I told

her to stay in the car, that she wasn't getting out in a place like this, but she kept trying to push the door open. I couldn't get her to stop, so I finally had to slap her in the arm, and unfortunately she hit her head against the window. But at least that got her to settle down and stay in the car.

Does Vinnie really believe that he is abusing his partner for her own good? Yes and no. To some extent he does, because he has convinced himself. But his real motivation is plain to see: Olga wants out of the car in order to escape Vinnie's control, and he wants to make sure she can't.

Unfortunately, an abuser can sometimes succeed at convincing people that his partner is so irrational and out of control, that her judgment is so poor, that she has to be saved from herself. Never believe a man's claim that he has to harm his partner in order to protect her; only abusers

think this way.

When a man starts my program, he often says, “I am here because I lose control of myself sometimes. I need to get a better grip.” I always correct him: **“Your problem is not that you *lose* control of yourself, it’s that you *take* control of your partner. In order to change, you don’t need to *gain* control over yourself, you need to *let go* of control of her.”** A large part of his abusiveness comes in the form of *punishments* used to retaliate against you for resisting his control. This is one of the single most important concepts to grasp about an abusive man.

REALITY #2:

He feels entitled.

Entitlement is the abuser’s belief that he has a special status and that it provides him with

exclusive rights and privileges that do not apply to his partner. The attitudes that drive abuse can largely be summarized by this one word.

To understand entitlement, we first need to look at how rights should properly be conceived of in a couple or family.

Man

Women

Children

The man's rights and the woman's rights are the same size. They have the right to have their opinions and desires respected, to have a 50 percent say in decision making, to live free from verbal abuse and physical harm. Their children's rights are somewhat smaller but substantial nonetheless; children can't have an equal say in decisions because of their limited knowledge and experience, but they do have the right to live free from abuse and fear, to be treated with respect, and to have their voices heard on all issues that concern them. However, an abuser perceives the

rights of the family like this:

Man

Women

Children

Not only are the rights of his partner and children diminished—with some abusers those little circles disappear altogether—but his rights are greatly inflated. My fundamental task as a counselor is to get the abusive man to *expand* his perception of his partner's and children's rights to their proper size and to *shrink* his view of his own rights down to where it belongs. The abusive man awards himself all kinds of “rights,” including:

- Physical caretaking
- Emotional caretaking
- Sexual caretaking
- Deference
- Freedom from accountability

Physical caretaking is the focus of the more traditionally minded abuser. He expects his partner to make dinner for him the way he likes it, look after the children, clean the house, and perform an endlessly continuing list of additional tasks. He sees her essentially as an unpaid servant. He grouches, "I work my butt off all day, and when I come home I expect a little peace and quiet. Is that too much to ask for?" He seems to expect a soft chair, a newspaper, and a footstool. On the weekends he expects everything in the home to be taken care of so that he can watch sports or tinker with his car, go golfing or bird watching, or sleep. If she doesn't fulfill her myriad household responsibilities to his satisfaction, he feels entitled to dole out harsh criticism.

Although this style of abuser may seem out of date, he is alive and well. He did learn to use some prettier packaging for his regal expectations during the '80s and '90s, but the change is superficial. Fewer abusers look me in the eye

nowadays and say, “I expect a warm, tasty dinner on the table when I come home,” but they may still explode if it isn’t there.

Interwoven with the abuser’s overvaluation of his own work is the devaluation of his partner’s labor. My clients grumble to me: “I don’t know what the hell she does all day. I come home and the house is a mess, the children haven’t been fed, and she’s talking on the telephone. She spends her time watching soap operas.” If she works outside the home—and few families can get by on one income—then he insists that her job is easy compared to his. Of course, if he attempts to do what she does—for example, if he is the primary parent for a while because he’s unemployed and she’s working—he does an abrupt about-face: Suddenly he declares that parenting and housekeeping are monumental and admirable tasks, requiring hours a day of rest for him to recuperate.

Emotional caretaking can be even more

important than homemaking services to the modern abuser. Remember Ray, who swore at Mary Beth for “ignoring” him for two days while she looked for her missing son? His problem was that he believed that nothing—not even a missing child—should interfere with Mary Beth’s duty to meet his emotional needs. Just as common as the abuser who blows up because dinner is late is the one who explodes because his partner gets tired of listening to him talk endlessly about himself, or because she wants to spend a little time doing something alone that she enjoys, or because she didn’t drop everything to soothe him when he was feeling down, or because she failed to *anticipate* needs or desires he hadn’t even expressed.

Abusive men often hide their high emotional demands by cloaking them as something else. My client Bert, for example, would be furious if his girlfriend Kirsten didn’t get off the phone as soon as he came in the door. His excuse to tear into her would be “all the money she’s wasting on the

phone bill when she knows we can't afford it," but we noticed that the issue only arose when he wanted her attention. If she called England when he wasn't around, or if *he* spent an hour on the phone to his parents every Saturday morning, the expense was no big deal.

When I have new clients, I go to the board and draw a compass with the needle pointing straight up to a big N. "You want your partner to be this compass," I say to them, "and you want to be North. No matter where the compass goes, it always points in the same direction. And no matter where she goes, or what she's doing, or what's on her mind, you expect her to always be focused on you." My clients sometimes protest to me, "But that's what being in a relationship is about. We're *supposed* to focus on each other." But I notice that when he focuses on her, most of what he thinks about is what she can do for him, not the other way around. And when he doesn't feel like focusing on her at all, he doesn't bother.

An abuser can seem emotionally needy. You can get caught in a trap of catering to him, trying to fill a bottomless pit. But he's not so much needy as *entitled*, so no matter how much you give him, it will never be enough. He will just keep coming up with more demands because he believes his needs are your responsibility, until you feel drained down to nothing.

Sexual caretaking means that he considers it his partner's duty to keep him sexually satisfied. He may not accept having his sexual advances rejected, yet turn *her* down whenever he feels like it. Even her pleasure exists for his benefit: If she doesn't reach orgasm, for example, he may resent her for it because he wants the pleasure of seeing himself as a great lover.

Not all abusive men have great interest in sex. Some are too busy with outside relationships or use substances that diminish their sex drive. A few are gay, using their female partners for window dressing. Some of my clients can feel

attracted to a woman only as part of a domination fantasy. This style of abuser loses interest in sex if his partner starts to assert herself as an equal human being deserving of respect, or he begins to coerce or assault her sexually. In short, he wants sex on his terms or not at all.

Deference refers to the abuser's entitlement to have his tastes and opinions treated as edicts. Once he has made the pronouncement that a certain movie is shallow, or that Louise was trying to seduce Jay at the picnic, or that Republicans don't know how to manage the economy, his partner is supposed to accept his view unquestioningly. It is especially important to him that she not disagree with him in front of other people; if she does, he may later yell at her, "You made me look like a fool, you're always out to show me up," and similar accusations. His unstated rule is that she is not to question his ideas.

Freedom from accountability means that the

abusive man considers himself above criticism. If his partner attempts to raise her grievances, she is “nagging” or “provoking” him. He believes he should be permitted to ignore the damage his behavior is causing, and he may become retaliatory if anyone tries to get him to look at it. I had the following exchange with a man who was new to my program:

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ANCROFT: Can you explain to me why you are joining this abuser group?

ANK: Well, I slapped my girl a few weeks ago, and now she says I can't come back in the house unless I get counseling.

ANCROFT: What led up to your abuse? Were you arguing?

ANK: Yes. And she accused me of having an affair! That really pissed me off!

ANCROFT: Well, *were* you having an affair?

ANK (Pause, a little startled by my question):
Well, yeah...but she had no proof! She shouldn't go saying things like that when she has no proof!

Hank reserved for himself the privilege of being critical of his partner, a privilege that he exercised a great deal. Complaints against him, including drawing any attention to how his behavior had hurt other people in the family, he was quick to stifle. In Hank's case, the retaliation took the form of a physical assault.

The abusive man's high entitlement leads him to have unfair and unreasonable expectations, so that the relationship revolves around his demands. His attitude is: "You owe me." For each ounce he gives, he wants a pound in return. He wants his partner to devote herself fully to catering to him, even if it means that her own needs—or her children's—get neglected. You can pour all your energy into keeping your partner content, but if he

has this mind-set, he'll never be satisfied for long. And he will keep feeling that *you* are controlling *him*, because he doesn't believe that you should set any limits on his conduct or insist that he meet his responsibilities.

Many men feel specifically entitled to use violence. A recent study of college males studying psychology, published in 1997, found that 10 percent believed that it was acceptable to hit a female partner for refusing to have sex, and 20 percent believed that it was acceptable to do so if the man suspected her of cheating. Studies have found similar statistics regarding young men's belief that they have the right to force a female to have sex if they have spent a substantial amount of money on the evening's entertainment or if the woman started wanting sex but then changed her mind. These studies point to the importance of focusing on changing the entitled attitudes of abusers, rather than attempting to find something wrong in their individual psychology.

THE ABUSER'S OUTLOOK ON THE WOMAN'S ANGER

The abusive man's problem with anger is almost the opposite of what is commonly believed. The reality is:

**YOUR ABUSIVE PARTNER DOESN'T
HAVE A PROBLEM WITH *HIS* ANGER.
HE HAS A PROBLEM WITH *YOUR*
ANGER.**

One of the basic human rights he takes away from you is the right to be angry with him. No matter how badly he treats you, he believes that your voice shouldn't rise and your blood shouldn't boil. The privilege of rage is reserved for him alone. When your anger does jump out of you—as will happen to any abused woman from time to time—he is likely to try to jam it back down your throat as quickly as he can. Then he uses your anger against you to prove what an irrational

person you are. Abuse can make you feel straitjacketed. You may develop physical or emotional reactions to swallowing your anger, such as depression, nightmares, emotional numbing, or eating and sleeping problems, which your partner may use as an excuse to belittle you further or make you feel crazy.

Why does your partner react so strongly to your anger? One reason may be that he considers himself above reproach, as I discussed above. The second is that on some level he senses—though not necessarily consciously—that there is *power in your anger*. If you have space to feel and express your rage, you will be better able to hold on to your identity and to resist his suffocation of you. He tries to take your anger away in order to snuff out your capacity to resist his will. Finally, he perceives your anger as a *challenge* to his authority, to which he responds by overpowering you with anger that is greater than your own. In this way he ensures that he retains the exclusive

right to be the one who shows anger.

THE ABUSER'S OWN ANGER

Once you grasp the nature of entitlement, the following concept about the abusive man becomes clear:

HE ISN'T ABUSIVE BECAUSE HE IS ANGRY; HE'S ANGRY BECAUSE HE'S ABUSIVE.

The abuser's unfair and unrealistic expectations ensure that his partner can never follow all of his rules or meet all of his demands. The result is that he is frequently angry or enraged. This dynamic was illustrated on a recent talk show by a young man who was discussing his abuse of his present wife. He said that his definition of a good relationship was: "Never arguing and saying you love each other every day." He told the audience that his wife "deserved" his mistreatment because

she wasn't living up to this unrealistic image. It wouldn't do any good to send this young man, or any other abuser, to an anger-management program, because his entitlements would just keep producing more anger. His attitudes are what need to change.

REALITY #3:

He twists things into their opposites.

Emile, a physically violent client with whom I worked, gave me the following account of his worst assault on his wife: "One day Tanya went way overboard with her mouth, and I got so pissed off that I grabbed her by the neck and put her up against the wall." With his voice filled with indignation, he said, "Then she tried to knee me in the balls! How would you like it if a woman did that to you?? Of course I lashed out. And when I

swung my hand down, my fingernails made a long cut across her face. What the hell did she expect?

QUESTION 4:

WHY DOES HE SAY THAT *I* AM THE ONE ABUSING *HIM*?

The abuser's highly entitled perceptual system causes him to mentally *reverse aggression and self-defense*. When Tanya attempted to defend herself against Emile's life-threatening attack, he defined her actions as violence toward *him*. When he then injured her further, he claimed he was defending himself against *her* abuse. The lens of entitlement the abuser holds over his eye stands everything on its head, like the reflection in a spoon.

Another client, Wendell, described an incident in which he stomped out of the house and

slammed the door. “My wife Aysha nags at me for hours. I can only take so much of her complaining and telling me I’m no good. Yesterday she went on for a half hour, and I finally called her a bitch and took off.” I asked him what Aysha was upset about, and he said he didn’t know. “When she goes on like that I just tune her out.” A few days later I spoke with Aysha about the incident, and she told me that she had indeed been yelling at Wendell for five or ten minutes. However, he had failed to tell me that he had launched a verbal assault when she first woke up that morning and had continued berating her all day: “He totally dominates arguments; he repeats himself like a broken record; and I’m lucky if I can get a word in. And his language is awful—he must have called me a ‘bitch’ ten times that day.” She finally reached her limit and began standing up for herself forcefully, and that was when he stormed out for the evening.

Why does Wendell think that Aysha is the one

who has been doing all the yelling and complaining? Because in his mind *she's supposed to be listening, not talking*. If she expresses herself at all, that's too much.

When I challenge my clients to stop bullying their partners, they twist my words around just as they do their partners'. They accuse me of having said things that have little connection to my actual words. An abuser says, "You're saying I should lie down and let her walk all over me" because I told him that intimidating his partner is unacceptable no matter how angry he is. He says, "So you're telling us that our partners can do anything they want to us, and we aren't allowed to lift a finger to defend ourselves" because his partner told him that she was sick of his friends trashing the house and that he should "clean up his goddamned mess," and I told him that was no excuse to call her a disgusting name. He says, "Your approach is that whatever she does is okay, because she's a woman, but because I'm the man,

there's much stricter rules for me" because I pointed out *his* double standards and insisted that he should live by the same rules he applies to her.

The abusive man has another reason to exaggerate and ridicule his partner's statements (and mine): He wants to avoid having to think seriously about what she is saying and struggle to digest it. He feels entitled to swat her down like a fly instead.

REALITY #4:

He disrespects his partner and considers himself superior to her.

Sheldon's relationship with Kelly was over. He was required to enter my program because he had violated a restraining order but denied that he had ever been violent or frightening to Kelly. Now he was attempting to get custody of their three-year-

old daughter, Ashley. He claimed that Kelly had never looked after Ashley from the time of her birth and had “never bonded with her.” He added, “I don’t consider her Ashley’s mother. She’s just a vessel, just a channel that Ashley came through to get into this world.”

Sheldon had reduced Kelly to an inanimate object in his mind, a baby-producing machine. When he spoke of her, he twisted his face up in disgusted expressions of contempt. At the same time, he never sounded upset; he considered Kelly too far beneath him to raise his ire. He had the same attitude you might have if an annoying but harmless little dog were nipping at your heels. His tone of condescension indicated how certain he was of his superiority to Kelly.

As memorable as Sheldon’s smug derision was, it was only a few notches worse than the common thinking of many abusive men. The abuser tends to see his partner as less intelligent, less competent, less logical, and even less *sensitive*

than he is. He will tell me, for example, that she isn't the compassionate person he is. He often has difficulty conceiving of her as a human being. This tendency in abusers is known as *objectification* or *depersonalization*. Most abusers verbally attack their partners in degrading, revolting ways. They reach for the words that they know are most disturbing to women, such as *bitch*, *whore*, and *cunt*, often preceded by the word *fat*. These words assault her humanity, reducing her to an animal, a nonliving object, or a degraded sexual body part. The partners of my clients tell me that these disgusting words carry a force and an ugliness that feel like violence. Through these carefully chosen epithets—and my clients sometimes admit that they use the most degrading words they can think of—abusers make their partners feel both debased and unsafe.

Objectification is a critical reason why an abuser tends to get worse over time. As his conscience adapts to one level of cruelty—or

violence—he builds to the next. By depersonalizing his partner, the abuser protects himself from the natural human emotions of guilt and empathy, so that he can sleep at night with a clear conscience. He distances himself so far from her humanity that her feelings no longer count, or simply cease to exist. These walls tend to grow over time, so that after a few years in a relationship my clients can reach a point where they feel no more guilt over degrading or threatening their partners than you or I would feel after angrily kicking a stone in the driveway.

Abuse and respect are diametric opposites: You do not respect someone whom you abuse, and you do not abuse someone whom you respect.

REALITY #5:

He confuses love and abuse.

Here are comments my clients commonly make to me:

“The reason I abuse her is because I have such strong feelings for her. You hurt the ones you love the most.”

“No one can get me as upset as she can.”

“Yeah, I told her she’d better not ever try to leave me. You have no idea how much I love this girl!”

I was sick of watching her ruining her life. I care too much to sit back and do nothing about it.”

An abusive man often tries to convince his partner that his mistreatment of her is proof of how deeply he cares, but the reality is that abuse is the opposite of love. The more a man abuses you, the more he is demonstrating that he cares only

about himself. He may feel a powerful desire to *receive* your love and caretaking, but he only wants to *give* love when it's convenient.

So is he lying when he says he loves you? No, usually not. Most of my clients do feel a powerful sensation inside that they call love. For many of them it is the only kind of feeling toward a female partner that they have ever had, so they have no way of knowing that it isn't love. When an abusive man feels the powerful stirring inside that other people call love, he is probably largely feeling:

- The desire to have you devote your life to keeping him happy with no outside interference
- The desire to have sexual access
- The desire to impress others by having you be his partner
- The desire to possess and control you

These desires are important aspects of what romantic love means to him. He may well be capable of feeling genuine love for you, but first he will have to dramatically reorient his outlook in order to separate abusive and possessive desires from true caring, and become able to really *see* you.

The confusion of love with abuse is what allows abusers who kill their partners to make the absurd claim that they were driven by the depths of their loving feelings. The news media regrettably often accept the aggressors' view of these acts, describing them as "crimes of passion." But what could more thoroughly prove that a man did *not* love his partner? If a mother were to kill one of her children, would we ever accept the claim that she did it because she was overwhelmed by how much she cared? Not for an instant. Nor should we. Genuine love means respecting the humanity of the other person, wanting what is best for him or her, and supporting the other person's self-esteem

and independence. This kind of love is incompatible with abuse and coercion.

REALITY #6:

He is manipulative.

Let's examine the following interactions between an abusive man named David and his partner Joanne:

- David is yelling at Joanne, pointing his finger and turning red in the face. Joanne tells him he's too angry and she doesn't like it. He yells even louder, saying, "I'm not angry, I'm just trying to get my point across and you're not listening! Don't tell me what I'm feeling, I hate that! You're not inside me!"
- One day Joanne tells David that his

outbursts are getting to her and she needs to take some time off from their relationship. David says, “What you are saying is that you don’t love me anymore. I’m not sure you ever loved me. You don’t understand how strong my feelings are for you,” and he looks close to tears. The conversation shifts to Joanne reassuring David that she isn’t abandoning him, and her complaints about his behavior get lost in the shuffle.

- On another occasion, Joanne brings up the fact that she would like to go back to school. David responds negatively, saying, “We can’t afford it,” and refuses to look after the children while she’s at class. Joanne proposes a number of strategies for dealing with both money and child care, all of which David finds something wrong with. Joanne finally decides it’s impossible to continue her

education, but David then insists that he wasn't trying to talk her out of it. She winds up feeling that the decision not to go back to school is her own.

Few abusive men rely entirely on verbal abuse or intimidation to control their partners. Being a nonstop bully is too much work, and it makes the man look bad. If he is abusive all the time, his partner starts to recognize that she's being abused, and the man may feel too guilty about his behavior. The abuser therefore tends to switch frequently to manipulating his partner to get what he wants. He may also sometimes use these tactics just to get her upset or confused.

There are some signs of manipulation by abusers that you can watch for:

- *Changing his moods abruptly and frequently*, so that you find it difficult to tell who he is or how he feels, keeping you constantly off balance. His feelings

toward *you* are especially changeable.

- *Denying the obvious about what he is doing or feeling.* He'll speak to you with his voice trembling with anger, or he'll blame a difficulty on you, or he'll sulk for two hours, and then deny it to your face. You know what he did—and so does he—but he refuses to admit it, which can drive you crazy with frustration. Then he may call you irrational for getting so upset by his denial.
- *Convincing you that what **he** wants you to do is what is best for you.* This way the abuser can make his selfishness look like generosity, which is a neat trick. A long time may pass before you realize what his real motives were.
- *Getting you to feel sorry for him,* so that you will be reluctant to push forward with your complaints about what he

does.

- *Getting you to blame yourself, or blame other people, for what he does.*
- *Using confusion tactics in arguments, subtly or overtly changing the subject, insisting that you are thinking or feeling things that you aren't, twisting your words, and many other tactics that serve as glue to pour into your brain. You may leave arguments with him feeling like you are losing your mind.*
- *Lying or misleading you about his actions, his desires, or his reasons for doing certain things, in order to guide you into doing what he wants you to do. One of the most frequent complaints I get from abused women is that their partners lie repeatedly, a form of psychological abuse that in itself can be highly destructive over time.*

- *Getting you and the people you care about turned against each other by betraying confidences, being rude to your friends, telling people lies about what you supposedly said about them, charming your friends and then telling them bad things about you, and many other divisive tactics.*

In some ways manipulation is worse than overt abuse, especially when the two are mixed together. When a woman gets called “bitch,” or gets shoved or slapped, she at least knows what her partner did to her. But after a manipulative interaction she may have little idea what went wrong; she just knows that she feels terrible, or crazy, and that somehow it seems to be her own fault.

REALITY #7:

He strives to have a good public image.

If you are involved with an abusive man, you may spend a lot of your time trying to figure out what is wrong with *you*, rather than what is wrong with *him*. If he gets along well with other people and impresses them with his generosity, sense of humor, and friendliness, you may wind up wondering, “What is it about me that sets him off? Other people seem to think he’s great.”

QUESTION 5:

**HOW COME EVERYONE
ELSE THINKS HE’S
WONDERFUL?**

Most abusive men put on a charming face for their communities, creating a sharp split between their

public image and their private treatment of women and children. He may be:

- Enraged at home but calm and smiling outside
- Selfish and self-centered with you but generous and supportive with others
- Domineering at home but willing to negotiate and compromise outside
- Highly negative about females while on his own turf but a vocal supporter of equality when anyone else is listening
- Assaultive toward his partner or children but nonviolent and nonthreatening with everyone else
- Entitled at home but critical of other men who disrespect or assault women

The pain of this contrast can eat away at a woman. In the morning her partner cuts her to the

quick by calling her a “brainless fat cow,” but a few hours later she sees him laughing with the people next door and helping them fix their car. Later the neighbor says to her, “Your partner is so nice. You’re lucky to be with him—a lot of men wouldn’t do what he does.” She responds with a mumbled “Yeah,” feeling confused and tongue-tied. Back at home, she asks herself over and over again, “*Why me?*”

DO ABUSIVE MEN HAVE SPLIT PERSONALITIES?

Not really. They are drawn to power and control, and part of how they get it is by looking good in public. The abusive man’s charm makes his partner reluctant to reach out for support or assistance because she feels that people will find her revelations hard to believe or will blame her. If friends overhear him say something abusive, or police arrest him for an assault, his previous

people-pleasing lays the groundwork to get him off the hook. The observers think, *He's such a nice guy, he's just not the type to be abusive. She must have really hurt him.*

The abuser's nice-guy front helps him feel good about himself. My clients say to me, "I get along fine with everyone but her. You should ask around about what I'm like; you'll see. I'm a calm, reasonable person. People can see that she's the one who goes off." Meanwhile, he uses the difficulties that she is having in her relationships with people—many of which may be caused by him—as further proof that she is the one with the problem.

One of the most important challenges facing a counselor of abusive men is to resist being drawn in by the men's charming persona. As they sit chatting and joking in their group meeting, cruelty and selfishness seem faraway. I find myself wondering the same thing the neighbors do: Could this guy really get that mean? And even after he

admits to what he does, it's *still* hard to believe. This contrast is a key reason why abusers can get away with what they do.

Among my clients I have had: numerous doctors, including two surgeons; many successful businesspeople, including owners and directors of large companies; about a dozen college professors; several lawyers; a prominent—and very mellow-sounding—radio personality; clergypeople; and two well-known professional athletes. One of my violent clients had spent every Thanksgiving for the past ten years volunteering at his local soup kitchen. Another was a publicly visible staff member of a major international human rights organization. The cruelty and destructiveness that these men were capable of would have stunned their communities had they known.

Although these men usually keep their abusive side well hidden outside of the home, there is one situation in which it slips out: when someone confronts them about their abusiveness and sticks

up for the abused woman, which happens to be my job. Suddenly, the attitudes and tactics they normally reserve for home come pouring out. The vast majority of women who say that they are being abused are telling the truth. I know this to be true because the abusers let their guard down with me, belying their denial.

REALITY #8:

He feels justified.

Several years ago, I had a client who began his first group session by declaring: “I am here because I’m a batterer.” I was impressed with his ownership of his problem. However, the next week he softened his words to, “I’m here because I’m abusive,” and the third week he stated, “I’m in the program because my wife thinks I’m abusive.” Within a few more weeks he had quit

coming, having comfortably wrapped himself back up in his justifications.

Abusers externalize responsibility for their actions, believing that their partners *make them* behave in abusive ways. Each of my clients predictably uses some variation of the following lines:

“She knows how to push my buttons.”

“She wanted me to go off, and she knows how to make it happen.”

“She pushed me too far.”

“There’s only so much a man can take.”

“You expect me to just let her walk all over me. What would you do?”

Many clients express guilt or remorse when they first begin attending counseling, but as soon

as I start to press them to look at their histories of abusive behavior, they switch back to defending their actions. They don't mind glibly saying, "I know what I did was wrong," but when I ask them to describe their verbal or physical assaults in detail, they leap back to justifying.

Abusive men are masters of excuse making. In this respect they are like substance abusers, who believe that everyone and everything except them is responsible for their actions. When they aren't blaming their partners, they blame stress, alcohol, their childhood, their children, their bosses, or their insecurities. More important, they feel *entitled* to make these excuses; when I point out that other men under the same pressures choose not to be abusive, they tend to become irate or contemptuous.

Does this mean that abusers are psychopaths who lack any conscience that could cause them to feel guilt or responsibility? Generally not, although I have had a small number (perhaps 5

percent of my clients) who are. Most abusers *do* have a conscience about their behavior outside of the family. They may be willing to be answerable for their actions at work, at the club, or on the street. At home, however, their sense of entitlement takes over.

The abusive man commonly believes he can blame his partner for *anything* that goes wrong, not just his abusiveness. Did he just suffer a disappointment? She caused it. Is he embarrassed by a mistake he made? She should have prevented it. Is one of the children in a difficult period? She's a bad mother. Everything is someone else's fault, and "someone else" is usually her.

REALITY #9:

Abusers deny and minimize their abuse.

One of my areas of specialization is court-related work involving abusers who are physically violent or who abuse their children. I frequently encounter court personnel who say: “Well, she accuses him of abusing her, but he denies it.” They then drop the matter, as if the man’s denial closes the case. They also tell me: “He says she does the same things to him, so I guess they abuse each other.” This kind of denial and cross-accusation tells us nothing about whether the woman is telling the truth. If the man is abusive, *of course* he is going to deny it, partly to protect himself and partly because his perceptions are distorted. *If he were ready to accept responsibility for his actions in relationships, he wouldn’t be abusive.* Breaking through denial and minimization is one of the main tasks facing an abuse counselor. Most of the men in my groups admit to some abusive behavior—although they don’t see it as abusive, of course—but they acknowledge only a small portion of what they have actually done, as I learn when I

interview the abused partners.

When an abuser denies an incident immediately after it happens, he can set his partner's head spinning. Picture a woman who arises in the morning with her stomach still tied in a knot from an ugly blowout the night before. Her partner makes a face at her in the kitchen and says, "Why are you so grumpy today?"

She replies, "Why the hell do you think? You called me 'loser' right in front of the children, and then you yanked my towel off so they would laugh at me. Am I supposed to come down the stairs whistling a happy tune?"

"What are you *talking* about?" he gasps. "You're a fucking drama junkie. I was clear across the room from you when your towel fell off. You're going to blame that on me? You're nuts." And he walks off shaking his head.

A woman can feel that she is losing her mind—or develop actual psychiatric symptoms—if the obvious realities of her life, including abuse, are

denied repeatedly by her partner. The certainty and authority in his voice, with his eyes twisted up to show how baffled he is, leave her questioning herself. “Did that really happen? Maybe it didn’t. Maybe I do overreact to innocent things.” The more serious the incidents he denies, the more her grip on reality can start to slip. And if outsiders start to notice her instability, the abuser can use their observations to persuade them that her revelations of abuse by him are fantasies.

The partners of this style of abuser ask me: “After an incident, it seems like he really believes the abuse didn’t happen. Is he consciously lying?” The answer in most cases is yes. Most abusers do not have severe memory problems. He probably remembers exactly what he did, especially when only a short time has passed. He denies his actions to close off discussion because he doesn’t want to answer for what he did, and perhaps he even wants you to feel frustrated and crazy. However, a small percentage of abusers—perhaps one in

twelve—may have psychological conditions such as narcissistic or borderline personality disorder, in which they literally block any bad behavior from consciousness. One of the clues that your partner may have such a disturbance is if you notice him doing similar things to other people. If his denial and mind messing are restricted to you, or to situations that are related to you, he is probably simply abusive.

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Denial and minimization are part of most destructive behavior patterns, whether they be alcohol abuse, gambling, or child abuse. Partner abuse is no exception.

REALITY #10:

Abusers are possessive.

New clients in my program sometimes look bewildered, as if I were giving a seminar on edible

plants and they had wandered into the wrong room. They can hardly wait to speak, rising out of their seats to sputter at me: “But these are our *wives* and *girlfriends* you are talking about. Do you really mean to say that someone else can dictate what we do in our relationships?” They smile as they speak or shake their heads lightly, as if they feel compassion for my dull wits. They assume I somehow have failed to realize that these women are *theirs*.

The sense of ownership is one reason why abuse tends to get worse as relationships get more serious. The more history and commitment that develop in the couple, the more the abuser comes to think of his partner as a prized object. Possessiveness is at the core of the abuser’s mindset, the spring from which all the other streams spout; on some level he feels that he owns you and therefore has the right to treat you as he sees fit.

QUESTION 6:

WHY IS HE SO INSANELY JEALOUS?

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For many abusers, possessiveness takes the form of sexual jealousy. This style of man monitors his partner's associations carefully, expects her to account for her whereabouts at all times, and periodically rips into her with jealous accusations, as Fran did in Chapter 1. Ironically, the most accusatory abusers are among the ones most likely to be cheating themselves; possessiveness and entitlement make the abuser feel that it is acceptable for him to have affairs, but not her.

An equally important reason for the extreme jealousy exhibited by so many abusive men is the desire to *isolate* their partners. In Chapter 1 we met Marshall, who did not believe his own hysterical accusations of infidelity against his wife. So what was driving his behavior? An abusive man who isolates his partner does so primarily for two reasons:

1. He wants her life to be focused entirely on his needs. He feels that other social contacts will allow her less time for him, and he doesn't accept that she has that right.
2. He doesn't want her to develop sources of strength that could contribute to her independence. Although it is often largely unconscious, abusive men are aware on some level that a woman's social contacts can bring her strength and support that could ultimately enable her to escape his control (as we saw with Dale and Maureen in Chapter 1). An abusive man commonly attempts to keep his partner completely dependent on him to increase his power.

Because of this mind-set, an abusive man tends to perceive any relationships that his partner develops, whether with males or females, as

threats to him. You may try to manage this problem by giving him lots of reassurance that you still love him and are not going to cheat on him. But you will find that his efforts to isolate you don't lessen, because his fears that you might sleep with another man are actually only a small part of why he is trying to isolate you.

At the same time, jealous accusations and isolation are only one form that ownership can take. There are abusive men who do not try to control their partners' associations, but their underlying attitude of "You're mine to do with as I see fit" reveals itself in other ways. If your partner's sister criticizes him for bullying you, he may tell her: "What I do with my girl is none of your business." If you have children, he may start to treat all family members as his belongings. His anger may escalate dangerously when you attempt to break away from him. Keep the word *ownership* in mind, and you may begin to notice that many of your partner's behaviors are rooted in

believing that you belong to him.

ABUSIVE MEN COME in every personality type, arise from good childhoods and bad ones, are macho men or gentle, “liberated” men. No psychological test can distinguish an abusive man from a respectful one. Abusiveness is not a product of a man’s emotional injuries or of deficits in his skills. In reality, abuse springs from a man’s early cultural training, his key male role models, and his peer influences. In other words, abuse is a problem of *values*, not of psychology. When someone challenges an abuser’s *attitudes* and *beliefs*, he tends to reveal the contemptuous and insulting personality that normally stays hidden, reserved for private attacks on his partner. An abuser tries to keep everybody—his partner, his therapist, his friends and relatives—focused on how he *feels*, so that they won’t focus on how he *thinks*, perhaps because on some level he is aware that if you grasp the true nature of his problem,

you will begin to escape his domination.

KEY POINTS TO REMEMBER

- Abuse grows from attitudes and values, not feelings. The roots are ownership, the trunk is entitlement, and the branches are control.
- Abuse and respect are opposites. Abusers cannot change unless they overcome their core of disrespect toward their partners.
- Abusers are far more conscious of what they are doing than they appear to be. However, even their less-conscious behaviors are driven by their core attitudes.
- Abusers are *unwilling* to be nonabusive, not *unable*. They do not want to give up power and control.

- You are not crazy. Trust your perceptions of how your abusive partner treats you and thinks about you.

The Types of Abusive Men

I feel so bad for him; he's had a really hard life.

I'm lucky to be with him; he could get any woman he wants.

I'm really scared of what he may do to me some day.

I shouldn't argue with him, because I just come out feeling like an idiot.

He's very sensitive. I shouldn't complain so much; he's doing the best he can.

He says the reason he cheats on me so much is that he's a sex addict.

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THE QUALITIES THAT MAKE UP an abusive man are like the ingredients in a recipe: The basics are always present, but the relative amounts vary greatly. One man may be so severely controlling that his partner can't make a move without checking with him first, and yet, oddly, he contributes substantially to the domestic work and child care. Another man may allow his partner to come and go as she pleases, even accepting her friendships with men, but there is hell to pay if she fails to wait on him hand and foot, or if she makes the mistake of asking him to clean up after himself. Still other abusers are less overtly controlling and entitled than either of these men but mind-twisting in the severity of their manipulations.

The tactics and attitudes of abusers can vary from country to country, from ethnic group to

ethnic group, from rich man to poor man. Abusers from each culture have their special areas of control or cruelty. Middleclass white abusers, for example, tend to have strict rules about how a woman is allowed to argue. If she talks back to him, shows anger, or doesn't shut up when she is told to, he is likely to make her pay. My clients from Latin American cultures typically permit their partners to be more forceful and "mouthy" in a conflict than my white clients but can be highly retaliatory if their partners give any attention to another male. Abusers select the pieces of turf they wish to stake out, influenced in those choices by their particular culture and background. Each woman who is involved with an abusive or controlling man has to deal with his unique blend of tactics and attitudes, his particular rhythm of good times and bad times, and his specific way of presenting himself to the outside world. No one should ever tell an abused woman, "I know just what you're going through," because the

experience of each woman is different.

Viewed from another angle, however, abuse *doesn't* vary that much. One man uses a little more of one ingredient and a little less of the other, but the overall flavor of the mistreatment has core similarities: assaults on the woman's self-esteem, controlling behavior, undermining her independence, disrespect. Each abused woman has times of feeling that a riptide is dragging her under the sea, and she struggles for air. *Confusion* has been part of the experience of almost every one of the hundreds of abused women I have spoken with. Whether because of the abuser's manipulateness, his popularity, or simply the mind-bending contrast between his professions of love and his vicious psychological or physical assaults, every abused woman finds herself fighting to make sense out of what is happening.

Recognizing the nature of the abusive man's problem can be a first step out of the fog. In this chapter I introduce you to ten styles of abuse I

have encountered among the two thousand men I have worked with. One—or more—of these profiles may jump out at you, so that you find yourself feeling: “There he is!” On the other hand, you might find instead that he does not fit neatly into any of these “types” but seems rather to draw bits of himself from each one. In that case, think of these profiles not as different men, but as the varying faces of one man. Either way, the descriptions can help you to put your finger on what your partner is up to.

The sections below describe each style of man *while he is being abusive*. I don’t mean that he is like this all the time. In fact, men from any of the categories below can turn kind and loving at any moment and stay in that mode for days, weeks, or even months.

THE DEMAND MAN

The Demand Man is highly entitled. He expects

his partner's life to revolve around meeting his needs and is angry and blaming if anything gets in the way. He becomes enraged if he isn't catered to or if he is inconvenienced in even a minor way. The partner of this man comes to feel that nothing she does is ever good enough and that it is impossible to make him happy. He criticizes her frequently, usually about things that he thinks she should have done—or done better—for him.

Is every highly demanding partner an abuser? No. There are specific elements to the Demand Man's style:

1. He has little sense of give and take. His demands for emotional support, favors, caretaking, or sexual attention are well out of proportion to his contributions; he constantly feels that you owe him things that he has done nothing to earn.
2. He exaggerates and overvalues his own contributions. If he was generous one

day back in 1997, you are probably still hearing about it today as proof of how wonderfully he treats you and how ungrateful you are. He seems to keep a mental list of any favors or kindnesses he ever does and expects each one paid back at a heavy interest rate. He thinks you owe him tremendous gratitude for meeting the ordinary responsibilities of daily life—when he does—but takes your contributions for granted.

3. When he doesn't get what he feels is his due, he punishes you for letting him down.
4. When he is generous or supportive, it's because he feels like it. When he isn't in the mood to give anything, he doesn't. He is positive or loving toward you when he feels the need to prove to himself or to others that he is a good person, or when there is something that

he is about to demand in return; in other words, it's about *him*, not you. The longer you have been with him, the more his generous-seeming actions appear self-serving.

5. If your needs ever conflict with his, he is furious. At these times he attacks you as self-centered or inflexible, turning reality on its head with statements such as, "All you care about is yourself!" He tends to work hard to convince outsiders of how selfish and ungrateful you are, speaking in a hurt voice about all the things he does for you.

At the same time, the Demand Man is likely to be furious if anything is demanded of *him*. Not only are you not supposed to demand any favors, you aren't even supposed to ask him to take care of his own obligations. If you ask him to clean up a mess *he's* left, he responds, "I'm not your

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fucking servant.” If you ask him to pay money he owes you or to work more hours to help out with the household expenses, he says, “You’re a typical woman, all you want from me is my money.” If you complain to him of how rarely he is there for you, he’ll say, “You are a needy, controlling bitch.” He keeps twisting things around backward in these ways, so that any effort you make to discuss your needs or his responsibilities switches abruptly to being about *his* needs and *your* responsibilities.

The Demand Man is sometimes less controlling than other abusers as long as he is getting his needs met on his terms. He may allow you to have your own friendships or support you in pursuing your own career. But the effects on you of your partner’s extreme entitlement can be just as destructive as severe control.

The central attitudes driving the Demand Man are:

- It's your job to do things for me, including taking care of my responsibilities if I drop the ball on them. If I'm unhappy about any aspect of my life, whether it has to do with our relationship or not, it's your fault.
- You should not place demands on me at all. You should be grateful for whatever I choose to give.
- I am above criticism.
- I am a very loving and giving partner. You're lucky to have me.

MR. RIGHT

Mr. Right considers himself the ultimate authority on every subject under the sun; you might call him

“Mr. *Always* Right.” He speaks with absolute certainty, brushing your opinions aside like annoying gnats. He seems to see the world as a huge classroom, in which he is the teacher and you are his student. He finds little of value in your thoughts or insights, so he seeks to empty out your head and fill it up with *his* jewels of brilliance. When Mr. Right sits in one of my groups for abusive men, he often speaks of his partner as if she were in danger from her own idiocy and he needs to save her from herself. Mr. Right has difficulty speaking to his partner—or about her—without a ring of condescension in his voice. And in a conflict his arrogance gets even worse.

Mr. Right’s superiority is a convenient way for him to get what he wants. When he and his partner are arguing about their conflicting desires, he turns it into a clash between Right and Wrong or between Intelligence and Stupidity. He ridicules and discredits her perspective so that he can escape dealing with it. Here is a conversation I

had with a Mr. Right whom I worked with in one of my abuser groups:

ANCROFT: Pat, do you have any abusive behaviors to report from this past week?

AT: Well, I did yell at Gwen once and called her “bitch.” We were fighting about money, as usual.

ANCROFT: What was Gwen’s perspective in the argument?

AT: She thinks money grows on trees.

ANCROFT: Gwen said that money grows on trees?

AT: Well no, not just like that. But that’s how she acts.

ANCROFT: Let’s try again. What was she saying in the argument?

AT: She thinks we have enough money to get both of the children whole new sets of clothes. But we just bought all new stuff for them only a few weeks ago. And we just don't have it in the bank right now.

ANCROFT: Does Gwen agree that the last round of shopping was only a few weeks ago?

AT: No, she says it was four months ago, at the beginning of the summer, which is a crock. I can remember that the summer was more than half over.

ANCROFT: So her memory is different from yours. Did she say why she thinks it was earlier?

AT: Of course not, she's... Well, maybe she said something about how she remembers she paid the credit card bill for those clothes while the children were still in school. But she's wrong.

ANCROFT: Now, you said that the money simply isn't there. Gwen obviously thinks differently. Where does she think the money should come from?

AT: I already told you, she wants me to be a magician who can just make it appear.

ANCROFT: But she must have been making points about it. What was she saying?

AT: Oh, I don't know...She says we should sell our car and get a shit box, which would just end up costing us more in the long run, plus I don't want to deal with it.

ANCROFT: What do you drive now?

AT: A Saab.

ANCROFT: Let me guess. She would like to trade the Saab in on a reliable car that has lower

monthly payments, cheaper parts, and fewer repair bills.

Pat: Yeah, that's what I said, a shit box.

What Pat revealed in this exchange was that each time Gwen attempts to stand up for herself or put forth her views, he twists her statements to make them sound absurd. Notice how long it took me to drag out of him what Gwen's opinions actually were. Gwen naturally came out feeling stifled by Pat, as there was nothing she could do to get her views heard and taken seriously. Part of why Pat is convinced that Gwen is stupid is that he is so exaggeratedly certain of his own wisdom and clarity. Since she continues to disagree with him, he takes that as proof of her foolishness.

When Mr. Right decides to take control of a conversation, he switches into his Voice of Truth, giving the definitive pronouncement on what is the correct answer or the proper outlook. Abuse counselors call this tactic *defining reality*. Over

time, his tone of authority can cause his partner to doubt her own judgment and come to see herself as not very bright. I notice how often I am speaking with the intelligent-sounding partner of one of my clients, only to have her say to me: "I'm not that smart." The abuser *wants* her to doubt her mental abilities in this way, so that he can control her better.

Besides knowing all about the world, Mr. Right is also an expert on your life and how you should live it. He has the answers to your conflicts at work, how you should spend your time, and how you should raise your children. He is especially knowledgeable about *your faults*, and he likes to inventory what is wrong with you, as if tearing you down were the way to improve you. He may seem to enjoy periodically straightening you out in front of other people to humiliate you, thereby establishing his unquestionable intellectual superiority.

When Mr. Right's partner refuses to defer to his

sophisticated knowledge, he is likely to escalate to insulting her, calling her names, or mocking her with imitation. If he's still not satisfied that he has brought her down low enough, he may reach for bigger guns, such as ruining evening plans, leaving places without her, or saying bad things about her to other people. If he is physically assaultive, then this is the time he may throw things, raise fists, or attack violently. In short, Mr. Right finds some way to ensure that his partner regrets her insistence on having her own mind.

Mr. Right in some respects is a less violent and frightening version of the Drill Sergeant (see p. 86), but Mr. Right's control tends to be especially focused on telling his partner how to *think*. His partner feels suffocated by his control, as if he were watching her every move under a microscope.

Mr. Right tries to sanitize his bullying by telling me, "I have strong opinions" or "I like debating ideas." This is like a bank robber saying,

“I’m interested in financial issues.” Mr. Right isn’t interested in debating ideas; he wants to impose his own.

The central attitudes driving Mr. Right are:

- You should be in awe of my intelligence and should look up to me intellectually. I know better than you do, even about what’s good for you.
- Your opinions aren’t worth listening to carefully or taking seriously.
- The fact that you sometimes disagree with me shows how sloppy your thinking is.
- If you would just accept that I know what’s right, our

relationship would go much better. Your own life would go better, too.

- When you disagree with me about something, no matter how respectfully or meekly, that's mistreatment of me.
 - If I put you down for long enough, some day you'll see.
-

THE WATER TORTURER

The Water Torturer's style proves that anger doesn't cause abuse. He can assault his partner psychologically without even raising his voice. He tends to stay calm in arguments, using his own evenness as a weapon to push her over the edge. He often has a superior or contemptuous grin on his face, smug and self-assured. He uses a repertoire of aggressive conversational tactics at

low volume, including sarcasm, derision—such as openly laughing at her—mimicking her voice, and cruel, cutting remarks. Like Mr. Right, he tends to take things she has said and twist them beyond recognition to make her appear absurd, perhaps especially in front of other people. He gets to his partner through a slow but steady stream of low-level emotional assaults, and perhaps occasional shoves or other “minor” acts of violence that don’t generally cause visible injury but may do great psychological harm. He is relentless in his quiet derision and meanness.

The impact on a woman of all these subtle tactics is that either her blood temperature rises to a boil or she feels stupid and inferior, or some combination of the two. In an argument, she may end up yelling in frustration, leaving the room crying, or sinking into silence. The Water Torturer then says, “See, you’re the abusive one, not me. You’re the one who’s yelling and refusing to talk things out rationally. I wasn’t even raising my

voice. It's impossible to reason with you."

The psychological effects of living with the Water Torturer can be severe. His tactics can be difficult to identify, so they sink in deeply. Women can find it difficult not to blame themselves for their reactions to what their partner does if they don't even know what to call it. When someone slaps you in the face, you know you've been slapped. But when a woman feels psychologically assaulted, with little idea why, after an argument with The Water Torturer, she may turn her frustration inward. How do you seek support from a friend, for example, when you don't know how to describe what is going wrong?

The Water Torturer tends to genuinely believe that there is nothing unusual about his behavior. When his partner starts to confront him with his abusiveness—which she usually does sooner or later—he looks at her as if she were crazy and says, "What the hell are you talking about? I've never done anything to you." Friends and relatives

who have witnessed the couple's interactions may back him up. They shake their heads and say to each other, "I don't know what goes on with her. She just explodes at him sometimes, and he's so low-key." Their children can develop the impression that Mom "blows up over nothing." She herself may start to wonder if there is something psychologically wrong with her.

The Water Torturer is payback-oriented like most abusive men, but he may hide it better. If he is physically abusive, his violence may take the form of cold-hearted slaps "for your own good" or "to get you to wake up" rather than explosive rage. His moves appear carefully thought out, and he rarely makes obvious mistakes—such as letting his abusiveness show in public—that could turn other people against him or get him in legal trouble.

If you are involved with a Water Torturer, you may struggle for years trying to figure out what is happening. You may feel that you overreact to his

behavior and that he isn't really so bad. But the effects of his control and contempt have crept up on you over the years. If you finally leave him, you may experience intense periods of delayed rage, as you become conscious of how quietly but deathly oppressive he was.

This style of man rarely lasts long in an abuser program unless he has a court order. He is so accustomed to having complete success with his tactics that he can't tolerate an environment where the counselors recognize and name his maneuvers and don't let him get away with them. He tends to rapidly decide that his group leaders are as crazy as his partner and heads for the door.

The central attitudes driving the Water Torturer are:

- You are crazy. You fly off the handle over nothing.
- I can easily convince other

people that you're the one who is messed up.

- As long as I'm calm, you can't call anything I do abusive, no matter how cruel.
 - I know exactly how to get under your skin.
-

THE DRILL SERGEANT

The Drill Sergeant takes controlling behavior to its extreme, running his partner's life in every way that he can. He criticizes her clothing, tells her whether she can go out or not, interferes with her work. He wants her to have no one close to her, so he ruins her relationships with friends and relatives or simply forbids her to see them. He may listen to her phone calls or read her mail, or require the children to report on her activities any time he is away. If she isn't home by his

appointed curfew at night, she is at risk for abuse. She feels like a little girl living with a tyrannical father, with no more freedom than an eight-year-old would have.

The Drill Sergeant is often fanatically jealous. He verbally assaults his partner with accusations that she is cheating on him or checking out other men and tosses crass and disturbing sexual terms into his tirades. He may augment his hateful remarks about his partner with hideous comments about females in general, such as, "All women are whores." The emotional experience of these verbal attacks can be similar to that of a sexual assault: The woman is left feeling violated, debased, and traumatized. At the same time, this style of abuser more often than not is out having affairs himself. It isn't fidelity he cares about; it's possession.

The Drill Sergeant is, unfortunately, almost sure to be physically violent sooner or later, probably beginning with threats and then eventually escalating to assault. If his partner stands up to

him, such as by attempting to preserve any of her rights to freedom, his violence and threats are likely to escalate until she is hurt or terrified enough that she submits to his control. He is a risk to beat his partner up to the point of severe injury.

Getting away from the Drill Sergeant can be difficult. Since he monitors the woman's movements so closely, it is a challenge for her to get to a support group for abused women or to seek other kinds of support. Since he isolates her from people, she has to draw entirely on her own strength, and many days she may feel like she doesn't have much strength left. And since from time to time he is probably openly violent, she is forced to consider what the consequences of attempting to leave him could be, including whether he might try to kill her.

If your partner is a Drill Sergeant, your situation is a dangerous one. You may have to use some courage—as well as careful vigilance—to even get the opportunity to read this book. Perhaps you are

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hiding it under a mattress or reading it at someone else's house in quick bits. Don't give up. Many women have gone through this kind of captivity and have found a way to escape, even if it takes some time. The single most important thing to do is to seek opportunities to phone a hotline for abused women (see "Resources" in the back of this book). Call them to speak for five minutes if that's all you can safely do for now. Call every day if you can. The hot line is the beginning of the path to freedom.

You may be sorely tempted to have a secret affair, since your partner shows you so little kindness or tenderness. A positive sexual connection may be especially affirming for you, because of how sexually degrading the Drill Sergeant tends to be. But cheating on him can be deadly if he catches you. Consider holding off on seeing other men until you have gotten yourself safe.

The Drill Sergeant often has some

psychological problems. Although mental health issues do not cause abusiveness, they can intensify a man's violent tendencies. If he sometimes seems to become convinced of things that are obviously not true, has trouble getting along with people in general, was severely abused or neglected as a child, or has other indications of mental illness, you need to take even greater caution.

To read more about dealing with dangerous abusers, see "The Terrorist" later in this chapter (p. 99) and "Leaving an Abuser Safely" in Chapter 9 (p. 225).

The central attitudes driving the Drill Sergeant are:

- I need to control your every move or you will do it wrong.
- I know the exact way that everything should be done.

- You shouldn't have anyone else
—or any *thing* else—in your life
besides me.
 - I am going to watch you like a
hawk to keep you from
developing strength or
independence.
 - I love you more than anyone in
the world, but you disgust me.
(!!)
-

MR. SENSITIVE

Mr. Sensitive appears to be the diametric opposite of the Drill Sergeant. He is soft-spoken, gentle, and supportive—when he isn't being abusive. He loves the language of feelings, openly sharing his insecurities, his fears, and his emotional injuries. He hugs other men. He may speak out about the absurdity of war or the need for men to “get in

touch with their feminine side.” Perhaps he attends a men’s group or goes on men’s retreats. Often he has participated extensively in therapy or twelve-step programs, or reads all the big self-help books, so he speaks the language of popular psychology and introspection. His vocabulary is sprinkled with jargon like *developing closeness*, *working out our issues*, and *facing up to hard things about myself*. He presents himself to women as an ally in the struggle against sex-role limitations. To some women, he seems like a dream come true.

So what’s wrong with this picture? Nothing obvious yet. But this is exactly the problem: Mr. Sensitive wraps himself in one of the most persuasive covers a man can have. If you start to feel chronically mistreated by him, you are likely to assume that something is wrong with you, and if you complain about him to other people, they may think you must be spoiled: “You have the New Age man, what more do you want?”

The following dynamics are typical of a relationship with Mr. Sensitive and may help explain your feeling that something has gone awry:

1. You seem to be hurting his feelings constantly, though you aren't sure why, and he expects your attention to be focused endlessly on his emotional injuries. If you are in a bad mood one day and say something unfair or insensitive, it won't be enough for you to give him a sincere apology and accept responsibility. He'll go on and on about it, expecting you to grovel as if you had treated him with profound cruelty. (Notice the twist here: This is just what an abuser accuses his partner of doing to *him*, when all she is really looking for is a heartfelt "I'm sorry.")
2. When *your* feelings are hurt, on the

other hand, he will insist on brushing over it quickly. He may give you a stream of pop-psychology language (“Just let the feelings go through you, don’t hold on to them so much,” or “It’s all in the attitude you take toward life,” or “No one can hurt you unless you let them”) to substitute for genuine support for your feelings, especially if you are upset about something *he* did. None of these philosophies applies when you upset him, however.

3. With the passing of time, he increasingly casts the blame on to you for anything he is dissatisfied with in his own life; your burden of guilt keeps growing.
4. He starts to exhibit a mean side that no one else ever sees and may even become threatening or intimidating.

Mr. Sensitive has the potential to turn physically frightening, as any style of abuser can, no matter how much he may preach nonviolence. After an aggressive incident, he will speak of his actions as “anger” rather than as “abuse,” as though there were no difference between the two. He blames his assaultive behavior on you or on his emotional “issues,” saying that his feelings were so deeply wounded that he had no other choice.

Many people reject the possibility that Mr. Sensitive could be an abuser. I ran into this disbelief one weekend when I was leading a training course on emotional recovery, as I periodically do. My workshops focus partly on the healing effects of crying and so tend to be attended by more women than men. The males who do come have included many of the most wonderful men it has been my good fortune to know, as well as a handful of the biggest manipulators. A few years ago, a participant named Deanna approached me anxiously before a workshop. She

explained that an ex-partner of hers named Brad had called her a few days ahead of the workshop to tell her he was attending the same weekend. She was uncomfortable and told him that if he showed up she would leave. He promised not to bother her, though, and said he would not bring up their relationship in any way. He was coming with his new girlfriend, which eased Deanna's worries.

I spent some time talking with Brad as the workshop was starting, without mentioning Deanna, and he seemed likeable, kind, and—what can I say?—sensitive. However, I observed within a few hours that he was in fact speaking to other people about his past with Deanna and getting them riled up about her “running away from” their unresolved issues. On Sunday morning, he finally provoked a scene about their relationship in front of the full workshop, which was humiliating to Deanna.

The story does not end there. I called a break, and took Brad aside. I told him that it was my

understanding that he had agreed not to raise these issues and that it had become obvious to me that he had come for the weekend with the intention of doing precisely what he had promised not to. I went on to point out that he had taken Deanna's weekend away from her and that I considered this kind of power move to be abuse, especially since it was directed at an ex-partner.

Saying the word *abuse* to an abusive person can be like lighting a tinderbox: When you name the unmentionable secret, he goes wild. Brad got loud, rolled his eyes at what a hysterical exaggerator he considered me to be, and adopted a victim stance, saying, "I *beg* you to stop this." Then came the most important part: He said in a screeching whine, "I have only put a hand on a partner once in my life, many years ago, and I just barely pushed her away from me like *this*"—and he shoved me hard by the shoulder—"after she called my mother a sick woman."

Well, why was Brad denying a history of

assault (while actually admitting to one) when I hadn't said anything about violence? The possibility that he might be physically abusive had never occurred to me before, but it certainly did now. The signs were all there: bullying Deanna that weekend and then insisting it was for her own good; feeling entitled to ignore an important agreement; blaming his earlier girlfriend for his assault of her and minimizing it—the strength of the shove he gave me would have shaken up most women. I now doubted that the assaultive incident he had described was his only occasion of physically intimidating a woman.

At this point I required Brad to leave the workshop. I then had to deal with a mini-insurrection from some of the other workshop participants, who couldn't believe I was ejecting this gentle man who was so in touch with his feelings. He *cries* after all; how could he be abusive?

This “gentle man” style of abuser tends to be

highly self-centered and demanding of emotional catering. He may not be the man who has a fit because dinner is late but rather erupts because of some way his partner failed to sacrifice her own needs or interests to keep him content. He plays up how fragile he is to divert attention from the swath of destruction he leaves behind him.

The central attitudes driving Mr. Sensitive are:

- I'm against the macho men, so I couldn't be abusive.
- As long as I use a lot of "psychobabble," no one is going to believe that I am mistreating you.
- I can control you by analyzing how your mind and emotions work, and what your issues are

from childhood.

- I can get inside your head whether you want me there or not.
- Nothing in the world is more important than my feelings.
- Women should be grateful to me for not being like those other men.

THE PLAYER

The Player is usually good looking and often sexy. (But sometimes he just thinks he is.) In the early part of a relationship he seems head over heels in love and wants to spend as much time as possible in bed together. He is a pretty good lover. You may feel lucky that you have caught someone who knows how to turn you on and feel proud to be seen with him. Your self-opinion gets a nice

boost.

After a while, though, a few things start to bother you. You notice that apart from sex his interest in you is waning, and even his sexual energy is dropping off a little. He seems to lock his eyes pretty hard onto women that walk by. He flirts with waitresses, clerks, or even friends of yours. Sexual undertones seem to run through most of his interactions with females, except for ones he finds completely unattractive. Rumors start to come back to you that he's been seen with this woman, that he is sleeping with that one, that he is pursuing another one but she isn't interested yet. At first you discount these rumors as hurtful gossip, but after a while you start to wonder.

The Player often starts to stall on moving in together or agreeing to be exclusive, even though earlier he couldn't wait to get serious. He may say that he's been hurt or has a fear of commitment ("I'm just not ready"), but the real issue is that he doesn't want restrictions on his freedom. Much of

his satisfaction in life comes from exploiting women and feeling like a sexual animal. Women around the Player seem to get angry *at each other* a lot, rather than at him, and sometimes get into physical confrontations. These tensions work out well for him, diverting attention from his infidelity and dishonesty. He sets up this dynamic with some combination of the following tactics:

1. He knows how to make each woman feel that she's the special one and yet at the same time keep her off balance, so that she never feels quite sure of where she stands with him.
2. He tells each one that the others are lying about their involvements with him because they are jealous of her, or because he turned them down, or because he used to be involved with them but isn't anymore.
3. He tells each one stories about how

other women have mistreated him, or shares other bits of information—largely invented—to make previous, or current, women in his life sound conniving, vindictive, or addicted to substances.

4. He breaks up with women and gets back together with them, so that no one can keep track of what's going on.
5. He includes one or two women in his circle who feel unattractive, because he knows he can have more power over them, and manipulates them into hating the women who are seen as more attractive.

If this is your partner's style, you won't necessarily ever be sure whether he is really having sex with other women or if he just flirts because he enjoys the attention and likes you to feel threatened. He may hotly deny that he ever cheats and try to turn the tables by accusing you of

being too suspicious. But even if he's telling the truth—which he probably isn't—his constant flirtatious behavior can be as damaging as actual affairs. Either way, he will damage your other relationships, because you will start to perceive any woman as a potential threat to you. If he has a history of hitting on women who are close to you such as your sister or best friend, you can end up isolated from the women you care about most, because you're afraid he will have affairs with them unless you keep them away.

Chronic infidelity is abusive in itself, but the Player doesn't stop there. He is irresponsible, callous in dealing with his partner's feelings, and periodically verbally abusive. As the relationship progresses, he may start to go for long periods giving his partner next to no attention and barely speaking to her, so she feels shelved. He probably refuses to take responsibility for safe sex (such as using a condom), and he may have fathered children who he is not supporting. His

abusiveness can escalate abruptly if he is confronted or caught in his infidelities, and he may turn physically frightening at this point. In a strange but dangerous twist, the Player sometimes hits his partner for catching *him* cheating rather than the reverse.

The Player's constant flirting and cheating help him to get away with other forms of mistreatment. His partner is likely to focus on her hurt feelings about his infidelities and pour effort into stopping him from straying and, in the process, lose sight of his pattern of abuse. When she asks me whether I think her partner will ever settle down and be faithful to her—if they get married, for example—I answer, “He may some day, but what you will have then is a faithful abuser.” His promiscuity is a symptom of a deeper problem: He is incapable of taking women seriously as human beings rather than as playthings. With that mind-set, he'll be a destructive partner whether he cheats or not.

The Players I have worked with sometimes

claim to suffer from “sex addiction,” and join Sex and Love Addicts Anonymous (which they may discover is a good place to pick up women). But sex addiction doesn’t cause dishonesty, verbal abusiveness, or intimidating behavior. The Player is not a sex addict at all. If he is addicted to anything, it’s to the thrill of using women without regard for the effects on them.

The central attitudes driving the Player are:

- Women were put on this earth to have sex with men—especially me.
- Women who want sex are too loose, and women who refuse sex are too uptight. (!)
- It’s not my fault that women find me irresistible. (This is a

word-for-word quotation from a number of my clients.) It's not fair to expect me to refuse temptation when it's all around me; women seduce me sometimes, and I can't help it.

- If you act like you need anything from me, I am going to ignore you. I'm in this relationship when it's convenient for me and when I feel like it.
- Women who want the nonsexual aspects of themselves appreciated are bitches.
- If you could meet my sexual needs, I wouldn't have to turn to other women.

RAMBO

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Rambo is aggressive with everybody, not just his partner. He gets a thrill out of the sensation of intimidating people and strives to handle all life situations by subtly or overtly creating fear. He has an exaggerated, stereotypical view of what a man is supposed to be, which goes hand in hand with seeing women as delicate, inferior, and in need of protection. Rambo often comes from a home or neighborhood where he was the target of violence himself and learned that the only way to feel safe is to be stronger, tougher, and less caring than everybody else. He has little patience for weakness, fragility, or indecision. Often he has a criminal record for violence, theft, drunk driving, or drug dealing.

Early in a relationship, Rambo is likely to be loving and kind to his partner, like most abusers. Because he lacks fear—or pretends to—he can make a woman feel safe and protected. This style of abuser can therefore be particularly appealing to a woman who comes from a violent home herself

or to one *who is in the process of leaving another abusive relationship*. Rambo can make you feel as though his aggressiveness would never be directed toward you, because he loves you; he wishes to look after your safety as if you were his daughter. He enjoys the role of protector, feeling like a gallant knight. However, he lacks respect for women, and this disrespect, combined with his general violent tendencies, means that it is only a matter of time before he will be the one you need protection *from*.

Many highly “masculine” men are *not* Rambo. The notion that all macho men are likely to abuse women is based largely on class and ethnic prejudices, the same misconceptions that allow Mr. Sensitive or Mr. Right to skate by undetected. There are plenty of “tough guys” out there who are friendly to everyone and avoid aggressive interactions whenever possible but enjoy lifting weights, playing rough sports, hunting, and other aspects of stereotypical masculinity. They may be

good fighters, but only in self-defense. It isn't macho that women need to watch out for. The danger signs are violence and intimidation toward anyone, and disrespect and superiority toward women.

Sometimes Rambo is a psychopath or sociopath, which can make him all the more emotionally abusive and in some cases physically abusive as well. Later we will take a look at psychopaths and other mentally disordered abusers.

The central attitudes driving Rambo are:

- Strength and aggressiveness are good; compassion and conflict resolution are bad.
- Anything that could be even remotely associated with homosexuality, including walking away from possible

violence or showing any fear or grief, has to be avoided at any cost.

- Femaleness and femininity (which he associates with homosexuality) are inferior. Women are here to serve men and be protected by them.
- Men should never hit women, because it is unmanly to do so. However, exceptions to this rule can be made for my own partner if her behavior is bad enough. Men need to keep their women in line.
- You are a thing that belongs to me, akin to a trophy.

THE VICTIM

Life has been hard and unfair for the Victim. To hear him tell it, his intelligence has been chronically underestimated; he has been burned by people he trusted; and his good intentions have been misunderstood. The Victim appeals to a woman's compassion and desire to feel that she can make a difference in his life. He often tells persuasive and heart-rending stories about how he was abused by his former partner, sometimes adding the tragic element that she is now restricting or preventing his contact with his children. He maneuvers the woman into hating his ex-partner and may succeed in enlisting her in a campaign of harassment, rumor spreading, or battling for custody.

As a counselor of abusive men, I have dozens of times been in the position of interviewing a man's former partner and then speaking with the new one. The new partner usually speaks at length about what a wicked witch the woman before her was. I can't tell her what I know, much as I wish I

could, because of my responsibility to protect the confidentiality and safety of the former partner. All I can say is: “I always recommend, *whenever* there are claims of emotional or physical abuse, that women talk to each other directly and not just accept the man’s denial.”

Women sometimes ask me: “But what if a man I am dating really was victimized by his former girlfriend? How can I tell the difference?” Here are some things to watch for:

1. If you listen carefully, you often can hear the difference between *anger* toward an ex-partner, which would not be worrisome in itself, and *disrespect* or *contempt*, which should raise warning flags. A man who has left a relationship with bitterness should nonetheless be able to talk about his ex-partner as a human being, with some understanding of what her side of the conflicts was and

some ways he might have contributed to what went wrong. If he speaks in degrading or superior ways about her, or makes everything that went wrong in the relationship her fault, be careful, because it is likely that he was the abusive one.

2. Try to get him to talk about his own conduct in the relationship, especially around the time of the breakup. If he blames his own behavior on her, that's a bad sign.
3. Be particularly careful with a man who claims to have been the victim of physical violence by a previous female partner. The great majority of men who make such claims are physical abusers. Ask him for as much detail as you can about the violent incidents, and then try to talk to her or seek out anyone else who could give you a different

perspective on what happened. Watch for warning signs of abusiveness (see Chapter 5).

4. Pay attention to how he talks and thinks about abused women. A genuine male victim tends to feel sympathy for abused women and support their cause. The Victim, on the other hand, often says that women exaggerate or fabricate their claims of abuse or insists that men are abused just as much as women are.

The Victim may adopt the language of abuse victims, claiming, for example, that his ex-partner was “focused on power and control,” disrespected him, and always had to have her own way. In a few years, he will be using similar reality-inversion language about you—unless, of course, you kowtow to him to his satisfaction.

The Victim is highly self-centered in relationships. Everything seems to revolve around

his wounds, and he keeps himself at the center of attention. If you have children, he tries to get them to feel sorry for him as well. He seems forever to be telling you: “You don’t understand me, you don’t appreciate me, you hold my mistakes over my head.” Yet you sense that the dynamic is actually the other way around. If you stand up to him about these distortions, he tells you that you are abusing him or says, “You just can’t tolerate my standing up to your bullying.” This recurring inversion of reality is similar to what happens with Mr. Sensitive, but without the introspective psychology, gentle man, or recovering alcoholic routines. If you leave him, you risk his seeking custody of your children, presenting himself to the court as the victim of your abuse and of your efforts to turn the children against him.

Often the Victim claims to be victimized not only by you but also by his boss, his parents, the neighbors, his friends, and strangers on the street. Everyone is always wronging him, and he is

always blameless.

When the Victim joins an abuser group, his story tends to go like this: “I put up with my partner’s mistreatment of me for years, and I never fought back or even tried to defend myself. But I finally couldn’t take it anymore, and I started to give her back a little taste of what she was doing to me. So now I’ve been labeled abusive. Women are allowed to do those things and nobody cares, but as soon as a man does it he’s a pariah.”

This line of reasoning many times develops into a discussion of how men are the victims of women *overall* in society, because women run the world. This is a startling distortion, given which gender actually dominates almost all legislatures, police departments, judgeships, businesses, and so on ad nauseam. When I point out this reality to the Victim, he describes a kind of paranoid fantasy in which women are behind the scenes secretly pulling the strings, largely by getting men to feel sorry for them. His capacity for turning things into

their opposites in this way is a central cause of his abusiveness.

If you are involved with the Victim and want to escape his abuse, you may find that you feel guilty toward *him*, despite his treatment of you, and have difficulty ending the relationship as a result. You may feel that because his life has been so hard, you are reluctant to add to his pain by abandoning him. You may worry that he won't take care of himself if you leave, that he will wither away from depression, won't eat or sleep, or might even try to kill himself. The Victim knows how to present himself as helpless and pathetic so that you will find it harder to take your own life back.

The central attitudes driving the Victim are:

- Everybody has done me wrong, especially the women
- I've been involved with. Poor

me.

- When you accuse me of being abusive, you are joining the parade of people who have been cruel and unfair to me. It proves you're just like the rest.
- It's justifiable for me to do to you whatever I feel you are doing to me, and even to make it quite a bit worse to make sure you get the message.
- Women who complain of mistreatment by men, such as relationship abuse or sexual harassment, are anti-male and out for blood.
- I've had it so hard that I'm not responsible for my actions.

I worked for a few months with an abused woman named Gloria who was wondering how much longer she would be alive. Her husband, Gerald, would glare at her, drum his fingers methodically on the table, and say: “You have six months left. Things better shape up around here. Six months. Her head would swim and her heart would race with fear, and she would plead with him to tell what exactly he planned to do to her at the end of that period. And he would answer, with maybe just a hint of a cold smile: “Just wait and see, just wait and see. Six months, Gloria.” Gerald had never laid a hand on Gloria in the five years they had been together, but she was terrified. She started working with me on making an escape plan to run away with their two-year-old son.

The Terrorist tends to be both highly controlling and extremely demanding. His worst aspect, however, is that he frequently reminds his partner that he could physically rip her to pieces or even kill her. He doesn't necessarily beat her, however;

some abusers know how to terrorize their partners with threats, strange veiled statements, and bizarre behaviors. One of my violent clients cut an article out of the newspaper about a woman who had been murdered by her husband, and he taped it up on the refrigerator. Another man responded to his partner's announcement that she was leaving him by spilling the blood of an animal in front of the house. Another client would take out his gun when he was angry at his partner but would insist that he was just going to clean it and that it had nothing to do with her.

Unlike most other abusers, the Terrorist often seems to be sadistic: He gets enjoyment out of causing pain and fear and seems to find cruelty thrilling. He is likely to have been severely abused as a child, which generally is not true of other abusers. However, *you cannot help him to heal*. This may be difficult to accept, since the hope of helping him overcome his problems may be what gets you through the terror of living with him. The

Terrorist's problems are much too deep for a partner to solve, as they involve a complex weave of serious psychological problems with the typical destructive nature of an abuser. You need to focus instead on getting yourself safe. The Terrorist's top goal is to paralyze you with fear so that you won't dare think of leaving him or cheating on him. The great majority of abusers who make lethal threats against their partners never carry them out, but that still leaves many who do. The trauma of living with this kind of terror can be profound and can make it extremely difficult for you to think clearly about strategies for escaping to safety. However, *most women do manage to get out*. The critical first step is to seek confidential help as soon as possible. Begin by calling an abuse hotline as soon as you safely can (see "Resources"). There are more suggestions in Chapter 9.

When a woman does leave the Terrorist, he may stalk or threaten her, and this dangerous

harassment can continue for a long time. If the couple has children, he may attempt to get custody or unsupervised visitation, so that he can terrorize or control her through the children. He also may use information he has about her, such as where she works or where her parents live, to track her and to threaten her loved ones. *It is essential that friends, relatives, courts, and communities understand the realities of these risks and give the woman the most complete support and protection possible, while simultaneously taking steps to hold the abuser accountable.* It may be possible to stop the Terrorist from escalating to murder, but only if he gets a strong message that stalking and threatening an ex-partner is unacceptable, that he is responsible for his own actions, and that the community is prepared to jail him if his threatening behavior does not stop immediately. Actions short of these are often insufficient.

Chapter 10 contains more information for a

woman who is involved in a custody or visitation battle with an abuser or for those who are concerned that one may start.

The central attitudes driving the Terrorist are:

- You have no right to defy me or leave me. Your life is in my hands.
- Women are evil and have to be kept terrorized to prevent that evil from coming forth.
- I would rather die than accept your right to independence.
- The children are one of the best tools I can use to make you fearful.
- Seeing you terrified is exciting and satisfying.

THE MENTALLY ILL OR ADDICTED ABUSER

This last category is not actually separate from the others; an abusive man of any of the aforementioned styles can also have psychiatric or substance-abuse problems, although the majority do not. Even when mental illness or addiction is a factor, it is not the *cause* of a man's abuse of his partner, but it can contribute to the severity of his problem and his resistance to change. When these additional problems are present, it is important to be aware of the following points:

1. Certain mental illnesses can increase the chance that an abuser will be dangerous and use physical violence. These include paranoia, severe depression, delusions or hallucinations (psychosis), obsessive-compulsive disorder, and antisocial personality disorder known as

psychopathy or sociopathy). These psychiatric conditions also make it next to impossible for an abuser to change, at least until the mental illness has been brought under control through therapy and/or medication, which can take years. Even if the mental illness is properly treated, his *abusiveness* won't necessarily change.

2. An abuser's reactions to going on or off medication are unpredictable. A woman should take extra precautions for her safety at such a time. Abusers tend to go off medication before long—I have had few clients who were consistent and responsible about taking their meds in the long term. They don't like the side effects, and they are too selfish to care about the implications of the mental illness for their partners or children.
3. The potential danger of a mentally ill

abuser has to be assessed by looking at the severity of his psychiatric symptoms *in combination with* the severity of his abuse characteristics. Looking at his psychiatric symptoms alone can lead to underestimating how dangerous he is.

4. Antisocial personality disorder is present in only a small percentage of abusers but can be important. Those who suffer from this condition lack a conscience and thus are repeatedly involved in behaviors that are harmful to others. Some signs of this condition include: (a) He started getting into illegal behavior when he was still a teenager; (b) his dishonest or aggressive behavior involves situations unrelated to his partner, rather than being restricted to her; (c) he periodically gets into trouble at workplaces or in other contexts for stealing, threatening, or

refusing to follow instructions and is likely to have a considerable criminal record by about age thirty, though the offenses may be largely minor ones; (d) he is severely and chronically irresponsible in a way that disrupts the lives of others or creates danger; and (e) he tends to cheat on women a lot, turn them against each other, and maintain shallow relationships with them. The psychopath's physical violence is not necessarily severe, contrary to the popular image, but he may be very dangerous nonetheless. Antisocial personality disorder is very difficult to change through therapy, and there is no effective medication for treating it. It is highly compatible with abusiveness toward women.

5. Those who suffer from narcissistic personality disorder have a highly

distorted self-image. They are unable to accept that they might have faults and therefore are unable to imagine how other people perceive them. This condition is highly compatible with abusiveness, though it is present in only a small percentage of abusive men. Clues to the presence of this disorder include: (a) Your partner's self-centeredness is severe, and it carries over into situations that don't involve you; (b) he seems to relate everything back to himself; and (c) he is outraged whenever anyone criticizes him and is incapable of considering that he could ever be anything other than kind and generous. This disorder is highly resistant to therapy and is not treatable with medication. The abuser with this disorder is not able to change substantially through an abuser program

either, although he sometimes makes some minor improvements.

6. Many abusers who are not mentally ill want women to think that they are, in order to avoid responsibility for their attitudes and behavior.

Substance abuse, like mental illness, does not cause partner abuse but can increase the risk of violence. Like the mentally ill abuser, the addicted abuser doesn't change unless he deals with his addiction, and even that is only the first step. Chapter 8 examines the role that substances play in partner abuse.

The attitudes driving the mentally ill or addicted batterer are the same as those of other abusers and will likely follow the pattern of one of the nine styles described above. In addition, the following attitudes tend to be present:

-
- I am not responsible for my

actions because of my psychological or substance problems.

- If you challenge me about my abusiveness, you are being mean to me, considering these other problems I have. It also shows that you don't understand my other problems.
- I'm not abusive, I'm just——— (alcoholic, drug addicted, manic-depressive, an adult child of alcoholics, or whatever his condition may be).
- If you challenge me, it will trigger my addiction or mental illness, and you'll be responsible for what I do.

Although I have focused on the emotionally

abusive styles of these different kinds of abusers any of them may also use physical violence, including sexual assault. Although the Terrorist and the Drill Sergeant are especially likely to become dangerous, they are not the only ones who may do so. Many abusers occasionally use physical violence or threats as a way to intimidate you when they feel that their power or control over you is slipping; violence for them is a kind of “trump card” they use when their normal patterns of psychological abuse are not getting them the degree of control they feel entitled to. If you are concerned about how dangerous your partner may be, see “Is He Going to Get Violent?” in Chapter 6 and “Leaving an Abuser Safely” in Chapter 9.

KEY POINTS TO REMEMBER

- Tremendous variation exists among abusive styles. Your abusive partner may

be of a type I haven't encountered yet, but that doesn't make him any less real. Many men are mixtures of different aspects.

- An abuser may change so much from day to day that he couldn't belong to *any* type. This style of abuser is so unpredictable that his partner can never make sense out of what she is living with.
- An abuser of any type can have days when he turns loving, attentive, and thoughtful. At these times, you may feel that his problem has finally gone away and that the relationship will return to its rosy beginning. However, abuse always comes back eventually unless the abuser has dealt with his abusiveness.

The Abusive Man in Relationships

How Abuse Begins

*I don't understand what's gone wrong.
We used to be so close.*

*I don't know if there's something wrong
with him or if it's me.*

*He really cares for me. He wants to
spend every second together.*

*My friends complain that they never see
me anymore.*

“THE GARDEN OF EDEN”—that’s what I call the beginning of a relationship with an abuser. For the first few weeks or months, or longer, the woman is walking on air. Remember Kristen and

Maury, whom we met in Chapter 1? Maury was dazzling—entertaining, interesting, energetic—and Kristen was smitten. One of the things she liked most about him was how crazy he was about *her*. He pursued her avidly, seemed to like everything about her, and couldn't get enough. She felt as though she had stepped into a top-40 love song, the kind where "Everything Is Perfect Now That I've Met You." This pattern is common in abusive relationships; an abusive man is often unusually good at expressing an intensity of caring early in a relationship and can make you feel *so* special and chosen—as if you were the only person who could ever matter so much to him.

Not every abusive man falls head over heels so quickly the way Maury did. Fran, whom we also got to know in Chapter 1, was quiet and withdrawn early on, and Barbara was the pursuer. She was drawn powerfully to him because of his sweetness and sensitivity and for the challenge of drawing him out. What a triumph it was when she

finally got him to open up and then won him over! Sadness and mistrust were gnawing at his heart, she could see that, but she saw herself healing him, like a tender nurse. She was excited by her confident belief that she could bring out the person he was capable of being.

The idyllic opening is part of almost every abusive relationship. How else would an abuser ever have a partner? Women aren't stupid. If you go out to a restaurant on a giddy first date and over dessert the man calls you a "selfish bitch" and sends your water glass flying across the room, you don't say: "Hey, are you free again next weekend?" There has to be a hook. Very few women hate themselves so thoroughly that they will get involved with a man who is rotten from the very start—although they may feel terrible about themselves *later*, once the abuser has had time to destroy their self-image step by step.

THE POWER OF THOSE WONDERFUL

EARLY MONTHS

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The partners of my clients have described to me the many ways in which the glowing beginning of a relationship with an abusive man can serve to entrap a woman, including:

- Like any love-struck person, she runs around telling her friends and family what a terrific guy he is. After talking him up so much, she feels embarrassed to reveal his mistreatment when it begins, so she keeps it to herself for a long time.
- She assumes that his abusiveness comes from something that has gone wrong inside of him—what else is she to conclude, given how wonderful he was at first?—so she pours herself into figuring out what happened.
- She has a hard time letting go of her own

dream, since she thought she had found a wonderful man.

- She can't help wondering if she did something wrong or has some great personal deficit that knocked down their castle in the sky, so she tries to find the key to the problem inside of herself.

QUESTION 7:

**WHEN HE IS SO GOOD
EARLY ON, IS HE PLANNING
TO BE ABUSIVE LATER?**

One of the questions about abuse that I am asked most frequently is: When an abusive man is being charming at the beginning of a relationship, is he already thinking ahead to abusing the woman? Does he have it all planned out? Is he deliberately hooking her emotionally so he can be

cruel to her later? The answer is usually no. The abuser doesn't picture himself yelling, degrading her, or hurling objects at her. As he falls in love, he dreams of a happy future of conjugal bliss, just as the woman does.

So, if he isn't laying plans to hurt her, what is going on in his mind? First, he is gazing longingly at the image he holds of the future, where the woman meets all of his needs, is beautiful and sexy at all times of the day and night, has no needs of her own, and is in awe of his brilliance and charm. He desires a woman who will cater to him and never complain about anything he does or darken his day with frustrations or unhappiness about her own life.

The abusive man doesn't expose these self-focused fantasies to his new partner. In fact, he is largely unaware of them himself. So she has no way of knowing that he is looking more for a personal caretaker than for a partner. In fact, abusers tend to use the language of mutuality

during the dating period:

“We are going to be really good for each other.”

“I want to be with you all the time.”

“I really want to be there for you.”

“You can stop working for now so that you can finish school, and we can live off of my income.”

“I’ll help you study for that medical assistant exam, so that you can get that promotion.”

He may truly believe his own promises, because he wants to see himself as a generous and thoughtful partner, one who does not use or disrespect women. Later, when he begins to control the woman and take advantage of her, he will find ways to convince himself that it’s not

happening or that it is her fault. Abuse is not his goal, but *control* is, and he finds himself using abuse to gain the control he feels he has a right to.

On the other hand, a certain number of my clients are consciously manipulative from the outset. A man of this style smiles knowingly at me, assuming that every man uses the same ploys, and says, “Of course you have to charm the ladies and listen to them blabber on and on, they like that. You talk the nice talk a little, you take them dancing. You know how it is.” But even this man is generally not calculating to abuse the woman later. He creates the kind of relationship he wants through charm and dishonesty and expects to continue in that mode for good. Manipulation feels clean and satisfying to this style of abuser, while degrading language and physical intimidation do not. When he does start to tear her down or frighten her later, he will blame it on her, probably thinking of her as a “bitch” for not allowing him to lie and manipulate his way through life. And he

doesn't consider manipulation abusive.

AN ABUSER IS NEITHER A MONSTER NOR A VICTIM

We arrive now at two of the most important concepts regarding abusive men. First:

**AN ABUSER IS A HUMAN BEING, NOT
AN EVIL MONSTER, BUT HE HAS A
PROFOUNDLY COMPLEX AND
DESTRUCTIVE PROBLEM THAT
SHOULD NOT BE UNDERESTIMATED.**

The common view of abusive men as evil, calculating brutes can make it difficult for a woman to recognize her partner's problem. She tends to think: *My partner really cares about me and has a good side to him. He has feelings; he's not a sadist. He couldn't be an abuser.* She doesn't realize that he can have all these positive qualities and still have an abuse problem.

At the other end of the spectrum we find an equally common—and equally misleading—view of abusers: the abuser as a man whose gentle humanity is just barely hidden under his abusive surface and who can be transformed by love, compassion, and insight. One morning he will wake up to realize how hurtful he has been and will renounce his cruelty, particularly if he has the love of a good woman. This outlook is portrayed and supported in popular songs, movies, romantic novels, and soap operas. The painful reality is that bringing about change in abusers is difficult. An abusive man has to bury his compassion in a deep hole in order to escape the profound inherent aversion that human beings have to seeing others suffer. He has to adhere tightly to his excuses and rationalizations, develop a disturbing ability to insulate himself from the pain he is causing, and learn to enjoy power and control over his female partners. It is unrealistic to expect such a complex structure, one that takes fifteen or twenty years to

form, to vanish like steam. Yet women are often pressured by friends, family, or professionals to “give him a chance to change” and “have a little faith in people.”

The second critical understanding is:

**AN ABUSER’S BEHAVIOR IS
PRIMARILY CONSCIOUS—HE ACTS
DELIBERATELY RATHER THAN BY
ACCIDENT OR BY LOSING CONTROL OF
HIMSELF—BUT THE UNDERLYING
THINKING THAT DRIVES HIS
BEHAVIOR IS LARGELY NOT
CONSCIOUS.**

An abuser learns manipulative and controlling behavior from several sources, including key male role models, peers, and pervasive cultural messages (see Chapter 13). By the time he reaches adulthood, he has integrated manipulative behavior to such a deep level that he acts largely

on automatic. He knows what he is doing but not necessarily why. Consider the following call I received from Kelsea, the partner of a client:

Lance wanted me to go skiing with him this weekend, but I really didn't feel like it because I'd had an exhausting week and wanted to spend time with my friends. When I said no, he dove into criticizing me. He said the reason why I've never become a good skier is that I won't stick with it, that I'm not willing to give things a chance and work at them, that I'm lazy and that's why I never get good at anything, and so forth. It felt awful...But, you know, I think in a way he's right—maybe I should be more disciplined about learning to ski.

Where was Lance's stream of put-downs coming from? Was he really concerned that Kelsea was letting herself down? No. A man doesn't tear down his partner's self-esteem out of a desire to help her. The real issue concerned what

Lance wanted for himself: He wanted Kelsea to keep him company for the weekend because he didn't feel like going skiing alone. He resented her choice to make her friendships central in her life—a common theme with abusive men—and believed that it was her duty to be by his side and focus on him. He was hammering her with whatever put-downs he could think of in order to bully her into going (and was having some success in getting her to doubt herself). When some members of his abuser group challenged him about his behaviors at his next session, his real motives and attitudes became apparent; much of my work as a counselor involves helping abusive men to become conscious of, and face up to, their real reasons for choosing to behave as they do.

EARLY WARNING SIGNS

When women hear how charming abusers can be—or when they experience it directly—they feel at

a loss. They ask, “Does this mean there is no way to avoid an abusive relationship? How can I tell whether I should worry about my new partner?” Fortunately, most abusers put out warning signals before their abuse goes into full gear. The signs to watch for should be part of every girl’s education before she starts dating.

QUESTION 8:

HOW CAN I TELL IF A MAN I’M SEEING WILL BECOME ABUSIVE?

The following warning flags mean that abuse could be down the road, and perhaps not far:

- *He speaks disrespectfully about his former partners.*

A certain amount of anger and resentment toward an ex-partner is normal, but beware of the man

who is very focused on his bitterness or who tells you about it inappropriately early on in your dating. Be especially cautious of the man who talks about women from his past in degrading or condescending ways or who characterizes himself as a victim of abuse by women. Be alert if he says that his previous wife or girlfriend falsely accused him of being abusive; the great majority of reports of abuse are accurate. When you hear that another woman considers him abusive, *always* find a way to get her side of the story. Even if you end up not believing her, you will at least know the behaviors to watch out for in him, just in case. Be cautious also of the man who admits to abusing a former partner but claims that the circumstances were exceptional, blames it on her, or blames it on alcohol or immaturity.

Be cautious of the man who says that you are nothing like the other women he has been involved with, that you are the first partner to treat him well, or that earlier women in his life have not

understood him. You will be tempted to work doubly hard to prove that you aren't like those other women, and one foot will already be in the trap. It won't be long before he is telling you that you are "just like the rest of them." His perceptual system ensures that no woman can be a good woman while she is involved with him.

A few men have the opposite approach, which is to glorify and elevate their former partners so that you feel like you can never quite compete. If he starts to lament the fact that you aren't as sexy, athletic, domestic, or successful as the women who went before you, I can assure you that you won't measure up any better later, no matter how hard you try. He wants to feel one up on you so that he can have the upper hand.

Notice whether he seems to accept any responsibility for what went wrong in his previous relationships. If everything was always the women's fault, you will soon be to blame for all difficulties in this new relationship.

- *He is disrespectful toward you.*

Disrespect is the soil in which abuse grows. If a man puts you down or sneers at your opinions, if he is rude to you in front of other people, if he is cutting or sarcastic, he is communicating a lack of respect. If these kinds of behaviors are a recurring problem, or if he defends them when you complain about how they affect you, control and abuse are likely to be in the offing. Disrespect also can take the form of idealizing you and putting you on a pedestal as a perfect woman or goddess, perhaps treating you like a piece of fine china. The man who worships you in this way is not seeing *you*; he is seeing his fantasy, and when you fail to live up to that image he may turn nasty. So there may not be much difference between the man who talks down to you and the one who elevates you; both are displaying a failure to respect you as a real human being and bode ill.

- *He does favors for you that you don't want or puts on such a show of generosity that it makes*

you uncomfortable.

These can be signs of a man who is attempting to create a sense of indebtedness. My client Alan, for example, spent much of his first two years with Tory helping her brother fix his car, helping her sister paint her new apartment, and transporting her father to medical appointments. When Tory's family started to become upset about how Alan was treating her, Alan was able to convince her that her relatives had taken advantage of him and were now turning against him unfairly. He said, "Now that they don't need my help anymore they want to get me out of the way so they can have you to themselves." Alan succeeded in getting Tory to feel sorry for him, thereby driving a wedge between her and her family that endured for years until she saw through Alan's manipulation.

A man named Robert combined these first two warning signs: He told Lana that his ex-wife had falsely accused him of violence in order to keep him from seeing his boys. He said, "If a woman

tells the family court that she wants the father's visits to be supervised, they give it to her automatically." Lana's heart naturally went out to him. But two things happened that made her uneasy. First, Robert called after a snowstorm and offered to shovel her driveway. She said, "Oh, please don't," because she wasn't sure how serious she felt about him and didn't want to lead him on. When she got off the train from work that afternoon, she found her driveway completely cleared. Second, Lana happened by coincidence to have a female friend who was divorcing an abuser, and she learned from her friend that the family court required extensive evidence of violence in order to consider imposing supervised visitation on the father. She found herself wondering what Robert's ex-wife might have to say.

- *He is controlling.*

At first it can be exciting to be with a man who takes charge. Here's a typical story from the

partner of one of my clients:

Our first few dates were exciting and fun. I remember him arriving at my house with our evening all planned out. He'd say, "We're going to the Parker House for a drink, then we're having a Chinese dinner, and then I've got tickets for a comedy club." It would all have to go according to plan. At first I loved the way he would design what he wanted to do with me. But then I started to notice that he rarely considered what *I* might want to do. We kept going out to things that he enjoys, like hockey games. I enjoy the hockey games, too, but it's not my top interest. And after a few months, he started to get annoyed if I wasn't in the mood to do what he wanted.

Control usually begins in subtle ways, far from anything you would call abuse. He drops comments about your clothes or your looks (too sexy or not sexy enough); is a little negative about

your family or one of your good friends; starts to pressure you to spend more time with him or to quit your job or to get a better job that pays more; starts to give too much advice about how you should manage your own life and shows a hint of impatience when you resist his recommendation; or begins to act bothered that you don't share all of his opinions about politics, personal relationships, music, or other tastes.

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- *He is possessive.*

Jealous behavior is one of the surest signs that abuse is down the road. Possessiveness masquerades as love. A man may say: "I'm sorry I got so bent out of shape about you talking to your ex-boyfriend, but I've never been so crazy about a woman before. I just can't stand thinking of you with another man." He may call five times a day keeping track of what you are doing all the time or insist on spending every evening with you. His feelings for you probably *are* powerful, but that's not why he wants constant contact; he is keeping

tabs on you, essentially establishing that you are his domain. Depending on what kind of friends he has, he also may be trying to impress them with how well he has you under his thumb. All of these behaviors are about *ownership*, not love.

Jealous *feelings* are not the same as behaviors. A man with some insecurities may naturally feel anxious about your associations with other men, especially ex-partners, and might want some reassurance. But if he indicates that he expects you to give up your freedom to accommodate his jealousy, control is creeping up. Your social life shouldn't have to change because of his insecurities.

A man's jealousy can be flattering. It feels great that he is wildly in love with you, that he wants you so badly. But a man can be crazy about you without being jealous. Possessiveness shows that he doesn't love you as an independent human being but rather as a guarded treasure. After a while, you will feel suffocated by his constant

vigilance.

- *Nothing is ever his fault.*

He blames something or someone for anything that goes wrong. As time goes by, the target of his blame increasingly becomes you. This style of man also tends to make promises that he doesn't keep, coming up with a steady stream of excuses for disappointing you or behaving irresponsibly, and perhaps taking serious economic advantage of you in the process.

- *He is self-centered.*

In the first few months of a relationship, the abuser's self-centeredness is not always apparent, but there are symptoms you can watch for. Notice whether he does a lot more than his share of the talking, listens poorly when you speak, and chronically shifts the topic of conversation back to himself. Self-centeredness is a personality characteristic that is highly resistant to change, as it has deep roots in either profound entitlement (in

abusers) or to severe early emotional injuries (in nonabusers), or both (in narcissistic abusers).

- *He abuses drugs or alcohol.*

Be especially careful if he pressures you to participate in substance use with him. Although substances do not cause partner abuse, they often go hand in hand. He may try to hook you into believing that you can help him get clean and sober; substance abusers are often “just about” to quit.

- *He pressures you for sex.*

This warning sign is always important, but even more so for teenagers and young adult men. Not respecting your wishes or feelings regarding sex speaks of exploitativeness, which in turn goes with abuse. It also is a sign of seeing women as sex objects rather than human beings. If he says you need to have sex with him to prove that you truly love and care for him, give him his walking papers.

- *He gets serious too quickly about the relationship.*

Because so many men are commitment-phobic, a woman can feel relieved to find a partner who isn't afraid to talk about marriage and family. But watch out if he jumps too soon into planning your future together without taking enough time to get to know you and grow close, because it can mean that he's trying to wrap you up tightly into a package that he can own. Take steps to slow things down a little. If he won't respect your wishes in this regard, there is probably trouble ahead.

- *He intimidates you when he's angry.*

Intimidation, even if it appears unintentional, is a sign that emotional abuse is on the way—or has already begun—and is a warning flag that physical violence may eventually follow. Any of the following behaviors should put you on alert:

- He gets too close to you when he's angry, puts a finger in your face, pokes you, pushes you, blocks your way, or restrains you.
- He tells you that he is "just trying to make you listen."
- He raises a fist, towers over you, shouts you down, or behaves in any other way that makes you flinch or feel afraid.
- He makes vaguely threatening comments, such as, "You don't want to see me mad" or "You don't know who you're messing with."
- He drives recklessly or speeds up when he's angry.
- He punches walls or kicks doors.
- He throws things around, even if they don't hit you.

The more deeply involved you become with an

intimidating man, the more difficult it will be to get out of the relationship. Unfortunately, many women believe just the opposite: They think, *Well, he does scare me a little sometimes, but I'll wait and see if it gets worse, and I'll leave him if it does*. But getting away from someone who has become frightening is much more complicated than most people realize, and it gets harder with each day that passes. Don't wait around to see.

He has double standards.

Beware of the man who has a different set of rules for his behavior than for yours. Double standards are an important aspect of life with an abuser, as we will see in Chapter 6.

- *He has negative attitudes toward women.*

A man may claim early in a relationship that he views you in a light different from that in which he sees women in general, but the distinction won't last. If you are a woman, why be involved with someone who sees women as inferior, stupid,

conniving, or only good for sex? He isn't going to forget for long that you're a woman.

Stereotyped beliefs about women's sex roles also contribute to the risk of abuse. His conviction that women should take care of the home, or that a man's career is more important than a woman's, can become a serious problem, because he may punish you when you start refusing to live in his box. Women sometimes find it challenging to meet men who *don't* have restrictive beliefs about women's roles, particularly within certain cultural or national groups, but the effort to meet such men is an important one.

- *He treats you differently around other people.*

Adult abusers tend to put on a show of treating their partners like gold when anyone is watching, reserving most of their abuse for times when no one else will see. In teenage abusers the opposite is often true. He may be rude and cold with her in front of other people to impress his friends with how “in control” and “cool” he is but be

somewhat nicer when they are alone together.

- *He appears to be attracted to vulnerability.*

One way that this warning sign manifests itself is in cases of men who are attracted to women (or girls) who are much younger than they are. Why, for example, does a twenty-two-year-old man pursue a sixteen-year-old adolescent? Because he is stimulated and challenged by her? Obviously not. They are at completely different developmental points in life with a dramatic imbalance in their levels of knowledge and experience. He is attracted to *power* and seeks a partner who will look up to him with awe and allow him to lead her. Of course, he usually tells her the opposite, insisting that he wants to be with her because of how unusually mature and sophisticated she is for her age. He may even compliment her on her sexual prowess and say how much power she has over *him*, setting up the young victim so that she won't recognize what is happening to her. Even without a chronological

age difference, some abusive men are drawn to women who have less life experience, knowledge, or self-confidence, and who will look up to the man as a teacher or mentor.

I have had quite a number of clients over the years who are attracted to women who are vulnerable because of recent traumatic experiences in their lives, including many who have started relationships by helping a woman break away from an abusive partner and then start to control or abuse her themselves. Some abusive men seek out a woman who comes from a troubled or abusive childhood, who has health problems, or who has suffered a recent severe loss, and present themselves as rescuers. Be alert for the man who seems to be attracted to power imbalances.

At the same time, I have observed that there are plenty of abusive men who are *not* particularly attracted to vulnerability or neediness in women and who are more drawn to tougher or more successful women. This style of abuser appears to

feel that he has caught a bigger fish if he can reel in an accomplished, self-confident woman to dominate.

THE WARNING SIGNS OF ABUSE

He speaks disrespectfully about his former partners.

He is disrespectful toward you.

He does favors for you that you don't want or puts on such a show of generosity that it makes you uncomfortable.

He is controlling.

He is possessive.

Nothing is ever his fault.

He is self-centered.

He abuses drugs or alcohol.

He pressures you for sex.

He gets serious too quickly about the relationship.

He intimidates you when he's angry.

He has double standards.

He has negative attitudes toward women.

He treats you differently around other people.

He appears to be attracted to vulnerability.

No single one of the warning signs above is a sure sign of an abusive man, with the exception of physical intimidation. Many nonabusive men may exhibit a number of these behaviors to a limited degree. What, then, should a woman do to protect herself from having a relationship turn abusive?

Although there is no foolproof solution, the best plan is:

1. Make it clear to him *as soon as possible* which behaviors or attitudes are unacceptable to you and that you cannot be in a relationship with him if they continue.
2. If it happens again, stop seeing him for a substantial period of time. *Don't* keep seeing him with the warning that this time you “really mean it,” because he will probably interpret that to mean that you don't.
3. If it happens a third time, or if he switches to other behaviors that are warning flags, chances are great that he has an abuse problem. If you give him too many chances, you are likely to regret it later. For further suggestions, see “Leaving an Abuser as a Way to

Promote Change” in Chapter 14.

Finally, be aware that as an abuser begins his slide into abuse, he believes that *you* are the one who is changing. His perceptions work this way because he feels so justified in his actions that he can't imagine the problem might be with him. All he notices is that you don't seem to be living up to his image of the perfect, all-giving, deferential woman.

WHEN IS IT ABUSE?

Since abuse can sneak up on a woman, beginning with subtle control or disrespect that gains intensity over time, some burning questions emerge: How do I know when my partner is being abusive? Is there a distinct line that I can keep my eye on, so that I know when he has crossed it? How much is too much? Since nobody's perfect, how do I know the difference between a bad day when he's just being a jerk and a pattern that adds

up to something more serious?

It's true that almost everyone does yell at one point or another in a relationship, and most people, male or female, call their partners a name from time to time, interrupt, or act selfish or insensitive. These behaviors are hurtful and worthy of criticism, but they aren't all abuse, and they don't all have the same psychological effects that abuse does. At the same time, all of these behaviors *are* abusive when they are part of a *pattern* of abuse. Being yelled at by a respectful partner feels bad, but it doesn't cause the same chilled, ugly atmosphere that an abuser's yells do.

The term *abuse* is about *power*; it means that a person is taking advantage of a power imbalance to exploit or control someone else. Wherever power imbalances exist, such as between men and women, or adults and children, or between rich and poor, some people will take advantage of those circumstances for their own purposes. (As I discuss in Chapter 13, partner abuse has been

found not to exist in societies where males and females have equal power.) Thus the defining point of abuse is when the man starts to exercise power over the woman in a way that causes harm to her and creates a privileged status for him.

QUESTION 9:

IS THE WAY HE IS TREATING ME ABUSE?

The lines where subtler kinds of mistreatment end and abuse begins include the following actions:

- *He retaliates against you for complaining about his behavior.*

Let's say your partner calls you a bitch one day. You are angry, and you let him know that you deeply dislike that word and don't ever want to be called that again. However, he responds to your

grievance *by making a point of calling you a bitch more often*. Maybe he even gets a certain look in his eye now when he does it because he knows it gets under your skin. Similarly, you may say to your partner in an argument, “Stop yelling at me. I hate being yelled at,” so he raises his voice *louder* and blames it on you. These are signs of abuse.

Another way he can retaliate against you for resisting his control is to switch into the role of victim. Suppose that you complain about being silenced by his constant interruptions during arguments. He then gets a huffy, hostile tone in his voice as if your objection were unfair to *him* and says sarcastically, “All right, I’ll just listen and *you* talk,” and acts as if you are oppressing him by calling him on his behavior. This is an effort to make you feel guilty for resisting his control and is the beginning of abuse.

And some men ridicule the woman when she complains of mistreatment, openly laughing at her or mimicking her. These behaviors remove all

doubt about whether he is abusive.

Retaliation may not always be as clear and immediate as it is in these examples. But you can tell when your partner's behavior is designed to punish you for standing up to him, even if it doesn't come out until a couple of days later. He doesn't believe that you have the right to defy him, and he tries to hurt you so that next time you won't.

- *He tells you that your objections to his mistreatment are your own problem.*

When a woman attempts to set limits on controlling or insensitive behavior, an abuser wants her to doubt her perceptions, so he says things such as:

“You’re too sensitive; every little thing bothers you. It shouldn’t be any big deal.”

“Not everyone is all nicey-nice when they’re angry like you want them to be.”

“Don’t start talking to me like I’m abusive just because your ex-boyfriend (or your parents) abused you. You think everyone is abusing you.”

“You’re just angry because you aren’t getting your way, so you’re saying I’m mistreating you.”

Through comments like these, the abuser can try to persuade you that: (1) you have unreasonable expectations for his behavior, and you should be willing to live with the things he does; (2) you are actually reacting to something else in your life, not to what he did; and (3) you are using your grievances as a power move against *him*. All of these tactics are forms of *discrediting* your complaints of mistreatment, which is abusive. His discrediting maneuvers reveal a core attitude, which he never explicitly states and may not even be aware of consciously himself: **“You have no right to object to how I treat you.”** And

you can't be in a fair and healthy relationship if you can't raise grievances.

- *He gives apologies that sound insincere or angry, and he demands that you accept them.*

The following exchange illustrates how this dynamic plays out:

LAIRE: I still feel like you don't understand why I was upset by what you did. You haven't even apologized.

ANNY (Angry and loud): All right, all right! I'm sorry, I'M SORRY!!

LAIRE (Shaking her head): You don't get it.

ANNY: What the fuck do you want from me?? I apologized already! What, you won't be satisfied until you have your pound of flesh??

LAIRE: Your apology doesn't mean anything to

me when you obviously aren't sorry.

ANNY: What do you mean I'm not sorry?? Don't tell me what I'm feeling, Little Ms. Analyst! You're not inside my head.

This interaction only serves to make Claire feel worse, of course, as Danny adds insults and crazy-making denial to whatever she was already upset about. Danny feels that Claire should be grateful for his apology, even though his tone communicated the opposite of his words; he in fact feels *entitled* to forgiveness, and he demands it. (He also considers it his prerogative to insist that she accept his version of reality, no matter how much it collides with everything she sees and hears; in this sense, he apparently sees her *mind* as part of what he has the right to control.)

- *He blames you for the impact of his behavior.*

Abuse counselors say of the abusive client: "When he looks at himself in the morning and sees his

dirty face, he sets about washing the mirror.” In other words, he becomes upset and accusatory when his partner exhibits the predictable effects of chronic mistreatment, and then he adds insult to injury by ridiculing her for feeling hurt by him. He even uses her emotional injuries as *excuses to mistreat her further*. If his verbal assaults cause her to lose interest in having sex with him, for example, he snarls accusingly, “You must be getting it somewhere else.” If she is increasingly mistrustful of him because of his mistreatment of her, he says that her lack of trust is *causing her to perceive him as abusive*, reversing cause and effect in a mind-twisting way. If she is depressed or weepy one morning because he tore her apart verbally the night before, he says, “If you’re going to be such a drag today, why don’t you just go back to bed so I won’t have to look at you?”

If your partner criticizes or puts you down for being badly affected by his mistreatment, that’s abuse. Similarly, it’s abuse when he uses the

effects of his cruelty as an excuse, like a client I had who drove his partner away with his verbal assaults and then told her that her emotional distancing was *causing* his abuse, thus reversing cause and effect. He is kicking you when you're already down, and he knows it. Seek help for yourself quickly, as this kind of psychological assault can cause your emotional state to rapidly decline.

- *It's never the right time, or the right way, to bring things up.*

In any relationship, it makes sense to use some sensitivity in deciding when and how to tackle a difficult relationship issue. There are ways to word a grievance that avoid making it sound like a personal attack, and if you mix in some appreciation you increase the chance that your partner will hear you. But with an abuser, no way to bring up a complaint is the right way. You can wait until the calmest, most relaxed evening, prepare your partner with plenty of verbal

stroking, express your grievance in mild language, but he still won't be willing to take it in.

Initial defensiveness or hostility toward a grievance is common even in nonabusive people. Sometimes you have to leave an argument and come back to it in a couple of hours, or the next day, and then you find your partner more prepared to take in what is bothering you. With an abuser, however, the passage of time doesn't help. He doesn't spend the intervening period digesting your comments and struggling to face what he did, the way a nonabusive person might. In fact he does the opposite, appearing to mentally build up his case against your complaint as if he were preparing to go before a judge.

- *He undermines your progress in life.*

Interference with your freedom or independence is abuse. If he causes you to lose a job or to drop out of a school program; discourages you from pursuing your dreams; causes damage to your relationships with friends or relatives; takes

advantage of you financially and damages your economic progress or security; or tells you that you are incompetent at something you enjoy, such as writing, artwork, or business, as a way to get you to give it up, he is trying to undermine your independence.

- *He denies what he did.*

Some behaviors in a relationship can be matters of judgment; what one person calls a raised voice another might call yelling, and there is room for reasonable people to disagree. But other actions, such as calling someone a name or pounding a fist on the table, either happened or they didn't. So while a nonabusive partner might argue with you about how you are interpreting his behavior, the abuser denies his actions altogether.

- *He justifies his hurtful or frightening acts or says that you "made him do it."*

When you tell your partner that his yelling frightens you, for example, and he responds that

he has every right to yell “because you’re not listening to me,” that’s abuse. The abuser uses your behavior as an excuse for his own. He therefore refuses to commit unconditionally to stop using a degrading or intimidating behavior. Instead, he insists on setting up a quid pro quo, where he says he’ll stop some form of abuse if you agree to give up something that bothers *him*, which often will be something that you have every right to do.

- *He touches you in anger or puts you in fear in other ways.*

Physical aggression by a man toward his partner is abuse, even if it happens *only once*. If he raises a fist; punches a hole in the wall; throws things at you; blocks your way; restrains you; grabs, pushes, or pokes you; or threatens to hurt you, that’s physical abuse. He is creating fear and using your need for physical freedom and safety as a way to control you. Call a hot line as soon as possible if any of these things happens to you.

Sometimes a partner can frighten you inadvertently because he is unaware of how his actions affect you. For example, he might come from a family or culture where people yell loudly and wave their arms around during arguments, while those from your background are quiet and polite. The nonabusive man in these circumstances will be very concerned when you inform him that he is frightening you and will want to take steps to keep that from happening again—unconditionally.

Physical abuse is dangerous. Once it starts in a relationship, it can escalate over time to more serious assaults such as slapping, punching, or choking. Even if it doesn't, so-called "lower-level" physical abuse can frighten you, give your partner power over you, and start to affect your ability to manage your own life. Any form of physical intimidation is highly upsetting to children who are exposed to it. No assault in a relationship, however "minor," should be taken lightly.

I am often asked whether physical aggression by women toward men, such as a slap in the face, is abuse. The answer is: “It depends.” Men typically experience women’s shoves or slaps as annoying and infuriating rather than intimidating, so the long-term emotional effects are less damaging. It is rare to find a man who has gradually lost his freedom or self-esteem because of a woman’s aggressiveness. I object to any form of physical aggression in relationships except for what is truly essential for self-defense, but I reserve the word *abuse* for situations of control or intimidation.

A woman *can* intimidate another woman, however, and a man can be placed in fear by his male partner. Most of what I have described about the thinking and the tactics of heterosexual abusers is also true of abusive gay men and lesbians. We look more at this issue in Chapter 6.

- *He coerces you into having sex or sexually assaults you.*

I have had clients who raped or sexually coerced their partners repeatedly over the course of the relationship but never once hit them. Sexual coercion or force in a relationship is abuse. Studies indicate that women who are raped by intimate partners suffer even deeper and longer-lasting effects than those who are raped by strangers or nonintimate acquaintances. If you have experienced sexual assault or chronic sexual pressure in your relationship, call an abuse hotline or a rape hotline, even if you don't feel that the term *rape* applies to what your partner did.

- *His controlling, disrespectful, or degrading behavior is a pattern.*

This item is as important as the others but requires the most judgment and ability to trust your instincts. When exactly does a behavior become a pattern? If it happens three times a year? If it happens once a week? There is no answer that applies to all actions or to all people. You will need to form your own conclusions about whether

your partner's mistreatment of you has become repetitive.

- *You show signs of being abused.*

All of the other indicators of abuse discussed above involve examining what the man does and how he thinks. But it is equally important to look at *yourself*, examining such questions as:

Are you afraid of him?

Are you getting distant from friends or family because he makes those relationships difficult?

Is your level of energy and motivation declining, or do you feel depressed?

Is your self-opinion declining, so that you are always fighting to be good enough and to prove yourself?

Do you find yourself constantly preoccupied

with the relationship and how to fix it?

Do you feel like you can't do anything right?

Do you feel like the problems in your relationship are all your fault?

Do you repeatedly leave arguments feeling like you've been messed with but can't figure out exactly why?

These are signs that you may be involved with an abusive partner.

You may notice that the above distinguishing features of abuse include little mention of *anger*. While chronic anger can be one warning sign of abusiveness, the two are sometimes quite separate. There are cool, calculating abusers who rarely explode in ire, for example, and at the same time some nonabusive men feel or express anger often. You might decide that you don't want to be with a partner who is angry all the time—I wouldn't care

for it—but it isn't abuse in itself.

WHAT IF HE'S SORRY?

Almost every time that I speak on abuse, hands go up with the following two questions: (1) When an abuser acts remorseful, is he really? and (2) If he's really sorry, does that make him less likely to be abusive again?

QUESTION 10:

IS HE REALLY SORRY?

The good news is that remorse is often genuine; the bad news is that it rarely helps. To make sense out of this contradiction, we need to look first at a crucial aspect of what is going on inside an abuser: **Abusers have numerous contradictory attitudes and beliefs operating simultaneously in their minds.** A few examples of the typical

contradictions include:

*“Women are fragile and in need of protection **but** they need to be intimidated from time to time or they get out of hand.”*

*“My partner and I should have equal say over things **but** my decisions should rule when it comes to issues that are important to me.”*

*“I feel terrible about how I treated her **but** I should never have to feel bad in a relationship, no matter what I did.”*

*“I shouldn’t raise my voice **but** I should have control over my partner, and sometimes I have to get loud to control her.”*

*“You should never hit a woman **but** sometimes a man has no other choice.”*

When a man feels sorry for his abusive

behavior, his regrets collide with his entitlement. The contradictory chatter inside his head sounds something like this:

I feel bad that I said “fuck you” to her; that’s not a good thing to say, especially in front of the children. I lost it, and I want my family to have an image of me as always being strong and in charge. I don’t like for them to see me looking ugly the way I did in that argument; it hurts my self-esteem. But she called me “irresponsible”! How does she expect me to react when she says something like that? She can’t talk to me that way. Now the children are going to think I was the bad guy, when she was the cause of it. If they start siding with her, I’m going to let them know why I was mad. Now she’s made me look really bad. Fuck her.

Let’s follow the path that this man’s internal dialogue takes. First, his remorse is not primarily focused on the way his verbal assault wounded his

partner. What he feels bad about mostly is: (1) He damaged his image in other people's eyes; (2) he offended his own sense of how he would like to be; and (3) he feels he should be able to control his partner without resorting to abuse. From those thoughts he slides into blaming his outburst on his partner, which he feels entitled to do, and in this way rids himself of his feelings of guilt. By the end of his self-talk, he is holding his partner responsible for everything, including the effects that *he* has just had on their children. The abuser's self-focus and victim-blaming orientation tend to cause his remorse to fade in this way.

An abuser's show of emotion after early incidents of abuse can be dramatic: I have had clients who cry, beg their partners for forgiveness, and say, "You deserve so much better, I don't know why you are even with a jerk like me." His remorse can create the impression that he is reaching out for real intimacy, especially if you've never seen him looking so sad before. But in a day

or two his guilt is vanquished, driven out by his internal excuse-making skills. The effects of the incident last much longer for the abused woman, of course, and pretty soon the abuser may be snapping at her: “What, aren’t you over that *yet*? Don’t dwell on it, for crying out loud. Let’s put it behind us and move forward.” His attitude is: “I’m over it, so why isn’t she?”

Genuine remorse and theatricality are not mutually exclusive. Most abusers are truly sorry—though perhaps largely for themselves—while *also* playing up their emotions somewhat to win sympathy. A man’s dramatic remorse shifts the center of attention back to him; his partner may almost forget his earlier bullying as compassion for his guilt and self-reproach washes over her. She may soon find herself reassuring him that she won’t leave him, that she still loves him, that she doesn’t think he’s a terrible person. If they have children, she may find herself covering up what he did so that the children won’t blame him, because

she doesn't want him to feel even worse. He thus reaps soothing attention as a reward for his abusiveness, and his actions have the effect of keeping the family focused on his needs.

Remorse usually tends to decline as abusive incidents pile up. The genuine aspect fades as the abusive man grows accustomed to acting abusively and tuning out his partner's hurt feelings. The theatrical part fades as he becomes less concerned about losing the relationship, confident now that she is fully under his control and won't leave him.

The salient point about remorse, however, is that *it matters little whether it is genuine or not*. Clients who get very sorry after acts of abuse change at about the same rate as the ones who don't. The most regretful are sometimes the most self-centered, lamenting above all the injury they've done to their own self-image. They feel ashamed of having behaved like cruel dictators and want to revert quickly to the role of *benign*

dictators, as if that somehow makes them much better people.

IF BEING SORRY AFTER AN INCIDENT DOESN'T HELP, WHAT WOULD

The following steps could help prevent his next incident of abuse, in a way that apologies cannot

- Giving you some extended room to be angry about what he did, rather than telling you that you've been angry too long or trying to stuff your angry feelings back down your throat
- Listening well to your perspective without interrupting, making excuses, or blaming his actions on you
- Making amends for anything he did, for example, by picking up anything that he threw, admitting to friends that he lied about you, or telling the children that his behavior was unacceptable and wasn't

your fault

- Making unconditional agreements to immediately change behaviors
- Going to get help *without* you having to put a lot of pressure on him to do it

If he is willing to take all of these steps after an incident of mistreatment—and actually follow through on them—there’s some chance that he may not be deeply abusive. Without such clear action, however, the abuse will return.

TAKE SELF-PROTECTIVE STEPS QUICKLY

Many women take a “wait and see” attitude when signs of abuse appear in a partner’s behavior. They tell themselves: “It’s so hard to leave him right now because I still love him. But if he gets worse, that will lessen my feelings for him, and then breaking up will be easier.” This is a

dangerous trap. The longer you are with an abuser, and the more destructive he becomes, the *harder* it can be to extricate yourself, for the following reasons:

- The more time he has to tear down your self-opinion, the more difficult it will be for you to believe that you deserve better treatment.
- The more time he has to hurt you emotionally, the more likely your energy and initiative are to diminish, so that it gets harder to muster the strength to get out.
- The more damage he does to your relationships with friends and family, the less support you will have for the difficult process of ending the relationship.
- The longer you have been living with his cycles of intermittent abuse and kind, loving treatment, the *more* attached you

are likely to feel to him, through a process known as *traumatic bonding* (see Chapter 9).

For all of these reasons, act sooner rather than later.

At the same time, if you have already been in relationship with an abuser for five years, or ten, or thirty, it is never too late to recover your rights and to get free. Help is available to you no matter how long your relationship has lasted and how deep the effects have been (see “Resources”).

One final word of caution: If you do not have children with your abusive partner, *keep it that way*. Some women hope the arrival of a baby can cause an abuser to change his behaviors, but it can't. It won't make him settle down, become more responsible, or gain maturity. It won't stop his jealous accusations by convincing him that you are committed to him, nor will it get him to stop cheating on you. The presence of children in the

home won't make him stop abusing you. Having children with an abusive partner will just make your life more stressful than it was before, as you begin to worry about the effects that his behavior is having on your children. And if you decide later that you do want to leave him, having children will make that choice much harder and will raise the possibility that he will threaten to seek custody of them (see Chapter 10). I have yet to encounter a case where the arrival of children solved a woman's problems with an abusive man, or even lessened them.

KEY POINTS TO REMEMBER

- The early warning signs of abuse are usually visible if you know what to look for.
- If the warning signs are there, act quickly either to set limits or to get out of the

relationship. The more deeply you become involved with an abuser, the harder it is to get out.

- You do not cause your partner's slide into abusiveness, and you cannot stop it by figuring out what is bothering him or by increasing your ability to meet his needs. Emotional upset and unmet needs have little to do with abusiveness.
- Certain behaviors and attitudes are definitional of abuse, such as ridiculing your complaints of mistreatment, physically intimidating you, or sexually assaulting you. If any of these is present, abuse has already begun.
- Abused women aren't "codependent." It is abusers, not their partners, who create abusive relationships.
- Call a hotline for support, or use one of the resources listed in the back of this

book, as soon as you start to have questions about abuse. Don't wait until you're certain.

The Abusive Man in Everyday Life

I feel like I'm going crazy.

Sometimes I can just tell it's one of those days; no matter what I do, I'm going to get it sooner or later.

He's a teddy bear underneath.

I never know what to expect; he can just turn on me, out of the blue.

I wouldn't call him an abuser. I mean, he can be really nice for weeks at a time.

I really love him.

OVER THE FIFTEEN YEARS I have worked with abusive men, I have spent many hundreds of hours on the telephone listening to the partners of my clients describe their lives. My job is to see my client through the woman's eyes, using my imagination to enter her home and absorb the atmosphere that he creates day in and day out. By assuming her perspective, I begin to see beneath my client's exterior.

At the same time, I don't see exactly the same man the abused woman sees. The circumstances under which I see him have several unusual aspects:

- It is safe for me to challenge and confront him, because I am sitting in a room full of witnesses, including my co-leader. In many cases, I have some power over the man because he is on probation, so a negative report from me could get him brought before a judge.

- I have names and descriptions for his tactics. He finds it difficult to confuse or intimidate me, or to make me feel bad about myself, because I keep pointing out his maneuvers and his motives. Abuse loses some of its power when you have names for its weapons.
- I don't have to live with this man, so he has few opportunities to retaliate against me for standing up to him.
- Some of the men in the group who are attempting to apply the concepts of the program may challenge the man on his attitudes and behaviors. These challenges from other abusers make it harder for him to blame everything on his partner, or on women in general.

I also learn about a man from seeing his reactions to discussions in his group. For example, he tends to express disapproval of other clients

whose abuse is *different* from his—because he considers anything he wouldn't do to be “real” abuse—and while tending to express sympathy for and support of any fellow abuser who employs the *same* tactics or justifications that he does, turns to me to say: “But what do you expect the poor man to do given his circumstances?”

The abused woman and I thus try to form a team so that we can share our observations about the man and help each other to recognize patterns or dynamics. I am eager to learn *from* her about my client and at the same time eager to share *with* her any observations I have that might help her to protect herself or unravel what he is doing to her mind.

One of the earliest lessons I learned from abused women is that to understand abuse you can't look just at the explosions; you have to examine with equal care the spaces *between* the explosions. The dynamics of these periods tell us as much about the abuse as the rages or the

thrown objects, as the disgusting name-calling or the jealous accusations. The abuser's thinking and behavior during the calmer periods are what cause his big eruptions that wound or frighten. In this chapter, we enter the mind of the abuser at various points in daily life to better understand what sparks his abusive actions.

THE ABUSIVE MAN IN ARGUMENTS

I will begin by examining in detail an argument between an abusive man and his partner, the kind that I hear about routinely from my clients and their partners. Jesse and Bea are walking along in their town. Jesse is sullen and clearly annoyed.

EA: What's going on with you? I don't understand what you're upset about.

SSE: I'm not upset; I just don't feel like talking right now. Why do you always have to read something into it? Can't I just be a little quiet

sometimes? Not everybody likes to talk, talk, talk all the time just because you do.

EA: I don't talk, talk, talk all the time. What do you mean by that? I just want to know what's bothering you.

SSE: I just finished telling you, *nothing's* bothering me...and give me a break that you don't talk all the time. When we were having dinner with my brother and his wife, I couldn't believe how you went on and on about your stupid journalism class. You're forty years old, for Christ sake; the world isn't excited about your fantasies of being famous. Grow up a little.

EA: Fantasies of being famous? I'm trying to get a job, Jesse, because the travel agency jobs have all moved downtown. And I wasn't going on about it. They were *interested*; they were asking me a lot of questions about it—that's why we were on that subject for a while.

SSE: Oh, yeah, they were real interested. They were being *polite* to you because you're so full of yourself. You're so naive you can't even tell when you're being patronized.

EA: I don't believe this. That dinner was almost two weeks ago. Have you been brewing about it all this time?

SSE: I don't brew, Bea, you're the one that brews. You love to get us confused. I'll see you later. I'm really not in the mood for this shit.

EA: In the mood for what shit?? I haven't done anything! You've had it in for me since I arrived to meet you!

SSE: You're yelling at me, Bea. You know I hate being yelled at. You need to get help; your emotions just fly off the handle. I'll see you later.

EA: Where are you going?

SSE: I'll walk home, thank you. You can take the car. I'd rather be alone.

EA: It's going to take you more than a half hour to walk home, and it's freezing today.

SSE: Oh, now suddenly you care about me so much. Up yours. Bye. *Walks off.*)

The lives of abused women are full of these kinds of exchanges. Jesse didn't call Bea any degrading names; he didn't yell; he didn't hit her or threaten her. Bea will be in a tough spot when the time comes to explain to a friend how upset she is, because Jesse's behavior is hard to describe. What can she say? That he's sarcastic? That he holds on to things? That he's overly critical? A friend would respond: "Well, that sounds hard, but I wouldn't call it *abuse*." Yet, as Jesse walks away, Bea feels as if she has been slapped in the face.

WHAT IS GOING ON IN THIS ARGUMENT?

We will look first at what Jesse is *doing* and then examine how his *thinking* works. The first point to illuminate is:

THE ABUSER'S PROBLEM IS NOT THAT HE RESPONDS INAPPROPRIATELY TO CONFLICT. HIS ABUSIVENESS IS OPERATING *PRIOR* TO THE CONFLICT: IT USUALLY *CREATES* THE CONFLICT, AND IT DETERMINES THE *SHAPE* THE CONFLICT TAKES.

Therapists often try to work with an abuser by analyzing his responses to disagreements and trying to get him to handle conflicts differently. But such an approach misses the point: His abusiveness was what caused the tension to begin with.

Jesse uses an array of conversational control

tactics, as most abusers do:

- He denies being angry, although he obviously is, and instead of dealing with what is bothering him, he channels his energy into criticizing Bea about something else.
- He insults, belittles, and patronizes Bea in multiple ways, including saying that she likes to talk all the time and has fantasies of becoming famous, stating that she should “grow up,” and telling her that she accuses him of stewing over things when it’s actually her.
- He tells her that she is unaware that other people look down on her and don’t take her seriously and calls her “naive.”
- He criticizes her for raising her voice in response to his stream of insults.
- He tells her that *she* is mistreating *him*.

- He stomps off and plays the victim by putting himself in the position of having to take a long, cold walk home.

Bea is now left miserable—feeling like a scratching post that a cat has just sharpened its claws on. Part of why she is so shaken up by this experience is that she never knows when one of these verbal assaults is going to happen or what sets it off. On a different day she might have met Jesse to take him home and had a pleasant conversation with him about his workday. Thus she is left imagining that something bad must have happened to him at work and that he is taking it out on her—which may be true in a way but actually has little to do with what is happening.

So, what *is* going on? The story began two weeks earlier, when Jesse and Bea were out to dinner with Jesse's relatives. What we have just learned from their argument is that Jesse does not

like Bea to be the center of attention for any length of time. Why not? There are a few reasons:

1. He considers it her job to play a supporting role to him. This is the same as the attitude that “behind every great man stands a woman.” So if either of them is going to be the center of attention, it should be him, and if he is feeling like being quiet she should be, too, remaining in his shadow.
2. He is constantly focused on her faults, so he assumes everyone else is, too.
3. He doesn't like having her appear in public as smart, capable, and interesting, because that collides with his deeply held belief that she is irrational, incompetent, and worthy of being ignored—a view of her that he may want others to share with him.
4. He is afraid on some level that if she

gets enough support for her strengths, she will leave him—and he's quite likely right.

Notice that numbers two and three are almost opposites: He assumes that she comes off badly, which embarrasses him, but he is also concerned that she may have come off very well, because then other people might see her as a capable person. He reacts strongly to both possibilities.

We also see the signs that Jesse finds Bea's journalism class threatening to his control over her. In fact, this is probably what he has been dwelling on most over the past two weeks, causing his grumpy mood. Abusive men are uncomfortable when they see signs of budding independence in their partners and often look for ways to undermine the woman's progress in the days ahead.

Returning now to the day of the argument, we can see that Jesse launches into attributing many

of his own characteristics to Bea, saying that she is full of herself, that she dwells on grievances, that she yells, that she doesn't care about him. This behavior in abusers is sometimes mistakenly referred to as *projection*, a psychological process through which people attribute their own fears or flaws to those around them. But as we saw in Chapter 3, the process through which an abuser turns reality on its head is not quite the same as projection. Jesse perceives Bea to be yelling because one of his core values is that she's not supposed to get angry at him, no matter what he does. He thinks she doesn't care about him because in his mind she can't care about him unless she cares *only* about him, and not at all about herself or other people. He thinks she is full of herself because she sometimes gets excited about her own goals or activities, when he believes she should be most excited about what *he's* doing. He thinks she dwells on her grievances because she sometimes attempts to

hold him accountable rather than letting him stick her with cleaning up his messes—literally and figuratively.

Jesse is also using projection as a control tactic. Part of why Jesse accuses Bea of doing all the selfish or abusive things that he does is to make it hard for her to get anywhere with her grievances. I have had many clients tell me: “Oh, I knew what I was saying about her wasn’t true, but it’s a way to really get to her.” (It is surprising how common it is for abusers to admit—if they are caught off guard—to deliberate use of abusive and controlling behaviors.) For all of these reasons, saying simply that “he’s projecting” doesn’t adequately capture the reasons for an abuser’s distorted accusations.

The final behavior we need to examine is Jesse’s decision to take a long, cold walk home by himself. Why does he make himself a victim?

- He is drawn to making Bea feel sorry for

him so that his feelings can remain the center of attention, crowding hers out. She will feel as though she shouldn't pursue her complaints about the ways in which he has just assaulted her verbally, because he is suffering so much.

- He also wants other people to feel sorry for him. He can describe to friends or relatives how the argument led to a miserable walk for him, and they will think: "The poor man." And he will probably adjust the story to his advantage—abusers usually spruce up their accounts—perhaps saying that she was furious and drove off without him, and he was left to walk shivering all the way home. He doesn't consciously plan these maneuvers ahead of time, but experience has taught him on a deeper level that playing the victim increases the sympathy he receives.

- He may want her to worry about what other people will think. She won't want to come out looking like the mean one, so she'll take steps to smooth over the fight.
- On some level he enjoys walking alone for half an hour, wallowing in self-pity, because it helps him feel more justified about his recurring pattern of cruelty and undermining toward Bea. It's a way of reassuring himself that she's the bad one, not him. An abuser is a human being, and somewhere inside him, buried under thick layers of entitlement and disrespect, there is a heart that knows that what he is doing is wrong. This heart periodically tries to send a few beats up through the layers, so the abuser has to stomp them back down.

Each verbal battle with an abuser is a walk through a minefield, and each field is different.

Jesse appears to be a mixture of the Water Torturer and the Victim, with a sprinkling of Mr. Right. Perhaps an argument on the same subject with the Drill Segreant or the Player would go quite differently. But, regardless of specific style, very little of what an abuser does in an argument is as irrational or emotional as it seems.

FOUR CRITICAL CHARACTERISTICS OF AN ABUSIVE ARGUMENT

You may find that each disagreement with your partner is unique and can start in any of a thousand ways, yet it can only arrive at four or five different endings—all of them bad. Your gnawing sensation of futility and inevitably is actually coming from the abusive man's thinking about verbal conflict. His outlook makes it impossible for an argument to proceed toward anything other than the fulfillment of his wishes—or toward nowhere at all. Four features stand out:

1. The abuser sees an argument as war.

His goal in a verbal conflict is not to negotiate different desires, understand each other's experiences, or think of mutually beneficial solutions. He wants only to *win*. Winning is measured by who talks the most, who makes the most devastating or "humorous" insults (none of which is funny to his partner), and who controls the final decision that comes out of the debate. He won't settle for anything other than victory. If he feels he has lost the argument, he may respond by making a tactical retreat and gathering his forces to strike again later.

Under this layer there is an even deeper stratum in many abusive men where we unearth his attitude that *the whole relationship is a war*. To this mind-set, relationships are dichotomous, and you're on either one end or the other: the dominator or the submitter, the champ or the chump, the cool man or the loser. He can imagine no other way.

2. *She is always wrong in his eyes.*

It is frustrating, and ultimately pointless, to argue with someone who is certain beyond the shadow of a doubt that his perspective is accurate and complete and that yours is wrong and stupid. Where can the conversation possibly go?

The question isn't whether he argues forcefully or not. Many nonabusive people express their opinions with tremendous conviction and emotion yet still allow themselves to be influenced by the other person's point of view. On the other hand, it isn't hard to tell when someone is refusing to grapple in good faith with your ideas and instead is just reaching for whatever stick he thinks will deal the heaviest blow to your side. When your partner says to you disparagingly, "Oh, the real reason why you complain about how I argue is that you can't deal with my having strong opinions," he's diverting attention from the tactics he uses. He is also reversing reality, which is that *he* can't accept *your* differences of opinion and

doesn't want to let his thinking be influenced by yours. (And on the rare occasions when he does adopt your ideas, he may claim they were his to begin with.)

3. He has an array of control tactics in conflicts

My clients have so many ways to bully their way through arguments that I couldn't possibly name them all, but the abuser's most common tactics are listed in the box below:

Sarcasm

Ridicule

Distorting what you say

Distorting what happened in an earlier
interaction

Sulking

Accusing you of doing what he does, or
thinking the way he thinks

Using a tone of absolute certainty and

final authority—"defining reality"

Interrupting

Not listening, refusing to respond

Laughing out loud at your opinion or
perspective

Turning your grievances around to use
against you

Changing the subject to *his* grievances

Criticism that is harsh, undeserved, or
frequent

Provoking guilt

Playing the victim

Smirking, rolling his eyes,
contemptuous facial expressions

Yelling, out-shouting

Swearing

Name-calling, insults, put-downs

Walking out
Towering over you
Walking toward you in an intimidating
way
Blocking a doorway
Other forms of physical intimidation,
such as getting too close while he's
angry
Threatening to leave you
Threatening to harm you

Conversational control tactics are aggravating no matter who uses them, but they are especially coercive and upsetting when used by an abusive man because of the surrounding context of emotional or physical intimidation. I have rarely met an abuser who didn't use a wide array of the above tactics in conflicts; if you consider an argument with a partner to be a war, why not use

every weapon you can think of? The underlying mind-set makes the behaviors almost inevitable.

The abusive man wants particularly to *discredit* your perspective, especially your grievances. He may tell you, for example, that the “real” reasons why you complain about the way he treats you are:

- You don’t want him to feel good about himself.
- You can’t handle it if he has an opinion that differs from yours, if he is angry, or if he is right.
- You are too sensitive, you read too much into things, or you take things the wrong way.
- You were abused as a child or by a former partner, so you think everything is abuse.

These are all strategies he uses to avoid having to think seriously about your grievances, because

then he might be obligated to change his behaviors or attitudes.

The abusive man's goal in a heated argument is in essence to get you to *stop thinking for yourself* and to *silence you*, because to him your opinions and complaints are obstacles to the imposition of his will as well as an affront to his sense of entitlement. **If you watch closely, you will begin to notice how many of his controlling behaviors are aimed ultimately at discrediting and silencing you.**

4. He makes sure to get his way—by one means or another.

The bottom line with an abuser in an argument is that he wants what he wants—today, tomorrow, and always—and he feels he has a right to it.

THE ABUSIVE MAN'S CYCLES

Life with an abuser can be a dizzying wave of exciting good times and painful periods of verbal,

physical, or sexual assault. The longer the relationship lasts, the shorter and farther apart the positive periods tend to become. If you have been involved with an abusive partner for many years, the good periods may have stopped happening altogether, so that he is an unvarying source of misery.

Periods of relative calm are followed by a few days or weeks in which the abuser becomes increasingly irritable. As his tension builds, it takes less and less to set him off on a tirade of insults. His excuses for not carrying his weight mount up, and his criticism and displeasure seem constant. Many women tell me that they learn to read their partner's moods during this buildup and can sense when he is nearing an eruption. One day he finally hits his limit, often over the most trivial issue, and he bursts out with screaming, disgusting and hurtful put-downs, or frightening aggression. If he is a violent abuser, he turns himself loose to knock over chairs, hurl objects,

punch holes in walls, or assault his partner directly, leaving her scared to death.

After he has purged himself, he typically acts ashamed or regretful about his cruelty or violence, at least in the early years of a relationship. Then he may enter a period when he reminds you of the man you fell in love with—charming, attentive, funny, kind. His actions have the effect of drawing you into a repetitive traumatic cycle in which you hope each time that he is finally going to change for good. You then begin to see the signs of his next slow slide back into abuse, and your anxiety and confusion rise again.

Women commonly ask me: “What is going on inside his mind during this cycle? Why can’t he just stay in the good period, what can I do to keep him there?” To answer these questions, let’s look through his eyes during each phase:

- *The tension-building phase*

During this period, your partner is collecting negative points about you and squirreling them

away for safekeeping. Every little thing that you have done wrong, each disappointment he has experienced, any way in which you have failed to live up to his image of the perfect selfless woman—all goes down as a black mark against your name.

Abusers nurse their grievances. One of my former colleagues referred to this habit as The Garden of Resentments, a process through which an abuser plants a minor complaint and then cultivates it carefully while it grows to tremendous dimensions, worthy of outrage and abuse. Jesse, for example, planted the dinner-table conversation in his Garden of Resentments and then harvested it two weeks later to throw in Bea's face, lumping it together with several other issues into one big ugly ball.

To defend against any complaints you attempt to express, the abuser stockpiles his collected grievances like weapons to protect his precious terrain of selfishness and irresponsibility. And

some of his negativity about you is just plain habit. An abuser falls into a routine of walking around dwelling on his partner's purported faults. Since he considers you responsible for fixing everything for him, he logically chooses you as his dumping ground for all of life's normal frustrations and disappointments.

- *The eruption*

The abusive man tends to mentally collect resentments toward you until he feels that you deserve a punishment. Once he's ready to blow, the tiniest spark will ignite him. Occasionally an abused woman may decide to touch her partner off herself at this point, as scary as that is, because the fear of waiting to see what he will do and when he will do it is worse. The explosion of verbal or physical assault that results is horrible, but at least it's over.

After he blows, the abuser absolves himself of guilt by thinking of himself as having lost control, the victim of his partner's provocations or his own

intolerable pain. Whereas at other times he may say that men are stronger and less emotional than women, he now switches, saying, “There is only so much a man can take,” or “She really hurt my feelings, and I couldn’t help going off.” He may consider women’s emotional reactions—such as breaking into tears—contemptible, even when they hurt no one, but when a man has powerful emotions, even violence may be excusable. Some of my most tough-guy clients unabashedly use their painful feelings to excuse their cruel behavior.

- *The “hearts and flowers” stage*

After the apologies are over, the abuser may enter a period of relative calm. He appears to have achieved a catharsis from opening up the bomb bays and raining abuse down on his partner. He feels rejuvenated and may speak the language of a fresh start, of steering the relationship in a new direction. Of course, there is nothing cathartic for his partner about being the target of his abuse (she

feels worse with each cycle), but in the abuser's self-centered way he thinks she should feel better now because *he* feels better.

During this period, an abuser works to rebuild the bridge that his abusiveness just burned down. He wants to be back in his partner's good graces; he may want sex; and he seeks reassurance that she isn't going to leave him—or expose him. Cards and gifts are common in this phase; hence the name “hearts and flowers.” The abusive man does not, however, want to look seriously at himself; he is merely looking to paste up some wallpaper to cover the holes he has made—figuratively or literally—and return to business as usual. The good period can't last because nothing has changed. His coercive habits, his double standards, his contempt, are all still there. The cycle is repeated because there is no reason why it wouldn't be.

Some abusive men don't follow a discernable cycle like the one I have just described. Your

partner's abusive incidents may follow no pattern, so you can never guess what will happen next. I have had clients who seemed almost to get a thrill out of their own unpredictability, which further increased their power. Random abuse can be particularly deleterious psychologically to you and to your children.

A CLOSER LOOK AT THE GOOD PERIODS

When an alcohol abuser goes a month or two without a drink, we say the person is “on the wagon.” The dry period is a break from the pattern and inspires some hope of a positive trend. But, with partner abuse, the periods when the man is being good—or at least not at his worst—are *not* really outside of his pattern. They are generally an integral aspect of his abusiveness, woven into the fabric of his thinking and behavior.

What functions do the good periods play? They

perform several, including the following:

- His spurts of kindness and generosity help him to feel good about himself. He can persuade himself that you are the one who is messed up, “because look at me, I’m a great guy.”
- You gradually feel warmer and more trusting toward him. The good periods are critical to hooking you back into the relationship, especially if he doesn’t have another way to keep you from leaving, such as financial control or the threat of taking the children.
- While you are feeling more trusting, you expose more of your true feelings about different issues in your life and you show him more caring, which creates vulnerability that he can use later to control you (though he probably doesn’t consciously plan to do this). During one

of Jesse's bad periods, for example, Bea would probably protect herself by telling him that she was taking a journalism class "just to get the English credits toward my college degree." But during a more intimate period, she might open up about her dream of pursuing a career in journalism, and he would say it was a great idea. And still later, when he was back in abuse mode, he would be armed with knowledge about her inner life with which to hurt her, as we saw in their argument.

- He uses the good periods to shape his public image, making it harder for you to get people to believe that he's abusive.

I have not encountered any case, out of the roughly two thousand men I have worked with, in which one of an abuser's good periods has lasted into the long term, unless the man has also done

deep work on his abusive attitudes. Being kind and loving usually just becomes a different approach to control and manipulation and gradually blends back into more overt abuse. I recognize how painful or frightening it can be for an abused woman to accept this reality, because those times of kindness, and the hope that comes with them, can feel like all you have left to hold on to, given how much he has taken away from you. But illusions of change also keep you trapped and can increase your feelings of helplessness or disappointment when he returns to his old ways. Real change looks very different from a typical good period—so different that you could scarcely mistake the two, as we will see in Chapter 14.

TEN REASONS TO STAY THE SAME

To answer the question “Why Does He Do That?” we have to examine the foundation on which abusive behaviors are based. On the first level are

the abuser's attitudes, beliefs, and habits—the thinking that drives his behavior day in and day out, which we have been looking at. On the second level is the learning process by which some boys develop into abusive men or, in other words, where abusive values come from, which is the topic of Chapter 13.

There is also a third level, which is rarely mentioned in discussions of abuse but which is actually one of the most important dynamics: the *benefits* that an abuser gets that make his behavior *desirable* to him. In what ways is abusiveness rewarding? How does this destructive pattern get reinforced?

Consider the following scenario: Mom, Dad, and their children are having dinner on a Wednesday night. Dad is snappy and irritable, criticizing everybody during the meal, spreading his tension around like electricity. When he finishes eating, he leaves the table abruptly and heads out of the room. His ten-year-old daughter

says, “Dad, where are you going? Wednesday is your night to wash the dishes.” Upon hearing these words, Dad bursts into flames, screaming, “You upstart little shit, don’t you dare try to tell me what to do! You’ll be wearing a dish on your face!” He grabs a plate off the table, makes like he is going to throw it at her, and then turns away and smashes it on the floor. He knocks a chair over with his hand and storms out of the room. Mom and the children are left trembling; the daughter bursts into tears. Dad reappears in the doorway and yells that she’d better shut up, so she chokes off her tears, which causes her to shake even more violently. Without touching a soul, Dad has sent painful shock waves through the entire family.

We move ahead now to the following Wednesday. Dinner passes fairly normally, without the previous week’s tension, but Dad still strolls out of the kitchen when he finishes eating. Does a family member remind him that it’s his

turn to wash the dishes? Of course not. It will be many, many months before anyone makes that mistake again. They quietly attend to the cleanup, or they squabble among themselves about who should do it, taking out their frustrations over Dad's unfairness and volatility on each other. Dad's scary behavior has created a context in which he won't have to do the dishes anytime he doesn't feel like it, and no one will dare take him to task for it.

Any incident of abusive behavior brings the abuser benefits just as this one did. **Over time, the man grows attached to his ballooning collection of comforts and privileges.** Here are some of the reasons why he may appear so determined not to stop bullying:

1. The intrinsic satisfaction of power and control

The abusive man gains power through his coercive and intimidating behaviors—a sensation that can create a potent, thrilling rush. The wielder of power feels important and effective and finds a

momentary relief from life's normal distresses. It isn't the woman's pain that appeals to him; most abusers are not sadists. In fact, he has to go to some lengths to shield himself from his own natural tendency to empathize with her. The feeling that he *rules* is where the pleasure lies.

Yet the heady rush of power is the bare beginning of what the abuser gains through his mistreatment of his partner. If the rewards stopped here, I would find it much easier than I do to prevail upon my clients to change.

2. Getting his way, especially when it matters to him the most

A romantic partnership involves a never-ending series of negotiations between two people's differing needs, desires, and preferences. Many of the differences that have to be worked out are matters of tremendous importance to the emotional life of each partner, such as:

- Are we spending Christmas (or whatever

holidays are most important to a particular couple) with my relatives, whom I enjoy, or with your relatives, who get on my nerves and don't seem to like me?

- Are we eating dinner tonight at my favorite restaurant, or at a place that I'm tired of and where the children seem to get wound up and irritating?
- Am I going to have to go alone to my office party, which makes me feel terrible, or are you going to come with me even though you would rather spend your evening doing almost anything else on earth?

It is important not to underestimate the impact of these kinds of day-to-day decisions. Your happiness in a relationship depends greatly on your ability to get your needs heard and taken seriously. If these decisions are taken over by an

abusive or controlling partner, you experience disappointment after disappointment, the constant sacrificing of your needs. He, on the other hand, enjoys the luxury of a relationship where he rarely has to compromise, gets to do the things he enjoys, and skips the rest. He shows off his generosity when the stakes are low, so that friends will see what a swell guy he is.

The abuser ends up with the benefits of being in an intimate relationship without the sacrifices that normally come with the territory. That's a pretty privileged lifestyle.

3. Someone to take his problems out on

Have you ever suffered a sharp disappointment or a painful loss and found yourself looking for someone to blame? Have you, for example, ever been nasty to a store clerk when you were really upset about your job? Most people have an impulse to dump bad feelings on some undeserving person, as a way to relieve—temporarily—sadness or frustration. Certain days

you may know that you just have to keep an eye on yourself so as not to bite someone's head off.

The abusive man doesn't bother to keep an eye on himself, however. In fact, he considers himself entitled to use his partner as a kind of human garbage dump where he can litter the ordinary pains and frustrations that life brings us. She is always an available target, she is easy to blame—since no partner is perfect—and she can't prevent him from dumping because he will get even worse if she tries. His excuse when he jettisons his distresses on to her is that his life is unusually painful—an unacceptable rationalization even if it were true, which it generally isn't.

4. Free labor from her; leisure and freedom for him

No abusive man does his share of the work in a relationship. He may take advantage of his partner's hard work keeping the house, preparing the meals, caring for the children, and managing the myriad details of life. Or, if he is one of the

few abusers who carries his weight in these areas, then he exploits her emotionally instead, sucking her dry of attention, nurturing, and support, and returning only a trickle.

All this uncompensated labor from her means leisure for him. During the hours he spends talking about himself he is relieved of the work of listening. The long weekend days when she cares for the children are his opportunity to watch sports, go rock climbing, or write his novel. My clients don't make the connection that *someone* takes care of the work; they think of it as just mysteriously getting done and refer to women as "lazy." Yet on a deeper level the abuser seems to realize how hard his partner works, because he fights like hell not to have to share that burden. He is accustomed to his luxury and often talks exaggeratedly about his exhaustion to excuse staying on his rear end.

Studies have shown that a majority of women feel that their male partners don't contribute fairly

to household responsibilities. However, a woman whose partner is not abusive at least has the option to put her foot down about her workload and insist that the man pick up the slack. With an abusive man, however, if you put your foot down he either ignores you or makes you pay.

The abuser comes and goes as he pleases, meets or ignores his responsibilities at his whim, and skips anything he finds too unpleasant. In fact, some abusers are rarely home at all, using the house only as a base for periodic refueling.

5. Being the center of attention, with priority given to his needs

When a woman's partner chronically mistreats her, what fills up her thoughts? Him, of course. She ponders how to soothe him so that he won't explode, how to improve herself in his eyes, how she might delicately raise a touchy issue with him. Little space remains for her to think about her own life, which suits the abuser; he wants her to be thinking about him. The abuser reaps cooperation

and catering to his physical, emotional, and sexual needs. And if the couple has children, the entire family strives to enhance his good moods and fix his bad ones, in the hope that he won't start tearing pieces out of anyone. Consistently at the center of attention and getting his own way, the abuser can ensure that his emotional needs get met on his terms—a luxury he is loath to part with.

6. Financial control

Money is a leading cause of tension in modern relationships, at least in families with children. Financial choices have huge quality-of-life implications, including: Who gets to make the purchases that matter most to him or her; what kinds of preparations are made for the future, including retirement; what types of leisure activities and travel are engaged in; who gets to work; who gets to *not* work if he or she doesn't want to; and how the children's needs are met. To have your voice in these decisions taken away is a monumental denial of your rights and has long-

term implications. On the flip side, the abuser who dominates these kinds of decisions extorts important benefits for himself, whether the family is low income or wealthy. One of the most common tactics I hear about, for example, is that the abuser manages to finagle dealings so that his name is on his partner's belongings—such as her house or her car—along with, *or instead of*, her name. In fact, I have had clients whose abuse was almost entirely economically based and who managed to take many thousands of dollars away from their partners, either openly or through playing financial tricks.

An abuser's history of economic exploitation tends to put him in a much better financial position than his partner if the relationship splits up. This imbalance makes it harder for her to leave him, especially if she has to find a way to support her children. He may also threaten to use his economic advantage to hire a lawyer and pursue custody, one of the single most terrifying

prospects that can face an abused woman.

7. Ensuring that his career, education, or other goals are prioritized

Closely interwoven with financial control is the question of whose personal goals receive priority. If the abuser needs to be out several evenings studying for a certificate that will improve his job advancement potential, he's going to do it. If a career opportunity for him involves moving to a new state, he is likely to ignore the impact of his decision on his partner. Her own goals may also advance at times, but only as long as they don't interfere with his.

8. Public status of partner and/or father without the sacrifices

With his strong people-pleasing skills and his lively energy when under the public gaze, the abusive man is often thought of as an unusually fun and loving partner and a sweet, committed dad. He soaks up the smiles and appreciation he

receives from relatives, neighbors, and people in the street who are unaware of his behavior in private.

9. The approval of his friends and relatives

An abuser often chooses friends who are supportive of abusive attitudes. On top of that, he may come from an abusive family; in fact, his father or stepfather may have been his key role model for how to treat female partners. If these are his social surroundings, he gets strokes for knowing how to control his partner, for “putting her in her place” from time to time, and for ridiculing her complaints about him. His friends and relatives may even bond with him on the basis of his view of women in general as being irrational, vindictive, or avaricious. For this man to renounce abuse, he would have to give up his cheerleading squad as well.

10. Double standards

An abusive man subtly or overtly imposes a

system in which he is exempt from the rules and standards that he applies to you. He may allow himself to have occasional affairs, “because men have their needs,” but if you so much as gaze at another man, you’re a “whore.” He may scream in arguments, but if you raise your voice, you’re “hysterical.” He may pick up one of your children by the ear, but if you grab your son and put him in time-out for punching you in the leg, you’re a “child abuser.” He can leave his schedule open and flexible while you have to account for your time. He can point out your faults, while setting himself above criticism, so that he doesn’t have to deal with your complaints or be confronted with the effects of his selfish and destructive actions. The abusive man has the privilege of living by a special set of criteria that were designed just for him.

GLANCE BACK QUICKLY over this impressive collection of privileges. Is it any wonder that

abusive men are reluctant to change? The benefits of abuse are a major social secret, rarely mentioned anywhere. Why? Largely because abusers are specialists in distracting our attention. They don't want anyone to notice how well this system is working for them (and usually don't even want to admit it to themselves). If we caught on, we would stop feeling sorry for them and instead start holding them accountable for their actions. As long as we see abusers as victims, or as out-of-control monsters, they will continue getting away with ruining lives. **If we want abusers to change, we will have to require them to give up the luxury of exploitation.**

When you are left feeling hurt or confused after a confrontation with your controlling partner, ask yourself: What was he trying to get out of what he just did? What is the ultimate benefit to him? Thinking through these questions can help you clear your head and identify his tactics.

Certainly the abusive man also *loses* a great

deal through his abusiveness. He loses the potential for genuine intimacy in his relationship, for example, and his capacity for compassion and empathy. But these are often not things that he values, so he may not feel their absence. And even if he would like greater intimacy, that wish is outweighed by his attachment to the benefits of abuse.

IS HE GOING TO GET VIOLENT?

An abusive man can be scary. Even if he never raises a hand or makes a threat, his partner may find herself wondering what he is capable of. She sees how ugly he can turn, sometimes out of the blue. His desire to crush her emotionally is palpable at times. He sometimes tears into her verbally with a cruelty that she could never have imagined earlier in their relationship. When a man shows himself capable of viciousness, it is natural, and in fact wise, to wonder if he will go even

further. Abused women ask me over and over again: “Do you think my partner could get violent? Am I overreacting? I mean, he’s not a *batterer* or something.”

Before I take you through a list of points to consider in examining this issue, make a mental note of the following:

RESEARCH INDICATES THAT A WOMAN’S INTUITIVE SENSE OF WHETHER OR NOT HER PARTNER WILL BE VIOLENT TOWARD HER IS A SUBSTANTIALLY MORE ACCURATE PREDICTOR OF FUTURE VIOLENCE THAN ANY OTHER WARNING SIGN.

So listen closely to your inner voices above all.

When a woman tells me of her concerns about her partner’s potential for violence, I first encourage her to pay close attention to her feelings. If he is scaring her, she should take her

intuitive sense seriously, even if she doesn't believe his frightening behavior is intentional. Next, I want to learn more about what has already happened:

Has he ever trapped you in a room and not let you out?

Has he ever raised a fist as if he were going to hit you?

Has he ever thrown an object that hit you or nearly did?

Has he ever held you down or grabbed you to restrain you?

Has he ever shoved, poked, or grabbed you?

Has he ever threatened to hurt you?

If the answer to any of these questions is yes, then

we can stop wondering whether he'll ever be violent; *he already has been*. In more than half of cases in which a woman tells me that her partner is verbally abusive, I discover that he is physically assaultive as well.

It is critical to use *common-sense—and legal definitions of what constitute violence, **not** the abuser's definition*. An abuser minimizes his behavior by comparing himself to men who are worse than he is, whom he thinks of as “real” abusers. If he never threatens his partner, then to him threats define real abuse. If he only threatens but never actually hits, then real abusers are those who hit. Any abuser hides behind this mental process: If he hits her but never punches her with a closed fist...If he punches her but she has never had broken bones or been hospitalized...If he beats her up badly but afterward he apologizes and drives her to the hospital himself (as several clients of mine have done)...In the abuser's mind, *his* behavior is never truly violent.

A related mental process reveals itself when a client says to me, as many do: “I’m not like one of those guys who comes home and beats his wife *for no reason*.” In other words, if he had adequate justification, then it isn’t violence. The abuser’s thinking tends to wend its way inside of the woman, too, like a tapeworm. The partners of my clients say things to me, such as “I really pushed him too far,” or “He’s never hit me; he just shoves me sometimes,” that almost certainly come from the abuser’s indoctrination.

To steer clear of these distortions, we need to wrestle the definition of violence out of the hands of the abusers and implement a proper one of our own. *Violence* is behavior that does any of the following:

- Physically hurts or frightens you, or uses contact with your body to control or intimidate you
- Takes away your freedom of movement,

such as by locking you in a room or refusing to let you out of a car

- Causes you to believe that you will be physically harmed
- Forces you to have sexual contact or other unwanted physical intimacy

Drawing on the above definition, we can answer important questions that arise:

Is it violence if he tells me he will “kick the crap” out of me but he never does it?

Yes. Threats of bodily harm are physical abuse. The woman ducks or cowers, she runs out of the room, she goes into hiding with her children. There are emotional effects as well, of course, as physical abuse is by nature psychologically abusive.

Is it violence if he pokes me?

Probably. Noncoercive men don't poke their partners in my experience. If it frightens you, causes you pain, controls you, or makes you start wondering what he will do next time, it's violence. Whether it will have these effects partly depends on what his history of past intimidation has been and on what his motives appeared to be in the specific incident. If he is repeatedly emotionally abusive, then a poke is definitely violent. In other words, context matters.

The abuser will of course deny that he meant to intimidate his partner; he just "lost his cool" or "couldn't take it anymore." He may ridicule her for being so upset: "You call a poke *violent*?? That's *abuse*?? You're the most hysterical, melodramatic person in the world!" To me, this bullying response makes clear that he did indeed have power motives.

I slapped him in the face, and he punched me and gave me a black eye. He says what he did was

self-defense. Is he right?

No, it was revenge. My clients often report having hit their partners back “so that she’ll see what it’s like” or “to show her that she can’t do that to me.” That isn’t self-defense, which means using the *minimal* amount of force needed to protect oneself. He uses her hitting him as an opening to let his violence show, thereby putting her on notice about what might happen in the future if she isn’t careful. His payback is usually many times more injurious and intimidating than what she did to him, making his claims of self-defense even weaker; he believes that when he feels hurt by you, emotionally or physically, that gives him the right to do something far worse to you.

He says that *I’m* violent, because I’ve slapped him or shoved him a couple of times. Is he right?

If your actions did not harm, frighten, or control him, they wouldn’t fit my definition of violence.

He labels you as violent in order to shift the focus to what *you* do wrong, which will just lock you more tightly in his grip. However, I do recommend that you not assault him again, as he might seize on it as an excuse to injure you seriously. Some women persuade themselves that they are holding their own by using violence too, saying, “I can take it, but I can also dish it out.” But over time you will find that you are the one being controlled, hurt, and frightened. Besides, hitting a partner is just plain wrong, except in self-defense. Use your own behavior as a warning sign that you can’t manage your abusive partner, and call an abuse hot line now.

QUESTION 11:

**WILL HIS VERBAL ABUSE
TURN TO VIOLENCE?**

If your partner has not used any physical violence yet, how can you tell if he is likely to head in that direction? These are some of the rumblings that can tip you off that a violent storm may come some day:

- When he is mad at you, does he react by throwing things, punching doors, or kicking the car? Does he use violent gestures such as gnashing teeth, ripping at his clothes, or swinging his arms around in the air to show his rage? Have you been frightened when he does those things?
- Is he willing to take responsibility for those behaviors and agree to stop them, or does he justify them angrily?
- Can he hear you when you say that those behaviors frighten you, or does he throw the subject back on you, saying that you cause his behaviors, so it's your own

problem if you're scared?

- Does he attempt to use his scary behaviors as bargaining chips, such as by saying that he won't punch walls if you will stop going out with your friends?
- Does he deny that he even engaged in the scary behaviors, such as claiming that a broken door was caused by somebody else or that you are making up or exaggerating what happened?
- Does he ever make veiled threats, such as "You don't want to see me mad," or "You don't know who you're messing with"?
- Is he severely verbally abusive?
(Research studies indicate that the *best* behavioral predictor of which men will become violent to their partners is *their level of verbal abuse*.)

Although these questions can help you determine the degree of your partner's tendency to violence, it is important to contact a program for abused women regardless of your answers; the fact that you are even considering his potential for violence means that something is seriously wrong.

If your partner is hurting or scaring you, consider seeking legal protection. In many states, for example, you can seek a restraining order even if your partner has never hit or sexually assaulted you, as long as he has put you in fear. Some states offer a woman the option of obtaining an order that allows the man to continue residing in the home but that forbids him from behaving in frightening ways.

Some approaches to assessing how dangerous your partner may be are covered in "Leaving an Abuser Safely" in Chapter 9. The advantages and disadvantages of taking legal steps are discussed in "Should I Get a Restraining Order?" in Chapter 12.

RACIAL AND CULTURAL DIFFERENCES IN ABUSE

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I find that the fundamental thinking and behavior of abusive men cut across racial and ethnic lines. The underlying goal of these abusers, whether conscious or not, is to control their female partners. They consider themselves entitled to demand service and to impose punishments when they feel that their needs are not being met. They look down on their partners as inferior to them, a view that often extends to their outlook on women in general.

At the same time, the particular *shape* that abusiveness takes can vary considerably among races and cultures. Abusers rely heavily on the forms of abuse that are most acceptable among men of their background. My white American clients, for example, tend to be extremely rigid about how their partners are allowed to argue or express anger. If the partner of one of these clients

raises her voice, or swears, or refuses to shut up when told to do so, abuse is likely to follow. Clients from certain other cultures are more focused on precisely how their partners care for the house and prepare meals. Their social lives revolve around food, so they expect to be waited on like royalty with a warm, creative, and tasty dinner every night. If the man shows up two hours late without calling, the meal is *still* expected to be warm somehow, or else. I find that clients from certain countries stand out for their fanatical jealousy, which can lead verbally to ripping into their partners for speaking to a stranger on the street for ten minutes or for dancing one number with another man at a party. Abusive men from one region of the world commonly hit their children with belts, a behavior that meets with stern disapproval from abusers from other parts of the world, who in turn may horrify the first group by taking custody of their children away from the mothers.

Not only abusive behaviors but also the excuses and justifications that accompany them are formed partly by an abusive man's background. Men of one group may rely more on the excuse of having lost control of themselves, for example, whereas others admit that their behavior is a choice but justify it by saying that they have to resort to abuse to keep the family from spinning out of control.

As we will see in Chapter 13, abusiveness in relationships is a problem that is transmitted from generation to generation by cultural training and therefore takes a unique shape within each society. But for the women (and often children) who are the targets of this cruelty, the cultural variations don't necessarily change the quality of life very much. Abusiveness can be thought of as a recipe that involves a consistent set of ingredients: control, entitlement, disrespect, excuses, and justifications (including victim blaming)—elements that are always present, often accompanied by physical intimidation or violence.

Abusive men tend to use a little more of one ingredient and a little less of another, substituting different tactics and excuses depending on their culture, allowing their partners certain rights and taking away others. But, despite the variations, the flavor of abuse remains pretty much the same. Abusers—and therefore their abused partners—have a tremendous amount in common across national and racial lines.

IS ABUSE OF WOMEN ACCEPTABLE IN SOME CULTURES?

I commonly run into the misconception that men from some national or ethnic groups behave much more abusively toward women than those in the mainstream of the United States and Canada. Social workers sometimes say to me, for example, “The family I am working with right now comes from one of those cultures where domestic violence is considered normal and acceptable.” The reality, however, is that cultural approval for partner abuse is disturbingly high in our society,

even among the privileged and educated (see Chapter 13), and our domestic-violence statistics while not the worst in the world, are on the high end. The United States is the only industrialized nation that has failed to ratify the UN convention on eliminating discrimination against women, which specifically refers to violence against women as a form of discrimination. Pointing fingers at other countries can be a way to ignore the serious problems in our own.

In reality, abuse of women—and societal approval of it—is a widespread problem in the great majority of modern cultures. The only places where it has been found not to exist are among some tribal peoples who are highly disapproving of all forms of aggression and who give women and men equal or nearly equal power.

Abusive men from some national backgrounds are very explicit and direct about their cultural or religious rules, which can make their attitudes appear to be unusually bad. A man might say, for

example, “God ordained that the man chastise the woman,” or he might say threateningly to this partner, “Part of a wife’s job is to give the man sex when he wants it.” Do white American abusers think in these ways less than abusers of other cultures do? No. They do often hide their beliefs better and, by doing so, can create the impression of being more “enlightened.” But the *directness* of a cultural message is not the same thing as its *strength*. I have worked with hundreds of nonwhite abusers from a spectrum of cultures and religions, with more than twenty different countries of origin among them, and I can assure you that my white, middle-class clients feel every bit as justified as the others and have attitudes toward women that are just as superior and disrespectful. As a product of white Anglo-Saxon Protestant culture, I am familiar with its centuries-old tradition of hiding its abuse of women under pretty packaging. Unwrapped, it doesn’t look very different.

SOME SPECIFIC CULTURAL EXCUSES AND JUSTIFICATIONS

Certain culturally specific rationalizations used by abusive men can be particularly confusing to women. For example, I find it fairly common for an abusive man of color to believe that the racial discrimination he has faced in his life excuses his mistreatment of his partner. If you complain to him that he is abusing you, he may accuse you of betraying him as a man of color, saying that you are siding with the white culture that has already torn him down so much. Because racism does remain a harsh reality, he may succeed in making you feel guilty for criticizing him or for trying to leave him. If your background is the same as his, he applies a double standard of racial solidarity; in his mind he isn't betraying his racial group even though he is abusing a woman of color, yet he considers *you* disloyal when you complain of his treatment or denounce him. He's got reality turned around backward: The one who is betraying

solidarity is him.

I have also had a few dozen clients over the years who belong to fundamentalist religious groups, usually Christian or Islamic fundamentalist or Orthodox Judaic. Abusive men from these groups tend to openly espouse a system in which women have next to no rights and a man is entitled to be the unquestioned ruler of the home. To make matters worse, these religious sects have greatly increased their political power around the globe over the past two decades. As a case in point, consider the growing influence of Christian fundamentalism in the United States. Women who live within these religious groups may feel especially trapped by abuse, since their resistance to domination is likely to be viewed as *evil* and the surrounding community may support or even revere the abuser. (Christian women living with abuse can find excellent guidance in *Keeping the Faith* by Marie Fortune. See “Resources.”)

Some of my African-American clients claim

that black women are too tough to abuse, and they may even claim to be victims of the women's violence. This claim is sometimes accompanied by descriptions of the black family as "matriarchal" or "female dominated." These exaggerations of cultural differences serve to cover up the fact that, according to the latest U.S. statistics, African-American women are abused at roughly the same rate as white women. It is true, in my experience, that black women sometimes fight back more than white women against a physically violent abuser (though many white women fight back also), but they don't come out any less injured, frightened, or controlled.

Finally, men of some tribal cultures develop abusive behaviors toward women after they have had extensive contact with modern societies for the first time. Tribal women have sometimes reported, for example, that when television came to their geographic areas, domestic violence came with it, as their men began to learn the violent and

male-dominant attitudes that characterize so much of modern culture. The tribal man thus may justify his abusiveness in terms of *progress* and *moving into the mainstream*, linking his ridicule of his partner to disparaging the overall tribal way of life, though some do the opposite, falsely claiming that tradition supports their oppressive behaviors.

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WHILE I HAVE FOCUSED here on cultural differences and similarities among abusive men, there is another situation in which race and culture are very important to abuse: when the abuser is white American (or Canadian) but his partner is a woman of color or an immigrant. The abuser in such a relationship tends to use racism as an additional tactic to insult and control his partner. Women of color who have white abusers can face considerable bias from police, courts, or child protective services. Some specific resources for abused women of color—regardless of the race of the abusive man—are listed in the back of this

book.

THE SAME-SEX ABUSER

Although most abusers are male and most abused partners are female, the reasons for this lopsided picture are social, not biological. Women sometimes abuse their lesbian partners, and men may be abused by their gay partners. The thinking that drives the behavior of lesbian and gay male abusers largely follows the patterns we have been examining. While it is true that some justifications used by heterosexual male abusers are not available to the gay or lesbian abuser—such as “I have the right to rule over you because I’m the man and you’re the woman”—the same-sex abuser replaces these with others that can be as powerful. The abused lesbian or gay man therefore can get as badly ensnarled as the straight woman.

First, let’s look at some of the things the same-sex abuser *can’t* do as easily (I am going to call

the abuser “she”):

- She won't be able to use sex-role expectations that are based on cultural or religious rules as easily as the straight male abuser can.
- She doesn't have as many social power advantages as a man who is involved with a woman does. (The straight male abuser can take advantage in multiple ways of the fact that we still live in “a man's world,” despite recent societal changes.)
- She may not be able to use size and strength to intimidate as easily as most straight male abusers do. In fact, she may be smaller or appear to be less “tough” than her partner.

The same-sex abuser compensates for these gaps in several ways. I will offer just a few

examples:

1. She may have an even deeper conviction than the straight male abuser that she couldn't possibly be abusive, no matter how cruel or even violent she gets, because abuse "doesn't happen" in same-sex relationships. She may sound so sure of herself on this point that she is able to convince her abused partner that what is happening is just normal relationship conflict.
2. She uses her partner's homosexuality against her. When she is angry, she may threaten to tell her partner's parents about their relationship or to call up her place of employment and "out" her, which could cause her to lose her job. If she is a violent abuser, she may tell her partner: "You think the police or the courts are going to help you when they

know you're lesbian?" The gay male abuser may tell his partner: "The police are just going to laugh at you when you tell them you are afraid. They'll tell you to act like a man."

The lesbian or gay male who is involved with a violent or threatening abuser does genuinely face discrimination from the police and courts, and the abuser knows this. In many states, for example, an abused person cannot obtain a restraining order to keep the abuser away if that person is of the same sex.

3. The same-sex abuser may get even more mileage out of playing the victim than the straight male abuser does. When a straight male goes around claiming that a woman is abusing him, he often meets with considerable skepticism—as well he should. But when we look at two people of the same sex, how are we to

tell which one is abusing power? A quick glance won't give us the answer. The result is that a same-sex abuser can often convince people around her, and sometimes even her own partner, that *she* is the one being abused. When lesbians or gay men go to agencies for help with relationship abuse, it is not unheard of for the abuser to say that she is the victim *and* for the victim to say that she is the abuser! Sometimes the abuser succeeds in getting support and sympathy for quite a while before service providers catch on to the fact that they are assisting the wrong person.

4. The abuser can sometimes get her wider community to be silent about the abuse, because everyone is already struggling with the negative social image of homosexuality. Many lesbians and gay men feel, quite understandably, that

awareness of abuse in same-sex relationships will be used by bigoted people as an excuse for further stereotyping and discrimination. And there's really no question that bigots will do exactly that. But silence is not the answer either, since it isolates and abandons abused lesbians and gay men and allows the abusers to go steamrolling forward over the lives of their partners.

The same-sex abuser may have had an extremely difficult life, and she may feel that anyone who labels her "abusive" is being unfair to her, given what she has gone through. She may have been banished from her family because of her homosexuality, barred from progressing in her career, or filled with secret shame during her adolescence. People in her social circle may have gone through similar trials and thus feel an instant

sympathy for her excuses. But nonabusive lesbians and gay men have also endured oppressive experiences because of their sexuality. Same-sex abusers, like straight male abusers, seize any excuse they can to absolve themselves of responsibility for their actions and to elicit sympathy.

Ultimately, the thinking and actions of lesbian and gay male abusers are more similar to than different from those of other abusers. Later on, when we explore the social roots of abusiveness, it will become clear why all abusers follow more or less the same template.

KEY POINTS TO REMEMBER

- For the most part, an abusive man uses verbally aggressive tactics in an argument to *discredit* your statements and *silence* you. In short, he wants to

avoid having to deal seriously with *your perspective* in the conflict.

- Arguments that seem to spin out of control “for no reason” actually are usually being used by the abusive man to achieve certain goals, although he may not always be conscious of his own motives. His actions and statements make far more sense than they appear to.
- An abusive man’s good periods are an important and integrated aspect of his abuse, not something separate from it.
- Abusive men find abusiveness rewarding. The privileged position they gain is a central reason for their reluctance to change.
- Abusive men tend to be happy only when everything in the relationship is proceeding *on their terms*. This is a major reason for the severe mood swings

that they so often exhibit from day to day.

- Violence is not just punches and slaps; it is anything that puts you in physical fear or that uses your body to control you.
- The styles of abusers vary by race, nationality, and sexual orientation. However, their commonalities far outweigh their differences.
- The turbulence, insecurity, and fear that your partner causes in daily life can make it hard to recognize his pattern of attitudes and behaviors. By taking a mental step back, you may begin to see recurring themes.
- Be cautious, and seek out assistance. You don't deserve to live like this, and you don't have to. Try to block his words out of your mind and believe in yourself. You can do it.

Abusive Men and Sex

He's not attracted to me anymore, which really hurts me.

It's easier sometimes to just give in.

He never hits me, but he did force me to have sex once.

*We both have an infection now, and he says it must have come from **me**, but I haven't had any affairs, so I know it's him.*

It seems like the only time we feel close is when we're making love.

LIBBY SCOWLED, the muscles in her face and neck tightening, as she described an abusive boyfriend she had left three years earlier. “Arnaldo never hit me, but he seemed to get a thrill out of being mysterious and terrifying. One day he described in graphic detail how he was going to torture and kill my cat, because he knew how precious my pets are to me. Another time he was giving me a massage, talking in this hypnotic, faraway tone, and he said, ‘When I was in Green Beret training, I learned about a certain spot in a person’s neck where, if you poke them hard and fast, you can paralyze them permanently.’” Libby found out later that Arnaldo had never been in the military. He had told other lies, too, like the one about his terminally ill grandmother who was going to leave him thirty thousand dollars. But his stories had all sounded so convincing. “He got me to support him for a year and to lend him a lot of money besides. I’m out five or six thousand dollars because of him.” Resentment rang through

her voice as she gained momentum. “I would be in such a different financial position right now if it hadn’t been for him. And I bought it when he promised to pay me back any day, always saying that the money was just about to arrive. What a con artist!” And she told me how Arnaldo would harangue her about being too skinny, so that she became shameful of her body. I couldn’t tell which was more potent inside of her, rage or grief.

Then, abruptly, Libby’s face softened. A hint of a smile formed at the corners of her mouth, and her eyes shined lightly as she focused on an image inside her mind. “But there was one thing that wasn’t like the rest with Arnaldo. Sex. Lovemaking with him was great. He was so completely *into* it. He would light candles and build the mood for a while. It would last a long time. He was so intense, and passionate. There was this drama around it that was so transporting. I have never experienced anything like it before. Or since, really. I wish I could capture just that

one part of the relationship. The rest was awful.”

Libby's story is not as unusual as you might think. When I interview partners of my clients, I always ask whether there has been any sexual mistreatment. It is not uncommon for me to hear the woman's voice lose its tension, as Libby's facial expression had, and hear her say with a certain lilt, “Oh, well, we've never had any problem in *that* area,” followed by a contented and slightly embarrassed chuckle. In fact, memories of the better aspects of their sexual relationship can be part of why a woman who has left an abusive partner feels so tempted to give him another chance.

But there is also the other extreme. I have had clients whose only interest in sex was for domination and degradation. For the woman, being in bed with this style of abuser can be a nightmare. He wants sex when he wants it, the way he likes it, and with little attention to how she may feel or what her needs might be. Sexual

episodes with him may feel like sexual assaults to her. As the partner of one of my clients said to me, “I don’t even want to go into it. It’s just ugly.”

The sexually abusive man won’t necessarily rape his partner in the literal sense of using physical force or threats of harm—though some do. Instead he may insult her when she declines his advances, call her names like “frigid” or “lesbian,” or snarl accusingly, “You must be getting it somewhere else, since you never want to make it with me anymore.” He may make her feel guilty about his sexual frustration, tell her that he feels like she doesn’t love him anymore, or say that a man must have his needs met. He may threaten infidelity: “Well, if you won’t have sex with me, I can find plenty of women who will.” And he may carry that threat out; many clients of mine have used affairs to punish their partners.

A woman named Cynthia recounted how her partner coerced her by using relentlessness: “If I don’t want to have sex with Ernie, he just goes on

and on, and he won't stop until I change my mind. He'll beg me, then he'll get crude and say I'm fucking someone else. Then it's nonstop insults. If I go to sleep, he wakes me up. Some nights I'm just exhausted after a while. So what do I do? Usually I finally give in. I can't stand to go through it. It ends up being better to just get it over with, even though it's awful, because then at least he lets me sleep."

When people think about forced sex, they picture physical assault. So when an abuser forces sex through pressure or manipulation or sleep deprivation, a woman doesn't know what to call it and may blame herself. Dozens of partners of my clients, including Cynthia, have said: "It's my own fault. I shouldn't give in to him." A woman can need some time and distance before she can come to realize that she was not responsible for her partner's sexual mistreatment of her, before she can even name what he did. An ex-partner of one of my clients said to me, about two years after

she and the abuser divorced, “Looking back on it now, I can see that I was raped over and over again for more than ten years.” And she was realizing how destructive his actions had been to her soul. Studies show that *women whose partners abuse them sexually can have some of the greatest emotional difficulties, including depression, of any abused women.*

HOW MANY ABUSIVE MEN LOOK AT SEX

Arnaldo, the sexually amazing abuser, and Ernie, the sexually degrading abuser, are not as different as they may seem. Their underlying orientation toward sex is similar. One style of abusive man may behave in a sexually appropriate manner for the early period of a relationship, and then one night from hell he may broadside his partner with aggressive, degrading sex or even force her outright. The woman is left in shock, heartbroken

and betrayed, feeling that her life has been turned upside down. A few of the women I've worked with have even told me of the anguish of being sexually assaulted on the night of their wedding or within a few days thereafter. With other abusive men the change may be gradual rather than abrupt, the early months of exciting and loving sexuality blending slowly into arm-twisting and ugliness. When we look inside the abuser's mind, we often find that dazzling lovemaking and spirit-murdering sexual aggression can actually be two aspects of the same mind-set.

Before I take you through the details and subtleties of how abusive men typically approach a range of sexual issues, I want to emphasize the underpinnings of the sexual mentality of many abusers, the foundation that often supports the rest of the structure.

1. IT'S FOR *HIM*

The abuser's orientation toward sex is likely to be self-involved. Sex to him is primarily about meeting *his* needs. He may put some effort into creating pleasure for his partner, but probably not because her satisfaction, or sharing a mutual experience, is important to him. He is invested in having her reach orgasm so that he can see himself as a great lover. He wants to be erotic because he believes that his sexual prowess will enable him to dominate women. Of course, any lover gets some pride out of bringing pleasure to a partner. But to many abusive men, that's the *only* reason why the woman's satisfaction matters. Everything refers back to him.

An abusive man commonly rolls all of his emotional needs into one tremendous bundle, which he expects sex to be able to carry. He tends to have little real heart-to-heart connection with his partner, since a man cannot be truly close to a woman he is abusing. (Although his partner may feel very *attached* to him through traumatic

bonding, and he may feel very *attached* to having her meet his various needs, attachment and closeness are two different things.) So he compensates for the lack of genuine intimacy by elevating sex to the highest plane, burdening it with the responsibility of providing for him all the emotional satisfaction that he is not receiving elsewhere in his relationship.

2. SHE OWES HIM SEX.

My clients commonly believe that a woman gives up her right to decline sex once she becomes seriously involved with a man. It's her responsibility to have sex with him to make him feel loved, to meet his sexual needs, or simply because that's her job. The specific point at which she loses her right to say no varies from abuser to abuser. For some, the gateway to sexual domination is the first time they have sex. In other words, she has the right to say no as long as she

always says no, but the first time they actually make love, she forfeits her option to turn him down from that day forward. I find this particularly true of my younger clients. To other abusers, marriage is the moment when her body is transferred to his ownership. To still others, moving in together is the demarcation line.

A majority of my clients seem to believe that the woman loses her right to refuse him if the man determines that it has been “too long” since they have had sex. The definition of how many days without sex is too many differs for each abuser, but he watches his internal clock and expects access when the alarm goes off. Her decision not to have sex may be respected up to that moment, but then his entitlement tends to take over.

In a typical abusive inversion, my clients often attempt to convince me that they are the sexual victims in their relationships. As one man said: “My partner uses sex to control *me*, that’s how women jerk men around. Women are the ones that

really have the power over men because they know they have what we want the most, and they have the power to shut us out. My wife wants me to be her little puppy dog, begging and drooling and wagging my tail, that's the only way I'll get sex. The underlying attitude comes bursting out of his words: He believes his wife is keeping something of *his* away from him when she doesn't want intimate contact. He sees sexual rights to a woman as akin to mineral rights to land—and he owns them.

3. SEX IS A WAY TO ESTABLISH POWER AND DOMINANCE.

We have been looking at the abusive attitude that says: “We have sex because I have power over you.” On the flip side of that outlook is an equally prevalent aspect of abusive thinking: “I have power over you because we have sex.” In this respect his sexual actions are like those of a

tomcat marking territory. Once he has “gone all the way” with a woman, he feels that he owns her, or at least owns a piece of her. Both the kinder and more cruel aspects of the sexuality of abusive men can spring from the use of sex to establish dominance.

One quarter or more of my clients cheat on their partners repeatedly. These men seem to get excitement from establishing their power over women in general, by demonstrating their ability to get sexual access. An abuser may get all this sex by creating an image of himself as a stupendous lover; by telling woman after woman that he is in love with her and that he is planning to leave his partner for her “as soon as I can break the news to her, but I just need a little time to let her down easy”; by using drugs or alcohol to impair a woman’s ability to resist, or by force and intimidation. This man is heavily focused on “scoring,” and the actual effect he has on the lives of these women, from broken promises to sexually

transmitted infections, never seems to hit home for him.

Sexual access to lots of different women may not only make him feel powerful vis-à-vis women but also in relation to other men. If he feels competitive with men, he can demonstrate his superiority by having more notches in his belt, “bagging” women like deer. He may surround himself with men who share his view that high status in the pecking order accrues to those who can control or exploit the most women. (See “The Player” in Chapter 4.)

For those abusers who are not chronically unfaithful to their partners, this competition with men may still exist, perhaps taking the form of desiring to have the most beautiful or sexy partner and wanting other men to see how he owns and controls her. His partner may be flattered by his pride in her at first, but gradually she comes to feel that she is being used as a showpiece, with her humanity ignored.

4. HE SEES HER AS A SEX OBJECT.

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An abuser who exhibits any one of the sexual attitudes described above—or all three—has to distance himself from his partner's thoughts and feelings in order to avoid guilty feelings about how he is using and wounding her sexually. One way he may do this is by seeing his partner as a sex object, as if she were a pornographic photo rather than a person, devoid of emotions or ambitions, free of any need for personal integrity or safety. This style of abusive man looks at his partner as a machine to be used for his sexual use. This depersonalizing of his partner can, in the long term, be as psychologically injurious to her as any of his other abusive behaviors. Partners of my clients sometimes tell me:

“He just makes me feel gross.”

“I feel dirty and slimed on.”

“He makes me feel cheap.”

“The sexual stuff he does is what has really ruined my self-esteem.”

“It’s been years since I’ve had sex that really felt loving or voluntary. With him it seems more like he thinks he’s winning a war or something. It’s like an invasion. I hate it.”

Dehumanization can be a sickening, horrible experience for the person at whom it is directed. If you are involved with a sexually exploitative partner, you may find that sex is sometimes, or perhaps always, a nightmare. Exploitative, rough, coercive, uncaring sex is similar to physical violence in its effects, and can be worse in many ways. And part of why it feels so degrading is that a woman can sense the fact that in her partner’s mind she has ceased to exist as a human being.

Abusive men who have these kinds of attitudes of sexual ownership sometimes refuse to use birth

control or to practice safe sex. I have had numerous clients, for example, who have conceived children through sexual assaults on their partners. The implications of these kinds of sexual abuse for a woman—and for her children—are very serious.

BACK TO MISTER AMAZING

Having laid out the worst aspects of the sexual mind-set of many abusive men, we now can go back to reexamine Arnaldo, the sexually exciting and engaging abuser. Ironically, part of why he is so sexually dynamic is that he is profoundly self-involved. He can create a vibrantly sensual lovemaking experience because of how engrossed he is in seeing himself as an awe-inspiring person. (This is connected to why severely self-centered people in general, not just abusive men, can often be charismatic and seductive.) When Mr. Amazing is lighting the candles, choosing the

music, and using his soft, smooth voice to conjure the sexual mood, you may be thinking, “Wow, this is so amazingly deep, and here we are going through this together.” But in reality the abuser is secretly off in a world by himself, engaged more with his fantasy than with you.

Mr. Amazing is enraptured for another reason. He finds possession enthralling. He feels like he is entering a magical realm where you belong to him totally, where he can be the ultimate master and you his unquestioning and contented slave. He craves, in short, a sexual partner with no mind or will of her own.

Finally, on some level he hopes that his ability to transport you sexually will tie you to him, so that he can have power over you in other, nonsexual ways. And, in some relationships, the abuser’s belief in the power of his sexuality is self-fulfilling: if much of the rest of the time he acts cold or mean, the episodes of lovemaking can become the only experience you have of loving

attention from him, and their addictive pull thus becomes greater. In this way he can draw you into being as dependent on sex as he is, although for very different reason.

THE ABUSER WHO ISN'T INTERESTED IN SEX (AT LEAST NOT ANYMORE)

Not every abusive man is pressuring or demanding with respect to sex. In fact, a substantial number of the partners of my clients complain of the opposite problem: The man has lost sexual interest almost completely, and the woman is feeling rejected and hungry for sex and affection. His drop in sexual energy can be propelled by several forces, including:

- A substantial proportion of abusive men are sexually shallow and so are only attracted to women with whom they have not had sex or to those they have been with only a few times. Your partner may

not be interested in the kind of deep connection needed to sustain a lively sexual relationship over time and instead is off pursuing his latest fantasy of a great sexual relationship. His body may not be cheating yet, but his mind is.

- Similarly, he may be incapable of sustained sexual attraction to any woman who doesn't meet his exaggerated ideal. He may want a woman with perfect features and a flawless body, like the airbrushed models in magazines. He may lose interest rapidly in a real-life woman whose body changes over time (from childbearing, for example, or simply from age) or one who, on close examination, is revealed to have blemishes or imperfections, as any real human being does. He'll never find his dream girl because she doesn't exist, but he may pour a lot of his time and mental energy

into the search—and into punishing you for not being her.

- He may be attracted primarily to sex involving domination, referred to by some researchers as *the sexualization of subordination*. As your relationship progresses, he may feel disappointed to discover that you don't fit his fantasy of a concubine—submissive and servile.

There may be ways in which you stand up to him, refusing to relinquish certain aspects of your life or thoughts to his control. Some abusive men unfortunately have difficulty in achieving sexual arousal once they discover that a woman is determined to be her own person.

- He may be punishing you for some way you have challenged him, or for times when you have not felt like having sex with him. It is common for abusive men to withhold sex as a control tactic.

- If he is indeed having an affair, his energy for sex at home is bound to be siphoned off some. The chances that he is carrying a dangerous infection are also rising. If you have any concerns that your partner may be cheating on you, be sure to insist on safer sex practices. If requiring him to use safe sex feels dangerous to you because of how he may react, call a hotline for help right away.
- He may be addicted to drugs or alcohol. Some substance abusers lose their sex drive.
- He may be gay. A small number of my clients have eventually admitted to their partners, or to me, that they are primarily attracted to men. In a slightly larger but still small number of cases, the man never admits that he is gay, but the woman either catches him with a man or realizes that he spends most of his time

at gay hangouts or with gay friends. Just because a man is gay doesn't mean that he can't be abusive to women. He may, for example, use a female partner as a window dressing to give him social respectability, diverting attention from his homosexuality. This is simply another example of how abusive men, straight or gay, tend to use women for selfish purposes.

- He may ration out sex as a way to gain power, sensing that you will try extra hard to keep him happy in hopes of getting him interested in lovemaking.

As I have discussed, abusive men tend to move between extremes, from loving and attentive to hateful and intimidating, from being overly involved in the minute details of your life to expressing no interest, from showing exclusive concern with what is good for you to being

unboundedly selfish. The swing from electric sexual charge to loss of all sexual desire can increase his power just as the other highs and lows do.

SEX AS A CURE-ALL

A baffling question arises over and over again among the female partners of my clients: “Why does he want to have sex right after an incident in which he has been horrible to me? Sex is the *last* thing on my mind at that moment.”

QUESTION 12:

WHY DOES HE WANT SEX AFTER ABUSING ME?

Contrary to what some abusive men seem to believe, women do not find abuse sexy. When a woman’s partner calls her “bitch” or “whore,”

mocks her, or physically intimidates her, the image of entwining herself intimately with him recedes far from her mind. How can you “make love” after someone has just treated you in a way that feels more like hatred? Abusive men do not grasp how ugly they appear when acting cruel.

So why are *his* feelings so different? Does abuse turn him on? Perhaps. Some men do appear to find abuse arousing, probably because they associate sexuality with domination. But other reasons why he might want sex after mistreating you are more common, including:

- He is seeking a quick-fix for his abusive behavior. He feels that if you have sex together, it proves that his verbal degradation or his violence is not that serious, that you aren't hurt by what he did, and that everything is forgiven and forgotten.
- He wants to reassure himself that his

abuse isn't going to cause you to pull away from him emotionally or sexually. In fact, pursuing sex after abuse can be an expression of the man's entitlement, as if to say, "Even if I'm mean to you, I should still get to have sexual access."

An incident of abuse leaves the abusive man with a bad taste in his mouth, which he wants to chase away quickly, and sex helps him do that. But the woman can't drive *her* anguish off so easily, as it runs much too deep. Unfortunately, the abuser's self-focus makes him unwilling to understand that difference.

SEX AS A WAY TO KEEP WOMEN DIVIDED

Some of my clients are the focal points of swirling wars among females who hate each other passionately. The man creates and feeds these battles by being sexually unfaithful, making

promises to various women that he's going to pursue a long-term relationship with each one of them, bad-mouthing women to each other, getting women pregnant, and making them feel sorry for him. (See "The Player" in Chapter 4.) By getting women to channel their energy into fighting with each other, he escapes confrontation or accountability for his own actions and gets women to focus on meeting his needs and keeping him happy. Here are a couple of the approaches that clients of mine have used:

Chris and Donna

Chris makes his partner, Donna, insecure by frequently looking hard at other women or speaking flirtatiously with them and by spending a lot of time on phone calls for which he has odd explanations. He likes Donna to be aware that a lot of women are interested in him, so he drops suggestive comments from time to time. He pretends that he feels hostile toward these women, whom he accuses of "trying to tear us apart

because they want to be with me.” When Donna starts to hear rumors that he is sleeping around, and when one woman finally tells her outright that she has been having an affair with Chris, he tells Donna that these are lies designed to drive wedges between them. Donna spends a lot of time wondering whether Chris is really telling the truth and hating the women who are trying to take her man away from her.

Sam and Nancy

A few years into his relationship with Nancy, Sam has a secret affair for a couple of months with a woman named Zoe. He finally cuts off the affair and confesses to Nancy. He claims that Zoe seduced him and that he knew all along they shouldn't have been seeing each other, but he was afraid of hurting her because she seemed deeply depressed, so he kept postponing the decision to end it. “Zoe kept saying that she and I are right for each other, but I always knew it was just a fling and that I belong with you. She just wouldn't

listen, though.” He says that what finally prompted him to break things off with Zoe was her unkind comments about Nancy, which he quotes to her. Nancy becomes furious at Zoe upon hearing about her insults.

A year or so later, Nancy senses that Sam is drifting from her, including losing interest in sex. She snoops around a little and discovers that he is involved with Zoe again. She demands that Sam stop seeing her and he reluctantly agrees, but two months later he is involved with her again. “I don’t know how to explain it,” Sam says, “because I don’t have feelings for her like I have for you. She just has some hold over me. It’s a sexual thing I guess. I just can’t seem to say no.” Nancy comes increasingly to hate Zoe for ruining her relationship.

Meanwhile, Sam uses his tortured feelings about being “caught between two women” as an excuse for mounting abuse. For example, Nancy confronts him one day about lying to her and

stealing her money. Sam responds by apologizing and explaining that he feels guilty and torn about his relationship with Zoe. He says that he stole the money to buy something for Zoe because she was so depressed that he was afraid she might try to hurt herself. Years go by, and he is still putting off making a clear choice between the two women, so their mutual bitterness is deep.

Over this period Sam's treatment of Nancy gets progressively worse, including one incident in which he knocks a table over onto her leg. He doesn't show any signs of using his abusive behaviors with Zoe, which makes Nancy hate her all the more. Zoe, meanwhile, goes around telling people: "Nancy treats Sam so badly; he is so hurt by her. He's told me all about how mean she is to him, and that's why he wants to be with me. The reason he has trouble divorcing her is that they go back a lot of years together and their families are friends of each other, but he's almost ready."

Both of the above scenarios involve an abusive

man who keeps getting women to focus on each other's behavior rather than his. He relies partly on popular negative stereotypes of women, from which women themselves are not immune.

Women are conditioned, for example, to see one another as catty, conniving, and eager to steal men from other women. Meanwhile he gets to remain a player, which is what he wants. On a couple of occasions, my colleagues and I have overheard clients in the waiting area joking and laughing about ways in which women fall for these machinations, as if their ability to get away with it reinforced their masculinity.

HOW TO STOP THIS ROUTINE

Women can interfere with these manipulations if they keep the following principles in mind:

1. An abusive man lies a lot. Don't believe what he tells you about what is happening in his relationships with other women, including what those

- women have supposedly said about you.
2. Communicate directly with other women as much as possible to compare stories about what he is saying and doing, so that he can't play you off against each other.
 3. If a man cheats, that is 100 percent his own responsibility. Don't let him channel your anger toward the other woman as if he were the helpless victim of a seduction. Abusive men love to portray themselves as unable to control their hormonal urges, which is nonsense.
 4. Apply the principle of "no third chances." When a man, especially an abusive one, cheats for the second time, that means that more affairs will follow, no matter what promises he may make.
 5. Many women want to have a sexually

intense partner, which is fine; men don't have to cheat to be sexy. Abusive men love to create the impression that their sexual wandering is a product of how passionate they are. But the reality is that sexual passion and faithfulness are entirely compatible. The reason he cheats is because he is a manipulator, not because he's sexy.

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THE ROLE OF PORNOGRAPHY

In pornography that is geared toward heterosexual men, women are portrayed as very simple. They are always in the mood for sex, and they never say no. They have no sexual needs—or needs of any kind—of their own; all they seem to care about is the man's pleasure. They require no commitment, no sacrifice, and little money. When a man is finished with them, he turns off the video or closes the magazine, and they're gone. What could be

easier?

Most pornographic images regrettably fit well with the abusive mind-set. The woman is available and submissive. Reduced to a body, and usually further reduced to just her sexual organs, she is depersonalized. The man owns her, literally, because he owns the video or magazine or computer image. The woman is sometimes even depicted as being sexually excited by verbal abuse, roughness, violence, or even torture. Cartoons and jokes in pornography often insult or degrade women and their anatomy, or even make rape appear funny, feeding anti-female ways of thinking.

For many abusive men, pornography has shaped their sexuality since they were teenagers or even younger. It has helped to form their view of what women are like and what they ought to be. When a graduate of what I call “The Pornography School of Sexuality” discovers, for example, that his partner does not find a slap in the face

arousing, he thinks that's evidence of something wrong with *her* sexually, not him. His mind-set is: The women in the magazines and videos all like it, so why don't you? A large percentage of abused women report that they have been pressured one or more times to behave like the women in pornography, often to the point of acting out a specific scenario that the man finds enticing but that she experiences as repulsive, frightening, or violent. Abusers thus sometimes directly model their sexual interests on stories or images from pornography.

Partners of my clients report to me on their efforts to set limits regarding the presence of pornography in the house, especially where children might get access to it. These women have good instincts. Abusive men absolutely need to be kept away from pornography, as it feeds the precise thinking that drives their abusiveness. Women who like to use pornography themselves should try to avoid doing so with an abusive

partner.

I have received numerous reports over the years from women who have told me that they were being pressured or required by their abusive partners to watch pornography. This seems largely to be a strategy to break down the woman's resistance to performing certain sexual acts the man wants, although the actual effect is often to increase her repulsion rather than to create desire. Pornography tends to be filled with abuse of women, so his drive to make her watch it can also come from wanting to prove to her that his degrading treatment is normal.

WHAT ABOUT SEX THAT INVOLVES *GAMES* OF FORCE OR VIOLENCE?

Is all sex play that involves adopting roles of domination or force abusive, even if it's consensual? This is a highly controversial question among heterosexuals as well as lesbians

and gay men. My opinion is that the answer is no. The key words, however, are *consensual* and *play*. For example, couples who play sex games involving force need to have a mutually established signal that means “I want you to stop for real,” and that signal must be respected. If one partner gives the “stop” signal and the force doesn’t immediately cease, what is occurring is sexual assault, not lovemaking.

Here is another critical point: *The meaning of what happens during sexual play is determined by the context of the relationship.* If partners are consistently kind to and respectful of each other in daily life, they can probably share kinky lovemaking without making either person feel unsafe or degraded. But in an abusive relationship these lines are too blurry. It’s a stretch to call *any* sexual contact fully consensual when it takes place in an atmosphere of abuse; the woman is always having to gauge whether her partner will react abusively if she says no to a particular sex act, so

her choices rarely feel truly free. Many abusers get a thrill out of taking sex play too far, to where it isn't play any more and causes genuine pain or fear. When the woman tells him later that she felt assaulted or raped, he may respond disparagingly, "We always play games like that. Come off it." When she tries to explain why the sex felt so bad, he isn't willing to listen, mostly because he *knows* it was not consensual this time, and he got a charge out of that.

When you are being mistreated in a relationship, stay away from force scenarios during lovemaking, even if the times when your partner does stay within appropriate limits are fun. Other times it isn't going to be fun at all. If you can say no to those games without running the risk of being attacked, do so. These kinds of games can only be played safely in a nonabusive relationship.

SEX AND DOUBLE STANDARDS

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The double standards that are endemic to abusers can stand out sharply in the sexual arena. The most obvious one involves outside relationships. The abuser who has frequent affairs is often the same one who interrogates his partner about her movements and social contacts and goes ballistic when he has the slightest suspicion that she is developing any kind of connection—sexual or otherwise—to another man. He may enjoy looking over other women from head to toe as he and his partner walk down the street, but if she gives so much as a sidelong glance at a male, he screams at her and calls her a “slut.”

A popular justification for this double standard is that men have an inherent need to be with many different women, whereas women want to be monogamous. Over the years I have had many clients use such sociobiological arguments with me, saying that from a genetics standpoint males have reason to desire sex with as many different females as possible, while females succeed best—

in evolutionary terms—if they choose their partners carefully. You might call this the “human beings are basically baboons” argument. In reality, there are plenty of examples of stable monogamy in nature. But these arguments are ultimately beside the point; there is simply no excuse for double standards or for any other aspect of abuse. (I sometimes ask my clients, when they attempt to lead me into this theoretical quagmire, “Do you cook your meat before you eat it?” When they answer that of course they do, I say, “Isn’t that awfully unnatural? I’ve never seen any other animal doing such a peculiar thing.” Human behavior can only be measured by human standards.)

My clients sometimes pressure their partners with the myth that men can suffer physical pain or damage if they become sexually aroused and are not satisfied. Of course, I have never heard them claim that this risk applies to unsatisfied women.

A fair number of my clients have imposed an

additional double standard, according to which the woman is expected to consent to sex any time the man is in the mood, but she is never supposed to initiate sex herself. As one partner of a client said to me: "If I'm in the mood, I have to make sure not to let it show too much, because he shuts it off real fast if it's coming from me." Nothing could better illustrate the way in which an abuser's approach to sex reflects his overall orientation toward power and control. He wants to run the couple's sex life, and he doesn't want her needs interfering with his fantasy in any way. He prefers the two-dimensional women in the magazines, who never come to him asking for anything.

SEX AND VULNERABILITY

For most women (and perhaps for most nonabusive men as well) sex is an area of emotional vulnerability. An abuser's charm during the better periods of a relationship can lead his

partner to open up to him about deeply personal and potentially painful issues. Sexual relations then add an additional layer of vulnerability, as the abuser learns about the woman's sexual likes and dislikes and about her previous sexual experiences. She may confide in him about some sexual victimization she suffered earlier in life, or about a period of promiscuity she went through, or about "hang-ups" or sexual difficulties that she has. The abusive man tends to make mental note of the highly personal knowledge he gains. At another phase in the relationship, when things turn ugly, his partner may find that her vulnerabilities are being thrown back on her. If she revealed to him earlier that she sometimes has difficulty reaching orgasm, he now may be throwing words like *frigid* and *cold fish* in her face. If she shared any discomfort regarding sex, he now will call her *uptight* and *repressed*, especially when she doesn't happen to like what *he* likes. (To the abuser, *sexual liberation* means the freedom to do

whatever *he* wants.) If she told him about suffering child sexual abuse or previous experiences of rape, he now will characterize her as being permanently damaged by those violations or use her past to discredit her current grievances. “That’s why you think I don’t treat you well, because you were abused before. It’s not me.” In some of my cases the abuser has even spread private sexual information about his partner in public, including her sources of shame, thereby humiliating her and making it difficult for her to continue being around other people. Other clients of mine have been careless or insensitive regarding the risk of pregnancy or of communicating sexually transmitted diseases, increasing the woman’s sense of violation.

The shock to a woman of having her deepest vulnerabilities thrown back in her face by someone she has loved and trusted can cause a burning pain unlike any other. This is intimate psychological cruelty in one of its worst forms.

SEXUAL ASSAULT IS VIOLENCE

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Over the years I occasionally have had clients who do not punch, slap, or physically hurt their partners but have repeatedly forced them to have sex through threats, intimidation, or physical force, including holding the woman down. The partner of this style of abuser sometimes says, “He was never violent to me,” despite describing a degrading and debilitating history of coerced sex. But sexual assault *is* violence. An abuser who forces his partner to have any form of sexual relations against her will is physically battering her. There is a societal tendency not to recognize the violence present in sexual assault, which can make it more difficult for a woman to understand her own reactions and reach out for help. If you feel like you have been sexually violated by your abusive partner, trust your own perceptions and call an abuse or rape hotline (see “Resources”).

Repeated studies have demonstrated that men

who embrace certain key myths about rape are more likely to carry out a sexual assault. The misconceptions include the belief that women find rape arousing, that they provoke sexual assault with their style of dress or behavior, and that rapists lose control of themselves. These myths are easy for many abusive men to accept, because they are consistent with the other characteristics of an abusive outlook on female partners. It is not surprising, then, that the risk to an abused woman of being sexually assaulted by her partner is high. I also have had clients who use sexual assault to *punish* their partners, sometimes because of anger directly related to sex and sometimes not, including some who have raped their ex-partners for leaving them. The impact of such assaults can be devastating.

SEXUALITY IS a central arena in which the abuser's relationship to power is played out, including power over his partner's reproductive

process. Although he may appear to keep his abusiveness separate from your sex life, closer examination of the dynamics of his conduct may persuade you that he carries his core attitude problems right into the bedroom with him. The subtle undercurrent of “sexualization of subordination” can take some time to identify. It is rare, unfortunately, for any aspect of an abuser’s relationship with his partner to remain untouched by his entitlement and disrespect.

KEY POINTS TO REMEMBER

- The abuser often believes that the ultimate decision-making authority regarding sex rests with him. He may see his partner as his sexual possession.
- Sex with an abuser can be especially good, but it can also be a horror show. The two extremes actually result from

similar attitudes in the abuser's mind-set regarding sex.

- The majority of abusers sexualize power, including some who find violence sexually exciting.
- Since sexuality is an area of particular vulnerability for most women, an abuser may use any of your sensitivities against you.
- If you feel uncomfortable about sexual interactions with your partner, listen carefully to your inner voice regarding what is good for you. An abusive man will try to tell you that your discomfort is your own problem rather than a product of his coercive, disrespectful, or humiliating sexual behavior.
- Women (and men) can heal from injurious sexual experiences, but healing is not likely to happen while abuse

continues in the present. Attaining an abuse-free life is thus the first step to sexual wellness.

Abusive Men and Addiction

If I could just get him to stop drinking and smoking pot, the abuse would stop.

He's completely different when he's drinking—he turns mean.

*He has stopped drinking, and now he says that **I** have a problem with alcohol.*

I try really hard not to upset him, because when he gets mad he drinks.

He can be a terror when he doesn't have pot. He's a lot easier to deal with when he's stoned.

THE ROLE THAT ALCOHOL, drugs, and other addictions play in abusiveness has been greatly misunderstood. A majority of abusers are not addicts, and even those who do abuse substances mistreat their partners even when they are not under the influence. Abusive men who succeed in recovering from an addiction continue to abuse their partners, although sometimes there is a short break in their worst behaviors. Physically violent abusers sometimes refrain from violence for a substantial period of time when they get sober, but their psychologically abusive treatment continues or even worsens. *Addiction does not cause partner abuse, and recovery from addiction does not “cure” partner abuse.*

At the same time, a man's addictions can contribute in important ways to his cruelty or volatility. A drunk or drugged abuser tends to make his partner's life even more miserable than a sober one does. The trick is to separate fact from fiction, including the myths perpetrated by abusers

themselves, regarding how addiction affects the abusive man and his partner.

NOT ALL SUBSTANCE ABUSERS ARE ABUSIVE PARTNERS

Part of how we know that partner abuse is not caused by substances is that many alcoholics and drug addicts are neither mean to nor controlling of their partners. Some alcoholics drink only late at night, or they drink away from home and return only to pass out. Some become passive and pathetic, not belligerent or domineering. A certain number even provide fairly responsibly for their families and take good care of their children, at least during the early years of their addiction. In such cases the man's substance abuse certainly causes serious problems for his partner and children, but the atmosphere differs sharply from that of a home where a partner abuser lives. And while substance abusers can be male or female,

abusive partners are overwhelmingly male.

NOT ALL ABUSIVE PARTNERS ARE SUBSTANCE ABUSERS

We can further uncouple addiction from partner abuse by observing that a clear majority of partner abusers do not abuse alcohol or drugs or show other signs of addiction. Even if we restrict our discussion to physically violent abusers, I still find addiction present less than half of the time, and most researchers report similar observations.

In short, partner abuse and substance abuse are two separate problems. Both are rampant in the world today, so it is no surprise that they often turn up in the same person, along with dandruff, acne, college degrees, and various other noncausal factors.

ISN'T PARTNER ABUSE ITSELF A TYPE OF ADDICTION?

No. Partner abuse has its own causes and dynamics that are unrelated to addiction, although it also shares some features. In recent years some counseling programs have sprung up that claim to address substance addiction and partner abuse at the same time, but they are selling false hopes. A doctor theoretically may be able to develop specialties in both brain surgery and pelvic reconstruction—although it would be very difficult, given the complexities involved—but if he or she claims to perform *one* procedure that can solve a problem in *both* areas, you shouldn't buy it. The differences between abusing women and abusing substances are great enough that they have to be addressed in separate ways.

HOW PARTNER ABUSE AND ADDICTION ARE SIMILAR

The ways in which partner abuse resembles addiction include the following:

- *Escalation*

Alcoholics tend to find that they are drinking increasing amounts, or with increasing frequency, or both. This escalation is caused partly by *tolerance*, which means that the body adapts to the substance, so that more is required to have the same effect. “I can handle my alcohol” is essentially a short form for saying, “I have been drinking too much for a long time now, so it takes a lot to get me drunk.” (Some addicts experience the opposite effect, so that smaller and smaller amounts can intoxicate them over time.)

Substance abuse also escalates for other reasons, including the addict’s increasing fear of facing reality the more time he or she has spent escaping it, and the mounting life problems that the addiction itself is creating, which gives the addict more things to need to escape *from*.

Partner abuse also tends to escalate, at least for the first few years of a relationship. One of the causes of mounting abuse is that the abuser gets frustrated by the effects of his own abusiveness,

which he then uses as an excuse for more abuse. For example, you as the partner of an abuser may have become increasingly depressed over time (because chronic mistreatment is depressing), and now he gets angry about the ways in which your decreased energy make you cater to him less enthusiastically. Similarly, abuse may diminish your drive for sex, and then he is hurt and enraged about your lack of desire for him.

The concept of tolerance can also be applied to partner abuse, but with different implications. As an abusive man adapts to a certain degree of mistreatment of his partner, his feelings of guilt nag at him less and less, so he is then able to graduate to more serious acts. He becomes accustomed to a level of cruelty or aggression that would have been out of the question for him a few years earlier. In some cases the concept of tolerance also applies to the abused woman, when she becomes inured to his abusiveness and starts to stand up to him more. He then increases his

abusiveness because he sees that it takes more to frighten or control her than it used to. This escalation is similar to the style of crowd control used by a military dictatorship, which shoots rubber bullets as long as they are adequate to disperse protestors but switches to live ammunition when the crowds stop running away from the rubber bullets.

However, many women (and their children) respond to the trauma of abuse by becoming easier to frighten rather than harder. A recent study of physical batterers found, for example, that about one-third of the men decreased their violence over time, because the women had become so frightened that the men could control them with scary words and glances, making actual assaults unnecessary.

- *Denial, minimization, and blaming*

Addicts and partner abusers share a capacity for convincing themselves that they don't have any problem and for hotly denying the problem to

other people. An alcoholic may say that he drank “a couple of frosties” on a night when he had three forty-ounce beers and two shots, or insist that alcohol is not a problem for him because he never drinks liquor, although he throws back two cases of beer each weekend. The addict also follows the partner abuser’s pattern in externalizing responsibility. In the world of substance abuse treatment, the expression *people, places, and things* is used to describe the addict’s way of always finding someone or something to blame for drinking or drugging.

- *Choosing approving peers*

Substance abusers prefer to spend their time with other people who abuse substances or with those who at least accept the addiction without making an issue of it, and who will listen sympathetically to the addict’s excuses for his behavior. Partner abusers make similar choices regarding their social circle. Their male friends tend to either abuse their own wives or girlfriends or else make

comments about abuse that buy into excuse making and victim blaming. (In research terminology this is called *providing informational support for abuse*.) Their female friends may be mostly people who will accept their poor-me stories about being the victims of hysterical or mentally ill women.

- *Lying and manipulating*

Both partner abusers and addicts can have chronic problems with lying to cover up their problem, escape accountability, and get other people to clean up the messes they make. Partner abusers, however, use dishonesty and manipulation for the additional purpose of gaining power and control over their partners, which is a separate dynamic.

- *Lack of predictability*

Both partner abusers and substance abusers tend to keep their partners and children walking on eggshells, never knowing what is going to happen next. This dynamic helps to hook family members

into hoping that he will change.

- *Defining roles for family members*

Both abusive men and addicts can set up family members to be cast in roles that serve the abuse scenario. One person may become the confronter, another the protector, and another the family scapegoat, whom the abuser uses as a place to lay all the blame for the problems that he himself is actually causing in the family.

- *High rates of returning to abuse after periods of apparent change*

Both groups have rampant problems with dropping out of treatment programs or with continuing to abuse even after “successful” completion of a program. Deep and lasting change comes only through an extended and painstaking series of steps, although the process of change for substance abusers is quite different from that for partner abusers.

HOW PARTNER ABUSE AND ADDICTION

ARE DIFFERENT

The ways in which partner abuse *differs from* addiction include the following:

- *Partner abusers don't "hit bottom."*

Substance abuse is self-destructive. Over time, the addict's life becomes increasingly unmanageable. He tends to have difficulty keeping jobs; his finances slide into disarray (partly due to the expense of his habit); his friendships decline. He may alienate himself from his relatives unless they are substance abusers themselves. This downward spiral can lead the addict to reach a nadir where his life is finally such a mess that he can no longer deny his problem. Alcoholics commonly attribute their entrance into recovery to such an experience of "hitting bottom."

Partner abuse, on the other hand, is not especially self-destructive, although it is profoundly destructive to *others*. A man can abuse women for twenty or thirty years and still have a

stable job or professional career, keep his finances in good order, and remain popular with his friends and relatives. His self-esteem, his ability to sleep at night, his self-confidence, his physical health, all tend to hold just as steady as they would for a nonabusive man. One of the great sources of pain in the life of an abused woman is her sense of isolation and frustration because no one else seems to notice that anything is awry in her partner. *Her* life and her freedom may slide down the tubes because of what he is doing to her mind, but *his* life usually doesn't.

It is true that partner abusers lose intimacy because of their abuse, since true closeness and abuse are mutually exclusive. However, they rarely experience this as much of a loss. Either they find their intimacy through close emotional connections with friends or relatives, as many of my clients do, or they are people for whom intimacy is neither a goal nor a value (as is also true of many nonabusers). You can't miss

something that you aren't interested in having.

In recent years, physically assaultive abusers are for the first time hitting bottom in one sense: They are occasionally experiencing unpleasant legal consequences for their actions. Unfortunately, most court systems still treat domestic abusers with special leniency (see Chapter 12), so the bottom seems to be a long way down.

- *Short-term versus long-term rewards*

Substance abuse can be highly rewarding. It brings quick, easy pleasure and relief from emotional distresses. It often provides camaraderie through entrance to a circle of friends whose social life revolves around seeking and enjoying intoxication. However, these rewards are usually short-lived. Over time, substance abuse causes the addict emotional distresses that are as great as the ones he or she was attempting to escape in the first place. Friendships based on substance abuse are shallow and are prone to tensions and ruptures

due to financial resentments, paranoia, mutual irresponsibility, and many other factors. An alcoholic tends to drink more and more, not because of how well it is working but because of how poorly.

Partner abuse, on the other hand, can be rewarding to the abuser for many years, and potentially for a lifetime. In Chapter 6, we examined the multiple benefits that abusers gain through their behavior, none of which necessarily decreases over time. It is impossible to get partner abusers to change by trying to persuade them to look at the damage they are doing to their own lives (as I tried to do in my early years as an abuse counselor) because they perceive the gains as vastly outweighing the losses. Change in an abuser is primarily brought about when society succeeds in pressuring him into caring about the damage he is doing to *others*.

- *Societal approval for partner abuse is greater.*

Social supports for both substance abuse and

partner abuse are regrettably high, but they are even stronger for the latter, as discussed in Chapter 13. Substance abuse receives the active promotion of alcohol advertising, which domestic abuse does not. But there is an array of writers and organizations that actively opposes improvements in legal and institutional responses to domestic abuse, whereas there are no parallel organized efforts to defend substance abuse. Television, movies, music videos, and other cultural outlets are replete with messages condoning partner abuse.

Because of these critical distinctions between partner abuse and addiction, programs and books that have attempted to address abusiveness based on an addiction model have failed badly. Batterers Anonymous groups, for example, are notorious for acting as support circles for abusers' excuses and justifications rather than as launching pads for change. Recovery programs generally address few or none of the central attitudes and habits that

cause partner abuse.

PARTNER ABUSE DOESN'T GO AWAY WHEN AN ADDICT RECOVERS

QUESTION 13:

**IF HE STOPS DRINKING,
WILL HE STOP ABUSING ME?**

Over the years, dozens of my clients have gone into recovery from addiction while they were participating in my program, sometimes because of pressure from me. No significant improvement has occurred as a result, except in those men who also worked seriously on their partner abuse issues. During the first several months of recovery, a man's harsh daily criticism and control sometimes soften, and any physical violence he was using may lessen or cease for a period, raising

the hopes of the abused woman. She interprets this respite as confirmation that the addiction did indeed cause his abusiveness, but his behavior toward her gradually, or abruptly, reverts to being as destructive as it was while he was drinking, or nearly so.

Ironically, the man's backsliding tends to begin precisely *as his recovery from addiction starts to take solid hold*. The early period of recovery is all-consuming: The compulsion to drink is intense, so the alcoholic fights a daily internal battle, often holding on by a thread. He may be attending one or more substance abuse meetings per day, which occupy his time and maintain his focus. One result of this Herculean effort is that the man has little time, energy, or mental space to devote to controlling or manipulating his partner. He is entirely self-focused and absorbed. But when he starts to come out the other end of this white-knuckle process of early recovery, his energy and attention are redirected toward his partner, and his

desire to bully her reemerges.

It is not uncommon for abusers to actually get *worse* when they are in recovery, partly because they may become irritable from not drinking and take it out on family members. Other abusers become more controlling when sober than they were while drunk, standing guard with eyes that are no longer clouded by alcohol.

Perhaps even more important is that an abuser's recovery program tends itself to become a weapon to use against his partner. Once he stops drinking, for example, he may turn around and insist that she is alcoholic too, even if she actually drinks moderately. He starts to criticize her for being "in denial" about her own drinking, a concept he has learned at his meetings and about which he now considers himself an expert. Insulting comments about her drinking habits and pressure on her to give up alcohol and join AA are likely to follow.

The abuser also can use specific concepts from AA against his partner. For example, AA

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encourages participants to review their own faults and misdeeds and make an inventory of them and discourages criticizing or focusing on the shortcomings of others, which is known as “taking someone else’s inventory.” The abuser turns this concept against his partner, so that any time she attempts to complain about his abusive behavior and how it affects her, he says to her, “You should work on your own issues instead of taking my inventory.” Similarly, he uses the danger that he might drink as an excuse to control her. For example, when he is bothered by something she does, such as confront him about his bullying, he says, “You’re getting me stressed, and you *know* I might drink if I get under too much stress.” The accusation “You’re threatening my sobriety!” becomes a new tool that the abuser uses to hammer and silence his partner. Abusers thus develop new excuses for abuse to make up for the fact that they no longer can blame it on being drunk.

The philosophy of twelve-step programs includes elements that could be valuable to abusers, but I find that my clients tend to ignore the principles that could help. For example, according to AA the alcoholic has a responsibility to make amends for all the damage he has done to other people while he was drinking. Abusers choose instead to take an almost opposite view, arguing that their partners should not raise grievances about past abuse, “because that was when I was drinking and I’m not like that anymore, so she should let go of the past.” They think of recovery from addiction as a gigantic, self-awarded amnesty program that should cause their partners’ resentments and mistrust to simply vanish.

Abusers in recovery can be just as committed to blaming their behavior on alcohol as they were while drinking. They choose to misinterpret the AA philosophy to mean that they were not responsible for their actions while they were

drinking—which is *not* what AA proposes—and that therefore alcohol is a full and adequate explanation for all the cruelty and selfishness to which they have subjected women. Some of my clients use their recovery to try to escape their responsibilities, saying that they can't help with the children, get a job, or contribute in other ways, “because the program says I need to keep my focus on myself.” In this way recovery can feed an abusive man's self-centeredness and excuse making. A woman who hears the abuser express these attitudes may find herself doubting that he is really changing, and her skepticism is well advised. Her partner may tell her, “You just have no faith in people” or “You don't believe anyone can change” (as if putting her down were the way to persuade her that he is no longer abusive!), but her instincts are correctly telling her that he is very much the same.

I have had clients who made significant changes from a *combination* of recovery from

alcoholism *and* working seriously on taking responsibility for their abusiveness. Only then does an abuser's recovery from addiction become a significant step.

ALCOHOL HAS NO BIOLOGICAL CONNECTION TO ABUSE OR VIOLENCE

Alcohol does not directly make people belligerent, aggressive, or violent. There is evidence that certain chemicals can cause violent behavior—
anabolic steroids, for example, or crack cocaine—but alcohol is not among them. In the human body, alcohol is actually a depressant, a substance that rarely causes aggression. Marijuana similarly has no biological action connected to abusiveness.

Alcohol and other substances thus contribute to partner abuse in two ways:

1. A man's beliefs about the effects of the substance will largely be borne out. If he believes that alcohol can make him

aggressive, it will, as research has shown. On the other hand, if he doesn't attribute violence-causing powers to substances, he is unlikely to become aggressive even when severely intoxicated.

2. Alcohol provides an abuser with an *excuse* to freely act on his desires. After a few drinks, he turns himself loose to be as insulting or intimidating as he feels inclined to be, knowing that the next day he can say, "Hey, sorry about last night, I was really trashed," or even claim to have completely forgotten the incident, and his partner, his family, or even a judge will let him off the hook. (Courts tend to be especially lenient with abusers who blame their violence on a drinking problem.) And the alcohol is an excuse that *he* accepts, so he isn't kept awake at night with gnawing guilt

about having hurt his partner.

I have had several physically violent clients admit that they made the decision to assault their partners *before* they had any alcohol in their systems. They went out, as a few of the men have put it, “to grease the wheels,” drinking for a couple of hours before coming home to start a vicious, scary fight. The alcohol arms the abuser with an excuse and helps him to overcome any shame or embarrassment that might hold him back. Beware of the man who believes that drugging or drinking makes him violent. If he thinks it will, he’ll be right.

WHAT ABOUT THE MAN WHO IS ABUSIVE *ONLY* WHEN HE DRINKS?

I could count on one hand the number of clients I have had whose abusiveness is entirely restricted to times of intoxication. However, I have worked with dozens of men whose *worst* incidents are

accompanied by alcohol use but whose controlling and disrespectful behaviors are a pattern even when they are sober. These abusers tend to fit into one of the following categories:

1. *The verbally abusive man who escalates to physical violence or threats only when intoxicated:* When I ask the partner of such a man to describe his day-to-day behavior, she usually reports that he gets meaner and scarier when he's drinking but that his name-calling, disrespect, and selfishness are the same, whether he is drunk or sober. She tends to feel that his physically scary behaviors would stop if she could get him into recovery and that she could manage the rest of his abusive behaviors. This soothing hope is a false one for two reasons: (a) When this style of abuser gets sober, he gradually

accustoms himself to using violence without the assistance of alcohol, usually over a period of one or two years; and (b) even if he is among the small number of exceptions to this rule, the woman usually discovers that his psychological abuse can be as destructive to her as his violence was, which tosses her back into having to figure out what to do.

2. *The verbal abuser who becomes even more cruel and degrading when drinking but doesn't escalate to violence:* He is doing the same thing that the physically assaultive abuser does: using alcohol as an excuse. If he gets sober, he gradually comes up with new excuses, including learning to use his recovery as an excuse, and life goes on more or less as before.
3. *The assaultive abuser who becomes*

even more violent when intoxicated: I find this style the most common among substance-addicted partner abusers.

When this abuser is not intoxicated, he mostly refrains from his scariest forms of violence, like punching, kicking, choking, or threatening to kill her. His partner may say, “He is only violent when he drinks,” but she then goes on to tell me that he shoves or grabs her, walks toward her in menacing ways, is sexually rough, or uses other forms of physical intimidation or assault even when sober—behaviors that the abuser has succeeded in convincing her not to define as *violence*.

If your partner’s behavior becomes much worse when he’s intoxicated, you may tend to focus your attention on trying to manage his drinking, so that you never fully realize how abusive he is when

he's sober. His substance-abuse problem can thereby create a huge diversion from critical issues.

Alcohol does not a change a person's fundamental *value system*. People's personalities when intoxicated, even though somewhat altered still bear some relationship to who they are when sober. When you are drunk you may behave in ways that are silly or embarrassing; you might be overly familiar or tactlessly honest, or perhaps careless or forgetful. But do you knock over little old ladies for a laugh? Probably not. Do you sexually assault the clerk at the convenience store? Unlikely. People's conduct while intoxicated continues to be governed by their core foundation of beliefs and attitudes, even though there is some loosening of the structure. Alcohol encourages people to let loose what they have simmering below the surface.

ABUSERS MAKE CONSCIOUS CHOICES

EVEN WHILE INTOXICATED

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One of my first abusive clients, almost fifteen years ago now, was a physically assaultive husband named Max who worked for a utility company. He had gone out drinking after work one evening, and by the time he arrived at his front door he was “trashed.” He told me that as soon as he came in the house, his wife, Lynn, began “nagging” him. He “saw red” and started to scream at her and soon was tearing into her with his fists. Max sheepishly recounted this event to me, going on to admit that he had torn off some of Lynn’s clothes and had “partly” tied her to a chair. (I’m not sure how you “partly” tie someone to a chair; they are either tied or they’re not.) As Max sat in my office, he seemed to be a likable, mild-mannered line worker. It was not easy to imagine what he must have looked like through Lynn’s eyes that night.

I asked him to describe Lynn’s injuries, and he

told me that she had black-and-blue marks and welts up and down both of her legs. I inquired about any other injuries, and he said there were none. I was surprised, given the brutality of the attack. “Lynn had no bruises on her arms, or on her face? Why not?” Max’s face changed shape, suddenly peering at me as if I must not be very bright, and he sputtered, “Oh, well, of course I wasn’t going to do anything that would *show*.”

Lynn confirmed to me later that Max had indeed been stumbling drunk that night. But had his inebriation caused him to lose control? Clearly not. He had remained focused on his desire to protect his own reputation and to avoid putting himself at risk of arrest, and so he had restricted Lynn’s injuries to places where they would be covered by clothing the next day. He could scarcely be termed “out of control.”

I could provide countless similar examples of the consciousness and decision making that my clients exhibit while drunk or on drugs. They may

not choose their words quite as carefully, and they may not have perfect coordination of their movements, but they protect their self-interest: They avoid damaging their own prized belongings and usually don't let their friends and relatives see their most overt and cruel forms of verbal or physical abuse or anything that they feel wouldn't be adequately covered by the "I was drunk" excuse.

When I criticize my clients about their drunken abusiveness, they sometimes respond: "But I was in a blackout." However, a blackout is a memory disconnection that happens *after* a drunk person passes out, causing the person to no longer know what occurred upon awakening. The person was still conscious *during* the event. If you ask an extremely drunk but still-awake person what happened earlier that evening, he or she can tell you. Thus there is no such thing as being "in" a blackout; the loss of memory happens later.

Finally, even if substances could cause people

to “lose control,” the abusive man would still be responsible for his actions while intoxicated because he made the *choice* to impair himself with alcohol or drugs. A man’s claim that he is not fully responsible for his mistreatment of his partner because he was drunk is simply another manifestation of the abusive mentality.

SUBSTANCES AS WEAPONS OF ABUSE

Oscar and Ellen

Oscar and Ellen were dining in a restaurant. Tension was mounting during the meal because of several relationship issues, mostly related to Ellen’s complaints of mistreatment by Oscar. Oscar, on the other hand, insisted that Ellen’s complaints were all caused by her own hypersensitivity and desire to control *him*. Ellen was pinning her hopes for their relationship on persuading Oscar to deal with his alcohol problem. He had agreed at one point earlier in

their relationship that he was indeed drinking too much, and he had maintained sobriety for nine months. His abusiveness toward her actually hadn't improved during that time, but she didn't see any other strategy to get him to change.

The argument at dinner that night focused on his economic abuse of her. Specifically, he had withdrawn \$4,000—virtually the entirety of their savings—from their joint bank account and had bought an old BMW “for her.” Ellen was angry that she hadn't been consulted, all the more so because she was pregnant with their first child and wanted the security of having some savings. Oscar responded by outdoing her anger, snapping through clenched teeth, “You never appreciate anything I do for you! Nothing is ever good enough for you! You just bitch, bitch, bitch!” He immediately proceeded to order a cocktail, which he knew would bother her. As soon as the waitress brought his drink, he looked Ellen in the eye, downed it in three gulps, and quickly ordered

another. He set out to make himself rapidly drunk, and did. Ellen was then afraid to leave the restaurant with him, because she had been through numerous occasions on which he had combined alcohol and rage in a volatile mix that led to raised fists, pounded walls, thrown objects, and threats leaving her cowering and trembling.

Among my clients, I have encountered numerous other ways that they have used substances as weapons, including:

- Stomping out to go driving while drunk, because he knows it will cause her to be upset and worried. This type of maneuver is particularly powerful if the couple has children and the family is dependent on the man's income for survival.
- Forcing her to assist him in running or dealing drugs, thereby putting her at risk of serious legal consequences, which he can use to control her further. (A large

percentage of women who are in prison for drug- or alcohol-related charges, or for minor economic crimes such as forging checks, are serving time for crimes that either directly or indirectly were instigated by their abusive partners.)

- During periods when he is sober or clean, threatening to return to alcohol or drug use if she does not meet his demands or obey his orders, or claiming that her challenges of him are “threatening his sobriety.”
- Blaming her for problems in his life that are really caused by his addiction.
- Pressuring and manipulating his partner into becoming substance-involved herself. He then uses her addiction to increase his power over her and to get other people to disbelieve her reports that

he is abusive. This tactic is particularly common when the abuser has a substance-abuse problem himself, since he doesn't want his partner to be able to hold anything over him. But I have also had clients who kept their partners substance-involved while staying sober or using substances only moderately themselves.

Shane and Amanda

In one of my cases, an alcoholic woman named Amanda had entered sobriety several times, but her husband, Shane, would sabotage her progress each time by ridiculing her for being “dependent” on AA, telling her she was weak for not being able to stay away from alcohol on her own, “without a crutch.” He would also go out and buy beer, telling her, “I just want to have a few on hand in case friends come over,” but he never seemed to drink them. They would just sit in the

refrigerator and in cabinets tempting her, and finally she would succumb.

Amanda eventually went into a detox center and didn't tell Shane where she was going, knowing that if she spoke with him she was likely to give in to the temptation to get back together with him. Shane left no stone unturned in his efforts to find out where she was and get a message to her. As of my last contact with the case, she had succeeded in staying away from him and as a result had regained custody of her children, which his abuse and her drinking had caused her to lose.

MUTUAL REINFORCEMENT OF ADDICTION AND PARTNER ABUSE

Notice that when a man uses substances as a weapon, he ends up contributing to his own problem with substances. Thus partner abuse can feed the problem of addiction, and not just vice versa. They are two separate issues, neither of

which causes the other but which do help to keep each other stuck. A man's abusiveness strengthens his denial of his substance-abuse problem, as he can blame all of his life difficulties on his partner. His negative attitudes toward her allow him to easily dismiss concerns that she raises about his addiction. At the same time, the addiction fortifies his denial of his abusiveness, as he uses the substance as an excuse and as a weapon.

OTHER ADDICTIONS

I have worked with clients who have been addicted to gambling, cocaine, heroin, and prescription medications. Several have also claimed to be "sex addicts," but I don't buy this self-diagnosis from abusive men (for reasons that I covered in Chapter 4, under "The Player"). Any addiction can be a financial drain on a couple, contribute to the man's secretiveness, and

encourage him to use his partner as a scapegoat. An abuser's addiction doesn't cause his abuse, but it does make his partner's life even more painful and complicated.

ENTITLEMENT AND ADDICTION

An abusive man typically believes that his use of abuse of substances is none of his partner's business. No matter how his addiction may lead him to abuse his partner economically (because he pours money into the substance and/or has trouble holding down a job) no matter how burdened she is with household responsibilities because he is out partying, no matter how much worse he may treat her while intoxicated, he nonetheless feels entitled to use substances as he chooses. If she criticizes him for his selfishness or confronts him with the effects that his partying has on her life, he feels justified in calling her a "nag" or a "bitch" or labeling her "controlling." In short, irresponsible

use of alcohol or drugs is another one of the privileges that the abusive man may award himself, and he may use psychological or physical assaults to punish his partner for challenging it.

SUBSTANCE ABUSE BLOCKS SELF-EXAMINATION

While substance addiction does not cause a man to become abusive, it does ensure that the abusiveness *remains*. I have yet to see a substance-abusing client make significant and lasting improvements in his treatment of his partner unless he simultaneously deals with his addiction. In fact, I only give an alcoholic or drug addict about two months to get himself into recovery, and if he doesn't, I dismiss him from the abuser program; I don't want to give his partner false hopes, nor do I want to waste my program's time. Facing up to a problem with partner abuse, and changing it, is a profoundly complex and

uncomfortable process that requires consistent commitment over a long period of time. It takes tremendous courage for a man to be honest with himself, to reevaluate his ways of thinking about his partner, and to accept how much emotional injury he has caused her. No active substance abuser is willing or able to take on this task.

Thus, although recovery from addiction is not sufficient to bring about change in a man's abusiveness, it is a *necessary prerequisite*. Only if he is willing to address *both* problems—and I have had a number of clients who have gotten serious about becoming both sober and respectful—can he stop being a source of pain and distress to his partner.

KEY POINTS TO REMEMBER

- Alcohol or drugs cannot make an abuser out of a man who is not abusive.

- Even while intoxicated, abusers continue to make choices about their actions based on their habits, attitudes, and self-interest.
- The primary role that addiction plays in partner abuse is as an excuse.
- Abusiveness and addiction are two distinct problems requiring separate solutions.

The Abusive Man and Breaking Up

*Friends tell me that he's really not
doing well since we split up.
I'm worried about him.*

*Last time I tried to leave him he scared
me half to death.
Sometimes it seems like he could kill
me.*

*I don't want to take the children away
from him; he's their father.*

*He was okay with our breakup until he
found out I was dating somebody.*

VAN SPOKE WITH A RASPY, modulated voice

that complemented his sadly expressive blue eyes. His reddish-blond hair was always wrapped in a bandanna which, combined with his thick neck and upper arms, created a biker image. But his language did not fit the tough-guy stereotype. He spoke of his pain, of the need to face up to oneself, of the process of denial and acceptance. He appeared to be his own harshest critic, referring frequently to his own selfishness, immaturity, and other “character flaws.” He stated openly that he was alcoholic and was attending at least one AA meeting per day. He had not had a drink in almost eight months.

Van had, by his own description, nearly killed his partner Gail in a beating nine months earlier. He would gaze at the floor and speak slowly as he recalled this assault, the picture of remorse. “It was bad,” he would say. “Real bad. I’m lucky she’s alive.” He was arrested and spent that night in jail, before his mother and brother bailed him out the next day. “I drank nonstop for three weeks

afterward, trying to blot out what I had done, and then I woke up one morning with bruises all over me from some fight I had been in, I don't even know where, and I haven't had a drink since. I finally accepted the fact that I wasn't going to be able to run from myself forever, and I was going to have to deal with what I had done to Gail." He did not join an abuser program until several months later, however, when he was required to do so by the court.

For weeks, Van was my star group member. He would challenge other men about their denial, about their efforts to blame their own behavior on their partners, about their need to take an honest and painful look at themselves. I pushed him a few times to stop using his alcoholism as an excuse for abusiveness and to examine more seriously his history of bullying of and violence toward Gail. He would react to my challenges with momentary irritation but then would soften and say, "I know I still have a lot of work left to

do.” In short, he seemed like an abusive man who was interested in doing the hard work involved in making real changes.

Van and Gail had been separated since the severe beating. They were speaking from time to time but not sleeping together. Van said he thought it would be a long time before Gail would trust him again, and he would have to give her space.

However, over a period of three or four months, Van began to realize that Gail was not taking a break from their relationship in order to rebuild her trust in him, as he had believed. She was getting herself unhooked. As it dawned on him that she was thinking seriously about closing the door permanently, he started a rapid backslide before my eyes. First, he surprised me one day by saying that Gail “should really give our relationship another chance.” I was stunned. “Why on earth should a woman stay with a partner who gave her a beating that nearly killed

her? I certainly wouldn't want to do it."

Van said, "The pain in our relationship wasn't all hers, you know. She hurt me a lot too." I asked if that somehow justified battering her. "No," he answered, "I'm not justifying it. I'm just saying it isn't like I was all bad and she was all good."

"And so that means she owes you another chance? How many times do you get to beat a woman up before she stops owing you?" To this, Van just muttered under his breath and lightly shook his head.

At the next session I focused more time on Van, because separation is a time when abusers can be particularly destructive. Since the previous session, he had received the definitive word from Gail that their relationship was over and that she was going to start dating, making it particularly important for us to try to influence his thought process. He plunged quickly into a homily about how hard he was working on himself in contrast to Gail, "who is going nowhere and who isn't

dealing with *her* issues at all.” I asked how Gail’s progress was going to be assisted by getting back together with an abusive man. “Hey,” he said, “I’m a lot better for her than those losers she’s hanging around with now. Most of them are still drinking and acting totally immature.”

Van’s group was alarmed by his reversion, and members raced to try to get him back on track, pointing out to him that (1) he was claiming to have made great changes, but his entitled insistence that Gail owed him loyalty was evidence of an abuser who *wasn’t* changing; (2) he was slipping back into minimizing how destructive his abusiveness and violence had been to Gail, to an extreme where he was convincing himself that he was a more constructive presence in her life than other people were; and (3) he was failing to accept the reality that a woman does not have to be “all good” in order to have the right to live free of abuse. I kept an additional thought to myself, which was that based on my conversation

with her I was confident that Gail's life was not "going nowhere" and that her primary goal at that point was to heal from what *he* had done to her. When he made disparaging references to "her issues," he was ignoring the reality that her issues were 90 percent *him*. I remained silent on this point because I was concerned, given the state of mind he was in, that the better he understood her healing process, the more effectively he would take steps to sabotage it.

Van was not open to his group's feedback the way he had been in earlier months. His heels were dug in, as we could see in the disgusted shaking of his head and the dismissive curl of his lip. The group had stumbled upon a core aspect of Van's entitlement—as tends to happen with each client sooner or later—and we weren't going to take it apart in a few short weeks. We hoped that we could reach him eventually though, for Van still had six months to go of the eleven the court had ordered him to spend in our program.

He never gave us the chance, unfortunately. Less than three weeks later, overwhelmed by his outraged entitlement, he approached Gail in a restaurant in front of numerous witnesses, called her a “fucking bitch,” and walked off flashing her the finger. His verbal assault violated a restraining order barring him from approaching her, and since he was already on probation for his grave attack on her, he was jailed for a minimum of six months. Gail had little desire to see Van behind bars, but in this case his incarceration was a blessing, as it gave her an uninterrupted opportunity to move on with her life, which she did. (Later in this chapter we will look at strategies for getting away from a frightening relationship safely.)

WHAT AN ABUSER DOES IF YOU ARE LEAVING HIM

Breaking up with an abuser can be very hard to

do. In fact, leaving a nonabusive partner is generally easier, contrary to what many people believe. Few abusers readily allow themselves to be left. When they feel a partner starting to get stronger, beginning to think for herself more, slipping out from under domination, abusers move to their endgame. Some of their more common maneuvers include:

ABUSERS' RESPONSES TO A POSSIBLE BREAKUP

Promising to change

Entering therapy or an abuser program

Not drinking, attending AA

Making apologies

Telling you that you will be lost without him

Telling you that no one else will want to be with you

Threatening suicide

Saying that you are abandoning him,
making you feel guilty

Threatening to kidnap or take custody of
the children

Threatening to leave you homeless or
with

no financial resources

Turning very nice

Getting other people to pressure you into
giving him another chance

Taking care of things that you have been
complaining

about for a long time (e.g., finally fixing
a hazardous

situation in the house, getting a job,
agreeing that you
can go out with your friends)

Behaving in self-destructive ways so
that you will worry

or feel sorry for him (e.g., not eating,
drinking heavily,

skipping work, never talking to his
friends)

Spreading rumors about you, trying to
ruin

your friendships or reputation

Starting a new relationship/affair to
make you

jealous or angry

Insisting that he already has changed
Spreading confidential information
about you to humiliate you

Threatening or assaulting anyone you
try to start a new
relationship with, or anyone who is
helping you

Getting you pregnant
Stalking you

Physically or sexually assaulting you
Trashing your house or car
Threatening to harm you or kill you

Each abuser uses a different mix of the above tactics, and some let go somewhat more easily than others. Strategies of control that appear

contradictory may go hand in hand. For example, he may insist adamantly one day, “You should be able to tell that I’ve changed,” and then call the next night to say, “If you don’t give this relationship another chance, you’re going to find out what I’m really capable of.” One day on the phone he may tell you that his love for you will never die, but when his poetic language doesn’t succeed in persuading you to meet him for a drink, he will abruptly switch to yelling: “I don’t give a shit about you anyhow, so just let your life continue down the stinking hole it’s in!” He doesn’t care that these pieces don’t fit together, because he is intently focused on a single desire: to get you back under his control.

He knows he used to be able to control you with charm, affection, and promises. He also remembers how well intimidation or aggression worked at other times. Now both of these tools are losing their effectiveness, so he tries to increase the voltages. He may switch erratically back and

forth between the two like a doctor who cycles a patient through a range of antibiotics, trying to find the one that will get the infection under control. And the analogy is an apt one, because an abuser sees his (ex-) partner's growing strength and independence as a sickness rather than as the harbinger of health that it actually is.

Promises that an abuser makes during this period can be persuasive, especially if they are combined with sincere-sounding apologies or if he takes some concrete initiative such as quitting drinking, locating a therapist, or joining an abuser program. However, once he succeeds in getting you to reunite with him, he gradually plows his way back into the usual ruts, dropping counseling because he "can't afford it," saying he will go back to "a little" drinking because he can "handle it," and so forth. Before long, daily life has returned to its former contours.

My clients make flip-flopping statements during breakups about who is responsible for the

dissolution of the relationship, bouncing between blaming everything on themselves and casting a fault on to the woman. Making it her fault is closer to their real thinking; the blaming of themselves is largely a way to win sympathy from other people, including abuse counselors, who can get drawn in by a theatrical show of pained guilt. And in an ironic twist, the more he says that the separation is his own fault, the more friends and relatives are tempted to pressure the woman to believe that he will change.

When one of my clients takes this *mea culpa* stance, I ask him to describe in detail how exactly his behavior drove his partner away. Eight times out of ten the man can give me only two or three examples, or none. In other words, he doesn't really believe that he is abusive, and my request for extensive specifics smokes him out. If he does manage to list a few things he did wrong, they often are far afield from the core of his destructiveness, as in comments like "I should

have made her a higher priority; we didn't do things together enough," or they are actually backhanded remarks to get more digs in against her, such as, "I used to walk away from her because of the insane rages she goes into, but I should have realized that my leaving just made her feel even worse."

The volatile, abusive, and sometimes dangerous reactions that abusers can have when relationships draw to a close have often been considered, especially by psychologists, to be evidence of the man's "fear of abandonment." But women have fears of abandonment that are just as great as men's, yet they rarely stalk or kill their partners after a breakup. Not only that, but many abusers are vicious to their ex-partners *even when they do not desire a reunion or when they initiated the breakup themselves*. The clue to how an abuser handles separation lies in the same thinking that has been causing his controlling and abusive behavior throughout the relationship and that has

driven his partner away from him.

HOW ABUSERS VIEW SEPARATION

Van's internal process, and the destructive behavior it led him to, captures the essence of how an abusive man perceives the ending of a relationship. Let's look at the central elements of his outlook:

“ABUSE IS NO REASON TO END A RELATIONSHIP.”

Van was unwilling to accept that his brutal mistreatment of Gail was adequate reason for her to leave him. Why? First, he believed that the pain Gail sometimes caused him during their relationship outweighed his abuse of her. If Van can convince himself that he has an even balance sheet, despite his severe physical assault, imagine how easily a purely psychological abuser can do so (even though the reality is that emotional abuse

can do just as much damage).

Second, Van believed that it was unreasonable to expect a man to be nonabusive unless his partner *never* hurt his feelings or failed to cater to him. He felt that we were being unfair and unrealistic about a man's inherent nature, as if we were asking a tiger to be vegetarian. Without saying so directly, he revealed his attitude that a woman needs to accept the fact that a certain amount of abuse just comes with the territory of being involved with a man, unless she can be perfect.

**“WHEN I PROMISE TO BE KINDER IN
THE FUTURE, THAT SHOULD BE
ENOUGH.”**

No matter how many times in the past Van had broken his promises to change, he still believed that *this time* Gail should see that he really meant it and should give him another chance. There was

no limit in his mind to how many “other chances” he should get; he felt entitled to an endless series

To make matters worse, Van felt that Gail was supposed to accept his rose-colored vision of the future even though he was simultaneously blaring loud warning signals that he *hadn't* changed. Most clients demand forgiveness while continuing to insult, threaten, demand immediate responses, attend only to their own needs, and more.

According to his mind-set, she should believe that his abuse has stopped when *he* says it has stopped, regardless of what she sees in front of her own eyes.

“THERE IS NO LIMIT TO HOW MUCH SHE SHOULD BE WILLING TO ‘WORK ON’ OUR RELATIONSHIP.”

The abuser feels entitled to end a relationship any time he feels like it, but he assigns no such privilege to his partner. Around breakup time, my

clients grieve bitterly to me along the lines of:

“Nowadays, people just throw relationships in the trash as soon as it gets difficult. There’s no commitment anymore to sticking it out and making it work.”

“I guess our marriage vows didn’t mean anything to her.”

“She says she cares so much about our children, but it’s no big deal to her if they have a broken home.”

“She’s prepared to just throw away everything we had because she’s found some other guy.”

No woman in any of my cases has ever left a man the first time he behaved abusively (not that doing so would be wrong). By the time she moves to end her relationship, she has usually lived with years of verbal abuse and control and has

requested uncountable numbers of times that her partner stop cutting her down or frightening her. In most cases she has also requested that he stop drinking, or go to counseling, or talk to a clergyperson, or take some other step to get help. She has usually left him a few times, or at least started to leave, and then gotten back together with him. Don't any of these actions on her part count as demonstrating her commitment? Has she ever done enough, and gained the right to protect herself? In the abuser's mind, the answer is no.

Once again, the abuser's double standards rule the day. He doesn't consider his chronic verbal abuse, or even violence, to constitute a failure to "love and cherish," but her decision to move away for safety does. His affairs automatically deserve forgiveness, whereas any affairs *she* may have he considers proof of her low moral character and lack of caring. And his exposure of the children to his degrading and bullying of their mother doesn't keep him from awarding himself the title of

Children's Protector, the one who wants to give them a "stable family life" while their "selfish" mother tries to split them apart.

“SHE IS STILL RESPONSIBLE FOR MY FEELINGS AND WELL-BEING.”

In the abusive man's self-serving value system, the woman may be responsible for his needs and feelings even *after* she declares that she isn't his partner anymore. So if he loses his job, or his new fling doesn't work out, or his mother gets ill, he still feels entitled to have her take care of him emotionally. In particular, he tends to make her endlessly responsible for his hurt feelings from their relationship or from their breakup.

“THE RELATIONSHIP IS OVER WHEN I SAY IT'S OVER.”

I repeatedly run into the following scenario: A new client in the abuse program is describing his

most serious incident of abuse, as all participants are required to do, and he excuses his actions by saying, “It happened because I found out she was cheating on me.” When I contact the woman, however, I find out that, although he may be right about her seeing another man, *she and my client were broken up at the time*. In other words, in the abuser’s mind any relationship that she has is “an affair” if it happens during a period when *he* still wishes they were back together, because he feels entitled to determine when she can be free to see other people.

“SHE BELONGS TO ME.”

The abuser’s dehumanizing view of his partner as a personal possession can grow even uglier as a relationship draws to a close. I sometimes find it extraordinarily difficult to get a client to remember at this point that his partner is a human being with rights and feelings rather than an offending object

to destroy. At worst, his efforts to reestablish his ownership may include following her and monitoring her movements, scaring people who try to assist her, threatening men she is interested in dating, kidnapping the children, and physically attacking her or people close to her. For abused women separation is a time of particularly high risk of homicide or attempted homicide, which can sometimes involve murderous assaults on her new boyfriend, her children, or on other people she cares about.

Numerous studies have found that mistreatment of women by abusers tends to continue for a substantial period after separation and commonly escalates to levels worse than those when the couple was together. Particularly common in postseparation is rape or other forms of sexual assault, which conveys a powerful message of ownership: *“You continue to be mine, and I retain my rights to your body until I decide otherwise.”*

If you are concerned that your partner may be

capable of extreme violence—even if he has not been violent in the past—take careful safety precautions (see “Leaving an Abuser Safely,” page 225).

TRAUMATIC BONDING

One of the great tragedies of all forms of abuse is that the abused person can become emotionally dependent on the perpetrator through a process called *traumatic bonding*. The assaults that an abuser makes on the woman’s self-opinion, his undermining of her progress in life, the wedges he drives between her and other people, the psychological effects left on her when he turns scary—all can combine to cause her to *need him* more and more. This is a bitter psychological irony. Child abuse works in the same way; in fact, children can become *more* strongly attached to abusive parents than to nonabusive ones. Survivors of hostage-taking situations or of torture

can exhibit similar effects, attempting to protect their tormentors from legal consequences, insisting that the hostage takers actually had their best interests at heart or even describing them as kind and caring individuals—a phenomenon known as the *Stockholm syndrome*. I saw these dynamics illustrated by a young boy who got a shock from touching an electric fence and was so frightened by it that he grabbed on to the fence for security—and wouldn't let go as each successive shock increased his panic, until his sister was able to reach him and pull him off.

Almost no abuser is mean or frightening all the time. At least occasionally he is loving, gentle, and humorous and perhaps even capable of compassion and empathy. This intermittent, and usually unpredictable, kindness is critical to forming traumatic attachments. When a person, male or female, has suffered harsh, painful treatment over an extended period of time, he or she naturally feels a flood of love and gratitude

toward anyone who brings relief, like the surge of affection one might feel for the hand that offers a glass of water on a scorching day. But in situations of abuse, *the rescuer and the tormentor are the very same person*. When a man stops screaming at his partner and calling her a “useless piece of shit,” and instead offers to take her on a vacation, the typical emotional response is to feel *grateful* to him. When he keeps her awake badgering her for sex in the middle of the night and then finally quiets down and allows her to get some of the sleep that she so desperately craves, she feels a soothing peace from the relief of being left alone.

Your abusive partner’s cycles of moving in and out of periods of cruelty can cause you to feel very close to him during those times when he is finally kind and loving. You can end up feeling that the nightmare of his abusiveness is an experience the two of you have *shared* and are escaping from together, a dangerous illusion that trauma can

cause. I commonly hear an abused woman say about her partner, “He really knows me,” or “No one understands me the way he does.” This may be true, but the reason he seems to understand you well is that he has studied ways to manipulate your emotions and control your reactions. At times he may seem to grasp how badly he has hurt you which can make you feel close to him, but it’s another illusion; if he could really be empathic about the pain he has caused, he would stop abusing you for good.

Society has tended to label a woman “masochistic” or “joining with him in his sickness” for feeling grateful or attached to an abusive man. But, in fact, studies have shown that there is little gender difference in the traumatic bonding process and that males become as attached to their captors as women do.

The trauma of chronic abuse can also make a woman develop fears of being alone at night, anxiety about her competence to manage her life

on her own, and feelings of isolation from other people, especially if the abuser has driven her apart from her friends or family. All of these effects of abuse can make it much more difficult to separate from an abusive partner than from a nonabusive one. The pull to reunify can therefore be great. Researchers have found that most abused women leave the abuser multiple times before finally being able to stay away for good. This prolonged process is largely due to the abuser's ongoing coercion and manipulation but also is caused by the trauma bonds he has engendered in his partner.

One exercise that can help you address this trap involves making a list of all the ways, including emotional ones, in which you feel dependent on your partner, then making another list of big or small steps you might take to begin to become more independent. These lists can guide you in focusing your energy in the directions you need to go.

WHY HE DOESN'T ACCEPT YOUR REQUEST TO "TAKE A BREATHER"

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Have you ever attempted to take a brief period of separation from your partner? Perhaps you had been considering getting out of your relationship but were afraid of your partner's reaction, so you asked for "a little time apart" instead of breaking up outright. Or maybe you weren't sure what you wanted to do and just craved some time away to consider where to go from here without having to deal daily with his bullying, criticism, and watching over you. You may have attempted to reassure him that the relationship wasn't ending, that you still wanted to "work on getting back together," but that you just needed a break. You probably requested that the two of you stay in separate places for a period of a few weeks or months and that you see each other little or not at all. You may have made other specific requests, such as not to speak at all, even by telephone, so

that you could get a complete break. You may have asked for an agreement that you could each see other people during this period, or specifically requested the opposite. The great majority of the abused women I work with try at some point to get time out of the pressure cooker.

My clients, however, rarely honor their partners' requests. At the beginning the man presents himself as supporting the plan, saying, "I agree with her that we need some time apart to just let everything cool off, and then talk it over with level heads." But he doesn't think so for long. He soon starts cutting around the edges of the agreement. If she asked that he not call for a while, he sends a card. Then he calls on some pretext, perhaps a bill that has to be paid or an invitation for her from his sister, and throws in offhandedly, "So, how are you?" to try to get a conversation started. He may keep showing up "by coincidence" at places where she happens to be. He keeps chipping away at her resolve as much as

he can, until she cracks and sees him. Once they are face-to-face, he pours on the sweetness and charm, reminiscent of his romantic persona in the early, glory days of the relationship, and sees if he can cajole or manipulate her into bed; he may sense that once they've had sex, she'll be hooked in again, a strategy that I have often seen my clients succeed with. One way or another, the woman never seems to end up getting the decompression time that she knew was indispensable to her well-being.

Why doesn't he allow the break to happen? On a conscious level he may simply miss her, but down deep he has other interests. He experiences the separation as a declaration by his partner that she is capable of surviving without him, that she is the best judge of what is good for her, that her needs shouldn't always take a backseat to his, that her *will* has force. These messages represent a powerful summary of everything that he *does not* want in his relationship, and he feels driven to

move quickly to prove them false.

The abuser is afraid of what his partner may discover if she succeeds in getting a respite from his control. She may see how good it feels to live without put-downs and pressure. She may notice that there are other people in the world, both women and men, who respect her and treat her well, and may even observe that some of her female friends are treated as equals by their partners. She may start to think her own thoughts, without him there to monitor her reflections and channel them toward the views *he* wants her to have. Above all, she might discover how much better off she is without him. In short, he doesn't tolerate the break because on some level he senses that *it is too healthy and healing for the woman*. He wants her to hear his voice and see his face, because he believes he can destroy her resolve.

Does he think carefully through these concerns? Probably not entirely. He reacts largely on automatic, based on ruts in his thinking and

behavior that have been deepening for years. And yet, I also keep observing how much more aware my clients are of their own strategies than you might expect; when they are upset with me, as they so often are, they often forget to keep their masks on, and they blurt out their honest thoughts and plans.

THE ABUSER WHO *WANTS* THE RELATIONSHIP TO END

What if your partner is the one who breaks off the relationship, or what if he's in complete agreement that you two don't belong together? The good news is that, if you don't have children with him, he may stay largely out of your hair. Perhaps he is interested in another woman or just wants to return to pursuing his fantasy of the dream girl who does everything for him and never challenges him. Or maybe something else altogether is occupying his mind.

I regret to say that even then peace is not an entirely sure thing (although I have not often heard of *physical* assaults by an abuser postseparation if he accepts the breakup, except in cases of ongoing conflicts over the children). Even the abusive man who is ready to be single again may still crave retaliation for all the ways he feels you hurt him, which in his distorted perceptual system may include all the times you defended yourself, questioned the superiority of his knowledge and judgment, or refused to simply be a carbon copy of him. So he may spread distorted stories about the history of your relationship or tell outright lies to try to turn people against you. Since he has to see himself as the more powerful one, he may declare that *he* broke things off while you “begged” him for another chance and that *you* “promised to change.” These kinds of aftershocks of abusive behavior can be painful.

An abuser who accepts the end of the relationship, or even desires it, may nonetheless

continue to try to settle old scores with you through the children, a matter we explore further in Chapter 10.

There are cases, of course, where the woman genuinely wants to continue the relationship and the abuser does not. My clients sometimes leave a woman to punish her. Women in this position can experience the abuser's departure as one final slap in the face following a long line of previous ones—figuratively or literally—that leaves her feeling even more humiliated and unlovable. Therefore it does not help an abused woman when people say to her: “What are you upset about? You’re lucky to be rid of him.” Anyone who wants to support an abused woman’s recovery and empowerment needs to have room for both her sadness and her outrage about being left and to understand that his exit was just one more way she was walked on.

Abusers who take off often leave other damage in their wake besides the emotional or physical injuries to the woman. Debts, destroyed

belongings, pregnancy, or traumatized children may be dumped in her lap. Communities that want to support abused women need to recognize that the abuser can create difficulties that endure long beyond his departure.

LEAVING AN ABUSER SAFELY

Attempting to determine the level of risk that a particular abuser will become physically violent is a complex and imprecise process. If you are concerned that your partner may react destructively or violently to being left, listen carefully to your intuitions even if he has not been violent, or not extremely so, in the past. A recent study found that women's own predictions regarding future violence by their abusive partners were far more accurate than assessments based on any other factor.

Separation can be an especially risky time. I was close to a case recently in which a woman left

a psychological abuser who became increasingly threatening and scary over the months after she left him, to the point where she went as far as making arrangements with relatives regarding who should care for her two children in the event of her death. And although he had never hit her during their relationship, he tragically did in fact kill her, hiding a block away from the courthouse to ambush her as she was leaving a hearing where she had obtained a restraining order against him, after which he committed suicide. (As a result of a brief speech I gave about this homicide death, I have come to know her heartbroken parents personally.)

ASSESSING THE POTENTIAL VIOLENCE OF AN ABUSER

The danger signs below can be useful whether or not you are currently thinking of leaving your partner. Some combination of these elements has been found to be present frequently—though not always—in cases where abusers have committed

the most seriously violent acts. Pay attention to your own inner voice as you consider these indicators:

DANGER SIGNS IN ABUSIVE MEN

- He is extremely jealous and possessive.
- His violent behavior and threats have been escalating.
- He follows you, monitors your whereabouts, or stalks you in other ways.
- You are taking steps to end the relationship or have already done so.
- He was violent toward you during one or more of your pregnancies.

- He has been sexually violent toward you.
- He has threatened to kill you or hurt you badly, has choked you, or has threatened you with a weapon.
- He has access to weapons and is familiar with their use.
- He seems obsessed with you.
- He is depressed, suicidal, or shows signs of not caring what happens to him.
- He isn't close to anyone.
- He has a significant criminal history.
- He uses or threatens violence against other people.
- He abuses substances heavily.
- He has been abusive to children.

- His past violence toward you, or toward other partners, has been frequent or severe.
 - He has killed or abused pets, or has used other terror tactics.
 - He uses pornography.
 - He exhibited extreme behaviors when you made previous attempts to leave.
 - He is familiar with your routines, the addresses of your friends and relatives, the location of your workplace, or other personal information he can use to locate you.
-

There is, regrettably, no science to using these indicators. It would be misleading for me to say, for example, “Three to five ‘yes’ answers reflect moderate danger, six and up mean ‘severe

danger,” or offer a similar interpretation, because the reality is not that simple. Some guides to assessing the risk of violence from abusers have created such “low-, moderate-, and high-risk” categories and by so doing can encourage women to underestimate the danger they are in by causing them to ignore their intuition. A small number of abusers who kill or severely injure their partners do so with *few or none* of the above elements known to be present, which is all the more reason to rely ultimately on your own “gut” feelings of how dangerous he is.

SAFETY PLANNING

The fact that you are even wondering how far your partner’s abuse might go suggests to me that you have already seen aspects of him that are disquietingly mysterious or frightening. I urge you to seek assistance from a program for abused women (see “Resources”) and to create a *strategic safety plan* with an abuse specialist through that program. Safety plans can involve two different

sets of steps, one for increasing your safety while living with your partner and another for if and when you decide to leave him. Bear in mind that the process of leaving an abusive man can be risky, so if you are preparing for a breakup put some extra thought into the kinds of precautions that you can take. Specialists who work with abused women report that those women who succeed in leaving and staying away almost always have a plan before they go.

A safety plan while you are living with your abusive partner can include the following elements, among many others:

- Plan different escape routes from your house in case your partner becomes violent, and plan where you would go if you needed to stay away overnight.
- Hide spare car keys and important documents (birth certificates, health cards, bank cards) in places where they

are safe and where you could grab them and leave quickly.

- Try to get out of dangerous places during arguments, such as leaving the kitchen where there are knives and other sharp objects the abuser could use to assault you.
- Obtain a private post office box or some other address you can use to receive confidential mail.
- Set code words with friends or relatives and with your children that indicate an emergency, and plan how they are to respond if you say the code word in person or over the telephone.
- Open a secret bank account so that you will have access to funds should you need to flee.
- Keep a working phone in a room with a door that locks so that you will be able to

call for help in an emergency.

- Carry a cell phone.
- Obtain a firearm permit so that you can carry pepper spray.
- Stay away from drugs or alcohol yourself to make sure that your judgment is never impaired, and seek substance-abuse treatment for yourself if necessary.
- Call the abused women's hotline if you are afraid, and call the police if the danger is immediate.

After you leave your abusive partner, there are additional items you can add to your safety plan, a few of which include:

- Change the locks on your home.
- Inform neighbors of the danger and give them descriptions or photographs of the abuser and his car.

- Inform people at your workplace of the potential danger to you.
- Tell your children not to talk to the abuser and to seek assistance immediately if they see him.
- Advise the local police department of the risk to you, including any past threats or violence by your ex-partner, and ask what special services or protections might be available.
- Inform the children's schoolteachers and administrators of the risk, and provide them with a photograph of the abuser and other information, including a copy of your restraining order if you have one.
- Teach your children how to dial 911 from home and cell phones.
- Vary the routes that you and your children travel.
- If you plan to involve the court, such as

by seeking a restraining order, contact a court advocate if one is available, and develop an additional safety plan with the advocate that specifically addresses how you can most safely use the court process. If you do obtain a restraining order, keep a copy on your person at all times and leave additional copies in your home, vehicles, and workplace.

These are selected examples of plans you can make, ideally with the assistance of an abuse specialist, to increase your safety and protect your children. You can call an abuse hotline and develop a safety plan without even providing your name or telephone number, ensuring your complete privacy. If you can go to the abused women's program and meet with an advocate face-to-face, all the better. I also strongly recommend the books *When Love Goes Wrong* and *It's My Life Now*, both listed in the

“Resources” section, for any woman who is struggling to get safe from a frightening partner.

If you are afraid of your abusive partner it is important to make a safety plan *even if you do not plan to leave him at this point*. If he has demonstrated that he has a capacity for violence, or you suspect that he does, there is every reason to start planning *now* for how you will keep yourself and your children safe should a dangerous situation arise in the future.

Some psychologically abused women feel confident that their partners would never escalate to violence or threats. However, my experience is that most abusive men—though not all—do become physically frightening sooner or later, even if they never follow through with using violence. It makes sense for every abused woman to spend some time considering how she will respond if the unexpected happens.

If you are prepared to leave your relationship, safety planning becomes even more important. If

you are afraid of your partner, don't tell him that you are breaking up with him until you have a clear plan and feel that you can inform him in a safe way. Then break all contact with him. Staying out of touch with an abusive ex-partner can be very difficult. The more afraid you are of him, the more tempted you may feel to check up on how he is doing, because in the past your safety may have depended on your constant awareness of his moods and readiness to respond to them. But making contact with him can be very dangerous as he may sound friendly and say that he just wants to see you for one final talk or to say good-bye, and then use that opportunity to attack you physically or sexually. I have been aware of a few cases where the man made an innocent-sounding excuse to get together "just once" and then murdered the woman for having left him. It is natural to have the hope of staying friends with an ex-partner, but this is rarely possible with an abusive man and is absolutely impossible with

one who is physically dangerous to you. And if he doesn't choose to hurt you, he may lure you into becoming reinvolved with him instead.

ABUSED WOMEN WITH CHILDREN

Ending a relationship with an abusive man can be considerably more complicated for a woman with children, especially if the abuser is the children's legal father (biological or adoptive). The risk that the abuser will try to harm the children, turn them against you, or attempt to win custody of them through the legal system requires an additional strategic planning process. These issues are examined in detail in the next chapter.

If you do decide to flee abruptly, *take your children with you if you possibly can* and take their birth certificates, social security cards, and passports. Some women are in so much danger that they are forced to leave their children behind, but the abuser then may go to court for custody,

saying that she “abandoned” them.

KEY POINTS TO REMEMBER

- When a breakup happens against an abuser’s will, he may define his ex-partner’s decision as a provocative declaration of independence and may go to war to prove that she belongs to him.
- Leaving an abuser is hard to do, but with time and planning you can succeed.
- As a relationship dissolves, and for a long while thereafter, an abused woman should be especially alert to her own safety and take steps to protect herself.
- After breaking up with an abusive man, wait at least a few months before becoming involved with a new partner. Taking time to heal emotionally from the abuse you have endured can be critical to helping you choose a nonabusive partner

next time.

- Read *It's My Life Now* (see “Resources”).
- Your life belongs to no one but you.

The Abusive Man in the World

Abusive Men as Parents

He's terrible to me, but he's a really good father.

He took no interest in the children until I left him, and then right away he filed for custody.

My children are freaked out and don't want to go on visitation with him, but the court won't listen to me.

I couldn't manage without him, because the children don't listen to me.

IT'S SATURDAY AFTERNOON, and excitement is high in the Turner family. Randy,

who is eleven, and his big sister, Alex, thirteen, are getting ready to go with their parents to a big birthday bash for their twin cousins. Their mother, Helen, is helping them get their presents wrapped and choose what to wear, and periodically intervening to sort out quarrels between the two of them, which seem to erupt every few minutes. Tom, the father, is in the garage trying to fix Randy's dirt bike and is covered with grease. Helen's anxiety is mounting as the hour gets later, because Tom is doing nothing about getting ready to leave and keeps saying, "Get off my fucking back, I already told you I'd be ready on time. I can't drop this in the middle." Tensions between Randy and Alex are also escalating, and Randy finally jumps on Alex and starts punching her. Helen hears Alex screaming, goes running in to pull Randy off her, and in the process gets punched twice by Alex herself. Randy yells at her, "You always side with Alex, you bitch," and goes into his room and slams the door. Alex is crying

hard and says to her mother, “You have to *do* something about him; I can’t take it anymore. I swear, if he hits me one more time I’m going to *kill* him. He’s out of control!”

Helen stays with Alex for a few minutes, then starts to put things into the car. The time to leave has passed. Tom finally comes in from the garage and starts to scrub his hands in a leisurely fashion. He then starts to look at the newspaper, and Helen snaps at him, “What are you *doing*? We need to go.” Tom cuts her with a glare that makes her heart stop and says, “I was just seeing what time the game is on tonight. But since you mention it, maybe I *should* check out what else might be interesting.” Then, with a cold sneer on his face, he takes the newspaper to the couch, puts up his feet, and begins to peruse the pages in earnest. Helen storms furiously upstairs. Ten minutes later Tom is still sitting on the couch. Helen calls to him, “We’re already going to be nearly a half hour late; the children are afraid of missing the games.”

Tom's lips form an icy smile, and he answers, "I guess you should have thought of that before deciding to give me a ration of your shit."

Helen yells, "Oh, you asshole!"

At this point Randy emerges from his room and starts down the stairs. "I see you're hysterical, as usual," he tosses flippantly at his mother as he goes. When he gets downstairs, he sees that his father is nowhere near ready to go, and he looks at the clock. He considers saying something but thinks better of it; he recognizes the signs of his father's anger, even when they are not outwardly obvious, and he doesn't want to make himself the target. So he goes back upstairs, tells Alex what is happening, and they both go looking for Helen, who is sitting crying on her bed.

Alex says urgently, "Come on, Mom, let's just go without Dad. The party's already started, we're missing it." Helen shakes her head no. Alex pleads, "Why not? Why can't we just go?"

Helen responds simply, "We're not going

without him,” not wanting to explain to the children how their father would make her pay if they did.

Randy then says, “Please go and apologize to him, Mom. You know that’s all he’s looking for and then he’ll get up and we can go.”

Helen’s tears stop, and her voice gets a hard edge. “I didn’t *do* anything to him, Randy. Why don’t you go ask *him* to apologize to *me*? What did *I* do?”

Randy’s voice turns condescending, as if his mother is being stupid. “Right, Mom. When has Dad ever apologized for anything? Don’t be ridiculous. I guess we can forget going to the party—that’s basically what you’re saying.”

Then their father calls from downstairs, “Come on, let’s get going.” He has quietly put away his paper and cleaned himself up. Randy and Alex brighten and run off to grab their things. Helen can barely lift herself to her feet, feeling psychologically assaulted from all sides. She looks

ashen for an hour or more afterward.

When they are almost out the door, Tom sees for the first time Alex's outfit, which he considers too sexy, and he barks at her, "You go right back upstairs, young lady, and put on something decent. You aren't going to the party looking like a prostitute."

Alex is on the verge of tears again, because she had been excited about what she was going to wear. "But Mom and I picked my clothes out together," she protests, a helpless whine in her voice. "She said I looked fine."

Tom glares at Helen, and his voice lays down the law: "If you aren't changed in two minutes, we're leaving and you're staying here!" Alex runs crying upstairs to throw on a different outfit.

In the car on the way to the party, Tom snaps out of his grumpiness, joking with the children. His humor includes cutting references to Helen's emotional outbursts and overanxiety, which are cleverly funny in their viciousness. The children

can't help laughing, although Alex feels resentful toward both parents and guilty toward her mother even as she giggles. Helen is silent.

At the party, Tom acts as if nothing is wrong. Helen makes an excuse about being sick, since it is obvious to people that she is not herself. Tom is entertaining to both the adults and the children at the party, to the extent of giving each child a twirl around in the yard. Helen can see the impression that Tom makes on people and feels that it would be futile to attempt to describe to anyone what transpired before the party.

There are a few unfamiliar people at the party, to whom Tom introduces Alex as his "girlfriend," which he considers a charming joke. At one point he comments to some relatives on Alex's appearance, saying, "She's developing into quite an attractive young lady, isn't she?" Alex is nearby and feels humiliated. Tom sees her discomfort and says, "What, can't you take a compliment?" and there is laughter all around. He

then gives her a hug, kisses her on the head, and tells his amused audience, “She’s a great kid.” Alex forces a smile.

When they get home from the party and the children are upstairs, Helen mentions to Tom that Randy hit Alex again that afternoon and that this time he hurt her. Tom responds, “Helen, welcome to the world. Siblings fight, okay? Or maybe you haven’t *heard*, maybe that hasn’t been on *Oprah* yet. Alex is two years older than Randy, and she’s bigger. She loves to really play up being hurt, because she knows Mommy will come running and feel sorry for her, and it will be Big Bad Randy who’s to blame, while Alex is all innocence. You’re so naive.”

Helen smarts from the series of barbs but forces herself to answer calmly, “I think we should talk to the school psychologist about it and get some suggestions.”

Tom rises rapidly to his feet, instantly transformed as if he had just caught fire. He takes

two steps toward Helen, pointing his finger and yelling, causing her heart to race. “You get those people in our business and you’ll be sorry! You have no fucking idea what you are doing. You should use some damned judgment, you stupid idiot!” He stomps out to the garage, turns on the light, and goes back to work on Randy’s bike, listening to the game on the radio. He does not come back in until after Helen has fallen asleep.

LIFE WITH AN ABUSER in the home can be as stressful and confusing for the children as it is for their mother. They watch the arguments; they feel the tension. When they hear screaming and name-calling, they worry about their parents’ feelings. They have visions of the family splitting up; if the abuser is their father or a father figure, the prospect of separation is a dreaded one. If the abuser is physically scary, sometimes punching walls, knocking over chairs, or striking their mother, then a sharper kind of fear grips the children and may preoccupy them even during the

calm periods in the home. Following incidents of abuse they may be wracked with guilt, feeling that they either caused their mother to be abused or should have found some way to have prevented it.

Witnessing incidents of abuse is just the beginning of what the children endure, however. Abuse sends out shock waves that touch every aspect of family functioning. Hostility creeps into mothers' relationships with their children, and siblings find themselves pitted against one other. Factions form and shift. Children's feelings about each parent can swing to extremes, from times of hating the abuser to periods of idealizing him and blaming the mother for the fighting. Mothers struggle to keep their relationships with their children strong in the face of the wedges driven in by the abuser, and siblings find ways to support one another and offer protection. These wild cross-currents make family life turbulent.

(For simplicity, I refer in this chapter to the abuser as the children's "father," but most of the

themes I describe can apply equally to a stepfather or to a mother's live-in partner.)

WHY ABUSIVENESS SO OFTEN EXTENDS TO PARENTING ISSUES

QUESTION 14:

WHAT ARE ABUSIVE MEN LIKE AS FATHERS?

Although I have worked with some clients who draw sharp lines around their mistreatment of their partners, so that their children neither see the abusive dynamics nor get pulled into them, most abusers exhibit aspects of their abusive mentality in their role as parents. There are various reasons why a man's abusiveness tends to affect his parenting choices, including the following:

1. Each important decision that parents

make has an impact on everyone in the family. Consider, for example, the decision that many parents grapple with concerning whether a six-year-old is ready to start first grade or should wait a year. Delaying a year may mean another year during which the mother can't work many hours outside the home, which affects the family finances. The child may have to be up and out early to catch the bus, which affects how much sleep the parents get. A younger sibling may suddenly not have the first-grader at home as a playmate anymore and so may be moody and demanding of attention during the day. How is an abuser likely to respond to this complex picture? He is likely to continue his usual tendency to consider his own judgment superior to his partner's and to be selfishly focused on how any

changes will affect *him*, rather than on what works best for the family as a whole. Just because there are children involved, is his entire approach to decision making going to suddenly change? Not likely.

2. At the core of the abusive mind-set is the man's view of his partner as a personal possession. And if he sees her as his fiefdom, how likely is he to also see the children as being subject to his ultimate reign? Quite. If he is the children's legal father, he sees them as extensions of himself; otherwise he tends to see them as extensions of her. Either way, his mentality of ownership is likely to shape his parental actions.
3. It is next to impossible for the abuser to keep his treatment of the mother a complete secret from the children the way he does with other people, because

they are almost always around. So he chooses instead to hook them into the patterns and dynamics of the abuse, manipulating their perceptions and trying to win their loyalty.

4. Children are a tempting weapon for an abuser to use against the mother.

Nothing inflicts more pain on a caring parent, male or female, than hurting one of his or her children or causing damage to the parent-child relationship. Many abusers sense that they can gain more power by using the children against their partners than by any method other than the most overtly terrorizing assaults or threats. To their destructive mind-set, the children are just too tempting a tool of abuse to pass up.

REVISITING THE ABUSIVE MIND-SET: PARENTING IMPLICATIONS

I return now to the Turners, whom we met at the opening of this chapter, to look piece by piece at the dynamics that are being played out. The central elements of the abusive mind-set act as our guide:

CONTROL

From observing Tom's behavior, we learn one of his unspoken rules:

“YOU DO NOT TELL ME TO HURRY UP. I GET TO TAKE AS LONG AS I PLEASE. IF YOU PRESSURE ME, I WILL PUNISH YOU BY TAKING A LOT LONGER.”

Tom is not about to abandon his system of rules and punishments—which are fundamental to an abusive behavior pattern—just because the children are bearing the brunt of it. In fact, he is somewhat pleased that the punishment falls largely on them, because he knows that makes

Helen feel even worse.

We also see Tom control Alex directly, ruling dictatorially over her clothing and *overruling* Helen's decision, thereby undermining her parental authority. He also seizes power over a process to which he has contributed nothing; if he wanted the right to have a say in what the children wore, he should have involved himself in the work of getting the family ready to go. The abuser does not believe, however, that his level of *authority* over the children should be in any way connected to his actual level of *effort* or *sacrifice* on their behalf, or to how much *knowledge* he actually has about who they are or what is going on in their lives. He considers it his right to make the ultimate determination of what is good for them even if he doesn't attend to their needs or even if he only contributes to those aspects of child care that he enjoys or that make him look like a great dad in public.

Like Tom, abusers tend to be authoritarian

parents. They may not be involved that much of the time, but when they do step in, it's their way or the highway. My clients defend authoritarian parenting even though a large collection of psychological studies demonstrates that it's destructive: Children do best when parents are neither overly strict nor overly permissive, providing firm structure but also allowing for dialogue, respectful conflict, and compromise.

The abuser's coerciveness thus comes into his treatment *of* the children and his behavior *regarding* the children, including his bullying of decisions in which the mother should have an equal voice.

ENTITLEMENT

Tom doesn't accept that a couple's choice to have children requires major lifestyle changes and sacrifices. He'll work on Randy's dirt bike because he enjoys it, but whatever else needs to be done for the children is not his problem. Yet at the party he goes to great lengths to present himself as

Mr. Dad, because he likes the *image* and *status* of fatherhood.

The selfishness and self-centeredness that his entitlement produces cause *role reversal* in his relationships with his children, in that he considers it their responsibility to meet *his* needs. Tom behaves flirtatiously with his teenage daughter at the birthday party, introducing her as his “girlfriend,” commenting obliquely on her sexual development and kissing her in the midst of her embarrassment. The discomfort he causes Alex is obvious, but he can’t be bothered to pay attention to that fact. He meets his own needs through the fantasy of having an attractive young partner while simultaneously taking pride as a parent in her attractiveness.

Children of abusers often find their father’s attention and approval hard to come by. This scarcity has the effect of *increasing* his value in their eyes, as any attention from him feels special and exciting. Ironically, their mother can come to

seem less important to them because they know they can count on her.

The abuser's entitled attitude that he should be above criticism makes it hard for his partner to intervene with him on her children's behalf. When Helen tries to get Tom to hurry up for the children's sake, he considers her efforts "a ration of shit" and punishes them all by deliberately taking even longer. Alex and Randy don't realize the price that their mother pays, and that they themselves pay, when she tries to stand up for them against him, so they wind up feeling that she doesn't care.

EXTERNALIZATION OF RESPONSIBILITY

Tom makes the children late for their party but then tells Helen it's her own fault. He also says that her overly sympathetic responses to Alex are the reason why the children's fights become a big deal. It never enters his mind that Randy's behavior toward females might be related to what

he himself has modeled. Everything that goes wrong in the family is someone else's fault, usually Helen's.

Children who are exposed to the abuse of their mother often have trouble paying attention in school, get along poorly with their peers, or act out aggressively. In fact, they have been found to exhibit virtually every symptom that appears in children who are being abused directly. The abuser attributes all of these effects to the mother's poor parenting or to inherent weaknesses in the children.

When a family affected by partner abuse splits up, some children discover how much more pleasant life is without their father in the home and may choose to distance themselves from him. This can be a sign of emotional health and recovery. The abuser then often claims, predictably, that the mother is turning the children against him; in his mind, what else could it be?

MANIPULATIVENESS

As the Turner family drives off toward the party, Tom abruptly shifts into good humor, joking with the children and inducing them to bond with him against their mother. It is hard to stay angry at him when he is being playful. The children are ashamed of laughing at their mother—consciously for Alex, less so for Randy—but they are also drawn into an alliance with their father.

In certain ways children actually have an easier time living with an abusive parent who is mean all the time—at least then they know what they are dealing with and who is at fault. But the typical abuser is constantly changing faces, leaving his children confused and ambivalent and increasing the likelihood that they will identify with him in hopes of staying on his good side.

One critical category of manipulation involves the various tactics an abusive man may use to keep children from revealing to outsiders that their mother is being abused. Your partner may reward the children for maintaining secrecy or may make

them feel that they would bring shame on the family, including themselves, if anyone were to find out. In some cases the man uses more overt pressure, including threats to enforce secret-keeping. Children who do disclose the abuse going on at home sometimes suffer emotional or physical retaliation by the abuser. (Some children are also pressured by their mother not to tell, because she is afraid of what her partner will do to her or to them if word leaks out.) It is important to take steps to relieve any burden of secrecy that your children may be carrying, as I discuss at the end of this chapter.

SUPERIORITY, DISRESPECT

Tom openly ridicules Helen for being concerned with Randy's assaultiveness toward Alex. Her parenting is thus one of the things about which he abuses her. Children growing up in this atmosphere can gradually come to look down on their mother as a parent, having absorbed the abuser's messages that she is immature, irrational,

illogical, and incompetent. Even those children who take their mother's side in most conflicts, as many daughters and some sons of abused women do, nonetheless can come to see her as inferior to other people and to themselves. Randy's behavior reveals this dynamic when he remarks condescendingly to his mother: "I see you're hysterical as usual." He has learned to see his mother through Tom's eyes.

POSSESSIVENESS

Tom treats Alex like an object that belongs to him. When he makes her change before the party, we might think, "He doesn't want his daughter to get sexualized at such a young age, which is good." But what we discover at the party is that he doesn't object to her sexualization, he just wants to be in control of it, and he wants it oriented toward *his* gratification. His demand that she not show off her body is not based on the viewpoint of a responsible parent but rather is more like the attitude of a jealous boyfriend.

Not all abusers perceive their children as owned objects, but many do. A man who already considers his partner a possession can find it easy to see his children the same way. But children are not *things*, and parents who see their children in an objectified way are likely to cause psychological harm because they don't perceive children as having rights.

PUBLIC IMAGE

It is confusing for children to see people responding to their abusive father as if he were a charming and entertaining person. What are Alex and Randy to make of how popular Tom is at the party? They are left to assume that his behavior at home is normal, which in turn means that they, and their mother, must be at fault.

THE ABUSIVE MAN AS CHILD ABUSER

Multiple studies have demonstrated that men who abuse their partners are far more likely than other

men to abuse children. The extent of the risk to children from a particular abuser largely depends on the nature of his pattern of mistreatment toward their mother, although other factors such as his own childhood also can play an important role. The increased risks include the following.

PHYSICAL ABUSE

The abuser who is most likely to hit children is the one who is quite physically assaultive or threatening toward the mother. A battering partner is seven times more likely than a nonbattering man to physically abuse children, and the risk increases with the frequency of his violence toward the mother. However, there are also some abusers who hit the children but not the mother. The man in this category tends to be: (a) a particularly harsh and authoritarian parent, (b) a controlling and dictatorial partner, and, (c) a man who was physically abused by his own parents while he was growing up.

SEXUAL ABUSE

Incest perpetrators are similar to partner abusers in both their mentality and their tactics. They tend to be highly entitled, self-centered, and manipulative men who use children to meet their own emotional needs. Like Tom, they are often controlling toward their daughters (or sons) and view them as owned objects and tend to use seduction and sweetness to lure their victims in. In fact, Tom exhibits many of the warning signs of a sexually abusive father, including his apparent jealousy toward Alex and his penchant for giving a romantic and sexual tone to his interactions with her.

As in cases of physical abuse of children, multiple research studies have found that men who abuse their partners perpetrate incest at a much higher rate than do nonabusive men. These studies suggest that the incest perpetrator is not necessarily severely violent to the mother, but some degree of assault on her is common. The

mentality and tactics of the incest perpetrator are very similar to those of the partner abuser, including self-centeredness and demands that his needs be catered to, manipulation, cultivation of a charming public persona, requiring the victim to keep the abuse secret, and others. Although the percentage of outright sexual abuse appears to be fairly low, even among abusive men, partners of my clients frequently raise concerns about subtler kinds of boundary violations and other sexually inappropriate behaviors along the lines of those exhibited by Tom at the party. A man who perceives his child as an owned object, as Tom did, is likely to disregard her rights to privacy or to integrity in her own body.

Boys are at some risk of being violated by abusive men as well, although most incest perpetrators choose to offend against a girl if one is available. Boys appear to be at particular risk when they are very young, while the vulnerability of girls remains steady and may even increase

during adolescence.

PSYCHOLOGICAL ABUSE

Partners of my clients frequently share their distress with me over the mental cruelty the abuser visits upon the children. Name-calling, belittling, attacking their self-confidence, humiliating them in front of other people, shaming boys with regard to their masculinity, and insulting—or inappropriately complimenting—girls on the basis of their physical development and appearance are all common parenting behaviors among the abusive men in my groups. They tend to hurt their children's feelings further by failing to show up for important events, not following through on promises to take them on outings, or by showing no interest. Watching their children get rejected by their fathers in these ways is a source of pain for many of the abused women I speak with.

THE ABUSER AS ROLE MODEL

What are Randy and Alex learning from Tom's treatment of Helen and from the messages he gives them about her? Parents' statements and behaviors are probably the single greatest influence on the development of children's values and on how they perceive other people and themselves—at least as powerful as their parents' words (which sometimes convey opposite messages). Children exposed to partner abuse learn the following lessons from the dynamics they are caught in the middle of:

**“THE TARGET OF ABUSE IS AT FAULT,
NOT THE ABUSER.”**

Tom makes it clear to his children that Helen brings abuse upon herself by being too emotional, by questioning his decisions, or by being overly angry. Randy (and perhaps Alex as well) is likely to exhibit problems in how he treats other people, because he has been taught how to blame others,

especially females, for his actions. Alex may believe that other people, especially males, have the right to mistreat her and that it is her own fault if they do.

“SATISFACTION IN LIFE COMES THROUGH CONTROLLING AND MANIPULATING OTHERS.”

Tom’s behavior communicates to his children that having power over other people is a desirable goal. The possibility that sharing, equality, cooperation, and mutual respect can lead to a fulfilling life may be beyond their conceptual reach. When the sons of abusers reach adolescence, for example, they commonly begin manipulating girls into relationships that are sexually or emotionally exploitative. They may lack empathy for their victims, having been conditioned by their fathers to shut themselves off to caring about the feelings of females.

“BOYS AND MEN SHOULD BE IN CONTROL, AND FEMALES SHOULD SUBMIT TO THAT CONTROL.”

Unless they can find strong counter-examples among their friends or relatives, Alex and Randy run the risk of internalizing a rigid, abuse-prone view of what men and women inherently *are*. Children’s parents are their first and most important source of sex-role definition and identification.

“WOMEN ARE WEAK, INCOMPETENT, AND ILLOGICAL.”

Tom is teaching his children—whether intentionally or not—to perceive women in the same degrading light that he casts on Helen. He reinforces these messages by treating Alex disrespectfully in public. Daughters of abusive men often have profound self-esteem problems. Why wouldn’t they? Look at what the abuser is

teaching them about how valuable and worthy of respect females are. Sons of abusive men in turn tend to be disparaging of and superior to girls and women, especially when the boys become old enough to begin dating.

“MOMMIES DO THE HARD, CONSTANT, RESPONSIBLE DAILY WORK OF PARENTING, WHILE DADDIES STEP IN TO MAKE THE KEY DECISIONS AND SHARE THE FUN TIMES.”

Alex and Randy are led to regard their mother as the brawn of the family operation and their father as the brains. They associate Helen with routine and structure, whereas they connect Tom with times that are special and exciting. Despite how grumpy he often is, Dad still comes out seeming like the fun parent; they notice how entertaining he is at the party, for example, while their mother is sullen and withdrawn.

“PEOPLE THAT LOVE YOU GET TO ABUSE YOU.”

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Children who grow up exposed to an abusive man's behavior learn that abuse is the price people pay if they want to receive love. This training can make it harder for children to recognize when they are being mistreated and to stand up for themselves.

As an abuser passes on his thinking to the next generation, he, in effect recruits his sons to the ranks of abusive men. He does not literally want his son to mistreat women—he doesn't believe he does so himself, after all—but he wants his son *to think as he thinks*, including adopting his same excuses and justifications, so the outcome is the same. And to a lesser extent he also recruits his daughters to join the ranks of abused women.

HOW ABUSERS AFFECT MOTHER-CHILD RELATIONSHIPS

QUESTION 15:

WHY IS EVERYONE IN THE FAMILY MAD AT EACH OTHER INSTEAD OF AT HIM?

Tom's behavior drives wedges between the members of his family that expand over time. Many of the divisions he has sown are already bearing their poisonous fruit. How is he affecting Helen's relationships with her children? And how is he shaping—and distorting—how they view her?

UNDERMINING HER AUTHORITY

It isn't hard for Alex and Randy to figure out where primary parental authority is vested in their family, because they see that Helen's decisions can be overruled. Children who detect such an imbalance learn to play one parent against the other and try to curry favor with the one who has

the ultimate say. They also learn to defy the authority of the abused parent. Some abusive men further undermine the mother's authority by speaking badly about the mother to the children, characterizing her as crazy, alcoholic, or uncaring.

Even when a man does not directly undercut the mother's parenting as Tom does, his abuse undermines her authority *by its very nature*. Children who see or hear their father belittle their mother, silence her, walk away and ignore her, or physically intimidate her, learn that such behaviors toward her are both acceptable and effective. Most children of abused women are aware that their father does these things—even if the parents don't think they know—and they experiment with imitating his behaviors to see if it will help them get their way.

Children may also hope to win their father's approval by joining him in the abuse of their mother. This effort succeeds in some cases, but other abusers lay down the law quickly to

establish that the privilege of disrespecting Mom belongs only to Dad. In this case the children may repress what they are learning until Mom and Dad split up; then, with the abuser out of the house, they let loose, re-creating his put-downs and intimidation of her, sometimes rapidly making themselves unmanageable.

Children of abusers absorb his expectations of constant catering from the mother. The son of an abused woman tends, for example, to become enraged at her for not waiting on him hand and foot, for pressing him to meet his responsibilities, or for challenging his inappropriate behaviors. His father is a direct model for his angry, verbally abusive responses in these particular circumstances.

INTERFERING WITH HER PARENTING

The evening after the birthday party, Tom forbids Helen to involve the school psychologist in addressing Randy's assaults on his sister. He doesn't say exactly what her punishment will be if

she defies him, but she knows him well enough to not want to find out. She is thus forbidden to parent her children.

Dozens of abused women have complained to me of my clients' direct interference with their parenting. The most common complaint is that of being prevented from comforting a crying or frightened baby or young child. The men sometimes admit the interference openly. A recent client of mine, Jacob, told me that he was sick of the way his partner, Patricia, would pick up their eleven-month-old baby Willy when he cried and "fawn over him," and he blocked her from going into the baby's room. That was just the beginning. An older daughter of theirs was hospitalized for weeks in a city that was nearly two hours away with severe hepatitis. Patricia would rush to the hospital each night as soon as she got off work, visit briefly with her daughter, and then rush back home in hopes of seeing Willy before he fell asleep. However, if Patricia didn't make it back

home by the nightly deadline that Jacob had set, Jacob *would not permit her* to go into Willy's room to see him, even if Willy was still awake. On at least one occasion the boy realized that Patricia was home and started yelling, "Mommy, Mommy!" and Jacob *still* blocked her from entering. His excuse to me? "I didn't set that deadline," he said. "We agreed to it mutually." (This would have been an unacceptable excuse even if it were true, but Patricia told me she never agreed to such a deadline.)

I think it is important to mention that Jacob never hit Patricia in their ten years together and that he was a college professor living in an unusually luxurious neighborhood. He provides a powerful illustration of the depth of the psychological cruelty an abuser can perpetrate with little or no physical violence and keep hidden behind the most impressive facade.

I SPEAK WITH some mothers who have

developed psychiatric symptoms from being abused, such as nightmares, severe anxiety, or depression. Research studies have found that these conditions and related ones, including posttraumatic stress disorder, are not uncommon in women who have been abused by their partners. The abuser may have indoctrinated his children to perceive their abused mother as emotionally troubled, but he also may have actually *caused her* to become somewhat unstable. In either case, his behavior damages mother-child relationships, and it can take both time and outside assistance for mothers and children to reestablish a strong and trusting connection.

USING THE CHILDREN AS WEAPONS OF ABUSE

One of my clients many years ago was a mousy and mild-mannered young father named Wayne who characterized himself as a feminist. He was upset one morning about some things his wife, Nancy, had said to him before leaving the home,

and he stormed around itching to make her really regret her words. He was looking in the refrigerator for milk for their ten-month-old baby when he came across a bottle from a few days earlier that had spoiled. He recognized the bottle immediately as the ultimate weapon and *proceeded to give the baby the spoiled milk to drink*, making him violently ill. Few other acts could have had an impact on Nancy as devastating as this one. The controlling effect was potent: Nancy was terrified for a long time after to defy Wayne or upset him in any way. She was also filled with anxiety as she left for work each morning.

Another client of mine described how he had told his wife during an argument, “If you don’t shut up, you’re going to be really sorry,” and when she continued yelling at him, he went into their teenage daughter’s closet and cut her prom dress to ribbons with a pair of scissors. The daughter’s pain, I learned from the mother, was

indescribable. Fueling this type of cruelty to children is the abuser's awareness that the mother's empathy for her children's emotional pain will hurt her more than anything he could do to her directly.

SHAPING THE CHILD'S PERCEPTIONS OF THE ABUSE

Many of my clients are skilled spin doctors, able to distract children's attention from what is before them and get them confused about the obvious. Consider the following scenario. A nasty argument breaks out between a mother and a father, with yelling and name-calling on both sides. Their children can barely follow what the fighting is about, partly because their stomachs are tied in knots from the tension. For the rest of the day, their mother is distant and depressed, snapping at them over trivial frustrations. Their father disappears for two or three hours, but when he turns up again he is in a good mood, joking and laughing with the children as if nothing had

happened. (An abuser can naturally snap out of the bad effects of an abusive incident much more quickly than the abused woman can.) So which parent will seem to these children to have been responsible for shattering the calm of their home earlier? Probably the grouchy one. It is therefore not surprising that abusers are sometimes able to reverse their children's perceptions so that they see Mom as the volatile or unreasonable one despite the abuse they witness.

PLACING THE MOTHER IN A DOUBLE BIND

When Tom punishes Helen by deliberately making the children late, Randy and Alex become upset with *her* for not capitulating. They feel that if she would just cater to their father and manage his emotions they would get what they need, so they see her as the one who is hurting them. They know it's out of the question for him to do anything different. The abuser gets rewarded for his bullying behavior because the children give up on

influencing his side of the equation and pour their energy into getting their mother to fix what's wrong.

Yet this is only half of the problem. On some other issue, Helen may give in to Tom precisely to avoid the kind of abuse and retaliation that resulted this time, and then the children will feel critical of her for *that*. They may say: "Why do you let Dad push you around like that? Why do you put up with that?" They may grumble: "When Dad is being mean to us, Mom doesn't do anything about it." Children of abused women thus feel angry and upset with their mother for *standing up* to the abuser and for *not standing up* to him. Their reactions in this regard are entirely understandable, but the mother can find herself in an impossible bind that leads to more distance and tension between her and her children.

Child protective services sometimes accuse an abused woman of "failing to protect" her children from exposure to an abusive man, without

understanding the many efforts she may have made to keep them safe and the many tactics the abuser may have used to interfere with her parenting.

HOW ABUSIVE MEN SOW DIVISIONS IN FAMILIES

Randy and Alex are bitter adversaries one minute and loyal allies the next. They are like pebbles at the edge of the sea, with each wave of abuse toward their mother washing over them and changing their position in relation to each other. Randy's violence toward Alex is no surprise; boys who are exposed to the abuse of their mother are often disrespectful of and aggressive toward their peers, targeting females in particular for their hostility. Sons of abusers learn to look down on females, so they feel superior to their sisters and mothers and thus expect catering from them. Violence among siblings occurs at much higher

rates in homes where there is partner abuse.

Abuse is inherently divisive; family members blame each other for the abuser's behavior because it is unsafe to blame him. If an incident of abuse began with an argument over one child's misbehavior, then an older sibling might say, "Daddy screamed at Mom and made her cry because he was mad that you were making so much noise. You should have listened to me when I told you to quiet down."

Tom contributes further to divisiveness through his *favoritism*: He treats Randy like a buddy and fixes his dirt bike, while ignoring Alex except when showing her off in public. Favoritism is rampant in the parenting of abusive men. They may favor boys over girls because of their own negative attitudes toward females. They favor children whom they see as siding with them and are rejecting of those who are sympathetic or protective of the mother. Children experience powerful emotional rewards from the abuser for

distancing themselves from their mother and from any siblings who are allied with her.

My clients exhibit a range of other divisive tactics, including openly shaming children—especially boys—for being close to their mother, telling family members lies about each other, and making children feel like members of a special and superior club when they are part of his team. Finally, they use collective punishment, requiring all the children to pay a price for one child's behavior, which can be devastating in its ability to turn children against each other.

Why does an abuser sow divisions in these ways? One reason is that his power is decreased if the family remains unified. I have had a number of clients whose partners and children have consistently supported each other, and the client is always bitter about it, griping, "They've all turned against me," or, even more commonly, "She's brainwashed the children to be on her side." Many abusers take steps to avoid this outcome, using the

principle of “divide and conquer”: If people in the family are busy fighting with each other, attention is diverted from the man’s cruelty or control.

RESILIENCE IN MOTHER-CHILD AND SIBLING RELATIONSHIPS

Almost miraculously, some family members of abusers manage to stay close to each other and unified. Several factors play a role in helping family relationships rebound from the effects of the abuser’s behavior and grow strong:

1. *Access to good information about abuse:* When a mother receives assistance from a program for abused women, for example, she has an easier time unraveling the convoluted dynamics of abuse, and then can assist her children to achieve greater clarity. It also helps her not blame her children for how they’ve been affected by the abuse.

2. *Access to children's services:* Many programs for abused women now offer free counseling for their children as well, and specialized counseling for children who have witnessed abuse is sometimes available through other sources such as hospitals or mental health centers. Family relationships benefit greatly when children get an opportunity to work through some of the dynamics we have been examining.
3. *Safety from the abuser:* Family members are more likely to stay by each other if their community stays by them, helping them to either leave the abuser or demand that he change. For the violent abuser, the police and courts can play a critical role in supporting the family, or they can drop the ball. The actions taken by family and juvenile courts can also be pivotal in protecting

children from the effects of an abuser's behavior.

4. *Access to supportive community resources:* I have observed, for example, that children tend to do better simply by having the good fortune to live in a neighborhood where there are plenty of children to play with. If children have the opportunity to participate in sports, drama, or other activities that give them pleasure and help them feel good about themselves, they are less likely to channel their distress into hurting their siblings and their mother. Adults outside the family who devote attention to the children and engage them in activities can help them unhook themselves psychologically from the abuser, even without any direct mention of the abuse. Support for the mother is as important

as support for the children. Seek out a trustworthy friend or relative, and take the leap of talking about how you are being mistreated in your relationship. Breaking your isolation is critical to healing both you and your children.

5. *A mother who works hard at her parenting and gets help with it:* It is important for an abused mother to get community support and not to try to be a superhero. At the same time, there are helpful steps you can take. Try as hard as you can not to take your rage and frustration out on your children. Look for books or lectures about parenting and discipline strategies. Seek support for your parenting from friends and relatives, and try to be open to suggestions or constructive criticism from others. These are all extraordinary challenges for an abused mother; no one

should blame you if you can't do all of these things, especially all at once. But I find that many abused women discover ways to be the best mothers they can under the circumstances, and their children feel the difference in the long run.

6. *An abuser who is a poor manipulator:* Some abusive men simply aren't as clever or persuasive in shaping the children's outlook, with the result that the children don't become as confused and ambivalent and cast less blame on to their mothers, their siblings, and themselves.

HOW CHILDREN LOOK AT THEIR ABUSIVE FATHERS

In his children's eyes, the abuser is simultaneously hated and revered. They resent his

bullying and selfishness but are attracted to his charm and power. They soak up the delicious moments when he is kind and attentive, partly because they may be so few. They may have an active fantasy life about getting big enough to stand up to him, and often dream of hurting him. If he is depressed or alcoholic, they worry about him. They observe that when their father is happy peace reigns in the family and that when he is unhappy he makes everyone else miserable, too, so they invest themselves in keeping him content. These many powerful mixed feelings are confusing and uncomfortable for children.

Children also are subject to traumatic bonding with the abuser, just as their mothers are, even if he does not abuse them directly. When child protective workers or custody evaluators assess a family in which there is partner abuse, they commonly conclude that the children are highly bonded to their father—as I find in their written reports—without examining whether or not that

attachment is the result of trauma and manipulation rather than of extensive positive time spent together.

The abuser shapes how the children *and the mother* see him as a parent. It is common for a partner of one of my clients to say: “He treats me terribly, but he’s a good father.” But when I then ask detailed questions about the kinds of behaviors I have reviewed in this chapter, three times out of four the woman reports multiple important problems; she just hadn’t been able to sort them out. You therefore may be finding that uncomfortable questions are arising for you about your own partner’s parenting as you read along. When you are already struggling with how you are being treated yourself, it can be painful to consider that your children may be at risk of mistreatment as well. In the pages ahead, you will find suggestions for helping your children meet their own challenges.

THE ABUSER AS PARENT POSTSEPARATION

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What happens to the parenting of abusers when couples split up? Some abusive men simply vanish from their children's lives, taking the attitude, "The children are her problem. If she wanted help with them, she should have treated me better. I don't want restrictions on my freedom." He thinks of having children as a reversible process, reminiscent of jokes about recovering one's virginity. He may pay little or no child support, and the children may not even receive birthday cards from him.

Children may actually fare better in the long term from having the abuser drop out of their lives rather than having him continue his manipulations and divisiveness for years, but these are both poor choices. When an abusive father disappears, children feel rejected and abandoned. In one of my current cases, the child keeps insisting that the

reason for the disappearance of the father is “because he didn’t like me,” although the mother tells him that isn’t so. Depending on their neighborhood or community, children also may suffer from the stigma of having a father who “ran off.”

When abusive fathers stay involved, a different set of problems typically arise. First, the mother is generally the one who ended the relationship, and abusers do not take well to being left. They may use the children as weapons to retaliate against the mother or as pawns to try to get her back. I had a client named Nate, for example, who moved into an apartment when he and his wife separated and kept his new place as dingy and depressing as possible. He threw a bare mattress on the floor, put no pictures on the walls or rugs on the floors, and acquired little other furniture, although he could have afforded to make the place look decent. When the children came to visit him on weekends, they were shocked by his living conditions. He

cried in front of them about how much he missed them and their mother and how bad it felt to be alone and outside of the family. He dressed sloppily, barely combed his hair, and rarely shaved, giving himself a pathetic mien. The children were crushed and could think of nothing other than their father's pain and loneliness. Naturally they began pressuring their mother to let him come back home.

Children can be used even more directly as weapons. A partner of one of my clients told me that she had left him about a year earlier but then got back together with him, "because he told me if I didn't let him back in the house he was going to sexually abuse our daughter." She had not reported this threat to a family court, because she assumed she would not be believed—family courts are widely reputed to treat women's sexual abuse allegations with strong disbelief.

Abused women have reported to me countless ways in which their ex-partners try to hurt or

control them through the children, including:

- Pumping them for information about the mother's life, especially about new partners
- Returning them from visits dirty, unfed, or sleep-deprived
- Discussing with them the possibility of coming to live with him instead
- Continuing to drive wedges between them and their mother
- Undermining her authority by making his house a place where there are no rules or limits, permitting the children to eat whatever junk food they want, watch movies that are inappropriately violent or sexual, and ignore their homework, so that they chafe against normal discipline when they get back to her house
- Hurting the children psychologically,

physically, or sexually in order to upset the mother

- Threatening to take the children away from her
- Seeking custody or increased visitation through the courts
- Insisting on taking the children for visitation only to leave them most of the time in someone else's care, usually his mother's or new partner's

WHY HE USES THE CHILDREN AS WEAPONS POSTSEPARATION

What is going on in the abuser's mind as he hurts his ex-partner through the children?

1. He wants her to fail.

The last thing an abuser wants is for his partner to thrive after they split up, since that would prove that he was the problem. So he tries to make her parenting life as difficult as possible so that her

life will stay stuck. She ends up feeling like she was never really permitted to leave him, feeling his presence around her all the time through his maneuvers involving the children. Many abusers cause more damage to mother-child relationships after separation than they did before.

2. He is losing most of his other avenues for getting at her.

Separation means that the abuser doesn't get his daily opportunities to control the woman and cut her down. He may still be able to get at her through various financial dealings, and he can stalk or assault her if he is willing to risk arrest. But the children become one of his only vehicles to keep a hook into her for the long term.

3. He considers the children his personal possessions.

While the abuser may believe that the *work* of raising children is his partner's responsibility, he assigns the *rights* regarding them to himself. He

feels outraged postseparation that he is losing control not only of his ex-partner but of the children as well. This ownership mentality was illustrated neatly by a client of mine who went to court seeking sole legal custody but requesting that the mother retain physical custody; in other words, he wanted *her* to look after the child, but the right to make the decisions would be *his*. (Fortunately, his request was denied.)

An abusive father may go ballistic if his ex-partner begins a new relationship because, as clients often say to me: “I don’t want another man around *my* children.” In my experience, abused women often get involved with a more respectful man on the next go round, because their painful experience has taught them some signs of abuse to watch out for. Her children may then gravitate to the new man as if toward a magnet, thrilled to discover that they can get caring and appropriate male attention, a situation to which an abusive man may have a hostile reaction.

4. *His perceptions of his ex-partner are highly distorted.*

Many of my clients genuinely believe that they are doing what is best for their children by driving them away from their mother, because they have swallowed their own propaganda about how bad she is. An abuser strives to prove that his ex-partner is a poor mother by pointing to symptoms that are actually the effects that his cruelty has had on her: her depression, her emotional volatility, her difficulty managing the children's disrespect of her. He feels that *he* needs to save them from *her*, a stark and disturbing distortion.

DO ALL ABUSERS HARM THEIR CHILDREN EMOTIONALLY POSTSEPARATION?

Fortunately not. I have worked with abusers who have substantially more compassion for the children than they have for their partners and who

do not use them as weapons postseparation. These men tend to be:

1. *The ones who behaved the most responsibly toward the children **prior to separation**:* The divorced or separated abuser who is kind to the children, cares for them responsibly, and does not try to damage their relationships with their mother is a man who was also operating this way while the couple was together. He generally didn't degrade her right in front of the children and didn't abuse her during a pregnancy. He is usually less selfish and self-centered than the average abuser. The parenting of abusive men rarely improves postseparation, unlike that of some nonabusive fathers. I have had clients who put on a big show of being nicer to their children and spending

more time with them *because they were seeking custody*, or because they were trying to turn the children against their mother. These are not genuine improvements in parenting; once their campaign is over, win or lose, they revert to their old ways. The only question about an abuser's treatment of his children postseparation is "Will it stay the same or will it get worse?"

2. *The ones who are not intent upon settling old scores*: If he is willing to move on with life without having to punish you—or get back together with you—the picture for the children can brighten somewhat.
3. *The ones who do not use the legal system to pursue custody or increased visitation*: For a variety of reasons, many abusive men do not choose to use family courts as a venue for taking

power over the woman and her children. Once the court becomes involved, the road to peace can be a long and painful one.

THE ABUSER IN FAMILY COURT

I have frequently served as a custody evaluator, or *guardian ad litem*. A custody evaluator is appointed by a court to investigate the children's circumstances in cases of divorce or separation and to make recommendations to the judge regarding custody and visitation. In my first case of this kind several years ago, a man named Kent was seeking to win custody of his three-year-old daughter from his ex-partner, Renée. Kent was in the military, so he did not have "flex-time" options; he told me that if he gained custody, his parenting plan was to put Tracy in day care forty hours a week. Tracy was currently in the full-time care of her mother. Kent was not critical of

Renée's parenting; he said simply that he wanted Tracy to live with him because he could care for her even better. More important, he was offering to allow Renée liberal visitation, whereas Renée was restricting his contact with Tracy to a set schedule. "That way Tracy could have both parents," he said.

Kent informed me with audible outrage that Renée was accusing him of having been abusive, "but she has never provided one shred of evidence of her laughable allegations." He then went on, in response to my detailed questions, to describe *thirteen* different occasions on which he had *physically* assaulted Renée, including repeated incidents of pushing her down and one time when he kneed her so hard in the pelvic area that she got a large dark bruise. He claimed never to have punched or slapped her; apparently this is why he considered her reports of abuse such a joke.

That isn't all. Kent went on to tell me that he had participated only minimally in Tracy's care

during her first year of life and not dramatically more during the subsequent two years. (Most abusers in custody disputes are craftier than Kent was. His entitlement was so severe that he didn't think I would see anything wrong with this picture.)

Why did Kent want to take a little girl out of the full-time care of a competent mother in order to put her into full-time day care? I was forced to conclude that he craved power over Renée, wanted contact with her and saw winning custody as the way to put the cards back in his hands.

Unfortunately, few custody evaluators or judges understand the nature of an abusive man's problem. If they find him likable, they assume the abuse allegations must be greatly exaggerated. And once they adopt that stance, it can become extraordinarily difficult to get them to listen carefully to what has gone on or to investigate the evidence.

The world of family courts, where legal

struggles over custody and visitation take place, is a nightmare in the lives of many thousands of abused women across the United States and Canada. A woman who has overcome so many obstacles to finally free herself from abuse can suddenly find herself jerked back into the abuser's grip, because he is the legal father of her children and chooses to continue his abuse through the legal system.

The typical abusive man enters the court with self-assurance, assuming that court personnel will be malleable in his charming and manipulative hands. He typically tells lies chronically and comfortably. He looks and acts nothing like the social stereotype of an abuser and plays on the prevailing myths and prejudices concerning abuse. Imagine how Tom, the father in the scenario that opened this chapter, would appear in the courthouse; would anyone believe that he could be an abuser?

THE ABUSER'S TACTICS IN CUSTODY

DISPUTES

Here are just a few of the strategies an abuser tends to use in custody and visitation disputes:

Taking Advantage of His Financial Position

Most men are in a better economic position than their ex-partners for at least the first few years following separation. This imbalance is greater for abusers because they may control and manipulate the finances while the couple is together and sometimes make dramatic attempts to destroy their partner economically as the relationship dissolves. An abuser can often afford to spend a great deal more than the woman on legal expenses, or he can get himself into a nice house to sway both the children and the custody evaluator. He may be able to completely ruin his ex-partner's financial position by dragging her back into court over and over again.

Asking for Psychological Evaluations

Most abusers do not show significant

psychopathology on psychological tests, but their partners often do as a result of enduring years of abuse. The evaluating psychologist may report that the woman is depressed, hysterical, or vindictive; few evaluators take the abused woman's actual past experience or current circumstances into account. If she reports that she is being followed, for example, because the abuser is stalking her, she is likely to be labeled "paranoid" and her reports of abuse discredited on that basis. A psychologist's report on the abusive man may be based on a related set of misconceptions. I have read several evaluations that state that the man is unlikely to have perpetrated the reported acts of abuse because he is not mentally ill or because he doesn't show signs of aggressiveness in the evaluator's office. (On this erroneous basis, *most* abusive men could be declared to be victims of false accusations.) Unfortunately, many psychologists who take court appointments have been slow to accept that their

standard array of theories and tests can lead to serious errors when applied to domestic-abuse cases.

Playing the Role of Peacemaker

A great number of my clients use a routine that goes like this: “There was a lot of fighting and bad feeling in our relationship, and I can understand that she is bitter about some things, but we need to put that all behind us for the good of the children. She is so focused on getting revenge against me that she is forgetting about the children’s needs. That’s why I’m asking for joint custody, so that the children would get lots of time with each of us, while she’s asking for me to have only every other Saturday.”

This piece of acting seeks to take advantage of the myth that women are more vindictive than men when relationships end (in the case of abuse, however, the reality is very much the opposite) and that men are frequently victims of false accusations of abuse by women who want to keep

them away from their children. The abuser's goal with this and all other strategies is to get court personnel to disbelieve his ex-partner and ignore any evidence she presents.

Feigning Remorse over the Abuse

A surprising number of judges and custody evaluators consider a man's abuse of his partner irrelevant to custody and visitation decisions. They are either unaware or uninterested in the role that an abusive man plays as a role model for his children, the damage he can do to mother-child relationships, and the way he may use the children as weapons. So if an abuser says he regrets his verbal or physical assaults on the mother, that can be enough to manipulate court personnel into saying, "Let's leave all that in the past."

Confusing the Court with Crossaccusations

Most of my clients can lie persuasively, with soulful facial expressions, good eye contact, and colorful details. Court personnel have trouble

believing that such a pleasant-seeming man could simply be inventing most or all of his accusations against the abused woman. In various cases of mine, court personnel have told me, “He accuses her of the same things, so I guess they abuse each other.” In such cases, the court may accept his counteraccusations at face value, rather than look closely at the evidence.

Accusing Her of Trying to Turn the Children Against Him

Some abusive men do not succeed in turning children against their mother, and some don’t even try. Children sometimes see the abuse for what it is and take whatever steps they can to protect themselves, each other, and their mother, including perhaps disclosing the abuser’s treatment of her (or of them) to outsiders. The abusive man’s typical response to this is to claim that the mother is turning the children against *him*. Some prominent psychologists have, unfortunately, contributed through their writings

to the myth that it is unhealthy for children to distance themselves from an abusive father and that the mother is probably the cause of their desire to do so. Family courts tend to be unaware of how important it is to children not to be exposed to the negative role modeling of their abusive father and to his hostility and contempt toward their mother. Regrettably, a growing number of abusive men succeed in using such claims of “parental alienation” to win custody or ample unsupervised visitation, even in cases where there is extensive evidence that the man has abused not only the mother but the children as well.

The reality is that a mother who attempts to restrict her children’s contact with the man who abused her is generally acting as an appropriate protective parent. She is also supporting healthy *self-protective* instincts in her children; children who are not supported or encouraged in this way to protect themselves from exposure to abuse will

be at greater risk for accommodating abuse by others as they go through life.

I have noticed that charges of “parental alienation” are sometimes leveled against the most competent mothers, because of their strong and supportive bonds with their children—which the abuser terms *enmeshment* or *overdependence*—and because the children have learned to see through the abuser’s facade and therefore choose to try to keep away from him.

Appealing to Popular Misconceptions

Several misleading arguments appear repeatedly in statements that abusers make during family court litigation. First is the claim that fathers are widely discriminated against by family courts in custody disputes. The research actually shows the opposite, that in fact fathers have been at a distinct advantage in custody battles in the United States since the late 1970s, when the maternal preference went out of vogue. Next often comes the myth that children of divorce fare better in joint custody,

when the research shows overwhelmingly that they in fact do *worse*, except in those cases where their parents remain on good terms after the divorce and can co-parent cooperatively—which is almost impossible for a woman to do with an abusive ex-partner. Abusive men also assert falsely that there is a rampant problem of women’s false allegations of abuse, that child support obligations are unfairly high, that domestic abuse is irrelevant to custody decisions, and that men are abused in relationships just as much as women.

THE SUCCESS OF these strategies relies heavily on the ignorance, and sometimes gender bias, of court personnel regarding women who disclose histories of partner abuse and on their stereotypes regarding men who are “just not the type” to be abusers. Prejudicial attitudes often take the place of careful investigation and consideration of the evidence. Unfortunately, family courts have

generally not made the kinds of progress in recognizing and responding to domestic abuse that many other social institutions, such as the police and criminal courts, have (though serious work remains to be done in those arenas as well, as we see in Chapter 12).

MIXED SOCIAL MESSAGES TO ABUSED MOTHERS

What should a mother's role be in protecting her children from exposure to their father's abusiveness? Abused women can get caught in the profound societal ambivalence that exists regarding this question. While couples are together, professionals and other community members are highly critical of a mother who continues to live with an abusive man. They say things to her such as, "You are choosing your partner over your children," or "You must not care about what things are like for them." Child

protection officials sometimes threaten to take a mother's children away from her for "failure to protect" if she won't leave a man who is abusing her. If she believes that the man has the potential to change, they are likely to say she is "in denial" or "unrealistic" for harboring such fantasies. These critics ignore the huge challenges she faces as a parent and how difficult it is to leave an abuser.

But when an abused mother *does* break up the relationship, society tends to do an abrupt about-face. Suddenly she hears from court officials and from other people:

*"Well, maybe he abused **you**, but that's no reason to keep the children away from him. He is their father, after all."*

"Don't you think your own resentments are clouding your judgment about your children?"

"Don't you believe that people ever change?"

Why don't you give him the benefit of the doubt?"

In other words, a woman can be punished for exposing children to a man in one situation but then punished for *refusing to expose them to the same man* in another situation. And the second case is potentially even more dangerous than the first, because she is no longer able to keep an eye on what he does with the children or to prevent the postseparation escalation that is so common in abusive fathers.

Abused mothers are typically required by family courts across the United States and Canada to send their children on unsupervised visitation—or into custody—with their abusive fathers. When the children then begin to show predictable symptoms such as school behavior and attention problems, sleep disorders, unwillingness to respect their mother's authority, or emotional deterioration, court personnel and court-appointed

evaluators commonly declare that these are normal reactions to divorce or that the children are actually responding to their *mother's* emotions rather than to their own. I have been involved in several cases where the abuser has physically or sexually abused the children in addition to abusing the mother, and the court *still* forced the mother to allow visitation with no professional supervision. Abused women across the continent report that it can become extraordinarily difficult to persuade the court to examine the evidence objectively once the mother has been labeled “vindictive” or “overemotional” or has been accused (however baselessly) of having influenced her children’s statements.

The treatment that protective mothers so often receive at the hands of family courts is among the most shameful secrets of modern jurisprudence. This is the only social institution that I am aware of that so frequently *forbids mothers to protect their children from abuse.* Fortunately, over the

past few years, women and men (including *many* nonabusive fathers) across the United States and Canada have been waking up to the severity of this problem with the result that there are multiple initiatives currently in motion to demand family court reform. I have been part of one such effort, assisting a well-funded organization that is preparing a human rights report for the international community on the revictimization of abused women and their children through custody and visitation litigation. (For more information, see “Battered Mothers Testimony Project” in the “Resources” section in the back of this book.)

PREPARING FOR CUSTODY BATTLES JUST IN CASE

If you have not experienced custody litigation, or at least not yet, please bear the following points in mind:

- It is important to keep records of your partner’s abusive behaviors toward you

or the children. If he writes scary or twisted letters to you, keep them. If friends or neighbors see him mistreat you or the children, ask them to describe in writing what they witnessed. If you have ever called the police, try to get a record of the call, whether they came or not. If he leaves abusive or threatening messages on your answering machine, keep a copy on tape.

- Seek legal representation if you can possibly afford it. If you have no resources, apply for a legal services attorney. In choosing an attorney, try to find one who is experienced in domestic abuse and who treats abused women with patience and respect. The fact that a lawyer is well known does not mean that he or she necessarily understands the issues involved in disputing custody or visitation with an abuser.

- Move cautiously. Avoid abruptly denying him visitation, for example, even if you have concerns about how your children are being affected. Courts can be quick to accuse women of trying to cut the children's father out of their lives even if she has good reason to be worried.
- Involve your children with a therapist if you can find a good one in your community. It is important to have professionals involved so that you are not the only one reporting the distress that your children's relationship with their father is causing them. In situations where it is just your word against his, he may be able to charm court personnel with his skillful lying and winning manner.
- If one of your children discloses to you sexual abuse by their father—which is an extraordinarily upsetting experience—it

is especially important that you approach the court and your local child protection agency with as calm an appearance as you possibly can. If you get labeled as “hysterical about sexual abuse,” no matter how justified your reactions, your reports may be discredited. If you are in this situation, read the excellent book *A Mother’s Nightmare—Incest*, listed in “Resources,” for further guidance on managing the legal system.

- Most abused women do succeed in keeping custody of their children. But the better you plan, the more likely you are to avoid a horrible surprise. For a free packet of information for abused women and their attorneys regarding custody and visitation litigation, call the Resource Center on Domestic Violence: Child Protection and Custody at 1–800–527–3223.

THE SUBJECT OF abusive men as parents, including their behavior in custody and visitation disputes, is a complex one; I have only touched the surface here. Readers who wish to pursue a more in-depth discussion should see my book *The Batterer as Parent: Addressing the Impact of Domestic Violence on Family Dynamics* (written with Dr. Jay Silverman), which addresses the full range of issues touched on in this chapter.

Although that book focuses on the physically violent abuser, you will find that most of what we say applies to psychologically abusive men as well.

The more you are aware of how your children may be affected by their exposure to your partner's abuse of you, and to the problems in his style as a parent, the better able you will be to protect them from emotional harm. They need to know that you are a parent they can count on to be consistently kind and safe, since the abuser is unpredictable and at times intimidating. If they are giving you

difficult behavioral challenges, are having some problems focusing their attention, or are prone to withdrawal or depression, bear in mind that these are all normal responses in children whose mothers are abused. Your patience and understanding are critical to them, including your ability to show them that you do not believe they are bad. Remember that growing up around an abusive father or stepfather is very confusing and anxiety producing for children even if he does not mistreat them directly.

Make your own healing—as well as your emotional and physical safety—a priority. Children of an abused woman can feel the difference when their mother starts to get help for herself and becomes more able to recognize abuse for what it is, blaming neither herself nor her children for the abusive man's behavior.

Here are some other actions you can take:

Insist on complete respect from your children. Children can absorb your partner's rude or

bullying approach to you and begin to exhibit behaviors toward you that they have learned from him. Try to put a stop to this behavior as quickly as possible before it gets a chance to snowball. You may not be able to be firm with the children in front of your partner if he actively undermines you, but put your foot down as much as you can, especially when he isn't around.

Insist on respect for females in general. Your partner's control or abuse toward you creates an atmosphere in which negative attitudes toward females can grow like mold. Interrupt these whenever you see them appearing in your sons or daughters.

Confront your partner's undermining of your parenting. Unless you are afraid of how your partner will retaliate, name his undermining for what it is and demand that it stop.

Don't lie on your partner's behalf or cover for his behavior. You may feel that you should protect your children's image of your partner by making

excuses for him, telling them what happened was your fault, or lying about what he did. Your relationships with your children will be damaged in the long run if your cover for him, however, and that is the outcome you most want to avoid. In addition, you increase their vulnerability to him if you encourage them to deny their own self-protective instincts. (However, you may need to lie to *him* to *protect them* sometimes.)

Be the best parent you can. As unfair as it is, the reality is that an abused woman has to be an outstanding parent in order to help her children process and heal from the abuse they have been exposed to. Draw on every resource you can, including parenting books and training courses, parent support groups, and play groups that may exist in your area. (For specific suggestions, see the “Resources” section in the back of this book.)

Consider leaving your relationship, at least for a while, if you can do so safely. One of the best ways to help children heal is for them to be free

from witnessing abuse. As I discussed earlier, however, it is important to plan carefully in order to make it harder for your abusive partner to hurt the children through his visitation with them or through legal actions for custody.

If your partner has already succeeded in causing some distance in your relationships with your children, or has turned them against each other, it is still possible to heal those divisions and rebuild healthy connections. Make your relationships a priority and draw on counseling services in your community to help you work through the barriers that your abusive partner has erected. Encourage your children to talk about the upsetting interactions they have witnessed in the home, with the help of counselors if necessary; it is especially important to relieve any burden the children have felt to keep the abuse secret. Some abused women's programs have group counseling for children, which is an excellent environment in

which they can break the secret about the abuse, gain insight into their own emotional reactions, and learn that the abusive man's behavior is neither their mother's fault nor their own.

Above all, don't give up. Healing ruptured relationships takes time and perseverance. In a case I am involved in currently in which the parents are divorced, the mother was on the verge of losing hope that she would ever be on good terms again with her teenage boy, who was allied with his abusive father and imitating his attitudes and behaviors—including threats of violence—toward the mother. But she persevered, despite many moments of despair over a three-year period, and now the boy has finally begun to recognize his father's bullying and manipulation and is gradually repairing his connection to his mother.

KEY POINTS TO REMEMBER

- An abuser in the home affects everybody.
- A good father does not abuse his children's mother.
- Abusers drive wedges between people, by accident or by design. Abused mothers and their children should seek support to heal as individuals and to heal their relationships with each other (see "About General Parenting Issues" in "Resources" in the back of this book).
- If you are preparing to leave an abuser with whom you have children, seek out legal advice regarding custody issues as soon as you can.

Abusive Men and Their Allies

I used to feel close to his mom, but now she seems to hate me.

I can't even call up our friends anymore, because they don't want to get in the middle.

Sometimes I feel like I must be the one who's messed up, because my own family sides with him.

I don't bother to call the police when he gets scary, because he's got buddies on the force who help him out.

The custody evaluator reported to the

court that I'm hysterical and that the children should live with him.

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IN EACH OF the following examples, all of which come from cases I have been involved in, something is happening that is very difficult to account for:

- A woman flees into hiding because she is terrified of her abusive husband. He looks everywhere for her and cannot track her down. When all else fails, he pays a visit to her parents. He tells them how sorry he is about how he treated their daughter and says he misses her terribly and is going to change. He cries and begs for her address, “just so that I can send her a letter and tell her how I feel,” *and her parents give it to him.*
- A man joins an abuser program that has been denied certification by his state’s

Department of Public Health because it violates state regulations. While in the program, the man complains that his girlfriend sometimes hits him, too, and the counselor, who is a licensed psychologist, responds by *encouraging the abuser to get a restraining order against the abused woman*. The psychologist admits this openly to me.

- The daughter of a divorced abused woman discloses in explicit detail that she is being sexually abused by her father during visitation. The mother goes to court to request a professional evaluation of her daughter. The mother's sister arrives at court that day *with the abuser*, with whom she has now become friends despite the fact that she hated him before the divorce. The sister not only tells the judge that the sexual abuse allegations are lies but actually asks the judge to

take custody of the girl away from the mother and give it to her. (Fortunately, the judge doesn't allow the sister to take the girl. The evaluation goes forward and winds up confirming the sexual abuse.)

- An abusive man's therapist assigns a psychological diagnosis to the abused woman *without having met her or even talked to her*, relying entirely on the man's descriptions of his partner, despite knowing that he is accused of abusing her.
- A mother flees with her children to a shelter for abused women because her house is vandalized. She can tell it was her physically abusive ex-husband who did it, and she takes the damage as a clear threat. Within several days of fleeing, she contacts the court-appointed custody evaluator to let him know where she is. The custody evaluator, however,

shoots off a report to the court stating that the woman has no reason to be afraid of her husband, although she has told him of her partner's history of violence and threats, and recommends that the children be taken away from the mother and given to the father. He does not mention the woman's phone call to him from the shelter in his report. On the basis of the custody evaluator's report, all three children, including a girl who is only three years old, are sent to live at the abuser's home, and the mother is permitted only brief *supervised* visits, because she is now labeled a "flight risk."

How are abusive men able to attract allies to their cause? And why do some people become such enthusiastic, and at times vicious, agents of the abuser? To answer these questions we need to

look not only at the mind-set of abusive men but also at the socially acceptable attitudes and style of interaction that an abusive man can use to prevail upon other people to do his dirty work.

WHY THE ABUSIVE MAN SEEKS ALLIES

Controlling and intimidating a partner is not that easy. A man has a better chance of dominating a woman than vice versa, but it is still a challenge. Very few people willingly consent to having their rights systematically denied. The abusive man thus is faced repeatedly with the problem—from his perspective—of his partner's continued resistance to his control. Over time he gets tired of bullying her all by himself.

Certain other impediments can trip up the abuser. Changes in societal attitudes toward abuse, including improvements in some important laws and policies, are making it harder to get

away with. The physically frightening or sexually assaultive abuser, for example, is much more likely to be arrested than he would have been ten or fifteen years ago. His partner now has the option of seeking a court order to keep him away from her.

Perhaps most important is that the *silence* surrounding abuse is being broken. In a current case of mine involving a psychological abuser, close friends of the woman sat her down one day and staged an “intervention,” in which they supportively pressed her to recognize the impact her husband’s abuse was having on her. Unlike the situation years ago, there are now various ways in which an abused woman can find assistance—or assistance can find her, as it did in this case.

In this context, an abuser has to work harder than ever to keep his partner blaming herself and to fend off helping hands that might reach her. One great way to keep people off of her side is to

win them over to his side first. Besides, he feels that he *deserves* allies, because he considers himself the victim.

You may wonder why, if abusive men feel so justified in their actions, they distort their stories so much when seeking support. First, an abuser doesn't want to have to explain his worst behaviors—his outright cruelty, for example, or his violence—to people who might find those acts distasteful, and he may not feel confident that his justifications will be accepted. Second, he may carry some guilt or shame about his worst acts, as most abusers do; his desire to escape those feelings is part of why he looks for validation from other people, which relieves any nagging self-doubt. He considers his guilt feelings a weakness to be overcome. And, last, he may lie because he has convinced himself of his own distortions. The narcissistic abuser, for example, considers his fabrications real, which is one of the reasons why lie-detector tests are unreliable in cases of abuse

(including child sexual abuse).

QUESTION 16:

HOW COME SO MANY PEOPLE SIDE WITH *HIM*?

The list of people an abuser can potentially persuade to act as his agents is a long one: friends, relatives, teachers, psychologists, clergy people, police and judges, *her* relatives, and, following a breakup, his new partner. Let's take a look at several of these people from the abused woman's perspective, examining both how the abuser recruits them and why they are willing to be his front people.

THE ABUSER'S RELATIVES

“Sometimes he and his father rip into me together, putting me down and making fun of

me. His dad is just like him.”

“His uncle abuses his aunt and everybody in his family can tell, but they never say a word about it.”

“He was arrested for pounding on my door when I had a restraining order against him, but his sister testified that he’d been over at her house that whole night, so he got off.”

“His mother and I were good friends, but ever since he got arrested for hitting me she won’t talk to me, as if I were the bad one.”

As these statements by partners of my clients illustrate, one fundamental dynamic has changed little despite three decades of progress in social attitudes toward abuse: No one wants to believe that his or her own son or brother is an abusive man. Parents don’t want the finger pointed at them, so they say: *“Our child wouldn’t abuse his*

partner. We brought him up right.” Allegations of abuse by the son can draw uncomfortable attention to the dynamics of the previous generation; abusive men are three times more likely than nonabusers to come from homes in which their father or stepfather abused their mother. And if the father or stepfather is abusive, he shares the son’s entitled attitudes and victim-blaming tendencies.

Family loyalty and collective denial of family problems are powerful binding agents. The abuser shapes his relatives’ views of his partner over a period of years. They have perhaps seen with their own eyes how she “overreacts” to certain things he does in public, because with no idea of what he has been doing to her behind closed doors, they can’t accurately judge her behavior. So they oppose abuse in the abstract, but they fight fiercely for the abuser when he is their own.

THE ABUSED WOMAN’S RELATIVES AND FRIENDS

As if the support an abuser receives from his own relatives weren't bad enough, I keep encountering cases where *the woman's relatives* also come to his aid. At a conference I spoke at recently, a lawyer stood up to ask: "Why do some of my clients find themselves in situations where their own families are helping the abusers win custody?"

Every family has tensions within it, and abusers use their manipulative skills to take advantage of those rifts. In one case, for example, an abuser named Ian heard that his ex-wife Tina had fallen out with her parents because they were upset that she had stopped attending church. Ian made a point of starting to make a regular appearance at Sunday services and one day found his way to "coincidentally" sit near Tina's relatives. He engaged them in a conversation about his "concerns" about her loss of faith and how bad he felt that Tina wasn't giving their children the benefits of consistent church attendance. He also

slipped in a few assertions that he knew would bring to mind the kind of person who skips services, saying, “Our children tell me she’s been drinking heavily and bringing a lot of different men around the house.” Pretty soon a minor tiff had turned into a gigantic one.

It is uncomfortable for a woman to tell her family the details of her partner’s abuse of her. She feels ashamed and wants to avoid having them ask: “Well, then, why are you with him?” But the abuser can take advantage of how much her family doesn’t know. He is careful not to create the impression he’s bad-mouthing her, while subtly planting his poisonous seeds. He might say, for example: “She’s telling people now that I was *abusive* to her, and that really hurts me. It’s gotten so I don’t want to show my face places ’cause of what she’s saying. I’m not keeping any secrets; I’ll tell you right out that I did slap her one day, which I know is wrong. She has this thing about saying that my mother is a ‘whore’ ’cause

she's been divorced twice, and that really gets to me, but I know I should have handled it differently."

When he leaves, her parents find themselves ruminating: "Gee, she didn't mention anything about insulting his mother in that incident. That makes it a little different. She can have quite a mouth on her, I've noticed that myself. He shouldn't slap her, but he's obviously feeling guilty about it now. And he's willing to admit that it's partly his fault, while she blames it all on him. She does that in conflicts with us sometimes; she doesn't realize it takes two to tango."

The part about the woman calling his mother a degrading name may never have even happened; my clients smoothly make up stories to cover their worst incidents. But whether or not he is telling the truth is almost beside the point; he is playing to the societal value, still widely held, that a man's abuse toward a woman is significantly less serious if she has behaved rudely herself.

There continues to be social pressure on women to “make the relationship work” and “find a way to hold the family together,” regardless of abuse. Since so many people accept the misconception that abuse comes from bad relationship dynamics, they see the woman as sharing responsibility equally for “getting things to go better.” Into this context steps the abuser, telling his partner’s friends, “I still really want to work things out, but she isn’t willing to try. I guess it isn’t worth the effort to her. And she’s refusing to look at her part in what went wrong; she puts it all on me.”

What her family and friends may not know is that when an abused woman refuses to “look at her part” in the abuse, she has actually taken a powerful step out of self-blame and toward emotional recovery. She *doesn't* have any responsibility for his actions. Anyone who tries to get her to share responsibility is adopting the abuser’s perspective.

Despite the challenges, many, many friends and

relatives of abused women stay by them. Their presence is critical, for it is the level of loyalty, respect, patience, and support that an abused woman receives from her own friends and family that largely determines her ability to recover from abuse and stay free. (People wishing to support or assist an abused woman they care about should read *To Be an Anchor in the Storm* by Susan Brewster. See “Resources.”)

THERAPISTS AND EVALUATORS

We need to take a large step back in time for a moment, to the early part of Freud’s era, when modern psychology was born. In the 1890s, when Freud was in the dawn of his career, he was struck by how many of his female patients were revealing childhood incest victimization to him. Freud concluded that child sexual abuse was one of the major causes of emotional disturbances in adult women and wrote a brilliant and humane paper

called “The Aetiology of Hysteria.” However, rather than receiving acclaim from his colleagues for his ground-breaking insights, Freud met with scorn. He was ridiculed for believing that men of excellent reputation (most of his patients came from upstanding homes) could be perpetrators of incest.

Within a few years, Freud buckled under this heavy pressure and recanted his conclusions. In their place he proposed the “Oedipus complex,” which became the foundation of modern psychology. According to this theory any young girl actually *desires* sexual contact with her father, because she wants to compete with her mother to be the most special person in his life. Freud used this construct to conclude that the episodes of incestuous abuse his clients had revealed to him *had never taken place*; they were simply fantasies of events the women had *wished for* when they were children and that the women had come to believe were real. This construct started a

hundred-year history in the mental health field of blaming victims for the abuse perpetrated on them and outright discrediting of women's and children's reports of mistreatment by men.

Once abuse was denied in this way, the stage was set for some psychologists to take the view that any violent or sexually exploitative behavior that couldn't be denied—because they were simply too obvious—should be considered *mutually* caused. Psychological literature is thus full of descriptions of young children who “seduce” adults into sexual encounters and of women whose “provocative” behavior causes men to become violent or sexually assaultive toward them.

I wish I could say that these theories have long since lost their influence, but I can't. A psychologist who is currently one of the most influential professionals nationally in the field of custody disputes writes that women provoke men's violence by “resisting their control” or by

“attempting to leave.” She promotes the Oedipus complex theory, including the claim that girls wish for sexual contact with their fathers. In her writing she makes the observation that young girls are often involved in “mutually seductive” relationships with their violent fathers, and it is on the basis of such “research” that some courts have set their protocols. The Freudian legacy thus remains strong.

Hoping to find that the mental health field was changing for the better, I recently reviewed the current catalogues for various graduate professional training programs in clinical and counseling psychology, including those from programs considered to be on the cutting edge. I was unable not only to locate a single course on any form of abuse, whether toward partners or children, but to locate any *reference* to abuse in the descriptions of courses on any other subject. I proceeded to call one of the schools that trains clinical psychologists and asked whether they ever

offer any classes on abuse, and was told: “Well, if there is a particular interest in that subject among the students, they sometimes organize a student-led seminar.”

The influence of the history of psychological thinking remains particularly potent in the field of custody evaluation, where mental health professionals routinely ignore or minimize allegations of partner abuse and child abuse, assume that women are hysterical and vindictive, and treat all problems as mutual in origin. Custody evaluators sometimes become fervent advocates for abusive men, joining them in accusing the women of alienating children from their fathers and refusing to consider the evidence of abuse.

Similar kinds of errors abound in the work of many individual and couples therapists. I’ve had couples counselors say to me, for example: “He just isn’t the type to be abusive; he’s so pleasant and insightful, and she’s so *angry*.” Women speak

to me with shocked voices of betrayal as they tell me how their couples therapist, or the abuser's individual therapist, or a therapist for one of their children, has become a vocal advocate for him and a harsh and superior critic of her. I have saved for years a letter that a psychologist wrote about one of my clients, a man who admitted to me that his wife was covered with blood and had broken bones when he was done beating her and that she could have died. The psychologist's letter ridiculed the system for labeling this man a "batterer," saying that he was too reasonable and insightful and should not be participating in my abuser program any further. The content of the letter indicated to me that the psychologist had neglected to ever ask the client to describe the brutal beating that he had been convicted of.

Outside the mainstream of psychological thinking there are many, many excellent practitioners and theorists, ones who take the impact of trauma and abuse seriously and who

believe that most victims are telling the truth. The writings of theorists and practitioners such as Judith Herman, Bessel van der Kolk, Peter Jaffe, Angela Browne, John Myers, Susan Schechter, Anna Salter, Beverly James, and countless others serve to counter the hostility toward the oppressed of the prevailing professional atmosphere. I have come to know dozens of therapists who treat female clients with respect and play an empowering role in women's recovery from abuse. But psychologists who are trained in the area of trauma remain exceptional, and the battle to reform psychological thinking has just begun. Before selecting a therapist for yourself or for your child, be sure to interview possible choices carefully, exploring their knowledge of and values concerning trauma and abuse. As for conjoint counseling for you and your abusive partner, I recommend that you strictly avoid it, for reasons that we will see further ahead.

AN ABUSER'S NEW PARTNER AS HIS LEADING ALLY

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Back in the first chapter, we met a man named Paul who had divorced his wife and was now seeing Laura. Laura felt terrible for Paul because he was such a sweet man and his ex-wife was accusing him of having abused her. Laura was determined to “be there” for Paul, and even hoping to help him win custody because his ex-wife was “out of control.” Dozens of ex-partners of my clients have described how the abusive man’s new partner takes on a role similar to Laura’s: “His girlfriend is worse than he is. She talks to me like I’m dirt and she spreads bad things about me. I’d almost rather deal with him. I think she puts him up to some of the stuff he does. She’s a bitch.”

Perhaps his new partner really is a mean, hostile woman, but there is an equally good chance that she isn’t. Look through her eyes for a

moment. The abuser is re-creating the same dynamic he set up with you, beginning with loving, attentive treatment in the early months of dating. He speaks to her with downcast eyes that well up with tears as he recounts how mean and unreasonable you were and how you called him abusive whenever *he* refused to bow to *your* control. If you have children with him, his girlfriend's heart is bleeding because he cries in front of her about how much he misses them and says that you are keeping them away from him out of pure vindictiveness or out of a desire to turn them over to another man to be their dad. I currently have a case, for example, where the abusive father decided not to see his son for six months—he even put his decision in writing, in a document that I read—and then complained publicly that he was being denied visits. Paul has probably misled Laura in some similar ways. His girlfriend sees a kind, loving parent whose desire to maintain a relationship with his children is

being thwarted; how could she not hate you?

He may remain on good behavior with his new girlfriend even longer than he did with you because he is motivated by his campaign against you. Of course, his other side will slip out sooner or later, but by that time he can blame it all on how badly you have hurt him. His girlfriend thus gets sucked into breaking her back trying to prove that she's a good woman—unlike you. She hopes that if she demonstrates her loyalty to him, he'll become loving and available to her once again, as he was at the beginning. So she wants to show him she is really there for him by joining with—or even outdoing—his hostility toward and blaming of you.

By the time his selfish and abusive side finally gets so bad that his new girlfriend can't rationalize it away any more, she's in pretty deep. She may even have married him by that time. For her to accept that he is an abuser, she would have to face what a terrible wrong she did to you, and that

would be quite a bitter pill to swallow. So what tends to happen instead is that his new partner becomes angrier and angrier at *you* for the way she is being treated by him, believing that you “made him this way” by hurting him so badly.

A couple of years ago I worked with a woman who said to me, “I really hated his ex-girlfriend, but now I’m realizing he must have done the same stuff to her he’s doing to me.” Her guilt weighed heavily upon her. Women tend to need a long time before they can accept having been used in this way.

In the story of Paul and Laura we never meet Paul’s ex-wife, but I have talked to two dozen or more women in her position among the ex-partners of my clients. It is difficult to capture the pain I hear in the voices of women whose abusive ex-partners are attempting to take their children away from them through the legal system, and the fact that they have a female ally helping them carry out that nefarious plan is almost too much to

bear. The mothers ask me: “Does she realize what she is doing? Has she bothered to think about what it’s like for a mother to be threatened with losing her children? What if he turns around years from now and does the same thing to her?”

At the same time, I believe it’s important not to judge the new partner too harshly. I sometimes say to women, “You know how manipulative he can be, and he is sure to be feeding her carefully crafted distortions. I’m not saying you should excuse her actions, I’m just reminding you that the one behind it all is him, not her. If you pour energy into hating her, you are inadvertently serving his interests.” We do, however, need to create a social ethic that makes it clear that anyone who chooses to go to bat for a man accused of abuse has a responsibility to get *all* the facts and not just the view that he promotes. The abuse of women is simply too rampant for anyone to assume that an allegation is false or exaggerated without checking it out very, very carefully.

Finally, I have had several cases in which the abuser's new partner was a man who became a gunner for the abuser against the abused woman just as a new female partner sometimes does. Some peer groups of gay men have negative attitudes toward women and become cheerleaders for abuse just as straight male peers can.

OTHER ABUSERS OF POWER AS ALLIES OF ABUSIVE MEN

You have undoubtedly come in contact at some point in your life with a person driven by a deep attraction to exercising power over others. Partner abusers have no monopoly on the desire to intimidate or manipulate, or on the skills for accumulating power and using it for selfish purposes or emotional gratification. Among professionals, for example—including those who are expected to respond constructively to abusers and their partners—there are some individuals

who are motivated not by caring and respect but by hunger for control. Not everyone who enters police work wishes to be a public servant; there are those who look forward primarily to carrying a gun, pushing their weight around, and being above the law. I know many humane judges who take an interest in the challenges that people face and seek fair and practical responses. But I watch others who appear to get satisfaction out of insulting those who come before them, dismissing their concerns and perspectives, and acting with impunity. Among therapists there are plenty whose goal is teamwork, while others look down on their clients and speak condescendingly, making pronouncements about what each person “really” thinks, feels, and needs to do. There are custody evaluators who are eager to lend a hand through the painful process of divorce, but a tragically large number appears to be enamored with the power over the lives of men, women, and children that their custody recommendations give

them.

People who are attracted to power and tend to abuse it have important common ground with a man who abuses women. For example, a dictatorial boss is bound to encounter some occasions when an employee finally gets fed up enough to swear at her, stomp out of the office, and quit. A manager who coerces his female subordinates into sexual contact with him may get reported for sexual harassment sooner or later. The abuser of power feels outraged when his or her victims attempt to defend themselves in these ways and considers them to be the unreasonable or aggressive ones. So it is not surprising that such a person, when looking at a woman who is complaining of abuse by a man, might have the following thoughts: "This woman is another one of those people who likes the role of victim. I know what they're like because I have to deal with them myself: They are never grateful no matter how much you do for them; they don't know their

place; and everything turns into an accusation of mistreatment.” The abuser of power thus may personalize the woman’s resistance to oppression and feel a strong desire to retaliate on behalf of the abusive man, and in fact I have often observed this disturbing eagerness among some professionals to jump on abused women with both feet. Their statements have sometimes confirmed to me that they do indeed have the kind of thought process I have just described—coupled of course with the usual myths regarding women’s hysterical exaggerations and their provocation of men’s abuse.

A professional who is drawn to abusing power seems to have particularly strong reactions if the woman challenges his or her actions in any way or attempts to explain the effects the abuser has had on her. The underlying attitude sometimes appears to be: “How *dare* you continue to attempt to think for yourself when I am here before you with my obviously superior knowledge, status, judgment,

and insight?” An abused woman can walk away from an interaction with such a professional feeling like she has just been beaten up, recreating the ugliness of the verbal or physical abuse she has suffered from her partner. A number of abused women have said to me, for example, “The police came to my house one time after he pushed me around, but they were angry and insulting to me and kind of buddied up to him, and when I complained about how they were treating me they told me if I didn’t shut up they would arrest *me*.” I have been involved in cases where some judges and custody evaluators—both male and female—go out of their way to discredit and demean women who report abuse and request protection for themselves or their children, and if the woman protests the professional response they explode into verbally abusing her or retaliating against her. In this way the mentality and tactics of certain professionals can closely parallel those of abusers, and the result is revictimization of the

woman.

In some institutions whose own power dynamics have tended to fall badly on abused women in these ways, such as police departments, courts, and child protective services, social pressure has brought about the creation of positions for abused women's advocates or domestic-violence specialists whose job it is to make sure that the abused woman is not revictimized by the system that should be there to protect her rights. If you are involved with one of these systems, find out whether an abuse specialist is on staff and, if so, request to bring that person into your case.

ATTORNEYS

Some attorneys for abusers are in a class by themselves. I have rarely seen anyone become as vicious and unprincipled in the role of coabuser of a man's partner as certain lawyers do. Woman

after woman has described to me the way her heart begins to race when she sees the abuser's attorney at court or the jolt she feels when court papers prepared by the attorney arrive at her home.

An abuser or accused abuser of course has the right to legal representation, as anyone does. But does offering proper legal counsel mean that the attorney needs to insult and deride the woman, make far-fetched accusations against her, treat every allegation made by the man as gospel truth, and even lie at times to promote his goals? Of course not. However, such conduct is disturbingly widespread among certain defense attorneys who represent accused abusers as well as among some family law attorneys handling custody and visitation cases. Some of this behavior appears to be motivated by economics: Attorneys can build a successful practice if word gets around that they specialize in representing accused abusers. Abusers love it when they hear that a certain attorney has a reputation for "really going for the

woman's jugular," since that ruthless orientation is in keeping with their own. Women are sometimes as traumatized by their ex-partner's attorney as they were by him.

There is an urgent need for the creation of legal standards for attorneys who represent accused abusers, so that a sharp line is drawn between giving a man a proper chance to have his side heard in court, which is his legal right, and acting as a weapon of the man's abuse, allowing him to cause financial and psychological damage that would have been impossible for him without the lawyer's assistance.

THE MYTH OF NEUTRALITY

It is not possible to be truly balanced in one's views of an abuser and an abused woman. As Dr. Judith Herman explains eloquently in her masterwork *Trauma and Recovery*, "neutrality" actually serves the interests of the perpetrator

much more than those of the victim and so is not neutral. Although an abuser prefers to have you wholeheartedly on his side, he will settle contentedly for your decision to take a middle stance. To him, that means you see the couple's problems as partly her fault and partly his fault, which means it isn't abuse.

I was speaking with a person one day who was describing the abusive relationship of a man and woman, both of whom were friends of hers. "They each want me to side with them," she explained to me, "but I refuse to take sides. They have to work out their own dynamics. I have let both of them know that I'm there for them. If I openly supported her, he would just dig his heels in harder." She added, "People need to avoid the temptation to choose up teams" in a tone that indicated that she considered herself to be of superior maturity because of her neutrality.

In reality, to remain neutral is to collude with the abusive man, whether or not that is your goal.

If you are aware of chronic or severe mistreatment and do not speak out against it, your silence communicates implicitly that you see nothing unacceptable taking place. Abusers interpret silence as approval, or at least as forgiveness. To abused women, meanwhile, the silence means that no one will help—just what her partner wants her to believe. Anyone who chooses to quietly look the other way therefore unwittingly becomes the abuser's ally.

Breaking the silence does not necessarily mean criticizing or confronting the abuser regarding his behavior. It certainly doesn't mean going to him with anything you have learned *from her*, because the abuser will retaliate against her for talking about his behavior to other people. It does mean telling the abused woman privately that you don't like the way he is treating her and that she doesn't deserve it, no matter what she has done. And if you see or hear violence or threats, it means calling the police.

HOW SOCIETY ADOPTS THE ABUSER'S PERSPECTIVE

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Almost anyone can become an ally of an abusive man by inadvertently adopting his perspective. People usually don't even notice that they are supporting abusive thinking, or they wouldn't do it. Let's examine some of the most common forms of accidental support:

- *The person who says to the abused woman: "You should show him some compassion even if he has done bad things. Don't forget that he's a human being too."*

I have almost never worked with an abused woman who overlooked her partner's humanity. The problem is the reverse: *He* forgets *her* humanity. Acknowledging his abusiveness and speaking forcefully and honestly about how he has hurt her is indispensable to her recovery. It is the *abuser's* perspective that she is being mean to him by speaking bluntly about the damage he has

done. To suggest to her that his need for compassion should come before her right to live free from abuse is consistent with the abuser's outlook. I have repeatedly seen the tendency among friends and acquaintances of an abused woman to feel that it is their responsibility to make sure that she realizes *what a good person he really is inside*—in other words, to stay focused on his needs rather than on her own, which is a mistake. People who wish to help an abused woman should instead be telling her what a good person *she* is.

- *The person who says to her: “But he’s the father of your children.”*

The abusive man uses the children to entrap the woman in the relationship, saying that she is depriving them of a father by splitting up the family. But *he* is the one who is keeping those children from having the father they need, by forcing them to grow up with a father who abuses their mother. Children need an abuse-free home.

- *The person who says to her: “You made a commitment, and now you need to stick with it through hard times.”*

The abusive man believes that chronic mistreatment, overt disrespect, intimidation, and even violence are not good enough reasons for a woman to want to stay away from a man. When people say to her, “You made your bed; now lie in it,” they are supporting the abuser’s value system.

- *The person who says to her: “You are claiming to be a helpless victim.”*

If the abuser could hear these words being spoken to his partner, he would jump for joy. He may have said the very same thing to her. The abuser’s perspective is that the woman exaggerates the hurtfulness of his conduct because she *wants* the status of victim, attributing to her the maneuvers that he is actually fond of using himself. When an abused woman tries to tell you how bad things are, listen.

- *The person who says: “These abuse activists are anti-male.”*

How is it anti-male to be against abuse? Are we supposed to pretend we don't notice that the overwhelming majority of abusers are male? This accusation parallels the abuser's words to his partner: “The reason you think I'm abusive is because you have a problem with men!” One of the best counters to this piece of side-tracking is to point out how many men are active in combating the abuse of women. Remember also that abused women are the sisters, daughters, mothers, and friends of men; men's lives *are* affected by abuse, because it happens to women we know and care about.

I HAVE GIVEN just a few of the dozens of examples I have encountered of how people take on the abuser's view of his abuse. When you hear these kinds of statements, draw the speaker's

attention to the fact that he or she is making the abuser's arguments for him. Most people don't want to carry his banner and will drop it quickly once you show them what is in their hands.

It is impossible for a community to stop abuse while continuing to assist or ignore abusers at the same time. *Protecting or enabling an abuser is as morally repugnant as the abuse itself.* This critical concept needs to become firmly embedded in our culture. Colluding with abuse abandons the abused woman and her children, and ultimately abandons the *abuser* as well, since it keeps him from ever dealing with his problem. In particular we have to bring to light the actions of those powerful, well-trained professionals who choose to join the abuser in his goals and tactics. If we can erode the ability of abusers to gain allies, they will stand alone, and alone they are easier to stop.

It often falls to the abused woman herself, unfortunately, to try to educate the people around her whose help and support she needs, so that they

will understand the dynamics of abuse and stop supporting the abusive man. Much of why an abuser is so able to recruit allies, besides his own manipulateness and charm, is his skill in playing on people's ignorance and misconceptions and often on their negative attitudes toward women. As difficult as it is to take on, you will often find yourself having to be your own best advocate, arguing forcefully against the range of ways in which your society's values may buy into the abusive man's outlook, in order to gain the kind of strong backing that you deserve from all those around you.

KEY POINTS TO REMEMBER

- When people take a neutral stand between you and your abusive partner, they are in effect supporting him and abandoning you, no matter how much

they may claim otherwise.

- People cannot claim to be opposed to partner abuse while assisting their own son, brother, friend, or partner in his abusiveness toward a woman.
- Everyone should be very, very cautious in accepting a man's claim that he has been wrongly accused of abuse or violence. The great majority of allegations of abuse—though not all—are substantially accurate. And an abuser almost never “seems like the type.”
- The argument that “he is a human being, too, and he deserves emotional support” should not be used as an excuse to support a man's *abusiveness*. Our society should not buy into the abusive man's claim that holding him accountable is an act of cruelty.

The Abusive Man and the Legal System

He's on probation for hitting me, but he acts like it's a big joke.

He's been arrested four times, but he always gets off.

I called the police and reported that he violated the restraining order, but they said since he didn't get violent or threatening this time, the violation is too minor for them to do anything about it.

The D.A. wants me to testify, but there's no way I'm going in that courthouse again. Last time his defense attorney humiliated me; it's just not worth it.

The judge told me that we should go to couples counseling to work on our relationship issues.

He's been sending me scary letters from jail. What should I do?

LURKING BENEATH THE SURFACE of most women's experience of abuse is *fear*: fear of what he will do if you stand up to him; fear of how he will react if he finds out you've been spending time with your friends, whom he hates; fear of what he might do to one of your children; fear that he will get you pregnant again; fear of how he may retaliate if you try to leave him.

Sometimes a woman can describe to me what she is afraid of, because her partner's bullying and cruelty follow a pattern. You may dread his insults and his rage or his contempt and disgust. If he is violent, you may get shaky when images go through your mind of his twisted, hate-filled face as he slams his fists. At times it may seem like he

could kill you—and he may threaten to.

In other cases, the fear is unnameable. You might find yourself saying to a friend: “I don’t know *what* he’ll do; there’s no way to tell with him, but he’ll do *something*, and it’s going to be bad.” Waiting for the punishment can be even harder when you don’t know what it will be. Even the abuser who has never used violence knows that there can always be a first time—and he may well be aware that you know that too. So he looks for ways, perhaps explicit or perhaps enigmatic, to remind you not to “push him too far,” because you won’t want to see what happens.

The impact of fear accumulates over time. The twentieth time a loved one scares you is not the same as the first. You become enraged, or paralyzed, or numb, or all of those at the same time. You feel like it’s harder and harder to figure out what to do.

If your partner is physically frightening or sexually assaultive, one option you can consider to

gain protection for your rights and safety is to use the legal system. You can call the police to report an assault or a threat, or go to a court and ask for a restraining order (which also may be known as a “protective order” or “peace bond”). The restraining order may require the abuser to move out of the house, even if it is in his name; to stay away from you; or to have no contact with you of any kind, depending on what arrangement you feel you need.

The first time a woman considers involving the police or courts in her relationship, something inside her rebels. This is a man she loves, or at least once loved, with whom she has a history, with whom she has shared the highs and lows of moments of physical or emotional intimacy, with whom she may have children. She thinks to herself incredulously, *I am going to get a court order against this man? I am going to call the police and let them arrest him? I am going to cause him to have a criminal record, or perhaps*

even go to jail?? She shuts these preposterous-seeming possibilities out of her mind.

Relationship problems are solved by talking, or by seeking counseling, or by taking some time apart, she tells herself, not by using laws and judges and police departments.

But if the woman's partner continues to frighten her—and it is unusual for scary behavior to stop once it rears its head—sooner or later she finds herself feeling that the situation has gone beyond what she can handle herself. The step of reaching out for legal help then stops seeming so farfetched.

Or she may become involved with the legal system without making the choice. Neighbors, bystanders, or her own children may call the police during a scary incident. Neighbors are much less likely nowadays to put their hands over their ears and pretend that nothing is happening; the traditional belief that domestic violence is a “private matter” is rapidly fading. Schools now teach children how to use 911 and sometimes even

explain to children that they have a right to safety inside their homes, not just outside.

A woman who faces purely verbal or economic abuse from her partner, without the elements of physical assault, sexual assault, or physical intimidation, generally does not have recourse to the police or courts under current laws. The impact on her of her partner's behavior may be severe nonetheless, but she will need to seek other sources of support, beginning with the nearest program for abused women.

QUESTION 17:

**HOW COME HE KEEPS
GETTING AWAY WITH IT?**

**THE DIFFERENT PLAYERS IN THE
LEGAL SYSTEM**

A call to the police or a visit to the court to seek a restraining order is a courageous and potentially empowering step. But an abused woman can also encounter some nasty surprises. Although the legal system is supposed to be her friend and protector, sometimes public officials seem to forget their job. Legal responses to abuse involve many players, each of whom has the potential to help the woman—or to drop the ball. When police are called to your home, they have a responsibility to make sure that you and your children are safe and to arrest the abuser if he has been violent or threatening. If he has violated a restraining order, the police should take him away even if he “only committed a technical violation” of the order or has some “good reason” for being there, such as asserting that you called him up and asked him to come over, or that he just wanted to drop off gifts for the children.

If the police do not arrest the abuser, or were never called, responsibility next falls to the court

to file a charge. If you report to the court that you were assaulted or threatened, or that your partner broke a restraining order, *your word is evidence*. Courts can, and do, file charges on the basis of victim reports alone, but tragically they can be reluctant to do so in cases of domestic abuse or sexual assault. Courts reserve a special skepticism toward women who complain of abuse by a partner, and disparaging biases against females are still the rule of the day in some courts—even among female employees.

If the court does file a charge, the baton then passes to the district attorney. His or her job is to take the crime just as seriously as if it had been committed by a stranger and to pursue a conviction just as assiduously. The fact that the accused is your partner should make no difference or should actually lead the prosecutor to consider the offense *more* dangerous. Negotiations between the prosecutor and the abuser that fail to address the central issue of abuse—such as agreeing to

reduce the charges if the abuser sees a therapist, or dropping the charges because the couple has split up “so it’s not an issue anymore”—have no place here. But they sometimes creep in.

Next comes the judge, who not only makes sentencing decisions but, unless there is a jury trial, also is the one ruling on the man’s guilt or innocence. Will the judge apply the same standards of proof used for other cases, or will he or she require a higher standard for domestic violence or sexual assault cases? Studies have shown that it is harder to convince judges and juries to convict in abuse cases, because of prejudices against the complainants as well as misconceptions about what “type” of man would commit such a crime.

A judge is also the one who grants or denies a restraining order to protect the woman. Some judges listen carefully to plaintiffs’ concerns, whereas others assume that women are lying and exaggerating. A remarkable number of judges

grant restraining orders *to abusers* to use against their victims or grant mutual orders, which validate the abuser's claim that his partner shares responsibility for causing his scary behavior.

And finally comes the probation department at the court. It is rare for an abuser to spend time in jail unless he is on his third or fourth *conviction*, which typically would mean five or ten or more *arrests*. So his probation officer becomes the person who determines whether or not the abuser feels the bite of consequences or is left to coast. I have worked with probation officers who send abusers an unequivocal message: "Domestic abuse is a serious offense. I will not permit you to get away with blaming your victim in any way, and it is up to you to do some serious work on yourself." But I have also worked with many others who buddy up to the abuser with a wink and a nod, who bond with him in the belief that there exists an anti-male bias in the court system and who signal him that he needn't take the

abuser program seriously by saying things such as: “Just show up to your required number of group meetings and we’ll get you right off probation.”

The front doors of police departments and courthouses sometimes open into cold and adversarial worlds. Police and courts may have little training in how to respond to a person who has suffered chronic or terrifying abuse. Even if they don’t say or do anything unkind, their brusque, businesslike manner can feel like an icy slap in the face to a woman who seeks relief from psychological assault and intimidation at home. And too often, regrettably, they share the abuser’s attitudes. I could not possibly count the number of women who have said to me: “I wish those people down at the court could live my life for a day and see what it’s like.”

On the other hand a kind word, a useful pamphlet, some patient listening can touch an abused woman deeply. Increasingly I hear women

say: “The police who came were so nice to me: They talked to me in private and asked me what happened, and they told me about programs where I could get help,” or “The judge said not to hesitate to come back if there were more problems or if I needed additional protection.” When an abused woman encounters humane, intelligent responses from officials who are informed on the subject of abuse, not only is her external freedom promoted but her inner feelings are validated, helping to keep her spirit alive. She walks away thinking, *Maybe everything isn't the way he says it is. Maybe some people do care. Maybe I'm not so bad as to deserve being torn down all the time. Maybe he can't fool everybody.*” And the budding belief that life *can* be filled with something other than cruelty and superiority grows a little stronger inside her.

In the pages ahead, we will look at how the abuser views and maneuvers through the legal system, trying to prevent his partner from

receiving empowering assistance and striving to avoid accountability. Armed with this awareness both individuals and communities are in a better position to press the police, courts, and prosecutors to do their jobs properly and become part of the solution rather than part of the problem of abuse.

HOW THE ABUSER THINKS ABOUT LAWS AND CONSEQUENCES

My clients support laws that prohibit domestic abuse—as long as they are applied only to other men. Each one has a mental image of what a “real abuser” is like, and it isn’t him. In his mind, the “real abuser” is more violent and scary than he is and has a partner who is “a nice lady” who doesn’t deserve abuse. Dozens of my clients have said to me: “I’m not like those guys who come home and abuse their partners for no reason, you know.” A man who minimizes and excuses his

abuse in these ways is shocked when the police arrest him or when a court orders him to vacate his home. He feels outraged at the unfairness of the system. He thinks, *With all those horrible batterers out there, why are they coming after me? This is ridiculous!*

Since he can't accept the idea that he is abusive, he has to find something wrong with everyone else—another example of the abuser seeing his dirty face and washing the mirror. His thinking is rife with distortions, including the following:

- *“She really exaggerated what I did.”*

His first line of mental defense is to impugn her honesty and accuse her of being calculating: “She told the police I *punched her in the face*, because she knew that would make me look like a real bad guy. I only slapped her, and no harder than she slaps me.” My response to such statements is to say that just because she remembers the incident differently doesn't mean her version is wrong and his is right; in fact, abused women typically have

memories of what occurred that are clearer and more accurate than those of the abuser, because of the hyperalert manner in which people react to any danger. And even if this time he is technically right that his hand was open, what difference does it make? He obviously hit her hard enough to make her *think* that she was punched, so he is not a candidate for my sympathy. Besides, even if it was a slap, that's enough to hurt a woman and put her in fear.

- *“The judge didn't even want to hear about what **she** did. In court the man is automatically wrong, so the woman can do whatever she wants.”*

The abuser feels justified in using intimidation “when it's really called for,” so he gets frustrated if he finds that court officials do not find his excuses about her behavior compelling or don't even want to hear them. He feels that if the court is going to take action against him for intimidating her, then it should simultaneously crack down on *her* for hanging around with

friends of hers whom he dislikes, talking back to him when he tells her to shut up, fighting back physically when he is assaulting or threatening her, or whatever his grievances may be.

- *“The system is controlled by women.”*

Every aspect of the multipronged legal system even today is dominated by males: police, prosecutors, judges, probation officers. In addition, the state legislatures that make the laws are still disproportionately male. So how does the abuser come to the far-fetched conclusion that women are somehow lurking in the shadows, pulling strings to cause him to suffer consequences for his actions when he thinks there shouldn't be any? This absurd leap occurs for two reasons. One is that he already has well-entrenched habits of blaming women for his own behavior. So when society sends him the message that he is responsible for what he does, he just widens the scope of his blame-projecting machine to target *all* women. The second is that if he didn't

blame women, he would have to accept the fact that a large proportion of *men* are opposed to what he is doing. Cultural values are changing, slowly but surely, and abusers cannot always count on other men to back them up anymore—a fact that makes them feel betrayed so they close their eyes to it.

- *“I’ve never experienced any consequences for my abuse before. It isn’t going to suddenly happen now.”*

Once the abuser recovers from his initial shock at legal intrusion into his private domain, he falls back on one of his core assumptions, which is that he can get away with it. He starts manipulating court officials the same way he manipulates his partner and the people around her. Unfortunately, his sense of invulnerability is not as deluded as it may seem; abusers slide by in ways that can be startling to watch. And the abuser who coasts through court is often worse than he would have been had he never been arrested; he feels that his

belief that nothing can stick to him has been confirmed, and he feels vindicated before the world, with the result that his abusive behavior may escalate.

- *“Nothing is going to stop me.”*

This last attitude is less pervasive, belonging to that minority of abusers who are unimpressed by legal consequences and who will stop at nothing to maintain their control of their partners. This style of man finds ways to be abusive and controlling even from jail, either sending letters or relaying messages through friends to keep her frightened. Jail doesn't convince him that he has done anything wrong; it just sharpens his appetite for revenge. Abused women, and the communities that support them, need to be alert to the need to take additional steps to prepare for the eventual release of the hell-bent abuser.

Keep the above attitudes in mind as we observe the abuser's approach to the various legal situations he faces; his moves follow predictably

from this thinking.

WHEN THE POLICE COME TO THE DOOR

Anyone who believes that abusers lose control of themselves should peer through the window when the police enter a home. Hundreds of women have told me: “It’s as if he could flick a switch. The police arrive, and he’s suddenly cool as a cucumber. Meanwhile, I’m freaking out, so of course they think something is wrong with *me*. They don’t believe he could settle down that fast.” If abusers truly had tremendous problems managing their anger, if they were as emotionally vulnerable or deeply injured from childhood as they often maintain, they wouldn’t be able to shut themselves off like a faucet as soon as a cop knocks on the door.

Abusers tell stories to the police of hard luck and misunderstanding, of unstable or drunk

women and helpless, well-intentioned men who are trying to fend off disaster. The most common routines are variations on the following themes:

- *“It was just a verbal argument, there was no hitting.”*

He hopes that the police will ignore any signs of chairs knocked over, plates smashed, or scratches on her arms (or his). He assumes his partner will be too scared to tell the truth or that she'll feel responsible for protecting him.

- *“She was hitting me over and over again while I tried to get out of the apartment, and all I did was push her out of my way so I could get out.”*

How many women want to keep an enraged man trapped indoors? Not many, unless perhaps the man is threatening to commit suicide or to attack one of her friends or relatives. In the rare cases where a client of mine is telling the truth that his egress was blocked, he still had other options besides assault, including going out the back door.

I've never yet had a man tell me that he was unable to get to the phone to call for assistance, for example, in the way that has happened to hundreds of the female partners of my clients.

Countless clients of mine claim self-defense as an excuse, but then they admit that they were not frightened or injured by their partners nor was the woman able to successfully control their movements or keep them from saying whatever they wanted. It's payback, not self-defense.

Among the two thousand clients I have had, I can think of only one who genuinely had a problem with serious violence on his wife's part that was not a reaction to violence, and even he was not especially afraid of her.

- *“She was drunk and was going out to drive, and I was just trying to get the keys away from her.”*

This excuse is a tricky one, because abused women sometimes do develop alcohol or drug problems, usually because of the abuser's behavior. However, her addiction is no excuse to

abuse her further. Unfortunately, if a woman is visibly intoxicated when the police come, they may feel inclined to believe the abuser and discredit her. If I ask a few questions, though, I usually find out that the reason she was trying to leave the house was that he had been on a mounting verbal rampage that day, and she was trying to get away from a physical assault that she could tell was coming soon.

- *“She said that if I didn’t give her more money, she’d call the police and say that I hit her.”*

I have heard this story from so many of my clients that I find myself wondering if they are all graduates of the same Abuse Academy. I have yet to encounter a case in which there turned out to be any truth to this claim, even when the man was asserting at first that he had witnesses.

- *“I just stepped in to protect our child from her abuse.”*

Again, a situation in which a nonabusive man had

to take physical steps to protect a child from an assaultive mother could truly arise, but he would do so by removing the child, not by assaulting the mother.

Carrying false allegations of domestic violence all the way through to a conviction is extraordinarily hard to do. If a vindictive woman really wants to stick it to a man, there are ways to do it that are more satisfying, less time consuming, and far less prone to failure. There isn't the slightest evidence that rates of false allegations for domestic abuse are higher than for any other kind of crime. In fact, research suggests that they may be lower.

When an abuser is accused of violating a restraining order, he has another set of explanations ready, including:

- *“It’s just a coincidence that we were there at the same time. I had no idea she would be present.”*

In determining the legitimacy of this excuse, I

have noticed that men who are determined to obey their restraining orders always seem to find ways to stay away from the woman, whereas other abusers seem to “just by accident” keep violating the order over and over again.

- *“I didn’t realize I wasn’t allowed to even send a letter.”*

Even when this excuse is true, it shows the man’s contempt for both his partner and for the court, since it means he didn’t bother to read the order. And he doesn’t need an attorney to analyze the statement **“Do not contact the plaintiff.”**

- *“I just called to speak to the children because I miss them terribly.
I haven’t had visitation with them in two months.”*

No excuse pulls heartstrings down at the police department and courthouse quite the way this one does. Several of my clients who have used this excuse actually did have visitation rights but were

choosing not to use them because they didn't like the terms. They stated: "If I can only see them one afternoon a week, or if I have to see them with a supervisor, I'm not going to see them at all." So much for the devoted fathers they claim to be.

Even in cases where the mother or the court has indeed denied the abuser visitation, he knows perfectly well what he is doing when he calls the home and the feelings of fear and invasion it will cause the mother. If his concern for his children is as profound as he claims, he can prove it by doing what his children need from him the most—deal seriously with his abuse problem.

WHEN THE POLICE go to a home on a domestic-abuse call, the woman sometimes scrambles to cover for her abusive partner. Consider her position: She knows that in a few minutes the police will leave her house and she will remain there alone, either with the abuser or without him. If the police do arrest him, it is only

a matter of time until he is released—and angrier than ever. She calculates that her safest position is beside her partner; if she teams up with him, he might not rip her to pieces when the police car disappears up the street. Even if she called for help herself, she wasn't necessarily looking for an arrest; most women call to get a scary experience to stop. They want the police to calm the man down and typically would like him removed from the home for the night. But jail, even just for a day or two? Few women would want to see that happen unless they have suffered a long history of abuse by him.

At the same time, women are noticeably more likely to tell the truth to the police than they were fifteen years ago. Although the abuser may say, "You put me in jail!", the reality is that he put *himself* there, and an increasing number of people are beginning to understand this crucial point. Why should you have to suffer abuse to protect *him* from the pain or humiliation of being locked

up? He knows what he needs to change in order to keep the police from being called the next time. It's on him.

I am not recommending that you stand by idly while the police arrest your partner if you fear that he may kill you when he gets out. Every woman has to make her own decisions based on what she knows about the status of her own safety; you are the expert on your own partner. You may know from your experience that the legal system is not going to be able to control his behavior and that you will have to seek alternate strategies for safety, such as planning an escape.

SHOULD I GET A RESTRAINING ORDER?

Throughout almost all of the United States and Canada, a woman who is being physically abused, sexually assaulted, or physically threatened by an intimate partner or ex-partner has the option to

seek an order of protection from a court to keep the abuser away from her. (Purely psychological abuse without these elements of threat or assault is generally not covered under the laws governing protective orders.) In some areas there are important gaps in eligibility, however, such as states where a woman cannot get an order against a lesbian partner who is abusing her or cannot get an order if she has never lived with or been married to the abuser. There are also places where, regrettably, the woman is required to pay a substantial fee in order to obtain the order. Call either the courthouse or your local program for abused women to find out whether you are eligible to seek an order and what the process is for obtaining one.

The question of whether and when to obtain a restraining order is a complex one that no one can answer for you. Consider the following points in making your decision:

1. Is he afraid of the police, courts, or jail? If he is, the restraining order may keep him away from you. But if he has no fear, the order may incite him to get scarier than ever. I have had clients who responded to a restraining order as a red flag waved in front of a bull.
2. Is your main concern that he will intimidate you, attempt to hit you, or hassle you verbally, or are you afraid he will do something even more serious, such as attempt to kill you? Restraining orders can be helpful for stopping harassment and nonlethal assault but may not be worth a great deal in stopping an abuser whose intentions are murderous. If you fear the worst, it is important to take multiple steps to protect your safety (see “Safety Planning” in Chapter 9), which can include a restraining order *as one aspect*

of a larger plan, and even then only if you think it will contribute to your safety.

3. Are the police and courts in your area supportive? Are they likely to take serious action if he violates the order? Will they believe you if you report a violation to them? A restraining order can do more harm than good if the legal system is not prepared to back you up.

I have seen cases where restraining orders have contributed greatly to women's safety and peace of mind and have helped immeasurably in women's efforts to move on with their lives and be free. But each abusive man is different. I have been involved in cases where the woman regretted getting the order because it made her life even scarier. If possible, speak with an advocate for abused women *before* making a decision about seeking an order. And whether or not you choose

to request a restraining order, also make sure to take *other* steps to protect your safety. A restraining order should be one part of a larger safety plan (see “Leaving an Abuser Safely” in Chapter 9).

IF THEY DO ARREST HIM, WHAT THEN?

Once an abuser is released from jail following arraignment, he typically devotes his efforts to achieving the following goals: (1) persuading the woman to drop the charges and not to testify if charges do proceed; and (2) receiving the lightest possible consequence from the court.

One of my early clients, a large biker named Phil, introduced me to many of the tactics that predominate during this period. He joined my abuser group voluntarily following an arrest for assaulting his girlfriend, Betty. He was fairly unpleasant in the early weeks of his participation,

because of his arrogance and his “I don’t give a damn about anything” posture. But he softened as the weeks went by and began to make appropriate comments to other group members about their abuse. Betty reported that she was seeing a side of Phil that had disappeared for several years: He was calmer, he was listening to her more when she talked, and he was walking away from arguments instead of frightening her. Even more important to her was that he had stopped by her sister’s house one afternoon and made an effort to begin mending fences after two years of refusing to talk to her and insisting that she was a “bitch.” And Betty was happy to hear that his attendance at and participation in our program were good.

Two things had happened, however, that left Betty confused. One day they had gotten into a tense argument, which had been uncommon lately, and he had yelled at her: “I have all these court hassles now because you decided to go and call the fucking police on me.” This jab didn’t seem to

be consistent with the remorse he was showing on other days. However, he apologized the next day and referred to his own behavior as “backsliding.” A couple of weeks later, in another tense exchange, he said to Betty in a low growl, “If you go forward with testifying against me, you are going to be really sorry.” Later he insisted that he had just meant that she would feel guilty for treating him “like a criminal,” but Betty continued to feel that he had meant something more.

By the date of his hearing, Phil had put more than three good months together in a row. Betty reported this change in him to the judge, and Phil described his involvement in our program, saying that he had accepted that he had a problem he needed to work on. The judge was impressed that Phil had gotten into counseling on his own initiative without waiting for the court to mandate his attendance. The charges were dismissed.

Phil and Betty walked down the courthouse steps together before heading off toward their

separate cars. As they parted, Phil gave a smile that looked more like a sneer and said, “Well, I guess that’s it for Mr. Nice Guy.” And he meant it. He never set foot in his abuser group again and overnight reverted to his habitual mistreatment of Betty.

After watching a steady trickle of clients in our program follow in Phil’s footsteps, we finally adopted a policy of not allowing men to join our program between an arrest and the date of the court disposition. We didn’t want to be another tool used by abusers to manipulate their partners and escape legal consequences.

Women often berate themselves for not following through with prosecution. A woman may say to me: “What an idiot I was. I don’t know why the hell I believed his promises. I should have gone ahead and testified. Now look at the mess I’m in.” If you have had occasion to dump on yourself in this fashion, stop for a moment and consider: Why is it your fault that he is so

persuasive, that he knows so well how to muddle your mind, that he has collected information over the years about your vulnerabilities and knows how to play them? How are you to blame for how manipulative he is? The reason it takes so long to figure out an abuser is that he knows how to keep himself hidden in constantly shifting shadows. If abusers were so easy to figure out, there would be no abused women.

In counties where abused women find a court system that is well trained in abuse and sensitive to their circumstances, and where victim advocates are actively involved, 80 percent or more go forward with testifying. If you can't stand dealing with a system that doesn't understand your needs, that isn't a shortcoming of yours. Also, remember that your decision to drop a restraining order or criminal charges doesn't mean you can't try again to use legal protections in the future (although you may encounter prejudice against you from the police or the courts if you

have started actions and dropped them in the past).

THE COURT HANDS DOWN A SENTENCE

My physically violent clients seem to have nine lives when it comes to staying out of jail. Through dozens of interactions I have had over the years with probation officers, magistrates, prosecutors, and judges, it has become clear to me that courts have been regrettably slow to free themselves of the beliefs that any man is “bound to lose it sooner or later if his wife pushes him far enough,” that “alcohol is what really causes partner abuse,” or that “women frequently exaggerate partner abuse out of hysteria or vindictiveness.” These persistent attitudes can dovetail with the abusive man’s native ability to lie convincingly and elicit sympathy.

Sentences for the violence that men do to their

wives or girlfriends are shorter on average than those they receive for assaults on strangers, even though partner violence causes more serious injuries and deaths than male-on-male fights do. Courts don't want to send abusers to jail, because they consider them a special class of offenders who deserve unusual compassion and because they often accept victim-blaming justifications for men's violence.

Old attitudes die hard. A few years ago, a judge approached me after a judicial training session I had given and said, "All right, I understand about these men who beat their partners black and blue, who punch them in the face and put them in the hospital. But how about the guy who just gives his wife a push or a shove once in a while? I can't treat him like he's a *batterer*. You didn't explain what judges should do in those cases." I attempted to explain how shocking and intimidating a man's shove can be to a woman, but I could tell his mind was already closed.

I've seen judges who were worse than this one, who seem angrier at the woman for reporting the violence than they are at the man for perpetrating it. But I have worked with others who look carefully at the evidence, listen respectfully to all parties, and make a decision based on fact instead of prejudice. In cases where the man is found guilty, they speak to him in strong terms about the seriousness of his offense, reject his excuses, and impose a punishment that fits the crime.

I have spoken with judges who like to give an abuser a strong verbal admonition *instead of* imposing some sanctions, in the belief that a stern warning from a judge can make an abuser realize that he has to stop. But in reality, the man considers the judge's lecture a joke if no sentence comes with it. He puts on a chastised expression for the court but then smiles all the way home, smug and empowered. I see the emboldening effects of such court dates on my clients.

I am not an advocate of long sentences for

abusers, however. Abusers spend much of their time in jail brooding over their grievances against the abused women and plotting their revenge. Men's jails do not help them to overcome their oppressive attitudes toward women; in fact, they are among the more anti-female environments on the planet. Yet courts are going to have to overcome their reluctance to send abusers to jail if they ever want them to sit up and take notice. A *short* jail sentence, combined with a long postjail period of probation and participation in an abuser program, can provide powerful motivation for an abuser to deal with his problem. Jail time involving at least a few weekends—so that the man can continue bringing in income for his family—should be imposed on his *first* conviction for any offense related to domestic abuse. Each subsequent offense should lead to a longer sentence and a higher fine than the previous one, following the principle of “staircased” sentencing that is often applied to drunk driving.

Unfortunately, this type of approach is rare at present.

An important part of the sentence for any man convicted of domestic abuse should be an extended period—not less than a year—of participation in a specialized abuser program. The abuser program cannot be replaced by psychotherapy or anger management, as those services are not designed to address the range of behaviors that make up abuse and the core attitudes that drive them (see Chapter 3). In Chapter 14, we will examine how a competent abuser program works and how to evaluate the strengths and weaknesses of a particular program in your area.

THE ABUSER ON PROBATION

I used to supervise an excellent young abuse counselor named Patrick. He was fiery and courageous, but both he and the group clients

were always aware of his youth—he was twenty three and looked about nineteen—and his small size. We assumed that sooner or later one of the more violent abusers would try to intimidate him. Sure enough, one day when Patrick was laying down the law with a client about his disruptive behavior in the group, the man demanded that Patrick “step outside” so that they could fight. His body posture demonstrated how much he relished the opportunity to use his fists. Patrick politely declined the offer, however, and told the abuser to leave the room. The client considered his options and decided to storm out without hitting anyone.

We reported the incident to the court and waited to see how quickly this man would be jailed for threatening the counselor at his court-mandated abuse program. Imagine our astonishment when we heard from the chief probation officer two weeks later that she had called the man in to give him “some strong talk” and then had instructed him to *enroll in another abuser program*. In other

words, his “consequence” was that he got out of completing our program. I had a similar experience with the same court in a case where we suspected that one of our clients was abusing his prescription pain medication. We requested permission to speak to the prescribing doctor, but the client refused. His probation officer was soon ringing my telephone and sputtering angrily that a client’s prescription medication was none of our business. The probation officer then proceeded to declare to me unabashedly that *his* pain medication was prescribed *by the same doctor*. (No wonder he didn’t want us examining the matter too closely.)

My clients have no problem figuring out whether or not their probation officers consider domestic abuse a serious crime. Each man tries out his excuses and justifications to see how fertile the ground is; the more space the probation officer gives him for whining and victim blaming, the less strict he knows the supervision will be. The

probation officer's attitude regarding domestic violence is, in turn, largely a reflection of the tone set by the chief probation officer, just as I have observed to be true in police departments. When I work with courts that have pro-victim probation departments, the majority of men they refer cooperate with my program and complete all the requirements. But when the sympathies of the probation department lie primarily with the abuser—as seemed to be true in the court described above—the men present recurring behavior, attitude, and attendance problems, and I have to keep kicking guys out of the program for noncooperation. Why? Because they have already figured out that getting terminated isn't likely to lead to serious consequences at that court, so they would rather not put up with an abuser program that challenges them.

When an abuser finds that he can manipulate or bond with his probation officer, he not only paints a twisted picture of the abused woman but also

employs his divide-and-conquer strategy with respect to the abuser program. “I *know* what I did was wrong,” he says, “and I really want to work on myself. But over at the abuse group they don’t help us change; they just tell us that we’re terrible people and everything we say is wrong. They just hate men over there, and they take it out on us.” The probation officer then calls me to relay the man’s complaint. My response has always been: “Come over some night and sit in on two or three of our groups. You’ll see for yourself what we offer.” One probation officer did in fact visit a few groups and then started attending regularly once per month. He caught on quickly to what a patient and educational approach we actually take with abusers, and he became impossible to manipulate after that.

The abuser’s distortions regarding the abuser program follow the same lines of his thinking about his partner. If I tell a loquacious client that he can’t dominate the entire group discussion and

needs to be quiet for a while, he tells his probation officer, “The counselors say we can only listen and we’re not allowed to talk at all.” If I set limits on a man’s disruptiveness in the group, he turns in his seat, drops his head like a victim, and says sarcastically, “Right, I get it: We’re always wrong, and the women are always right.” If I terminate a man from the program after three warnings for inappropriate behavior, he says, “If we don’t tell you exactly what you want to hear, you kick us out, and you don’t give anyone a second chance.” His twisted reports on our statements provide important glimpses into how he discredits his partner at home—and why she may feel so angry, frustrated, and ready to scream.

EFFORTS TO BOND

As the abuser encounters each new player in the legal system, he tries to make a personal connection. With men he relies on “male

bonding,” making jokes about women or seeking sympathy based on anti-female stereotypes. With women he experiments with flattery and flirtatiousness, or tries to learn private details of people’s lives so that he can show concern with statements such as: “I heard your daughter has been sick. How is she doing?” The unspoken message running through these efforts is: “See, I’m not an abuser, I’m just a likable, ordinary person like you, and I want to be your friend.” My clients attempt to run the same routines at the abuser program, so I come to know them well.

USING THE LEGAL SYSTEM FOR HIS OWN PURPOSES

Over the fifteen years I have worked with abusive men, I have seen my clients become increasingly shrewd at getting the police and the courts to work on their behalf. Abused women are arrested much more commonly than when I began, as abusers

have learned to use their own injuries from a fight to support claims of victimization. I find that the more violent an abusive man is, the more likely he is to come out of a fight with some injuries of his own, as his terrified partner kicks, swings her arms, and scratches in her efforts to get away from him. But some police take a look at the abuser's injuries and say: "Well, we're going to arrest her because he's got scratches."

Abusers have also learned to rush to the court for restraining orders before their partners get a chance to do so and sometimes scoop up custody of their children in the process. It would be difficult to find anyone more self-satisfied than the man who repeatedly assaults his partner verbally or physically and then has the pleasure of handing her a court order that bars *her* from the residence. And of course the shock to the woman of discovering that the court has kicked her when she was already down can propel her several more yards in the direction of resignation and bitterness.

But, fortunately, the story need not end there for the abused woman.

SURVIVING THE LEGAL SYSTEM

Despite the confidence and superiority of abusers and the regressive attitudes of some police and court officials that still persist, tremendous progress has been made in the legal system's response to domestic abuse. Hundreds of thousands of women per year succeed in obtaining orders of protection from courts, and a large proportion of those orders accomplish what the woman is seeking: restoration of her safety and a desperately needed break from the abuser. Many states now mandate the police to arrest abusers in domestic-abuse cases, and district attorneys often are diligent in pursuing convictions.

If you choose to use the police or courts for protection—or if you are cast into the legal system because of a call made by a neighbor or relative—

here are some principles to tuck away in your survival kit:

- *Ask for help, ask for help, ask for help.*

I can't say it enough. Dealing with the police and courts can leave you feeling isolated, afraid, and disempowered. Some women decide, after getting a taste of this cold and sometimes hostile system, that they will never reach out for official assistance again. One antidote is to draw upon every resource available to you. Is there a program for abused women near you that provides advocates to accompany women to court? Does the county employ victim/witness advocates, and are they available at the courthouse? Is there a friend or relative who could accompany you to request a restraining order? Does your police department have a specially trained domestic-violence officer with whom you could discuss your case? Remember, anyone who specializes in "domestic violence" is there to help you deal with a scary or intimidating partner, even if he has

never hit you. Involve as many of these people in your case as possible; emotional and logistical support can make an immense difference.

- *Cooperate with the prosecution unless it is too dangerous for you to do so.*

Multiple studies have demonstrated that abusers who are prosecuted are more likely to stop their violence than those who are not. If your partner suddenly seems serious about changing, it is not a reason to drop legal action; on the contrary, it is another reason to *continue* it. Court involvement will help give him the structure and incentives he needs to carry through with his good intentions. Without that extra push, an abuser's thoughts of change almost always fade with time.

Some women say to me: "But if I go forward with testifying, he is going to be furious, and then he'll never be willing to look at his problem." This is a common misconception: You cannot get an abuser to change by begging or pleading. The only abusers who change are the ones who become

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willing to accept the consequences of their actions; if he is unrelentingly angry about prosecution, you can be 100 percent sure that he wouldn't have worked on himself anyhow. You also may be concerned that a criminal conviction will burden him with a humiliating stigma and make it harder for him to find jobs in the future. However, few employers do criminal record checks, and even fewer turn down a man because of an offense related to domestic abuse. As for the stigma, he needs it; he may seem to have snapped out of his denial for the moment, but you will be surprised by how quickly he leaps back into it once the threat of court action has passed.

- *Avoid dropping a restraining order.*

Stay away from your partner until the court order expires, even if you are missing him very much and he seems like a completely different person. Courts unfortunately often develop prejudices against women who seek restraining orders and then drop them, just as police and prosecutors can

look negatively upon a woman who does not want to go through with testifying. I understand the fear you may have that he will do something extreme if you don't back off, the challenge of surviving without his financial support (especially if you have children), the pressure you may be getting from other people to give him another chance, and numerous other weights on your shoulders. But courts sometimes do not consider these issues and can be reluctant to assist a woman the next time she reaches out for help. Stick with it through the whole period unless your situation becomes too dangerous.

- *Don't give up prematurely.*

Most police departments have some officers who handle domestic abuse cases well and some who don't, just as most courts have judges who hold abusers accountable and others who let them skate. Just because things went badly this time doesn't mean they always will. Some abusers get sick of dealing with the legal system after awhile,

and some public officials decide to finally take action if a case erupts in front of them enough times.

There are exceptions to what I have just said, however. You may know for a fact that in your community legal recourse is stacked against you. If the abuser is on the police force or has close buddies who are, calling 911 can make things worse rather than better. If the abuser is a judge—and I have talked to a few women who were in this sad circumstance—relief may not be available at the courthouse. There is a point at which it does make sense to scrap the legal system and start considering what other strategies you might try. Begin always with a call to an abuse hotline.

- *Advocate for yourself.*

If the abuser is on probation, ask for a face-to-face meeting with the probation officer; it will make it harder for your partner to paint a distorted picture of you and may make the probation officer feel responsible for your safety. If the prosecutor is

considering a plea bargain, demand to be included in the process of negotiation, so that your needs are considered before any deal is made. If the abuser is mandated to attend an abuser program, communicate frequently with the abuser program and make sure that they are on your side, not his (Chapter 14 offers guidelines for determining whether or not a particular abuser program is a good one.)

THE LEGAL SYSTEM cannot solve the problem of abuse by itself, but, when it is working properly it can be an important ally in defending your rights. The better that you and anyone attempting to help you understand the abuser's tricks for turning the legal process to his advantage, the better you can pressure the system to hold him accountable.

KEY POINTS TO REMEMBER

- Abusers rarely change if they aren't forced to suffer any consequences. A man should be required to complete an abuser program *in conjunction with*, not *instead of*, legal consequences.
- Many abusers see the legal system as another opportunity for manipulation. Whether or not he succeeds in that approach will depend largely on how well trained the crucial public officials are on the subject of abuse—and on how many of them think as he does.
- A woman who wants the legal system to help protect her rights needs to seek out assistance for herself and to be prepared to advocate for her own needs and interests. Her first call should be to a program for abused women.
- The legal system will tend not to contribute well to your safety unless you

use it *in conjunction with* other self-protective steps (see “Safety Planning” in Chapter 9).

- Any form of physical aggression, including a push, poke, shove, or threat, is illegal in most states and provinces. You do not need to wait until you are severely injured to seek police assistance.
- There is no such thing as a “minor” violation of a law or a court order by an abusive man. If the legal system does not hold him accountable, he will escalate to more serious violations under the assumption that the system does not mean what it says.

Changing the Abusive Man

The Making of an Abusive Man

We pass a magazine rack, and he points at the cover of Cosmo and says, “Why don’t you look like that?”

His favorite song is that Guns N’ Roses one: “I used to love her, but I had to kill her.” He puts it on all the time.

His dad treats his mom the same way he treats me.

You should see the way he and his buddies talk about women, like they’re pieces of meat.

Once upon a time, there was a boy who grew

up with a happy dream. He was told when he was very young—as soon as he was old enough to understand *anything*, really—that a beautiful piece of land out on the edge of town was in trust for him. When he was grown up, it would be his very own and was sure to bring him great contentment. His family and other relatives often described the land to him in terms that made it sound like a fairy world, paradise on earth. They did not tell him precisely when it would be his but implied that it would be when he was around age sixteen or twenty.

In his mid-teens, the boy began to visit the property and take walks on it, dreaming of owning it. Two or three years later, he felt the time had come to take it on. However, by then he had noticed some disturbing things: From time to time, he would observe people hiking or picnicking on his acres, and when he told them not to come there without his

permission, they refused to leave and insisted that the land was public! When he questioned his relatives about this, they reassured him that there was no claim to the land but his.

In his late adolescence and early twenties, he became increasingly frustrated about the failure of the townspeople to respect his ownership. He first tried to manage the problem through compromise. He set aside a small section of the property as a public picnic area and even spent his own money to put up some tables. On the remainder of the land he put up “No Trespassing” signs and expected people to stay off. But, to his amazement, town residents showed no signs of gratitude for his concession; instead they continued to help themselves to the enjoyment of the full area.

The boy finally could tolerate the intrusions on his birthright no longer. He began screaming and swearing at people who

trespassed and in this way succeeded in driving many of them away. The few who were not cowed by him became targets of his physical assaults. And when even his aggression did not completely clear the area, he bought a gun and began firing at people just to frighten them, not actually to shoot them. The townspeople came to the conclusion that the young man was insane.

One particularly courageous local resident decided to spend a day searching through the town real estate records and was able to establish what a number of people had suspected all along: The property was indeed public. The claim made by the boy's family on his behalf was the product of legend and misconception, without any basis in the documentary record.

When the boy was confronted with this evidence, his ire only grew. He was convinced that the townspeople had

conspired to alter the records and that they were out to deprive him of his most cherished dream. For several years after, his behavior remained erratic; at times it seemed that he had accepted having been misled during his childhood, but then he would erupt again in efforts to regain control of the land through lawsuits, creating booby traps on the land to injure visitors and employing any other strategy he could think of. His relatives encouraged him to maintain his belligerence, telling him, "Don't let them take away what is yours." Years went by before he was able to accept the fact that his dream would never be realized and that he would have to learn to share the land. Over that period he went through a painful, though ultimately freeing, process of gradually accepting how badly misled he had been and how destructive his behavior had been as a result.

IN ORDER TO know how to foster change in abusive men, individuals and communities need to understand not only how abusive thinking *works* which has been my focus so far, but also *where it comes from*. Overcoming the scourge of relationship abuse demands attention to the root causes of the problem.

The story I have just told is a metaphor for the childhood social process that produces an abuser. As I have explained in earlier chapters, abusiveness has little to do with psychological problems and everything to do with values and beliefs. Where do a boy's values about partner relationships come from? The sources are many. The most important ones include the family he grows up in, his neighborhood, the television he watches and books he reads, jokes he hears, messages that he receives from the toys he is given, and his most influential adult role models. His role models are important not just for which behaviors they exhibit to the boy but also for

which values they teach him in words and what expectations they instill in him for the future. In sum, a boy's values develop from the full range of his experiences within his *culture*.

Each boy's socialization is unique. Even two siblings close in age do not learn identical values. Culture is thus transmitted on a *continuum*. In a culture that is fairly religious, for example, some children will grow up to be devout believers; others will reject the faith completely; and most will fall in with the average level of religious observance for their community. Where a child will land on this continuum partly depends on how strong a set of messages he or she receives from the social environment and partly on his or her personal predispositions. The family rebel, for example, might become an atheist, while the child who is most focused on pleasing the parents might become even more religious than they are.

HOW A BOY LEARNS ABUSE

Children begin at a very young age—certainly by the time they are three and probably sooner—to absorb the rules and traditions of their culture. This learning continues throughout their childhood and adolescence. The family in which children grow up is usually the strongest influence, at least for their first few years, but it is only one among many. Children's sense of proper and improper ways to behave, their moral perceptions of right and wrong, and their beliefs about sex roles are brought to them by television and videos, popular songs, children's books, and jokes. They observe behaviors that are modeled by friends and relatives, including adults to whom they are close. They watch to see which behaviors get rewarded—by making people popular, for example—as opposed to those that are condemned. By age four or five they start to express curiosity about laws and police, both of which play an important role in shaping their moral sense. During their adolescence, young people have increasing access

to the wider culture, with less and less filtering by adults, and are subject to the rapidly growing influence of their peers. Even after reaching adulthood, people continue to read the social messages that surround them in the culture and to adjust their values and beliefs in response to what is socially acceptable.

QUESTION 18:

WHERE DID HE LEARN TO BE THAT WAY?

Let's look now at how society influences the development of a boy or a young man's attitude toward abuse. Some of what I describe here dates back many hundreds of years, while other messages are more recent arrivals on the cultural scene. I give examples from child-oriented culture, such as children's books and movies, and others

from adult culture, which trickle down to children from the models they observe of adult behavior and from what adults tell them directly about right and wrong.

- *Laws and the legal system have colluded with the abuse of women.*

Until well into the 1800s, it was expressly legal for a man in the English-speaking world to physically abuse his wife. She had no recourse to the police or the courts, and, if she chose to divorce him because of his abusiveness, he was legally entitled to custody of their children. In the late nineteenth century some legal consequences were finally legislated for some of the most extreme beatings of women, but they were rarely enforced *until the 1970s* and were not enforced consistently at all until the 1990s! For hundreds and perhaps thousands of years the domestic assault of women has been considered a necessary tool for a man to maintain order and discipline in his home, to make sure that his superior

intelligence rules, and to avoid the mushrooming of the hysterical, short-sighted, and naive qualities that men widely attribute to women. It was only with the women's movement of the 1960s and 1970s, and especially with the work of those activists focusing specifically on battering and sexual assault, that the intimate oppression of women began to be taken seriously as a crime.

This legal history plays an important role in shaping today's cultural views among males—and females—about the abuse of women. It is likely to take a number of generations to overcome the accumulated impact of hundreds of years of destructive social attitudes. The culture that shaped these laws, and was in turn shaped by them, is reflected in people's continued willingness to blame women for “provoking” abuse, to feel sorry for men who face legal consequences for intimate violence, and to be highly skeptical of women's reports of abuse. These are all attitudes that children can absorb

from the behaviors and comments of the adults around them.

Children also notice responses by the legal system. A boy who grows up in a home where his father assaults his mother may observe over the years that his father never seems to get in any serious trouble, indicating to him that his father's behavior is not viewed as wrong by the community. (In fact, any male who is older than ten or fifteen years of age today is unlikely to have ever seen his father prosecuted for domestic violence, since such prosecution was uncommon before 1990). When a woman asks me, "Why does a physically abusive man believe he can get away with it?", I have to answer that until very recently he *could*, and even now legal consequences are less serious for men who assault partners than for those who assault strangers. This historical condoning of the physical abuse of women has also played a critical role in making it difficult to address and overcome emotional abuse,

as it has created an atmosphere of impunity regarding men's conduct in partner relationships

- *Religious beliefs have often condoned the abuse of women.*

The most influential religious scriptures in the world today, including the Bible, the Torah, the Koran, and major Buddhist and Hindu writings, explicitly instruct women to submit to male domination. Genesis, for example, includes the following passage: "Unto the woman He said, I will greatly multiply thy sorrow and thy conception; in sorrow thou shalt bring forth children: and thy desire *shall be* to thy husband, and he shall rule over thee." I have had numerous clients over the years who explicitly rely on quotations from scripture to justify their abuse of their partners. Similarly, religious prohibitions against divorce have entrapped women in abusive marriages. The book *When Love Goes Wrong* (see "Resources"), published in 1985, describes a study of conservative Protestant clergy that

reported that 21 percent said that no amount of abuse would justify a woman's leaving her husband, and 26 percent agreed with the statement "a wife should submit to her husband and trust that God would honor her action by either stopping the abuse or giving her the strength to endure it."

Children who are raised in a faith tradition are commonly taught that the rules of their religion are the ultimate guide to right and wrong, superior even to civil law. A boy's early religious training can be formative in the development of his image of appropriate behaviors in intimate relationships, the status of women, and the entitlements of men. If the more destructive aspects of his religious background are the ones that are given the most emphasis in his family or community, some dangerous seeds may have been sown.

- *Popular performers both reflect and shape social attitudes.*

The white rapper Eminem won a Grammy Award

while I was writing this book. At the time of his award, one of his newest popular songs was “Kim,” the name of Eminem’s wife. The song begins with the singer putting his baby daughter to bed and then preparing to murder his wife for being with another man. He tells his wife, “If you move I’ll beat the shit out of you,” and informs her that he has already murdered their four-year-old son. He then tells his wife he is going to drive away with her in the car, leaving the baby at home alone, and then will bring her home dead in the trunk. Kim’s voice (as performed by Eminem) is audible off and on throughout the song, screaming with terror. At times she pleads with him not to hurt her. He describes to her how he is going to make it look as if she is the one who killed their son and that he killed her in self-defense, so that he’ll get away with it. Kim screams for help, then is audibly choked to death, as Eminem screams, “Bleed, bitch, bleed! Bleed!” The murder is followed by the sound of a body being dragged

across dry leaves, thrown into the trunk of a car, and closed in.

Even more horrible than Eminem's decision to record this song glorifying the murder of a woman and child is the fact that it did not stop him from receiving a Grammy. What is a teen boy or a young man to conclude about our culture from this award? I believe I can safely say that a singer who openly promoted the killing of Jews, or blacks, or people in wheelchairs would be considered ineligible for a Grammy. But not so, unfortunately, for encouraging the brutal and premeditated murder of one's wife and child, complete with a plan for how to escape consequences for it.

And, unfortunately, Eminem has plenty of company. The extremely popular Guns 'n' Roses recorded a song that goes: "I used to love her / But I had to kill her / I had to put her six feet under / And I can still hear her complain." The singer (Axl Rose) goes on to sing that he knew he would miss her so he buried her in the backyard. This

song supports a common attitude among physical abusers that women's complaints are what provoke men to violence. Another outstanding example is the comedian Andrew Dice Clay, whose repertoire of "jokes" about the beating and sexual assault of females has filled performance halls across the country. Fans of these kinds of performers have been known to state defensively, "Come on, it's just humor." But humor is actually one of the powerful ways a culture passes on its values. If a man is already inclined toward abuse because of his earlier training or experience, he can find validation in such performances and distance himself even further from empathy for his partners. In one abuse case that I was involved in, the man used to play the above Guns 'n' Roses song on the stereo repeatedly and tell his wife that this was what was going to happen to her, laughing about it. But in the context of verbal assault and physical fear that he created, what was a joke to him was a blood-curdling threat to his

partner.

- *Popular plays and movies romanticize abuse of women.*

Several years ago I saw the play *Frankie and Johnny Got Married* in Boston. The story line goes like this: Johnny is in love with Frankie and knows that she is the right woman for him. One evening he comes to her apartment to express his love and convince her to get involved with him. She is not interested, and tells him so. Johnny then begins a relentless pressure campaign that lasts for the remainder of the play. He criticizes her and puts her down, telling her that her fears of intimacy and commitment are the reasons why she avoids being with him. He lets her know that, whatever knowledge she may have about who she is and what she needs, his judgment is better. Frankie remains unimpressed.

So Johnny's coercion escalates. At one point Frankie, who is exhausted after hours of this pressure, attempts to go to sleep, but Johnny

blocks her path to the bedroom, grabbing her arms. She then goes to the kitchen and makes herself a sandwich, figuring that if she can't sleep she might at least eat. It is not to be, however, because Johnny grabs the plate away from her and heaves it into the sink, sandwich and all.

Exasperated, Frankie orders Johnny to leave her apartment. He refuses. She threatens to call the police to remove him, to which he replies with words to the effect of: "Go ahead, bring them over. In an hour they will have released me, and I'll be back on your fire escape. Sooner or later you're going to have to deal with me."

So now that Frankie has discovered that she can't succeed in having *any* of her rights respected at all, what happens next? Lo and behold, she has an epiphany! A life-changing breakthrough! In a flash, she overcomes her fear of deep connection—it turns out Johnny was right about her fear of intimacy as well as everything else—and she falls enraptured into his arms. Frankie and Johnny are

in love. *The curtain falls.* (Presumably Frankie is now permitted to eat and sleep, though we have no way to say for sure.)

The most astounding part of the evening was still to come, however. To my amazement, the roughly two hundred and fifty well-educated, economically privileged adults who were packed into their Huntington Theater Company seats rose in a roar of delighted applause, smiling from ear to ear. Not a person in the auditorium remained seated—except me. I had been working with abusers for over five years at this point and knew perfectly well what we had been witnessing. No one else seemed to notice anything amiss in the physical grabbing, sleep and food deprivation, threats, superiority, and other forms of coercion we had just watched. Was Frankie reluctant to be with Johnny because she feared intimacy? Or could it perhaps have been because he was arrogant, coercive, and physically violent? Who *wouldn't* fear intimacy with this bully? One ought

to.

The messages to young men, intentional or not, are that coercion and even a degree of physical violence and intimidation are compatible with deep love and that a man can know better than a woman what is good for her. The attitudes that drive the behavior of many of my clients were woven throughout this play. And if a young boy doesn't see this play—most of the audience was adult—he nonetheless is influenced by the attitudes that his parents bring home with them from the theater.

- *A boy's early training about sex roles and about relationships can feed abuse.*

At least until quite recently, a boy has tended to learn from the most tender age that when he reaches young adulthood he will have a wife or girlfriend who will do *everything* for him and make him a happy man. His partner will belong to him. Her top responsibility will be to provide love and nurturing, while his key contribution will be

to fill the role of “the brains of the operation,” using his wisdom and strength to guide the family. Tightly interwoven with these expectations are other messages he is likely to receive about females. He may learn that boys are superior to girls, particularly if he grows up around men who exhibit that attitude. (In many families, there is no worse insult you can give to a boy than to say, “You’re acting like a girl.”) When he is old enough to know about sex, he may learn that the most valuable thing about females is their capacity to give sexual pleasure to males. Depending on what his father or stepfather is like, what kinds of peers he chooses in his teen years, or what kinds of music he listens to, he may learn that, when a female partner does not defer to him, he can use verbal degradation or even physical intimidation to punish her and ensure better cooperation in the future.

Studies have found that nearly half of abusive men grow up in homes where their father or

stepfather is an abuser. Home is a critical learning ground for values and sex-role expectations. Boys are at risk to absorb the abuser's attitude through his words and actions (see Chapter 10). Even if the dad never explicitly says that females are inferior, for example, or that the man should have the last word in an argument, his behavior can get the message across.

The sex-role expectations to which boys and men have historically been subjected are captured powerfully by an article called "The Good Wife's Guide," from a 1955 issue of *Housekeeping Monthly* that includes such instructions as "Don't ask him questions about his actions or question his judgment or integrity. Remember, he is the master of the house and as such will always exercise his will with fairness and truthfulness," and "Don't complain if he's late home for dinner or even if he stays out all night. Count this minor compared to what he might have gone through that day." The wife is further encouraged to make

sure the children are quiet when he gets home, to keep the house perfectly orderly and clean, and not to complain if her husband goes out for evening entertainment without her, because she needs to “understand his world of strain and pressure.” Our society’s sex-role attitudes have certainly progressed greatly over the past fifty years, yet the expectations laid out in this article are precisely the ones I find in many of my abusive clients to this day; cultural values that run this deep take generations to unearth and dispose of.

- *Some messages in media oriented toward children and teens support abuse by men.*

In a book in the popular Berenstain Bears series for children called *Trouble with Homework*, both the mother and the children cower when Father becomes angry. (It’s on the cover.) At one point he knocks over a chair and clenches his fists above his head. At the end of the story, the children have pleased Dad by doing what he wanted, and Mom smiles happily to see them cuddled up with Dad

on the couch. In *Bedtime for Francis*, by Russel Hoban, the father threatens Francis that he will spank her if she does not stop asking for help with her fear of the dark, and she falls asleep alone with the fear of how the spanking would hurt.

Fairy tales also sometimes support the abusive mentality. In *Beauty and the Beast*, for example, the beast is cruel to the woman and isolates her from the world, but she loves him anyhow, and her love ultimately transforms him into a good man—the precise myth that keeps some women entrapped in their abusive relationships. In *The Little Mermaid*, Ariel chooses to *give up her voice*—literally—in order to live on land so that she can marry the man she loves. A woman with no voice is the dream girl of many abusive men.

Even movies that are aimed at children and teens commonly include messages that condone abuse of females. In a recent Jim Carrey film, for example, a man sits down in a park next to a strange woman who is nursing her baby and then

suddenly pushes the baby away from the woman and begins to suck her breast himself. This sexual assault is presented as humorous.

Music videos and computer games have become the predominant sources of cultural training for children and teenagers. In the world of MTV and VH1, many of the sex-role messages are worse than ever, with males aggressive and in control and the value of females restricted to their sexual allure. As was exposed in a recent documentary broadcast on MTV, pornographers are frequently being hired to make music videos, which predictably leads to portrayals of women that make them look like they exist for men to use.

Some music videos show abuse explicitly. In one, for example, a man stalks a woman throughout the song as she repeatedly tries to escape him, including one part in which she dives into a car to get away and he pulls open another door and jumps in after her. At the end of the video, she gives up and *falls in love* with him. The

message thus is not only that stalking proves how much he loves her but also that the stalker was actually doing *what was best* for her. Women in music videos never mean “no” when they say it, and when they run away, they really want to be chased and caught. What could more perfectly capture the abusive mentality?

- *Pornographic videos, magazines, and web sites are learning grounds.*

As a boy enters his teen years, he is likely to encounter another powerful shaper of his outlook on females and how to treat them: pornography. Most pornographic movies, magazines, and web sites can function as training manuals for abusers, whether they intend to or not, teaching that women are unworthy of respect and valuable only as sex objects for men. The Internet has made access to pornography much easier—and free—for teenage boys; a recent study found, for example, that one in four teenage boys has experienced exposure to unwanted sexual material, most

commonly through Internet solicitations. A great deal of mainstream pornographic material—not just so-called “hard core”—contains stories and images showing the abuse of both women and children as sexy, sometimes including presentations of rape as erotic. The harm to teens from looking at pornography has little to do with its sexual explicitness and everything to do with the *attitudes* it teaches toward women, relationships, sexual assault, and abuse. Spend some time looking at pornography yourself—if you can stand it—and think about the messages it is sending to young people and especially to boys.

I learned of a recent case in an upper-class suburb involving a group of middle school-aged boys who were in the habit of spending hours each day after school watching pornography on their computers. One day they went from this activity to a party where they succeeded in pressuring several girls—with an average age of twelve—into performing group oral sex on them, inspired by

something they had watched at a web site. Parents found out about what happened and a scandal ensued, but the community still did not seem to recognize the critical influence of the images to which the boys were being exposed.

Boys often learn that they are not responsible for their actions.

Boys' aggressiveness is increasingly being treated as a *medical* problem, particularly in schools, a trend that has led to the diagnosing and medicating of boys whose problem may really be that they have been traumatized and influenced by exposure to violence and abuse at home. Treating these boys as though they have a chemical problem not only overlooks the distress they are in but also reinforces their belief that they are "out of control" or "sick," rather than helping them to recognize that they are making bad choices based on destructive values. I have sometimes heard adults telling girls that they should be flattered by boys' invasive or aggressive behavior "because it

means they really like you,” an approach that prepares both boys and girls to confuse love with abuse and socializes girls to feel helpless.

In most media coverage of bullying and school violence, including highly publicized school murders such as Columbine, reporters have overlooked the gender issues. Headlines have described these events as “kids killing kids,” when close to 100 percent of them have involved boys killing kids. In some cases it has been revealed that the killings were related to boys’ hostility toward females, including one case in which the two boys who went on a murderous rampage said afterward that they had done it because they were angry that their girlfriends had broken up with them. But the urgent need to confront the anti-female attitudes among these boys was never mentioned as a strategy for preventing future school violence.

- *When culture and home experience dovetail, each reinforces the other.*

If a boy grows up in a home where his mother is abused, hearing a song like Eminem's "Kim" could leave a deep imprint on him. He may well feel that society is giving its public stamp of approval to the mistreatment of women he has witnessed at home. The likelihood that he will blame his mother for what happens to her and begin to copy the abuser's behavior increases with each pro-abuse message he absorbs from his surroundings. My counseling experience persuades me that the men who are most likely to grow up to abuse women are probably those who grow up with an abuser as an important role model and who *also* get especially heavy doses of destructive cultural training. But also be aware: Half or more of my clients do *not* come from homes in which a man modeled abuse of women. The cultural influences I have discussed above are sufficient *in themselves* to prepare a boy to become an abusive man. It is therefore essential to teach boys to respect women and think critically

about the societal messages to which they are exposed.

Many sons of abused women whom I have known, including police officers, writers, therapists, and activists, have dedicated their lives to *opposing* the abuse of women. The example set by these men shows that a boy's family influences are only the beginning of the story and that he can make the choice to channel his childhood distress into constructive action—if he learns about alternative ways of thinking and acting.

LET'S RETURN NOW to our growing boy. From a combination of different cultural influences, he develops an image of his future, which he carries within him. He pictures a woman who is beautiful, alluring, and focused entirely on meeting his needs—one who has no needs of her own that might require sacrifice or effort on his part. She will belong to him and cater to him, and he will be free to disrespect her when he sees fit.

In his mind this picture may illustrate the word *partner*, but a more accurate word for the image he is developing might be *servant*.

When this boy gets involved in actual—as opposed to imagined—dating, especially as he reaches an age where his relationships become more serious, his childhood fantasy life collides with the real-life young woman he is seeing. She defies him on occasion. She has other people in her life who are important to her rather than making him her exclusive focus. She demands from time to time that he take an interest in her as a person. She doesn't always accept his opinions as accurate and superior to hers. She may even attempt at some point to break up with him, as if she were not his personal possession. The boy doesn't believe that he is demanding anything unreasonable; he seeks only what he considers his due. In fact, our young man feels like he gives his girlfriend more freedom than a lot of other guys do, just as the boy in our opening story felt

generous for providing a public picnic area on “his” land. And, like that boy’s reaction to the “trespassers,” he becomes increasingly frustrated, erratic, and coercive as he tries to regain control over his partner. His first sexual experiences are likely to be a result of his pressuring a girl steadily until she gives in, so that sexual coercion becomes one of his earliest relationship habits. He may even start to appear mentally ill, as did the young man who began firing at hikers, but in fact his behavior is largely logical and rational, given what his key social influences have led him to believe. Above all, he feels that *his* rights are the ones being denied—which is precisely the attitude of almost all of my clients when they begin my program. The abusive man feels cheated, ripped off, and wronged, because his sense of entitlement is so badly distorting his perceptions of right and wrong.

In sum, an abuser can be thought of not as a man who is a “deviant,” but rather as one who

learned his society's lessons *too* well, swallowing them whole. He followed too carefully the signposts his culture put out for him marking the path to manhood—at least with respect to relationships with women.

THE CULTURAL EXCUSE

My abusive clients sometimes become aware of these ways in which society has shaped their values and, sticking closely to their long-standing abusive habits, seize this insight as a new excuse. Instead of saying “I was drunk “or “I was abused as a child,” they rise to a new level of sophistication in escaping responsibility, declaring, “I did it because I learned entitled expectations and the devaluing of females.” I respond by telling the client that he is putting old wine in a new bottle. “The number-one lesson you seem to have learned,” I say, “is how to make excuses for abusing women. And I see that you’re

still practicing it.” Abusive men do need to learn about social influences, but not in a way that gives them yet another means of letting themselves off the hook.

ABUSE AS A FORM OF OPPRESSION

A home where a woman is abused is a small-scale model of much larger oppressive systems that work in remarkably similar ways. Many of the excuses an abusive man uses for verbally tearing his partner to shreds are the same ones that a power-mad boss uses for humiliating his or her employees. The abusive man’s ability to convince himself that his domination of you is for your own good is paralleled by the dictator who says, “People in this country are too primitive for democracy.” The divide-and-conquer strategies used by abusers are reminiscent of a corporate head who tries to break the labor union by giving certain groups of workers favored treatment. The

making of an abuser is thus not necessarily restricted to the specific values his society teaches him about men's relationships with women; without realizing it he may also apply attitudes and tactics from *other* forms of oppression that he has been exposed to as a boy or as a young adult and that he has learned to justify or even admire.

If you look at any oppressive organization or system, from a racist country club up to a military government, you will find most of the same behaviors and justifications by the powerful that I have described in this book. The tactics of control, the intimidation of victims who try to protest, the undermining of efforts at independence, the negative distortions about the victims in order to cast blame upon them, the careful cultivation of the public image of the oppressors—all are present, along with many other parallels. The people in power generally tell lies while simultaneously working hard to silence the voices of the people who are being dominated and to stop

them from thinking, just as the abusive man strives to do. And the bottom line is the same: Oppressive systems stay in existence because the people in power enjoy the luxury of their position and become unwilling to give up the privileges they win through taking advantage of other people and keeping them down. In short, *the abusive mentality is the mentality of oppression*.

The connection among different kinds of power abuses can add greatly to the stress experienced by an abused woman. If you already face discrimination as a woman of color or if you are a low-income woman or a lesbian, you may feel overwhelmed at times by how similar the control and abuse from your partner feel to other forms of oppression you have endured. Some abusive men even deliberately take advantage of their partner's social vulnerabilities. I have had several clients, for example, whose partners are undocumented immigrants whom they have threatened to have deported if the women ever disclose the abuse. In

some geographical areas you can find supportive services for specific groups of abused women, such as immigrants or lesbians, or locate agencies where there are staff people from your background who understand the additional challenges you face. (See “Resources.”)

WHEN WE STEP BACK and gaze upon the broad panorama of social influences on a boy’s development, we can see that it’s really no great wonder that he may learn the patterns of abuse. What he isn’t taught by the cultural messages around him that specifically support the abuse of women he can learn from the tactics of other abusers of power and from the blaming of other victims. In fact, the greater surprise is that so many boys do *not* grow up to abuse women. There must not be anything inherently abusive or power-hungry about men, or it would be impossible for so many to refuse to follow the path where their cultural training is propelling them. One of the

best-known male crusaders against the abuse of women, a man with whom I have had the good fortune to work, grew up in a home where his mother was physically beaten. He could have modeled himself after his father, but he didn't. He chose instead to think critically about his experience and take the opposite road. Many of the influential leaders of the movement against the abuse of women in the United States, Canada, and other countries are male, including men who have mentored me in my work.

The oppressive mentality can be taken apart and replaced with a new consciousness. The composer of "Amazing Grace," you may have heard, was a slave trader who repented of his cruelty and became an abolitionist. Abusive men can learn respect and equality—if we insist that they do so. But they won't make those changes unless they are subjected to tremendous pressure, because their cultural values as well as their privileges are pushing them so hard to stay the same.

There has never been a better time than the present to apply that pressure, to demand that abusers accept responsibility for the destruction they cause. We live in a period of mounting international pressure for the respect of human rights for *everyone*, of insistence on the recognition of the worth and dignity of each person, male or female, young or old, wealthy or poor, and of whatever color. The current context is probably the most hopeful one there has ever been for putting an end to the abuse of women, and to the range of abuses of power that follow its pattern. Resistance never disappears; it waits in the shadows, sometimes for many years, and then eventually sprouts again. You may have gone through dark times when you felt, “I just can’t fight this anymore, I give up,” yet you rebound after a while to try again to recover your rights. And one day you will succeed.

KEY POINTS TO REMEMBER

- An abuser is not born; he is made.
- In order to bring about change in an abuser, we have to reshape his attitude toward power and exploitation.
- Abusive behavior is reinforced by multiple societal messages, some of which are specific to the abuse of women and some of which reflect the overall culture of oppression.
- Your courageous resistance to partner abuse—and you *have* stood up for yourself (and your children) in many ways, whether you realize it or not—is a gift to everyone, because all forms of abuse are intertwined.

The Process of Change

Since he started going to therapy, he's gotten more self-centered than ever.

I think this time he's really sorry.

He's usually very closed off to his feelings, so it gives me hope that he's finally opening up a little.

*Our couples counselor says we **both** have to be willing to change.*

Do you think he can change? I'm not sure how long I should wait around to see whether he will or not.

MY FIFTEEN YEARS OF WORKING day in and day out with abusive men have left me certain of one thing: There are no shortcuts to change, no magical overnight transformations, no easy ways out. Change is difficult, uncomfortable work. My job as a counselor is to dive into the elaborate tangle that makes up an abuser's thinking and assist the man to untie the knots. The project is not hopeless—if the man is willing to work hard—but it is complex and painstaking. For him, remaining abusive is in many ways easier than stepping out of his pattern. Yet there are some men who decide to dig down inside of themselves, root out the values that drive their abusive behavior, and develop a truly new way of interacting with a female partner. The challenge for an abused woman is to learn how to tell whether her partner is serious about overcoming his abusiveness.

The first challenge with an abusive man is to motivate him to work on himself. Because he becomes attached to the many rewards that his

controlling and intimidating behaviors bring him, he is highly reluctant to make significant changes in his way of operating in a relationship. This reluctance cannot be overcome through gentle persuasion, pleading, or cajoling by the woman. I am sorry to say that I have never once seen such approaches succeed. The men who make significant progress in my program are the ones who know that their partners will definitely leave them unless they change, and the ones on probation who have a tough probation officer who demands that they really confront their abusiveness. In other words, the initial impetus to change is always *extrinsic* rather than self-motivated. Even when a man does feel genuinely sorry for the ways his behavior has hurt his partner, I have never seen his remorse alone suffice to get him to become a serious client. *After* a few months of deep work in the program, some men do start to develop intrinsic reasons for change, such as starting to feel real empathy for

their partners' feelings, developing awareness of how their behavior has been harming their children, or even sometimes realizing that they themselves enjoy life more when they aren't abusive, despite all the privileges of abuse they have to give up. But it takes a long time for an abusive man to get to that point.

As I discussed in the Introduction, the majority of abusive men do not make deep and lasting changes even in a high-quality abuser program. However, if even a minority become nonabusive, or at least significantly less abusive, the job is worth doing. At least as important is that the program can help the abused woman develop clarity about her abuser's patterns and manipulations and can share insights with her. For example, an abusive man's underlying attitudes tend to leap out of him in the heat of debates and confrontations in his group, and the counselor can then assist the woman in identifying the thinking that is driving his behavior. Follow-up surveys by

abuser programs have found that the support that the counselors give to *her* tends to be the aspect of the program that the woman finds most valuable. (These surveys indicate that an abuser program that is not focused on supporting the abused woman and that does not consider serving *her* to be its primary responsibility is severely limiting what it can accomplish and may even be contributing to her difficulties.)

For an abusive man to make genuine progress he needs to go through a complex and critical set of steps. To give my clients a road map of the process of change, I tell them the following story: There once was a man whose neighbors had a large and beautiful maple tree growing behind their house. It gave shade in the hot summers, turned stunning colors of fire in the fall as it dropped its leaves, and stood against the winter snow as a magnificent wooden sculpture. But the man hated his neighbors' tree, because the shade that it cast into his yard made his grass grow

poorly and stunted his vegetable garden, which was his passion. He pressured the neighbors repeatedly to either cut the tree down or prune it drastically, and their response was always the same: “You are free to cut any branches that stick out over your property, but beyond that we are going to leave the tree alone, because it is beautiful and we love it. We are sorry about the shade it casts on your side, but that is what trees do.”

One summer the neighbors went away on vacation for a week, and the man decided to rid himself of his aggravation. He took a chainsaw and cut their tree to the ground, making careful cuts so that the tree would not fall on the neighbor's house and destroy it but also directing it away from his own yard, so he wouldn't have to clean it up. Then he walked home, fully satisfied if perhaps a little afraid. The next day he took his chainsaw, threw it in the dump, and prepared himself to deny having any idea who had brought

the giant down, even though the truth would be obvious.

There was only one hole in his plan: He didn't realize how popular his neighbors were, and he didn't know how unbearable it would be to have the entire local population turn against him, to the point where no one would even look at him or talk to him. So the day finally came when the man realized his life would be wrecked for good unless he dealt with his destructive and selfish act. What steps did he have to take in order to set things right?

THE STEPS TO ACCEPTING RESPONSIBILITY

1. He had to *admit*, and *admit fully*, that he cut down the tree. He dreaded looking at people and saying, "Yeah, it was me"—even though they already knew—but he had to do it. He had to stop claiming

that the neighbors had cut the tree down themselves so that they could blame him and turn everyone against him. And when he did admit his act, he also had to acknowledge what an old and impressive tree he had killed, rather than try to save face by insisting that it had been small and ugly.

2. He had to admit that he had cut it down *on purpose*, that his actions were a *choice*. He couldn't claim that he had been so drunk or enraged that he didn't know what he was doing. He couldn't say, "Well, I just meant to put a little cut into the trunk as a warning to them, but I accidentally cut too far and the tree fell down." In short, he had to *stop making excuses*. Furthermore, he had to admit that he had *goals* that he tried to further through his destructive behavior; he needed to be honest about his

motives.

3. He had to acknowledge that what he did was *wrong*. This meant that he had to *stop blaming* the neighbors and playing up how victimized he had been by the shade. He had to make a sincere, heartfelt apology.
4. He had to *accept the neighbors' right to be angry* about what he did, which meant that he had to be willing to *truly acknowledge the effects of his actions*. He had to take in the anguish he had caused. He had to stop asserting that they were “making too big a deal over one stupid tree” and that “it happened a long time ago and they should be over it by now.” Although apologizing was important, he also had to accept that saying he was sorry was only the beginning and that it meant nothing unless he also looked seriously at the

damage he had done.

5. He had to *accept the consequences of his actions*. First, he had to provide reasonable monetary damage for the value of the destroyed tree. He then needed to plead guilty to the criminal charges, so that the neighbors would not have to go through the ordeal of testifying against him. He had to stop seeking sympathy from people for the problems he himself had caused, along the lines of: “Poor me, I had to pay out all this money that I can’t afford because of their tree when the only reason I cut it down was because they were wrecking my yard with it.”
6. He had to devote *long-term and serious effort* toward setting right what he had done. No amount of money can replace a mature tree; there’s no way to erase the effects of such a destructive act. The

man therefore had to make amends. He needed to buy as large and healthy a young tree as he could find in a nursery and to plant it carefully behind the neighbors' house. What's more, he had to water the tree, protect it from deer, watch it for diseases, and fertilize it as necessary *for years*. A young tree takes a long time to securely establish itself.

7. He had to *lay aside demands for forgiveness*. He had to recognize that even if he sincerely were to take all of the steps I have described, the neighbors might still be left with pain, hurt, and bitterness, and the man had no right to tell them how long their bad feelings should last, especially since he was the cause. People might be nicer to him now that he had stopped denying what he did, but they wouldn't necessarily ever like him. The neighbors might never

want to be his friends—and why should they be? If they did decide to be friendly with him at some point, he should see their forgiveness as an act of kindness and *not* as his due for replacing the tree.

8. He had to *treat the neighbors consistently well* from that point forward. He couldn't decide to stick it to them five years later by cutting down a rosebush, for example, and then say, "Okay, I messed up, but shouldn't I get credit for the five years that I've been good? You can't expect me to be perfect." Asking someone not to cut down the neighbors' flowers is not the same thing as expecting perfection.
9. He had to *relinquish his negative view* of his neighbors. He had to stop speaking badly about them to other people and accept that most—perhaps even all—of what he disliked about

them actually had to do with their responses to the damage he had done and their refusal to be bullied by him. He had been the creator of their hostility toward him.

As I go over each of these responsibilities with my clients, I ask them if they have any disagreements. They concur that each of the above steps is fair and necessary—as long as we are talking about trees and neighbors. However, as soon as I start to go back through the story, reviewing how each piece applies to a man who has abused his partner, my clients begin backpedaling. They are reluctant to do the serious work of change, feeling that it would be easier to throw a new blanket over the moldy mattress and carry on with life as usual.

HOW THESE STEPS APPLY TO ABUSE

The box below summarizes how the steps in the tree story apply to an abusive man's process of

STEPS TO CHANGE

1. *Admit fully to his history of psychological, sexual, and physical abusiveness toward any current or past partners whom he has abused.* Denial and minimizing need to stop, including discrediting your memory of what happened. He can't change if he is continuing to cover up, to others or to himself, important parts of what he has done.
2. *Acknowledge that the abuse was wrong, unconditionally.* He needs to identify the justifications he has tended to use, including the various ways

that he may have blamed you, and to talk in detail about why his behaviors were unacceptable without slipping back into defending them.

3. *Acknowledge that his behavior was a choice, not a loss of control.* For example, he needs to recognize that there is a moment during each incident at which he gives himself permission to become abusive and that he chooses how far to let himself go.
4. *Recognize the effects his abuse has had on you and on your children, and show empathy for those.* He needs to talk in detail about the short-and long-term impact that his abuse has had, including fear, loss of

trust, anger, and loss of freedom and other rights. And he needs to do this without reverting to feeling sorry for himself or talking about how hard the experience has been for *him*.

5. *Identify in detail his pattern of controlling behaviors and entitled attitudes.* He needs to speak in detail about the day-to-day tactics of abuse he has used. Equally important, he must be able to identify his underlying beliefs and values that have driven those behaviors, such as considering himself entitled to constant attention, looking down on you as inferior, or believing that men aren't responsible for their

actions if “provoked” by a partner.

6. *Develop respectful behaviors and attitudes to replace the abusive ones he is stopping.*

You can look for examples such as improving how well he listens to you during conflicts and at other times, carrying his weight of household responsibilities and child care, and supporting your independence. He has to demonstrate that he has come to accept the fact that you have *rights* and that they are equal to his.

7. *Reevaluate his distorted image of you, replacing it with a more positive and empathic view.* He has to recognize that he has had

mental habits of focusing on and exaggerating his grievances against you and his perceptions of your weaknesses and to begin instead to compliment you and pay attention to your strengths and abilities.

8. *Make amends for the damage he has done.* He has to develop a sense that he has a *debt* to you and to your children as a result of his abusiveness. He can start to make up somewhat for his actions by being consistently kind and supportive, putting his own needs on the back burner for a couple of years, talking with people whom he has misled in regard to the abuse and admitting to them that he lied,

paying for objects that he has damaged, and many other steps related to cleaning up the emotional and literal messes that his behaviors have caused. (At the same time, he needs to accept that he may never be able to fully compensate you.)

9. *Accept the consequences of his actions.* He should stop whining about, or blaming you for, problems that are the result of his abuse, such as your loss of desire to be sexual with him, the children's tendency to prefer you, or the fact that he is on probation.
10. *Commit to not repeating his abusive behaviors and honor that commitment.* He should not place any conditions on his

improvement, such as saying that he won't call you names as long as you don't raise your voice to him. If he does backslide, he cannot justify his abusive behaviors by saying, "But I've done great for five months; you can't expect me to be perfect," as if a good period earned him chips to spend on occasional abuse.

11. *Accept the need to give up his privileges and do so.* This means saying good-bye to double standards, to flirting with other women, to taking off with his friends all weekend while you look after the children, and to being allowed to express anger while you are not.

12. *Accept that overcoming abusiveness is likely to be a lifelong process.* He at no time can claim that his work is done by saying to you, “I’ve changed but you haven’t,” or complain that he is sick of hearing about his abuse and control and that “it’s time to get past all that.” He needs to come to terms with the fact that he will probably need to be working on his issues for good and that you may feel the effects of what he has done for many years.
13. *Be willing to be accountable for his actions, both past and future.* His attitude that he is above reproach has to be replaced by a willingness to accept feedback and criticism,

to be honest about any
backsliding, and to be
answerable for what he does
and how it affects you and your
children.

Abusive men don't make lasting changes if they skip any of the above steps, and some are easier than others. Most of my clients find it fairly easy to apologize, for example. In fact, an abuser may weave apologies into his pattern of abuse, so that when he says "I'm sorry," it becomes another weapon in his hand. His unspoken rule may be that once he has apologized, no matter how cursorily or devoid of sincerity, his partner must be satisfied; she is not to make any further effort to show her feelings about his mistreatment, nor may she demand that he fix anything. If she tries to say anything more about the incident, he jumps right back into abuse mode, yelling such things as, "I already *told* you I was sorry! Now shut up about

it!”

But even a genuine and sincere apology is only a starting point. Many of my clients make it through the first three steps: They admit to a substantial portion of their abuse; they agree that their actions resulted from choice rather than loss of control; and they apologize. Then they dig in their heels at that point. An abuser's sense of entitlement is like a rude, arrogant voice screaming inside his head. It yells at him: “You've given up too much already; don't budge another inch. They already talked you into saying your abuse is all your own fault when you know she's at least half to blame because of the shit that she does. She should be *grateful* to you for apologizing; that wasn't easy to do. She's lucky you've gone this far; a lot of guys would tell her to go screw, you know.” And the voice drags him back into the mud that he had finally taken a couple of baby steps out of.

Step number four, for example, demands that

the abusive man accept his partner's right to be angry. He actually has to take seriously the furious things that she says and *think about them* rather than using her emotional pitch as an excuse to stuff her opinions back down her throat as he has normally done. When I explain this step, my clients at first look at me as though I had an eye in the middle of my forehead. "I should do what?? When she is yelling at me, I'm supposed to just sit there and *take it??*" To which I reply, "More than that, actually. You should reflect on the points she is making and respond to them in a thoughtful way." And then we begin practicing exactly that in the group; I ask them for examples of their partners' angry statements and then guide them through understanding why their partners are furious and accepting their right to feel that way.

The steps go on. Steps six and seven require that he make up for what he has done, that he actually has incurred a *debt* because of his abuse. Step eight says that he has to change his behavior

in the future, not just say he's sorry for the past, and he has to stop his abusiveness *completely* and *for good*. In other words, he is truly going to have to deal with the attitudes that are driving his bullying and disrespect of his partner. Step eleven requires him to give up the privileges that his abusiveness has won him. As we go through each of these steps, some clients choose to struggle through, as hard as the process is, while others throw in the towel and resume their abusive behaviors.

THE ABUSER'S OUTLOOK ON CHANGE

To guide my clients through the work of overcoming abusiveness, I have to keep in mind the fact that they bring their usual habits, attitudes, and manipulations to the process of change itself. This is why a woman finds herself feeling like she is riding a roller coaster while her partner claims to have changed. Here are some of

the attitudes that abusers commonly exhibit when their partners, or a court, or an abuse program begin demanding that they stop:

- *“The change game is just like the rest of the routine.”*

Abusers can turn their manipulative skills to creating an appearance of change. This was the style we saw in Chapter 1 with Carl, who put on such a show of developing insights at his abuser group but whose treatment of Peggy was as verbally cruel as ever and was rapidly heading back toward physical violence. I couldn't count the number of clients who come into groups of mine when they are separated from their partners and hoping for a reconciliation, or barred from the house with a restraining order and trying to get permission to return, who then vanish from the abuser program the moment they get what they want. A man may say to his partner, “I am learning so much from the abuse groups, and if you let me move back in I'll work even harder at

the program,” but as soon as his bags are unpacked, the excuses begin: The program is too expensive; he doesn’t need it anymore; he doesn’t feel comfortable being in a room with “real abusers” because he’s not like them, “you and I have just had a few little problems.”

- *“I can stop abuse by learning nonabusive ways to control and manipulate my partner.”*

I hear this (mostly unconscious) attitude in the voice of the client who says to me: “I thought you were going to be giving me tools to help me manage my partner’s crazy behavior. But you aren’t helping me with that at all.” His expression *crazy behavior* is a code phrase for any way in which she stands up to him, expresses anger, or insists on maintaining a separate identity rather than just conforming to exactly what he wants her to be. A large percentage of men who join abuser programs quit within the first few weeks. They make various excuses at home, but the true reason is that they discover that the program expects them

to start treating their partners with respect when they were hoping to just learn kinder, gentler approaches to running the show.

- *“Change is a bargaining chip.”*

An abuser often tries to use the promise of change to cut deals, since he believes that his partner's behaviors are just as wrong as his: “I’ll agree not to call you ‘bitch’ anymore if you don’t bug me to help clean up the children’s mess when I’m trying to watch the game. I won’t call you ‘slut’ or ‘whore’ if you give up talking to your male friends. I won’t push you up against the wall if you drop your side of an argument whenever you see that I’m really upset.” To him, these seem like fair deals, but in reality they require a woman to sacrifice her rights and freedom in return for not being abused—a coercive bargain that is in itself abusive.

- *“I don’t mind changing some of what I do as long as I don’t have to give up the attitudes and*

behaviors that are most precious to me.”

At some point during the first few months that a man is in my program, I usually stumble upon the core of his privilege, like a rear bunker on his terrain. He may abandon a few of his forward positions, but this fortification is where he surrounds himself with sandbags and settles in for protracted war. A client may agree to stop constantly interrupting his partner and dominating arguments, for example, but when I tell him that he needs to be doing his share of child care, even during football season, he draws the line. If being a respectful partner requires actually rising off of his behind, he'd rather be abusive. Another client may consent to stop spending all of his family's money on himself, but if I tell him that he also has to give up his chronic pattern of having affairs, he decides the losses have become too great, and he quits.

An abuser who does not relinquish his core entitlements will not remain nonabusive. This

may be the single most-overlooked point regarding abusers and change. The progress that such a man appears to be making is an illusion. If he reserves the right to bully his partner to protect even one specific privilege, he is keeping the abuse option open. And if he keeps it open, he will gradually revert to using it more and more, until his prior range of controlling behaviors has been restored to its full glory.

Abusers attach themselves tightly to their privileges and come to find the prospect of having equal rights and responsibilities, living on the same plane as their partners, almost unbearable. They resent women who require them to change and persuade themselves that they are victims of unfair treatment because they are losing their lopsided luxuries. But they can't change unless they are willing to relinquish that special status—one of the key pieces of work they have to do in an abuser program.

FOR ME TO BE ABLE TO help an abusive man change, I have to guide him past the points where he gets stuck. I explain to him that he is going to feel some guilt, for example, and that his sense of entitlement will make him want to backslide when the guilty feelings come up. I have to alert him when he starts trying to cut deals to preserve aspects of his abusive behavior and when he reverts to blaming his partner or feeling sorry for himself. I have to help him become aware of his real motives for abusive behavior. Above all, I have to confront his lack of empathy for his partner and children, pressing him to get in touch with the feelings of those he has harmed; it is my job to take away the abusive man's privilege of turning his eyes away from the damage he has done. If the man is willing to persist through this long and difficult process, the potential for real change begins.

HOW TO ASSESS AN ABUSER'S CLAIMS

QUESTION 19:

HOW CAN I TELL IF HE'S REALLY CHANGING?

No one is in a better position than the abused woman herself to distinguish genuine progress from window dressing. A woman may call me after her partner has been in my program for a few weeks, her voice edged with anxiety and hope, to ask: “So, how is he doing? Do you think the program is working?” She’s counting on the abuse expert to look deeply into her partner’s eyes and read his potential. But I can’t do it. I have to push the umpiring back to her.

You are the only one who can judge your partner’s change. There are men who join my group and become model clients, getting the right

answers and showing the appropriate emotions, yet when I talk to their partners I find out that life at home is business as usual or maybe has gotten a little worse. And I work with other men who are cantankerous during meetings, but the report I receive from the front lines is that their treatment of their partners is noticeably improved. What the client shows *me* matters little.

There are two main principles to keep in mind when deciding how much potential an abuser has to become a kind, respectful partner in the long run:

1. He cannot change unless he deals deeply with his entitled and superior attitudes. No superficial changes that he may make offer any real hope for the future.
2. It makes no difference how *nice* he is being to you, since almost all abusers have nice periods. What matters is how

respectful and noncoercive he chooses to become.

Holding on to these fundamental points, you can use the following guide to help you identify changes that show promise of being genuine. We are looking for “yes” answers to these questions

Has he learned to treat your opinions with respect, even when they differ strongly from his?

YES _____ NO _____

Is he accepting your right to express anger to him, especially when it involves his history of mistreating you?

YES _____ NO _____

Is he respecting your right to freedom and independence? Does that include refraining

from all interference with your friendships and giving up the demand to always know where you are and whom you are with?

YES _____ NO _____

Has he stopped making excuses for his treatment of you, including not using your behavior as an excuse for his?

YES _____ NO _____

Is he being respectful about sex, applying no pressure and engaging in no guilt trips?

YES _____ NO _____

Has he stopped cheating or flirting with other women, or using other behaviors that keep you anxious that he will stray?

YES _____ NO _____

Does he listen to your side in arguments without interrupting, and then make a serious effort to respond thoughtfully to your points, even if he doesn't like them?

YES _____ NO _____

Have you been free to raise your grievances, new or old, without retaliation from him?

YES _____ NO _____

Has he stopped talking about his abuse as if it were an accident and begun to acknowledge that he used it to control you?

YES _____ NO _____

Is he actually responding to your grievances and doing something about them (for example, changing the way he behaves toward your children)?

YES _____ NO _____

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Has he greatly reduced or eliminated his use of controlling behaviors (such as sarcasm, rolling his eyes, loud disgusted sighs, talking over you, using the voice of ultimate authority, and other demonstrations of disrespect or superiority) during conversations and arguments?

YES _____ NO _____

When he does slip back into controlling behavior, does he take you seriously when you complain about it and keep working on improving?

YES _____ NO _____

Is he being consistent and responsible in his behavior, taking into account how his actions affect you without having to be constantly

reminded?

YES _____ NO _____

Is he acting noticeably less demanding, selfish, and self-centered?

YES _____ NO _____

Is he being fair and responsible about money, including allowing you to keep your own assets in your own name?

YES _____ NO _____

Has he stopped any behaviors that you find threatening or intimidating?

YES _____ NO _____

Has he significantly expanded his contribution to household and child-rearing responsibilities and stopped taking your domestic work for

granted or treating you like a servant?

YES _____ NO _____

Has he begun supporting your strengths rather than striving to undermine them?

YES _____ NO _____

Have you had any major angry arguments with him in which he has shown a new willingness to conduct himself nonabusively?

YES _____ NO _____

“No” answers to any of the above questions are signs of work that your partner still needs to do. If he is committed to changing, he will take you seriously when you voice your continued concerns and he will acknowledge that he needs to continue working on his attitudes and habits. On the other hand, if he is impatient with or critical of you for

not being satisfied with the gestures of change he has already made, that is a sign that his overt abusive behaviors will be coming back before long. My experience with abusive men is that small or even medium-level improvements generally slip away over time; the man who actually maintains his progress is usually the one who changes completely even though that process tends to take considerable time. Thus, when you are attempting to preserve a relationship with a man who has abused you, you need to some extent to hold him to an even higher standard than you would a nonabusive partner.

Sometimes when a woman reports to me that her abusive partner has been doing better, it turns out that he hasn't been doing anything at all. He isn't swearing at her or scaring her, but he also isn't spending time with her, talking to her, or showing her any affection. He's avoiding abusiveness simply by disconnecting from the relationship. As a partner of one of my clients said

to me: “It’s like he’s got two gears: angry and neutral.”

Distancing himself can be worse than avoidance; it can be a way to punish you for putting your foot down about the way he treats you. A certain number of my clients leave their partners once they realize that their abuse really isn’t going to be tolerated anymore. But the more typical approach is to remain physically present but to retool the machinery to churn out passive aggression instead of open hostility. He learns how to hurt her through what he *doesn’t* do instead of through what he does.

The previous questions can help you to distinguish between genuine change and an abusive man’s usual pattern of going through a “good” period. If your partner is truly on the road to renouncing abuse, you will notice a dramatic difference in him. Partners of my successful clients say that they feel almost as though they were living with a different person and that now

they sense a deeper change that involves a real shift in attitudes rather than just his usual use of superficial sweetness to smooth things over.

CLEAR SIGNS OF AN ABUSER WHO *ISN'T* CHANGING

Your partner can make several statements or behave in several ways that clearly indicate he *isn't* making progress:

- He says he can change only if you change too.
- He says he can change only if you “help” him change, by giving him emotional support, reassurance, and forgiveness, and by spending a lot of time with him. This often means that he wants you to abandon any plans you had to take a break from seeing him.
- He criticizes you for not realizing how

much he has changed.

- He criticizes you for not trusting that his change will last.
- He criticizes you for considering him capable of behaving abusively even though *he in fact has done so in the past* (or has *threatened to*) as if you should know that he “would never do something like that,” even though he has.
- He reminds you about the bad things he would have done in the past but isn’t doing anymore, which amounts to a subtle threat.
- He tells you that you are taking too long to make up your mind, that he can’t “wait forever,” as a way to pressure you not to take the time you need to collect yourself and to assess how much he’s really willing to change.
- He says, “I’m changing, I’m changing,”

but you don't feel it.

BE STRAIGHT WITH YOURSELF

To use good judgment and make wise decisions about the prospects for change in your abusive partner, you need to be honest *with yourself*. Because you love him, or you have children with him, or leaving him would be difficult for other reasons, you may be sorely tempted to get overly hopeful about small concessions that he finally makes. If he doesn't budge for five years, or twenty years, and then he finally moves an inch, your exhaustion can make you think, *Hey! An inch! That's progress!* You may wish to overlook all the glaring signs indicating that his basic attitudes and strategies remain intact. Beware of his deception and your own self-deception. I have heard such heart-rending sadness in the voices of many dozens of abused women who have said to me: "I wish I could somehow recover all those

years I wasted waiting around for him to deal with his issues.” Save yourself that sadness if you can by insisting on nothing less than complete respect.

THE ABUSER IN COUPLES THERAPY

Attempting to address abuse through couples therapy is like wrenching a nut the wrong way; it just gets even harder to undo than it was before. Couples therapy is designed to tackle issues that are *mutual*. It can be effective for overcoming barriers to communication, for untangling the childhood issues that each partner brings to a relationship, or for building intimacy. But you can't accomplish any of these goals in the context of abuse. There can be no positive communication when one person doesn't respect the other and strives to avoid equality. You can't take the leaps of vulnerability involved in working through early emotional injuries while you are feeling emotionally unsafe—because you *are* emotionally

unsafe. And if you succeed in achieving greater intimacy with your abusive partner, you will soon get hurt even worse than before because greater closeness means greater vulnerability for you.

Couples counseling sends both the abuser and the abused woman the wrong message. The abuser learns that his partner is “pushing his buttons” and “touching him off” and that she needs to adjust her behavior to avoid getting him so upset. This is precisely what he has been claiming all along. Change in abusers comes only from the reverse process, from completely stepping out of the notion that his partner plays *any* role in causing his abuse of her. An abuser also has to stop focusing on his feelings and his partner’s behavior, and look instead at *her feelings* and *his behavior*. Couples counseling allows him to stay stuck in the former. In fact, to some therapists, feelings are all that matters, and reality is more or less irrelevant. In this context, a therapist may turn to you and say, “But *he* feels

abused by *you*, too.” Unfortunately, the more an abusive man is convinced that his grievances are more or less equal to yours, the less the chance that he will ever overcome his attitudes.

The message to you from couples counseling is: “You can make your abusive partner behave better toward you by changing how *you* behave toward *him*.” Such a message is, frankly, fraudulent. *Abuse is not caused by bad relationship dynamics.* You can’t manage your partner’s abusiveness by changing your behavior, but he wants you to think that you can. He says, or leads you to believe, that “if you stop doing the things that upset me, and take better care of my needs, I will become a nonabusive partner.” It never materializes. And even if it worked, even if you could stop his abusiveness by catering to his every whim, is that a healthy way to live? If the way you behave in the relationship is a response to the threat of abuse, are you a voluntary participant? If you have issues you would like to work on with a

couples counselor, wait until your partner has been *completely abuse-free* for two years. Then you might be able to work on some of the problems that truly are mutual ones.

A professional book I recently read offers a powerful example of how couples therapy works with an abuser. The therapist made an agreement with the couple that the man would avoid his scary behaviors and in return the woman would stop making her friends such an important part of her life “because her friendships were causing so much tension in the marriage.” The therapist had, in effect, assisted the man in using the threat of violence to get his way, cutting his partner off from social connections and sources of support that were important to her. What the therapist portrayed as a voluntary agreement was actually coercion, although the authors of the book showed no signs of realizing this.

Couples counseling can end up being a big setback for the abused woman. The more she

insists that her partner's cruelty or intimidation needs to be addressed, the more she may find the therapist looking down at her, saying, "It seems like you are determined to put all the blame on him and are refusing to look at your part in this." The therapist thereby inadvertently echoes the abuser's attitude, and the woman is forced to deal with yet another context in which she has to defend herself, which is the last thing she needs. I have been involved in many cases where the therapist and the abuser ended up as a sort of tag team, and the abused woman limped away from yet another psychological assault. Most therapists in such circumstances are well intentioned but fail to understand the dynamics of abuse and allow the abuser to shape their perceptions.

The therapist's reassuring presence in the room can give you the courage to open up to your partner in ways that you wouldn't normally feel safe to do. But this isn't necessarily positive; an abuser can retaliate for a woman's frank

statements during couples sessions. Later, when he is screaming at you, “You humiliated me in front of the therapist, you made me look like the bad guy, you told things that were too private!” and delivering a nonstop diatribe, you may regret your decision to open up.

Irene, an abused woman who tells her own story in public and has appeared on several panels with me, shares the following account: She had been in couples counseling for about six months with her husband, Quentin, when one day the therapist decided it was time to get the ball rolling. He said, “These session have gradually stopped going anywhere, and I think I know why. Irene, you’re not opening up very much, and I think you need to take more emotional risks.” Irene felt that the therapist was right; she *had* been exposing very little week to week. So she decided to take the plunge. She told the therapist about Quentin’s abuse of her, which included considerable physical violence and the downward

emotional spiral she had been in as a result. Quentin appeared moved and shaken, his eyes reddening as if he might cry at any moment. “I have really been in denial about my violence,” he told the therapist, “and I haven’t been facing how badly it has been affecting Irene.” The therapist felt that a crucial barrier to progress had been overcome. “Now,” he declared, “I think your couples work can begin to yield results for you.”

On the drive home from the session, Quentin kept one hand on the steering wheel. In the other hand he clutched a large handful of Irene’s hair as he repeatedly slammed her head into the dashboard, screaming, “I told you to never fucking talk to anyone about that, you bitch! You promised me! You’re a fucking liar!” and similar insults in a nonstop rant. After hearing Irene’s account, I was careful to never again underestimate the risk to an abused woman of conjoint therapy.

If couples counseling is the only type of help your partner is willing to get—because he wants

to make sure that he can blame the problem on you—you may think, *Well, it's better than not getting any counseling at all. And maybe the therapist will see the things he does and convince him to get help.* But even if the therapist were to confront him, which is uncommon, he would just say: “You turned the therapist against me”—the same way he handles any other challenges.

Some couples therapists have said to me: “Before I work with a couple whose relationship has involved abuse, I insist on clear agreements that there won't be any abuse while they are in therapy with me and no paybacks for anything that gets said in a session.” Such agreements are meaningless, unfortunately, because abusers feel no obligation to honor them; *virtually every abuser I've ever worked with feels entitled to break his word if he has “good enough reason,”* which includes any time that he is really upset by his partner. Increasingly, therapists across the United States and Canada are refusing to engage

in couples or family sessions with an abuser, which is the responsible course of action.

THE ABUSIVE MAN IN INDIVIDUAL THERAPY

The more psychotherapy a client of mine has participated in, the more impossible I usually find it is to work with him. The highly “therapized” abuser tends to be slick, condescending, and manipulative. He uses the psychological concepts he has learned to dissect his partner’s flaws and dismiss her perceptions of abuse. He takes responsibility for nothing that he does; he moves in a world where there are only unfortunate dynamics, miscommunications, symbolic acts. He expects to be rewarded for his emotional openness, handled gingerly because of his “vulnerability,” colluded with in skirting the damage he has done, and congratulated for his insight. Many years ago, a violent abuser in my

program shared the following with us: “From working in therapy on my issues about anger toward my mother, I realized that when I punched my wife, it wasn’t really her I was hitting. It was my mother!” He sat back, ready for us to express our approval of his self-awareness. My colleague peered through his glasses at the man, unimpressed by this revelation. “No,” he said, “you were hitting your wife.”

I have yet to meet an abuser who has made any meaningful and lasting changes in his behavior toward female partners through therapy, regardless of how much “insight”—most of it false—that he may have gained. The fact is that if an abuser finds a particularly skilled therapist and if the therapy is especially successful, when he is finished he will be a happy, well-adjusted *abuser*—good news for him, perhaps, but not such good news for his partner. Psychotherapy can be very valuable for the issues it is devised to address, but partner abuse is not one of them; an

abusive man needs to be in a specialized program, as we will see.

THE ABUSER PROGRAM

Bringing about change in an abuser generally requires four elements: (1) consequences, (2) education, (3) confrontation, and (4) accountability. Consequences, the first item on the list, are manifested primarily through the abuser's experience of losing his relationship (at least temporarily if not permanently), or through the legal system if he has committed any abuse-related crimes, such as threats or assaults. He may also experience consequences in the form of criticism or disapproval from other people in his life.

The abuser program has responsibility for items two and three, providing the abusive man with education about abuse and confronting him with his attitudes and excuses. A high-quality abuser

program is entirely different from therapy. The critical distinctions include:

- Therapy focuses on the man's feelings and gives him empathy and support, no matter how unreasonable the attitudes that are giving rise to those feelings. An abuser program, on the other hand, focuses on his *thinking*. The feelings that the abuser program discusses are primarily his partner's and his children's, not his.
- Therapy involves few rules, or none, governing what the man is allowed to do during the period he is in therapy. The abuser program requires the man to refrain from all physical violence and threats and to work seriously on reducing his verbal aggression and other forms of psychological abuse, or he can't stay in the program.

- An abusive man's therapist usually will not speak to the abused woman, whereas the counselor of a high-quality abuser program always does.
- Therapy typically will not address any of the central causes of abusiveness, including entitlement, coercive control, disrespect, superiority, selfishness, or victim blaming. An abuser program is expected to cover all of these issues and in fact to make them its primary focus.
- An abuser program is expected to provide the man with education about abuse, to counsel him on how to apply those concepts to his own life, and to confront his abusive attitudes and excuses. It is rare for therapy to do any of these things.

At the same time, an abuser program possesses no more magic than anyone else. The man who

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makes major life changes as a result of attending an abuser program is the one who *chooses to work the program*, not the one who sits back and waits for the program to “help” him, expecting service as he usually does. The successful client neither fights his counselors every step of the way, telling them what ignorant idiots they are, nor kisses up to them unctuously while claiming that the program has caused him to see the light. Rather, he comes weekly with a seriousness of purpose, practices what he is told, and tries to face up to the damage he has done.

I regret to say that a majority of abusers choose not to do the work. It isn't that they *can't* change (any abuser who doesn't have a major mental illness can change) but that they decide they don't wish to. They run a sort of cost-benefit analysis in their heads and decide that the rewards of remaining in control of their partners outweigh the costs. They decide that to consider seriously the perspective their counselors are presenting to them

is just too uncomfortable and difficult and offends their arrogant sense of certainty about everything—at least, about everything having to do with relationships and the particular women they are with.

Later in this chapter I offer some suggestions on how you can increase the likelihood that your partner will be among those who do overcome their abusiveness. Bear in mind, though, that the ultimate choice is his; the saying “You can lead a horse to water but you can’t make him drink” applies particularly well here.

HOW DO I KNOW IF HIS ABUSER PROGRAM IS A GOOD ONE?

The first test of the quality of an abuser program is whether the main goal of the staff members appears to be helping *you* or helping *him*. In a responsible program the abused woman is considered the primary client. The only

“assistance” they should be offering to the man is to educate and challenge him about his abusive attitudes and behaviors. *He*, on the other hand, may have numerous other goals—to get back together with you, to get more visitation with the children or reduce his child support payments, to escape criminal charges—but the program has no business assisting him with any of these; the last thing an abused woman needs is more people helping her abuser to work against her.

Those in charge of an abuser program *should* do the following:

- Contact you quickly after your partner enters the program. In this call, they should ask you to give a history of his abusive behavior and of any substance abuse, and tell you where to go for abused women’s services.
- Warn you that only a minority of abusers make lasting changes and that a few

actually get *worse* from participating in an abuser program.

- Tell you the rules he has to follow to be in the program.
- Describe to you the topics that will be covered in his group meetings and give you as much detail about those sessions as you request.
- Give you any information you request about his attendance and the attitudes he expresses in the program, and about *any specific statements he makes in group* that you would like to know. They should not be promising him any confidentiality *with respect to you*.
- Devote most sessions at the program to discussing the core attitudinal and behavioral issues of abuse (as covered in Chapter 3).

Furthermore, you should be given a copy of any written reports generated by the program about the abuser, such as court reports. These reports should include:

- A full description of all the abuse that your partner has admitted to while in the program, including psychological abuse, sexual coercion, or violence
- Any steps toward change that he has failed to make (see the box earlier in this chapter)

There are various signs you can watch for that indicate an abuser program is *ineffective*:

- Counselors fail to contact you or to tell you the limitations of what counseling is likely to accomplish.
- They tell you that they think he is really changing and that he is doing very well

in the program. (They should know that what *you* see is what matters, not what *they* see; lots of abusers put on a good show at the abuser program.)

- They try to involve you in couples counseling, suggest that you drop your restraining order, encourage you to communicate with your partner, or advocate for his interests in any way.
- They relay messages to you from him.
- Their group meetings seem to spend too much time teaching him to identify his feelings, to apply conflict-resolution skills, to manage his anger better, or to deal with other issues that do not affect his underlying beliefs.
- Their written reports are vague, do not address the steps to change (see the box earlier in this chapter), or give an overly rosy image of his prospects for change

without describing the steps he still has left to take.

I know how hard it is for a woman to get her partner to attend an abuser program. After she's finally succeeded in that campaign, I wish I could tell her that a cure is sure to follow, but it isn't. A large proportion of abusers would rather stay stuck in their old ruts. I consider myself an excellent counselor for abusive men; I am patient with them, approaching them as an educator rather than as a harsh critic. At the same time, I can detect manipulation; I know what their issues are, and I don't allow them to fool me. I have worked with colleagues whom I believe to be even more skilled than I, and from whom I have learned volumes. But even the very best counselors give the same report: It is more common for abusers to stay the same or get worse than it is for them to make the kinds of changes that bring qualitative improvements in the lives of their partners and

children. A responsible abuser program encourages clients who are doing serious work but always mixes caution with its optimism.

If your partner or ex-partner joins an abuser program, I recommend that you examine the program's literature carefully, ask lots of questions, and advocate for yourself to make sure the program does the kind of work with the man that you know needs to be done. At the same time, keep your own life moving forward, focusing on your own healing process, *not* on the man's process of change. Waiting around for him to get serious about developing respect for you could be a long stall in your own growth and development. Don't sell yourself short.

CREATING A CONTEXT FOR CHANGE

An abuser doesn't change because he feels guilty or gets sober or finds God. He doesn't change after seeing the fear in his children's eyes or feeling

them drift away from him. It doesn't suddenly dawn on him that his partner deserves better treatment. Because of his self-focus, combined with the many rewards he gets from controlling you, an abuser changes only when he feels he has to, so the most important element in creating a context for change in an abuser is placing him in a situation where he has no other choice. Otherwise, it is highly unlikely that he will ever change his abusive behavior.

Once an abuser has made substantial improvements, his motivation to *sustain* those changes sometimes does become more internal. But the initial impetus is always external. Either his partner demands change and threatens to leave him or a court demands change and threatens to jail him. I have never seen a client make a serious effort to confront his abusiveness unless somebody required him to do the work. The abuser who truly enters counseling voluntarily, with no one holding anything over his head, quits within a few

sessions, unless he finds a counselor he can manipulate.

QUESTION 20:

HOW CAN I HELP MY ABUSIVE PARTNER CHANGE?

Creating a context for change also involves these elements:

1. Establishing *consequences* for him for continued abusiveness. You may be able to use the legal system to impose sanctions if your partner's style of abuse is physically violent or threatening, or involves sexual assaults. Leaving him is another good consequence for him, perhaps even better than legal intervention, depending on who he is and how well the police and courts work

where you live. *To get an abuser to change, you have to either prepare to leave him—if you can do so safely—or use the police and courts, or both.*

2. Making clear to him what your *expectations* are for his treatment of you, including specifically what you are willing to live with and what you are not.
3. Focusing on your own healing and strength, so that he senses that he if he doesn't change, you are ready to move on.

You cannot, I am sorry to say, get an abuser to work on himself by pleading, soothing, gently leading, getting friends to persuade him, or using any other nonconfrontational method. I have watched hundreds of women attempt such an approach without success. The way you can help him change is to demand that he do so, and settle

for nothing less.

It is also impossible to persuade an abusive man to change by convincing him that *he* would benefit, because he perceives the benefits of controlling his partner as vastly outweighing the losses. This is part of why so many men initially take steps to change their abusive behavior but then return to their old ways. There is another reason why appealing to his self-interest doesn't work: The abusive man's belief that his own needs should come ahead of his partner's is at the core of his problem. Therefore when anyone, including therapists, tells an abusive man that he should change because that's what's best for *him*, they are inadvertently feeding his selfish focus on himself: *You can't simultaneously contribute to a problem and solve it.* Those abusive men who make lasting changes are the ones who do so because they realize how badly they are hurting their partners and children—in other words, because they learn to care about what is good for

others in the family and develop empathy, instead of caring only about themselves.

LEAVING AN ABUSER AS A WAY TO PROMOTE CHANGE

Breaking up with an abusive man, or even deciding to take some time apart, needs to be done with caution, as I discussed in “Leaving an Abuser Safely” in Chapter 9. But if you feel you can leave, doing so may help provide the impetus your partner needs to look at his behavior. If you are separating with the hope that you might get back together in the future, consider the following suggestions:

- Be very clear about what kind of contact you want to have with your partner during the separation, if any. *It is generally best to have none at all.* If you keep talking to him or seeing him from time to time, you will find it much harder

to keep your own thinking clear, because you will tend to miss him even more intensely, feel sorry for him, and get drawn in by his promises and his charm. Occasional contact is bad for *him*, too, not just for you; it feeds his denial of his problem, encouraging him to assume that he can use his usual manipulations to avoid dealing with himself.

If you feel that you do want to permit some contact, consider the specifics. Can he call you, or do you want to be the only one to initiate contact? Can he send letters? If you are going to see each other in person, where, when, and how often?

- Once you make up your mind about the above questions, be explicit with your partner about your wishes for contact and let him know that *you expect your wishes to be respected*. Tell him that if he is serious about changing, the first

way he can demonstrate that to you is by giving you the space you are asking for.

- Stay away from him for as long as you can stand it. Get support during this period from friends, relatives, your religious community, or anyone else you can trust to help you stay strong. Attend counseling or a support group at a program for abused women if there is one in your area, even if your partner has never been violent. Give yourself as much time as possible to heal emotionally and to clear your mind. The separation needs to be long enough to make him really uncomfortable—enough to motivate him to change. Part of what creates discomfort for him is the dawning realization that maybe you really could live without him. A separation that is too short, on the other hand, will serve in his mind as proof that

you *can't* stand to be on your own, so he will think he can get away with anything. Try to prepare yourself for the possibility that he will start to date someone else during your separation. This is a common move, used to test your strength and get you to lose your resolve and start seeing him again. His new relationship is not very likely to last, so just try to sweat it out.

- If you decide to get back together with him, be clear with yourself and with him about what the rules are for his behavior. The *first* time he violates one of those rules—and it is likely that he will—it is of critical importance to *take another period of separation*. Your partner does not believe that you will go through with setting limits on his conduct. You need to prove him wrong. He may test you the first day you move back in together, or he

may wait two years. But the day will probably come, so have your response ready.

- The next separation should be longer than the first in order to give your partner a clear message and to motivate him to change. If during the first break you spoke to him occasionally, this time permit no contact at all for a few months. As always, focus on making yourself stronger. Pursue new friendships, get exercise, do artwork, or engage in whatever activity you love the most and that helps you feel that your life is moving forward. If you are drinking too much or have developed other problems, seek out the help you need and deserve. The more space you get from abuse, the less willing you will be to endure it and the harder it will be for your (ex-)partner to con you.

Have you ever noticed that people sometimes quit a job soon after returning from a vacation? We all have a higher tolerance for frustrating or unhealthy situations in our lives when they are constant, but when we get a little time away and then come back, that taste of freedom changes our perspective. What had been a dull ache turns into a sharp pain and becomes unbearable. The same can happen to an abused woman. If you give yourself a long enough taste of life without being cut down all the time, you may reach a point where you find yourself thinking, *Go back to that? For what? Maybe I'll never stop loving him, but at least I can love him from a distance where he can't hurt me.*

- If he doesn't get serious about stopping his mistreatment of you, you will come to a day when you feel ready to end the

relationship for good. This may seem inconceivable to you now, however, so just keep moving forward with your life. Focus on yourself as much as possible, pursuing your own goals and filling your life with the activities you enjoy and find satisfying. Trying too hard to get your partner to change is a dead-end street. To do so keeps you wrapped up in the dynamics of abuse, because an abuser *wants* you to be preoccupied with him. Only permit him to occupy your thoughts for a portion of the day and then reserve the lion's share of your mental space for yourself.

The only time an abusive man will deal with his issues enough to become someone you can live with is when you prove to him, and to yourself, that you are capable of living without him. And once you succeed in doing so, you may very well

decide that living without him is what you would rather do. Keep an open mind, and make sure you are not clipping your own wings on top of the clipping that he has given them. Sometimes I work with a woman who is among the fortunate ones whose partners do make deep changes, but she finds that his change has ceased to matter, because she has simply outgrown him. The fundamental principle, then, is to do what is best for *you*.

WHICH ABUSERS ARE MOST LIKELY TO CHANGE?

Prediction is difficult. I have had clients who were stellar participants in group and whose partners reported good progress in the early months, but who dive-bombed later on, rushing back to their worst behaviors as if reuniting with dear old friends. On the other hand, I have worked with men who were ornery during group meetings, who

were slow and stubborn about taking in the concepts, yet who months later stood out for having done some of the most serious work on themselves of anyone in the program.

I have noticed some recurring themes among those abusers whose changes go the deepest and last the longest, however:

- His close friends and relatives recognize that he is abusive and tell him that he needs to deal with it. They support the abused woman instead of supporting him. I have a much more difficult time with the abuser whose friends and family back up his excuses and encourage his disrespect for the woman.
- He is lower than others on the scale of self-centeredness. He tends to show signs early on of having more empathy than other clients do for the pain he has caused his partner, and his empathy

seems more genuine and less theatrical. The highly self-referential, arrogant abuser, on the other hand, believes that he is above criticism and considers his own opinions and insights to be the last word on the planet. So who is going to be able to persuade him that he has been cruel and selfish?

- His partner gets the most unreserved, unequivocal support from her friends and relatives, her religious community, and from the legal system if she needs it. The more consistently she receives the message that the abuse is in no way her fault and that her community intends to stand behind her 100 percent, the stronger and safer she feels to settle for nothing less than fully respectful treatment from her partner or ex-partner.
- He joins a high-quality abuser program and stays for a long time—about two

years.

But, even in cases where all of these conditions are met, his progress still depends on whether or not he decides to carefully and seriously take each of the steps to change.

KEY POINTS TO REMEMBER

- You can't make or even help an abusive man change. All you can do is create the context for change, and the rest is up to him.
- You are the best judge of whether or not he is truly developing respect for you and for your rights. Don't put anyone else's opinions ahead of your own.
- Change in an abusive man is not vague; it is highly specific. Use the information in this chapter to measure for yourself

whether he is getting down to the real work of change or whether he is trying to fly by with the usual nods and winks.

- An abusive man won't change by "working on his anger," unless he also does the more difficult work of changing his entitled attitudes.
- Make your own recovery, and that of your children, your top priority.
- Abusiveness is like poison ivy, with its extensive and entrenched root system. You can't eradicate it by lopping off the superficial signs. It has to come out by the roots, which are the man's attitudes and beliefs regarding partner relationships.

Creating an Abuse-free World

I've joined a support group. It feels so good to talk to people who get it.

I met this guy at work who said that my partner's behavior is abuse.

I'm so grateful for my friends and family; they really have been there for me.

I told my son that the next time he calls a girl "bitch," he's grounded.

My daughter's teacher asked me if everything is okay at home. I lied and said, "Yes," but it's actually really nice

that somebody noticed.

PARTNER ABUSE is a cyclone that leaves a swath of destruction behind it as it rips through the lives of women and children: destroyed self-confidence, loss of freedom, stalled progress, fear, bitterness, economic ruin, humiliation, heartbreak, physical injury, ugly custody battles, isolation, wedges driven between mothers and their children, confusion, mistrust between siblings, secrets, lies.

No woman should have to live this way. Neither should her children. But there are other lives that are also affected, because for every abused woman, there are friends and relatives who suffer, too, from their worry and pain over what they see happening to her. Some of those who approach me to share their anguish are men who are groping desperately for clues to how they can assist their daughters and sisters and mothers who they see being sliced to ribbons a day at a time. In

fact, it is unusual for me to talk to anyone, male or female, whose life has not been saddened at some point by an abusive man.

In recent years, in my public presentations, I have increasingly addressed the effects on children who are exposed to partner abuse. While writing this book I spoke at a training session for police officers, where a young cop who was built to intimidate—about as wide as he was tall—came up to me privately during a break and said, “All this stuff you are talking about went on in my family growing up. My old man was just like what you describe, always controlling, scaring everybody. And he drove me and my mom apart, just like you said. But we all saw through him when we got older, and me and my mom are close now.” I told him how happy I was that he had become a police officer, so that when a family calls for help, they might be sent a cop who can see through the children’s eyes and remember that they are victims too.

We all have a stake in ending abuse, if not for ourselves, then for our loved ones who may be targets or bystanders or who may find themselves mired in an abusive relationship someday. Anyone who chooses to can play an important role in chasing this scourge out of our homes, our communities, and our nations.

Abuse is a solvable problem. We know where it comes from; we know why abusers are reluctant to change; and we know what it takes to make abuse stop. Abusers specialize in creating mystery and intrigue, but when we clear the smoke away we are left with an obvious moral wrong and a straightforward task to set it right. All that is required is the clarity of our minds and the will of our communities.

Throughout this book, I have been putting forth my suggestions to abused women about steps that they can take to make sense out of what is occurring, to seek safety, and to set their own healing in motion. I have a few more words of

advice for them, but most of this chapter is directed at *everyone*—male or female, survivor of abuse or not, young or old—who is interested in helping to end abuse.

WHAT THE ABUSED WOMAN CAN DO

My primary message to you is this: An abuser distorts the life and mind of his abused partner, so that she becomes focused on him. The main way out of the abuse vortex, therefore, is to reorient your thinking so that you devote your attention to yourself and to your children. I hope this book has helped to solve some puzzles for you about what is going on in your partner's mind. Now see if you can stop puzzling about him and turn your energy toward moving yourself forward on your chosen course.

Most of this chapter talks about the ways in which people can transform the attitudes toward abuse that prevail in their communities. Please

don't concern yourself with these suggestions unless you are sure you are ready for them. If you jump from trying to take care of your own abusive relationship to trying to take care of other abused women, you may forget that you deserve caretaking for yourself. Let other people take on the world for now and just be the "hero of your own life," as one book refers to abused women. Taking action in your community against the abuse of women may be an empowering and healing activity for you, but not if you take it on too soon. You'll know when you're ready.

I have woven practical ideas through all of the previous chapters. I would like to leave you with just a few more thoughts:

- Get support for yourself no matter how. Find someone somewhere who can understand what you are going through, who can be trusted with confidences, and who can help you hold on to your sense

of reality. *Reach out.*

- Keep a journal to document your experience, so that when your partner is making you crazy with mind games or with sudden “good” behavior, you can look back through your writings and remember who you really are and what he really does.
- Stay away from people who aren’t good for you, who don’t understand, who say things that push you down into self-blame.
- Do anything you can think of that’s good for you, that nurtures your soul. Even women who have extraordinarily controlling partners often can find some ruse that will free them long enough to work out, take a class, go for a walk, or just get some time alone to think.
- Keep your abusive partner out of your

head as much as you can. Use this book to help you understand what he is doing; naming and understanding is power. If you can understand how he thinks, you can avoid absorbing his thinking yourself and prevent him from crawling inside your head.

- Don't blame yourself when you don't reach your goals right away, when, for instance, you break down and get back together with him. Just pull yourself together and try again. You will succeed eventually, perhaps even on your very next attempt.

HOW TO SUPPORT AN ABUSED WOMAN

QUESTION 21:

HOW CAN I HELP MY DAUGHTER, SISTER, OR FRIEND WHO IS BEING ABUSED?

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If you would like to make a significant difference in the life of an abused woman you care about, keep the following principle fresh in your mind: *Your goal is to be the complete opposite of what the abuser is.*

THE ABUSER: Pressures her severely

YOU SHOULD: Be patient. Remember that it takes time for an abused woman to sort out her confusion and figure out how to handle her situation. It is not helpful for her to try to follow *your* timetable for when she should stand up to her partner, leave him, call the police, or whatever step you want her to take. You need to respect her judgment regarding when she is ready to take

action—something the abuser never does.

IE ABUSER: Talks down to her

) YOU SHOULD: Address her as an equal. Avoid all traces of condescension or superior knowledge in your voice. This caution applies just as much or more to professionals. If you speak to an abused woman as if you are smarter or wiser than she is or as if she is going through something that could never happen to *you*, then you inadvertently confirm exactly what the abuser has been telling her, which is that she is beneath him. Remember, your actions speak louder than your words.

IE ABUSER: Thinks he knows what is good for her better than she does

) YOU SHOULD: Treat her as the expert on her own life. Don't assume that you know what she needs to do. I have sometimes given abused women suggestions that I thought were exactly

right but turned out to be terrible for that particular situation. Ask *her* what she thinks might work and, *without pressuring her*, offer suggestions, respecting her explanations for why certain courses of action would not be helpful. Don't tell her what to do.

IE ABUSER: Dominates conversations

YOU SHOULD: Listen more and talk less. The temptation may be great to convince her what a “jerk” he is, to analyze his motives, to give speeches covering entire chapters of this book. But talking too much inadvertently communicates to her that your thoughts are more important than hers, which is exactly how the abuser treats her. If you want her to value her own feelings and opinions, then you have to show her that *you* value them.

IE ABUSER: Believes he has the right to control her life

) YOU SHOULD: Respect her right to self-determination. She is entitled to make decisions that are not exactly what you would choose, including the decision to stay with her abusive partner or to return to him after a separation. You can't convince a woman that her life belongs to her if you are simultaneously acting like it belongs to you. Stay by her even when she makes choices that you don't like.

IE ABUSER: Assumes he understands her children and their needs better than she does

) YOU SHOULD: Assume that she is a competent, caring mother. Remember that there is no simple way to determine what is best for the children of an abused woman. Even if she leaves the abuser, the children's problems are not necessarily over, and sometimes abusers actually create *worse* difficulties for the children postseparation than before. You cannot help her to find the best path for her children unless you have

a realistic grasp of the complicated set of choices that face her.

THE ABUSER: Thinks *for* her

YOU SHOULD: Think *with* her. Don't assume the role of teacher or rescuer. Instead, join forces with her as a respectful and equal team member.

Notice that being the opposite of the abuser does not simply mean *saying* the opposite of what he says. If he beseeches her with, "Don't leave me, don't leave me," and you stand on the other side badgering her with, "Leave him, leave him," she will feel that you're much like him; you are both pressuring her to accept your judgment of what she should do. Neither of you is asking the empowering question, "What do *you* want to do?"

DEALING WITH YOUR OWN FRUSTRATIONS

Because empowerment and recovery for an abused woman can be a long process, people who want to be there for her tend to go through periods when their patience wears thin. They are tempted to aim their frustration at the woman herself, saying, “Well, if you put such a low value on yourself as to choose to be abused, I can’t keep hanging around,” or “If you care about him more than you care about your children, you’re as sick as he is.” I understand why you feel irritated, but it doesn’t make sense to put her down. The message you send with such an outburst is that you think she is causing herself to be abused, which is just what the abuser is telling her. And the last thing you want to do is support his message.

One of the biggest mistakes made by people who wish to help an abused woman is to measure success by whether or not she leaves her abusive partner. If the woman feels unable or unready to end her relationship, or if she does separate for a period but then goes back to him, people who

have attempted to help tend to feel that their effort failed and often channel this frustration into blaming the abused woman. A better measure of success for the person helping is how well you have respected the woman's right to run her own life—which the abusive man does not do—and how well you have helped her to think of strategies to increase her safety. If you stay focused on these goals you will feel less frustrated as a helper and will be a more valuable resource for the woman.

Here is a mental exercise you can do to help you through your impatience. Think about your own life for a moment, and consider some problem that has been difficult for you to solve. Perhaps you have had difficulty finding a job you really like; perhaps you have a weight problem or some other health problem; perhaps you wish to quit smoking; perhaps you are unhappy in your current relationship or unhappy being single. Now think about a time when friends or relatives were

jumping in to tell you what you should do about the challenge facing you. How much did that help? Did they gloss over the complexities, making solutions sound simpler than they really are? Did they become impatient when you were reluctant to take the steps that they proposed? How did their impatience feel to you?

Other people's problems almost always appear simpler than our own. Sentences that start with "If I were you, I would..." rarely help. When people start to impose their solutions on me, for example, I feel the desire to respond: "If you are such an expert on how I should wend my way through life's obstacles, why are there still important sources of unhappiness in *your* life? Why haven't you made everything perfect for yourself?" No life situation is as simple as it may appear from the outside.

When your frustration is about to get the best of you, seek support for yourself. Talk to someone you care about. Share how painful it is to be

unable to instantly pluck the abused woman from her thorny trap, which of course is what you wish you could do, as do I. Tell about the rage you feel toward the man who is abusing her. Then prepare yourself to go back and be patient and loving with the woman you are trying to help. Abused women tell me over and over again that nothing has mattered more to their progress toward safety and recovery than the love and support of friends, relatives, and respectful professionals.

One more word of caution: I observe that many people are eager to find *something* wrong with an abused woman, because if they can't, they are confronted with the uncomfortable reality that any woman can be abused. The urge to find fault in her interferes with your ability to help her—and ultimately colludes with the abusive man.

**WHAT IF SHE DOESN'T BELIEVE SHE
IS BEING ABUSED?**

Family and friends of an abused woman sometimes ask me how they can get her to realize that her partner is an abuser. They complain: “She always makes excuses for him. She has these ideas about how to make him get better, like by helping him find a less stressful job, that obviously aren’t going to work. And she blames herself, saying that she’s the one who sets him off a lot of times. She’s in a lot of denial.”

She may actually be more aware of the abuse than she is willing to say. Her shame, and her fear that other people will pressure or criticize her, may make her pretend she doesn’t see. If she has been with her partner for a long time, or if he is especially scary or crazy-making, she may be experiencing traumatic bonding (see Chapter 9). Or she may believe that her partner is right—that her behavior really is the root of their difficulties, not his. In any event, you will not be able to “make her” see her partner’s abusiveness any more than she can “make him” see it. I wish I

could say otherwise, because I know how difficult it is for an abused woman's loved ones to accept the limits on what they can do.

Here are a few steps you *can* take, however:

- Tell her that you don't like the way she is being treated and that you don't think she deserves it.
- Tell her you love her and that you think she is a good person.
- Ask her to read this book. You also might hand her one of the other books listed under "Resources" in the back of this one.
- Ask her if she would be willing to make plans with you for ways to respond to specific situations of abuse as they arise. See, for example, if she would agree to call you the next time her partner starts to yell at her. Offer to pay for her to spend the night at a hotel the next time he gets

scary. Ask whether she could make an excuse to come and visit you on her own for a week over the summer, so that she might get a chance to clear her head a bit. You may think of other alternatives of your own.

- If you ever think she is in danger at a particular moment—if, for example, she calls you in the midst of violence or threats—call the police in her area and tell them what is happening.
- Call her or write her often, even if she never seems to return calls, unless she asks you not to (which would indicate that he punishes her for being in contact with people).
- Treat her consistently well. She'll feel the difference between what you do and what he does.
- Encourage her to call a program for

abused women “just to talk.” She does not need to give them her name or her telephone number, and she doesn’t even have to believe that she is being abused. She can call for support and reality checks and just to describe her struggles in her relationship. The first call to a women’s program sometimes breaks the ice so that it gets easier for her to reach out for help again.

You may wonder why I stated earlier that abuse is a solvable problem, yet now I am saying that you sometimes will have to watch and wait. To say that we can end abuse in our communities does not mean that we can rescue each individual abused woman right this minute. To help your friend or relative achieve an abuse-free life may take some time. To achieve an abuse-free society will take a lot of effort on many levels, as we will see.

Finally, do yourself one great favor: Read *To Be an Anchor in the Storm*, a wonderful book that has been written precisely for the loved ones of abused women (see “Resources”) and is filled with wisdom from cover to cover.

REACHING THE ABUSER

If I were asked to select one salient characteristic of my abusive clients, an aspect of their nature that stands out above all the others, I would choose this one: They feel profoundly justified. Every effort to reach an abuser must be based on the antidote to this attitude: *Abuse is wrong; you are responsible for your own actions; no excuse is acceptable; the damage you are doing is incalculable; your problem is yours alone to solve.*

Who has the opportunity to have an impact on an abuser’s thinking, and what can they do?

FRIENDS AND FAMILY

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You are the front line. You have a better chance of turning around an abuser's attitude than everyone else—the abused woman, a therapist, an abuser program, the courts—put together. You are the hardest ones to discredit. He dismisses the others on the list with a wave of his hand, because they are “crazy” or “liars” or “hysterical” or “anti-male.” But when his loved ones criticize him, he is likely to experience some uncertainty for the first time.

Here are some guidelines to follow:

1. When someone you care about is accused of abuse, don't tell yourself that it can't possibly be true. Unfortunately, when an abuser complains to his relatives in an outraged voice, “My partner accuses me of being *abusive*,” they generally jump blindly to his side. They shake their head in disgust and outrage, and respond: “How could she

say that about you? What a bitch!”

Nobody asks any questions.

Instead of falling prey to this knee-jerk reaction, begin by finding out all you can. What exactly does he do that she finds abusive? How does she say she is affected by him? What does she want him to do differently? He will respond to these questions by making her sound ridiculous. He may say, for example, “She says that if I’m ever grouchy or in a bad mood, that’s abuse. Every time she doesn’t get her way, she labels me an abuser.” Keep pressing him about what her perspective is. Ask him to give examples of specific interactions.

Refuse to jump on his bandwagon.

Show him that you are reserving judgment.

Next, have a private conversation with his partner. Tell her that he has revealed

that she feels abused and that you would like to know what her concerns are. She may tell you very little, depending on how much she feels she can trust you. But if she does open up, you are likely to find that she doesn't come out sounding like a crazy bully the way he would like you to believe her to be.

When a woman complains of abuse, the great majority of the time she has valid and important complaints about how her partner is treating her.

2. Don't repeat to him confidences she has shared with you unless she gives you clear permission. You may be persuaded that he isn't the type to retaliate, but she knows better. Ask her which issues or events are safe for you to bring up with him and which ones are not. To the extent that she gives you the go-ahead, press him to think carefully about her

complaints and to make the improvements in his behavior that she is requesting.

3. Don't ignore events you witness directly. It is awkward to address a loved one's conduct toward his partner, but silence implies acceptance. Talk to each of them separately, raising your concerns about his behavior.
4. Follow up, especially with her. Find a moment to ask her privately whether or not the problem is persistent, and what kind of help she could use.

I understand and value the loyalty of family members to each other. There is a natural temptation to speak out forcefully against abuse until the man whose behavior is under the microscope is one of our own, and then we switch sides. But we can't have it both ways. Abuse won't stop until people stop making exceptions for

their own brothers and sons and friends.

Supporting a woman against a man's abusiveness does not necessarily mean taking her side in every conflict in their relationship. They may have huge issues between them that are a tangled mess—collisions about finances or child rearing or choices of friends—in addition to the abuse. When you challenge a loved one about mistreating his partner, he will say: "You are siding with her; she's turned you against me." Respond to these distortions by saying: "I am not against *you*; I am against your hurtful behavior. I'm not saying that she's right about every issue between you. What I am saying is that you won't be able to work out any of those other differences unless you first deal with your abuse problem. As long as you keep bullying her, *you* are the number-one problem."

Nothing would work faster to end the abuse of women than having the friends and family of abusive men stop enabling them. And that begins,

in turn, with making sure that you listen carefully and respectfully to her side of the story—something the abusive man never does.

THERAPISTS, CLERGYPEOPLE, AND OTHER COUNSELORS

While an abused woman may sometimes approach a counselor and describe her struggle straightforwardly, an abuser speaks in terms that are less direct. He seeks help not because he senses that he is abusive but because he is tired of the tension in his home or is afraid that his relationship is going to split up. He will not typically volunteer the fact that he swears, tears his partner down, or frightens her. If he is physically violent, he will almost certainly make no spontaneous mention of that fact. However, he may give various hints. Some common ones include:

“I have a bad temper, and I lose my cool sometimes.”

“My girlfriend claims that I don’t treat her right.”

“My partner is always making eyes at other men.”

“My wife attacked me, so I had to defend myself, and she got hurt.”

None of these statements is proof of abuse in itself, but each one is adequate cause for serious concern and should be treated as an indication that the counselor needs to ask many questions about the man’s behavior and his partner’s perspective.

I recommend that counselors use tremendous caution in accepting a man’s claim that he has been falsely accused of abuse or that he is the victim of a violent or controlling woman. You could easily become an unwitting source of support and justification for his psychological—or physical—assaults on his partner. Remain neutral until you have learned a great deal about his

circumstances and attitudes.

When you are concerned that a man might have an abuse problem, ask him to talk in detail about his partner's perspective and feelings about various aspects of her life, including her view of conflicts with him. The abuser will typically have difficulty looking through her eyes with sympathy and detail, *especially* with respect to her grievances against him. The more he ridicules and trivializes her point of view, the greater reason you have to believe that the problem lies with him. At the same time, if you keep asking what *she* would say, you will find that you often get critical clues to what his behavior and attitude problems are.

Whether or not you suspect abuse, it is always valuable to provide some basic education to any male about partner abuse. Give some examples of abusive behaviors, describe their destructive impact on women and children, and explain that a man is entirely responsible for his own actions. If you hear him use other people's behavior as an

excuse for his own or if he blames stress or alcohol, point out that he is rationalizing his mistreatment of his partner. If he admits to abuse at any point, encourage him to contact an abuser program.

POLICE, PROSECUTORS, JUDGES, AND PROBATION OFFICERS

Various guidelines for law enforcement personnel are included in Chapter 12. I will review just three critical points here: (1) Abusers need to suffer consequences for their actions now, not just receive warnings of future sanctions, which have little impact on abusers. (2) He can't overcome his abuse problem by dealing with anything other than the abuse. Working on stress or anger management, alcoholism, or relationship dynamics will have little or no impact on a man's abusiveness. (3) Criticism from people in positions of authority can sometimes have the greatest impact of any fallout that abusers experience. On the other hand, language from

professionals that excuses or minimizes abuse, or that attributes responsibility partly to the victim—as in the case of a probation officer who says to a man: “You and your wife really need to work out your issues and stop abusing each other”—makes an important contribution to *enabling* the abuser.

COMMUNITIES

Any community group or agency can help reach abusive men by prominently displaying posters against abuse and disseminating brochures and other literature. Bear in mind that materials that prominently feature words such as *abuse* or *violence* can be useful in getting the attention of abused women, but abusers tend to think, *That isn't me they're talking to*. Instead, use simple questions and descriptions, such as:

“Do you have a problem with your temper?”

“Has your wife or girlfriend ever complained of being afraid of you?”

“Do you sometimes swear or call her names?”

“Do you ever blame your behavior on your partner?”

The smaller print should explain that there is no excuse for a man to insult, frighten, isolate, or lie to his partner, *even if he feels that she does the same things*. Descriptions of laws and potential legal consequences are helpful, including the fact that he can be arrested for pushing, poking, restraining, or threatening his partner, even if he does not hit her. Few men are aware of this possibility, and abusers are shocked when they get arrested for such “lower-level” violence. If your area has a high-quality abuser program include the telephone number, but remember that few abusers follow through on counseling unless someone demands it of them. The main purpose of your posters and pamphlets is to educate abusers and potential abusers about *community values*.

An abuser rejects at first what he hears from

any of these sources. But when positive social messages begin to line up, that's another matter. I have occasionally had physically abusive clients, for example, who have been criticized by the arresting officer, then prosecuted fully, then criticized by the judge—in addition to having a sentence imposed—then criticized by the probation officer, and then finally confronted in an abuser program. This man may also see a program on television about abuse or read a pamphlet in the waiting room of a doctor's office. His own mother or brother may tell him that he needs to stop bullying his partner. If all these different voices reinforce each other, saying that he is responsible for his own actions, refusing to let him blame the victim, breaking the silence about the pain he is causing, and insisting that the responsibility to change rests on his shoulders alone, the abuser's vast sense of entitlement starts to shrink. I have watched it happen. Here is where change can begin.

REMEMBERING THE CHILDREN

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Amid the screaming and insults, behind the cascade of accusations and counteraccusations, lost in our panic as we see a woman being repeatedly psychologically hammered or physically beaten, we can forget that the abuser has other victims too. The children can become invisible. The police who go on a domestic abuse call sometimes have been known to forget to even ask whether there are children in the home. These children recede into the corners, trying to keep themselves safe, and may remain unnoticed until they are old enough to try to jump in to protect their mothers.

As is true with almost every approach to abuse, we have to begin by breaking the silence. Ask the mother privately how she feels her children are being affected by the man's behavior and by the tension it creates. Does he abuse her in front of them? How do they react? What are her concerns

about them? What does she feel they need?
(Remember, think *with* her, not *for* her.)

Break secrecy with the children as well. Let them know that you are aware of what is happening and that you care about their feelings. Ask:

“How are things going at home for you?”

“Is it hard for you when your parents argue?”

“What happens when they get mad at each other?”

“Does anyone at your house ever hurt any one else’s feelings, or frighten anyone?”

“Would you like to tell me about that?”

Even if the child answers no to all of your inquiries, you have demonstrated that he or she matters to you and that you understand that the

abuse—without calling it that—can be hurtful or frightening. Then leave the door open to future communication by saying: “You can tell me about your life at home any time you want. It’s okay to talk about it. Children can get upset sometimes when their parents argue.”

Notice that I recommend using soft terms that neither name abuse nor assign responsibility for it until you find out how much the child knows. This language is important to avoid alerting children to painful dynamics of which they may not be aware. This guideline should be *reversed*, however, if the child does disclose abuse directly to you or if you know that he or she has directly witnessed explicit verbal or physical abuse toward the mother. Then it becomes important *not* to use neutral terms; children of abused women already feel that they themselves and their mothers are at least partly at fault, and you do not want to reinforce those hurtful misconceptions. So once the secret is out, avoid evenhanded language such as *the problems*

between your parents or the mean things they sometimes do to each other.

Children do need to hear the following messages:

- *“It’s not your fault if someone in the family says mean things or hurts someone.”*
- *“It’s not your mother’s fault if someone treats her badly.”*
- *“No one should ever blame you for being mean to you or hurting you.”*
- *“A child can’t really protect his or her mother, and it isn’t the child’s job.”*

The term *abuse* doesn’t mean anything to children younger than ten or twelve but may be useful in speaking with teenagers. In general, descriptions work better than labels.

If the abuser is the children’s father or father figure, take particular caution not to speak badly

of him as a person but only to name and criticize his *actions*. Children do not want to hear that their dad is mean, selfish, or bad. In cases where the abuser is dangerous, it is helpful to discuss the risks with the children, both to help them protect themselves and to validate their reality. However even a violent, dangerous abuser is a human being, and children tend to be acutely tuned in to the humanity of anyone they know well. Don't talk about him as if he were a monster. You can say, for example, "Your dad has a problem that makes him unsafe sometimes, doesn't he?" These are terms that make sense to children.

Those community members who work with the children of abused women in a professional capacity, such as teachers, police officers, therapists, or court employees, can increase their effectiveness by being sensitive to the family dynamics that partner abuse creates and by remembering how manipulative abusers can be. Too many children of abused women are labeled

“ADD” or “ADHD” and given medication instead of receiving the assistance they need. Children need us to take an interest in their predicament, help them to learn positive values, and support their crucial connection to their mothers.

INFLUENCING YOUR COMMUNITY'S RESPONSE TO ABUSE

One-on-one approaches to overcoming abuse work well only when the wider community pulls together to create an environment in which the victims are supported and the abusers held accountable. You can play a role in making your community an abuse-free zone, a haven where abused women know that they can count on complete support and where abusers know that they will not succeed in gaining sympathy for their excuses or in avoiding the consequences of their actions.

Here are just a few of the many steps you can

take:

- Offer to help your local program for abused women as a volunteer, fundraiser, public speaker, or board member. These programs are always short of both help and funds, because the number of abused women needing assistance is so tragically high. Many programs offer free or low-cost training for volunteers.
- Get involved with an abuser program if there is one in your area. You can be trained to be a counselor for abusers or to be an advocate for abused women within the abuser program. Use your influence to guide the program to keep improving the support it offers abused women and their children and the quality of education and counseling it provides the abusers. If no local program exists, contact one of the abuser programs listed

in “Resources” in the back of this book for guidance in starting one up.

- Join or start an organization devoted to education and activism regarding the abuse of women. Such groups distribute literature, hold protests, promote more effective laws, sponsor artistic projects related to domestic abuse, and take many, many other forms of courageous and creative action to end abuse. Your local program for abused women may have a “social action” or similarly named committee, but efforts to promote social change are sometimes more effective when they come out of a separate organization that is not trying simultaneously to provide services.
- Bring programs into your school system that teach respect and equality for females and that make children aware of relationship abuse.

- Join your local domestic abuse task force, or start one if none exists. An effective task force (or “roundtable”) includes representatives from as many community institutions as possible that deal with families affected by abuse. Invite therapists, clergy people, school personnel, police, personnel from the district attorney’s office, and court personnel as well as staff from programs for abused women and for abusers. Such task forces have been multiplying rapidly over the past ten years, with countless laudable accomplishments in coordinating services, launching new programs, and educating the public.
- Help to get services going in your area for children of abused women, especially counseling groups. Press therapists who work with children to educate themselves on the issue of partner abuse and its

effects on children who are exposed to it. Participate in public education efforts regarding the reinjuring of abused women and their children through custody and visitation litigation. For more information on all of these suggestions, see “Resources” at the back of this book.

- Join educational efforts in secondary schools regarding abuse in teen dating relationships, in order to stop abuse before it starts. See the section on teen issues in “Resources”.)
- Advocate for expanded welfare benefits and other forms of public economic support for abused women. The cuts in public assistance over the past decade have often made it much more difficult for abused women to leave their partners, especially if they have children. Women can’t leave abusive men if they are

economically trapped.

- Protest TV and print media portrayals that glorify abuse and sexual assault or that blame victims, including news coverage.
- If you are a former abused woman who is no longer with her abuser, consider telling your story in public. There is a tremendous need for women who have had personal experience with abuse to go to social service agencies, schools, police departments, and other groups and help people to grasp more deeply what abuse looks like and what tremors it sends through so many lives. I have often seen professionals and other community members transformed by hearing the account of a real-life woman who has lived with psychological or physical assault.

- Support women who are survivors of abuse to take leadership in your community, and make sure that they are represented on all task forces and policy-making bodies addressing domestic abuse.

CHANGING THE CULTURE

Abuse is the product of a mentality that excuses and condones bullying and exploitation, that promotes superiority and disrespect, and that casts responsibility on to the oppressed. All efforts to end the abuse of women ultimately have to return to this question: How do we change societal values so that women's right to live free of insults, invasion, disempowerment, and intimidation is respected?

One way is simply to declare out loud to people in your life that women *have* these rights unconditionally. Much of modern society remains

regrettably unclear on this point. I still hear: “Well, he shouldn’t have called her a ‘slut,’ but she did dance all night with another man.” I hear: “He did keep hassling her at her job even when she told him to stay away, but he was *heartbroken* over their breakup.” I hear: “He did use some force in having sex with her, but she had really led him on to believe that they were going all the way that night.” You can influence your friends, your religious group, your bowling club, your relatives by having the courage to stand up and say: “Abuse of a woman is wrong—period.”

Next, put on pressure against songs, videos, “humor,” and other media that aid and abet abusers. The flood of complaints regarding Eminem’s Grammy award succeeded in pressuring CBS to run a public-service announcement about domestic abuse during the broadcast and led the Grammy’s president to read an antiviolence statement from the podium. A stream of complaints flowed into Simon &

Schuster for distributing a video game in which the object was for the male character to successfully rape a female, who was a tied-up Native American woman. When the public decries the cultural agents that teach or excuse abuse, the culture receives another strong push in the right direction.

Refuse to go along with jokes that insult or degrade women. If you are a man, your refusal to fall in step with destructive jokes and comments can be especially powerful. When someone tells you, “It’s just a joke,” answer by asking, “How do you think an abuser reacts when he hears this joke? Do you think it helps him realize the harm he is doing? Or do you think that his sense of justification gets even more solid than it was?”

Encourage the women in your life—your friends, sisters, mothers, daughters—to insist on dignity and respect, to have faith in themselves, to be proud. Expect boys and men to be respectful, kind, and responsible, and don’t settle for less.

Again, men have a particularly important role to play in cultural change. When a father tells his son, “I don’t want to hear you saying bad things about girls,” or “No, I’m not going to let you have a ‘boys only’ birthday party, that’s prejudiced,” the boy sits up and takes notice. The “Resources” section includes some organizations that are particularly involved in helping men take leadership against the abuse of women. Vocal leadership by men makes it much more difficult for abusers to claim that the battle over abuse is one between men and women rather than between abusers and everyone else.

Finally, promote alternatives to abuse and oppression by recognizing how intertwined different forms of abuse and mistreatment are. The opposite of arrogantly defining reality is listening respectfully to each person’s perspective. The opposite of placing yourself above other people is seeing them as equals. The opposite of establishing a hierarchy in which the top few

people lounge comfortably while everyone else gets squashed is sharing resources. The opposite of madly scrambling to the top, whether it's the top of the corporate ladder, the top of the softball league, or the top of the household pecking order, is building communities devoted to cooperation and support, where everyone wins. To consider a world without relationship abuse is to open up to even more profound possibilities, to the potential for human beings to live in harmony with each other and with their natural environment.

Anger and conflict are *not* the problem; they are normal aspects of life. Abuse doesn't come from people's inability to resolve conflicts but from one person's decision to claim a higher status than another. So while it is valuable, for example, to teach nonviolent conflict-resolution skills to elementary school students—a popular initiative nowadays—such efforts contribute little by themselves to ending abuse. Teaching equality, teaching a deep respect for all human beings—

these are more complicated undertakings, but they are the ones that count.

Some people may feel that I am unrealistic to believe in a world that is free of abuse. But words like *unrealistic*, *naive*, and *impractical* come from voices of superiority who use them as put-downs to get people to stop thinking for themselves. Abuse *does* affect us all. If you haven't been involved with an abusive partner yourself, even if no woman that you love has ever suffered chronic mistreatment, the quality of your life is still dragged down, your horizons still circumscribed, by the existence of abuse and the culture that drives it. The voice of abuse takes so many different forms. You can hear it each time a child's dreams are shot down by an adult who thinks he or she knows it all. It rings in the ears of anyone who has ever been ridiculed for crying. It echoes through the mind of each person who has dared to put a name to his or her own mistreatment, or to the cruelty directed toward

someone else, and then has been derided with stinging words such as *sissy* or *mama's boy* or *hysterical* or thousands of others.

If you choose to believe that your life could be free of abuse, or that the whole world could be, you will be taunted by similar voices, some originating inside your own head. Some people feel threatened by the concept that abuse is a solvable problem, because if it is, there's no excuse for not solving it. Abusers and their allies are reluctant to face up to the damage they have done, make amends, and live differently in the future, so they may choose to insult those who address the problem of abuse. But the taunts and invalidation will not stop you, nor will they stop the rest of us, because the world has come too far to go back. There are millions of people who have taken stands against partner abuse across the globe and are now unwilling to retreat, just like the woman who gets a taste of life without the abuser and then can't live under his control

anymore, because the taste of freedom and equality is too sweet.

KEY POINTS TO REMEMBER

- Once we tear the cover of excuses, distortions, and manipulations off of abusers, they suddenly find abuse much harder to get away with.
- If Mothers Against Drunk Driving can change the culture's indifference to alcohol-related automotive deaths, we can change the culture's attitude toward partner abuse.
- Everyone has a role to play in ending abuse.
- If you are trying to assist an abused woman, get help and support for *yourself* as well (see "Resources").

- All forms of chronic mistreatment in the world are interwoven. When we take one apart, all the rest start to unravel as well.

BELOW YOU WILL FIND a wide collection of books, videos, websites, and organizations. These resources offer support, guidance, and inspiration to abused women, to loved ones wishing to help them, and to community members interested in addressing the wider problem of abuse and violence in our society. Many of the resources listed below refer to physical violence in their titles or descriptions, but they are nonetheless *all* relevant to women who have experienced verbal, economic, or sexual coercion by a partner, regardless of whether actual assaults or threats have been involved. If you do not have Web access and are interested in pursuing some of the Internet resources listed here, try your public library—many libraries offer free time on computers connected to the Internet.

FOR WOMEN OF ALL BACKGROUNDS

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- National Domestic Violence Hotline for the United States and Canada: 1-800-799-SAFE.

Call this number to receive a referral to the closest hotline in your area for abused women. *The use of this number is not restricted to women who have experienced physical violence:* Women and teens are welcome to call with any issue regarding verbal abuse or control in a relationship, or just because something is happening in their relationship that is making them uncomfortable.

- Rape, Abuse, and Incest National Network Hotline (RAIN): 1-800-656-4673.

Call this number if you have been sexually assaulted or sexually abused by your partner or ex-partner (or by anyone else), and you will be

connected immediately to the sexual assault hotline closest to you.

- *When Love Goes Wrong: What to Do When You Can't Do Anything Right*, by Ann Jones and Susan Schechter (HarperPerennial).

This is the essential book for women who are seeking guidance on how to cope with a controlling partner and how to move toward freedom and recovery. It is practical, down-to-earth, and accurate, and it covers in detail a wide range of issues that women face.

- *It's My Life Now: Starting Over After an Abusive Relationship or Domestic Violence*, by Meg Kennedy Dugan and Roger Hock (Routledge).

Despite the title, this book is equally valuable for women who are still involved with an angry or

controlling partner and for those who have left. This is a wonderful, warm, compassionate book by authors who deeply understand both emotional and physical abuse.

- *The Verbally Abusive Relationship: How to Recognize It and How to Respond*, by Patricia Evans (Bob Adams).

Evans's book takes the reader through the details of verbally abusive tactics in relationships, and it explains how to understand their effects on you. The author offers terrific insight and practical advice. (The book contains a couple of the common misconceptions about the psychology of abusers, but this is a very minor drawback compared to its many strengths.)

- *Into the Light: A Guide for Battered Women*, by Leslie Cantrelli (Chas. Franklin Press).

This booklet is short and simple, with accurate information and good advice. This is a great resource for a woman who does not have the time or energy for the longer books listed above, or who wants to have quick inspiration handy.

- *Not to People Like Us: Hidden Abuse in Upscale Marriages*, by Susan Weitzman (Basic Books).

A valuable exposé of abuse among the wealthy, with important guidance for abused women. Weitzman's descriptions of abusive men are accurate and helpful (though a couple of the myths slip in). I recommend this book highly.

FOR TEENAGERS AND THEIR PARENTS

- *What Parents Need to Know About Dating Violence*, by Barrie Levy and Patricia Occhiuzzo Giggam (Seal Press).

The essential book for parents who are concerned that their daughters or sons may be involved in abusive dating relationships. Compassionate, insightful, and highly practical, written by people who grasp the wide range of anxieties and challenges that parents face.

- *In Love and Danger—A Teen's Guide to Breaking Free of Abusive Relationships*, by Barrie Levy (Seal Press).

A guide for the teenager herself in responding to an abusive or controlling partner, written in just the right tone and language to reach adolescents—an excellent book. It's out of print, so look for it used or at the library, or try to find it online.

FOR WOMEN OF COLOR

- *Chain Chain Change: For Black Women in Abusive Relationships*, by Evelyn C. White (Seal Press).

This excellent book remains the key reading resource for any African American woman who is involved with a controlling or abusive partner. It provides general information combined with guidance that is specific to the black woman's experience, and it includes a section that speaks to abused black lesbians.

- *Mejor Sola Que Mal Acompañada: For the Latina in an Abusive Relationship*, by Myrna Zambrano (Seal Press).

Zambrano's book for Latina women in abusive relationships is available in a bilingual edition, making it readable for women who use either Spanish or English as their primary language. This excellent resource speaks to the cultural context in which Latinas live, and it offers specific validation and recommendations.

- *Black Eyes All of the Time: Intimate Violence, Aboriginal Women, and the*

Justice System, by Anne McGillivray and Brenda Comaskey (University of Toronto).

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The experience of abused indigenous (native) women is told largely in their own voices in this wonderful and groundbreaking volume. Although there are a few portions where the writers use some difficult academic language, the great majority of the book is highly accessible and moving.

- Mending the Sacred Hoop
202 E. Superior St.
Duluth MN 55802
(218) 722-2781 www.duluth-model.org,
then select “Mending the Sacred Hoop”

This project of Minnesota Program Development focuses on addressing the abuse of women in tribal cultures.

- Institute on Domestic Violence in the African American Community
University of Minnesota School of Social Work
290 Peters Hall
1404 Gortner Ave.
St. Paul MN 55108-6142
(877) 643-8222 www.dvinstitute.org

This organization's website includes resources for abused women themselves, while also reaching out to policy makers, researchers, and other concerned community members.

- National Latino Alliance for the Elimination of Domestic Violence
P.O. Box 22086
Ft. Washington Station
New York NY 10032
(646) 672-1404 www.dvalianza.org

Mostly oriented toward research and policy.

Extensive listings.

- Asian and Pacific Islander Institute on Domestic Violence
942 Market St., Suite 200
San Francisco CA 94102
(415) 954-9964
www.apiahf.org, then select “Programs,”
then select the Institute.

FOR LESBIANS

- *Naming the Violence: Speaking Out About Lesbian Battering*, edited by Kerry Lobel (Seal Press).

Regrettably, this 1986 book is out of print, but you can find it through a library, a used-book store, or online. The personal stories of many abused lesbians are shared here to help you to identify the problem and know that you are not alone.

- *Woman-to-Woman Sexual Violence: Does She Call It Rape?*, by Lori Girshick (Northeastern University Press).

With the stories of survivors of sexual assaults by same-sex partners woven through, this book reports on an important survey and helps bring to light a seldom-examined aspect of intimate partner abuse.

- *Lesbians Talk: Violent Relationships*, by Joelle Taylor and Tracy Chandler (Scarlet Press).

This is a short book that draws from the voices of women themselves to describe the problem of abuse in lesbian relationships and offers solutions.

- *Same-Sex Domestic Violence: Strategies for Change*, by Beth Leventhal and Sandra Lundy (Sage Publications).

This well-written and insightful book offers guidance to community members who want to address the needs of abused lesbians and gay men, explaining the structuring of service provision and the overcoming of institutional barriers.

- On the Web, try going to Gayscape and doing a search for “domestic violence”—many listings are available for organizations, publications, and websites.

FOR IMMIGRANT AND REFUGEE WOMEN

- Family Violence Prevention Fund
383 Rhode Island St., Suite 304
San Francisco CA 94103-5133
(415) 252-8900
www.endabuse.org, then select
“Immigrant Women,” then select “Help
Is

Available”

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FVPPF helps abused immigrant women to get information about their rights and options and to find referrals to programs in their area.

- NOW Legal Defense and Education Fund

Immigrant Women’s Project

1522 K St., NW, Suite 550

Washington DC 20005

(202) 326-0040

www.nowldef.org, then select “Issues,” then select “Immigrant Women”

- National Lawyers Guild
National Immigration Project

14 Beacon St., Suite 602

Boston MA 02108 617) 227-9727

www.nlg.org, then select “National Immigration Project,” then select “Domestic Violence”

ABOUT CHILDREN OF ABUSED WOMEN

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- *Childhood Experiences of Domestic Violence*, by Caroline McGee (Jessica Kingsley).

Although this is a professional book, it is very readable and compassionate. McGee understands the challenges an abused mother faces. Told largely in the words of mothers and children themselves, this is the single best introduction I have found to the experiences of children exposed to an abusive man, with extensive guidance for how to effectively assist them to safety and recovery.

- *The Batterer as Parent: Addressing the Impact of Domestic Violence on Family Dynamics*, by Lundy Bancroft and Jay Silverman (Sage Publications).

Although this professional book focuses on physically abusive men, the great majority of what we cover applies to verbally abusive and controlling men as well. We explain how an abusive man can affect the relationships between a mother and her children and between siblings, and how abusers may try to continue their control through the children postseparation. Abused mothers, including those involved in the family court system, report finding this book both validating and helpful.

- *Children Who See Too Much: Lessons From the Child Witness to Violence Project*, by Betsy McAlister Groves (Beacon Press).

This book is for parents or professionals who are assisting children who have been exposed to serious physical violence, including domestic violence, to help them understand children's emotional reactions and their recovery needs. It is

brief but very clear and helpful.

ABOUT CHILD CUSTODY, DIVORCE AND CHILD SUPPORT

- Resource Center on Domestic Violence: Child Protection and Custody, operated by the National Council of Juvenile and Family Court Judges. 1-800-527-3223.

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The Resource Center offers a free packet of information for abused women in custody and visitation litigation. It does not become involved in specific cases or provide legal advice. The Center also offers a book called *Managing Your Divorce* that helps women prepare for the process of resolving child custody, visitation, and child support.

- *Women and Children Last: Custody Disputes and the Family "Justice" System*, by Georgina Taylor, Jan

Barnsley, and Penny Goldsmith of the Vancouver (BC) Custody and Access Support and Advocacy Association.

This excellent book prepares abused mothers for the difficult emotional and legal challenges of family court litigation, to help increase their ability to keep their children safe and maintain custody. Advocates and concerned community members can also benefit from the explanations of how the family court system works and why abused women can find the environment so hostile. (For ordering information, call Vancouver Status of Women at (604) 255-6554.)

- The Battered Mothers Testimony Project: A Human Rights Report on Child Custody and Domestic Violence.

This activist project interviewed forty abused women about their experiences of being revictimized by family courts through the abuser's

use of custody and visitation litigation, and also interviewed numerous judges, custody evaluators, and advocates. The project report, which exposes these systemic abuses as violations of women's internationally recognized human rights, is available from: Publication Office, Wellesley Centers for Women, Wellesley College, (781) 283-2510, or at www.wcwonline.org.

- Small Justice: Little Justice in America's Family Courts," a video by Garland Waller of Boston University.

This one-hour video documents three cases in which abused women faced systematic mistreatment by family courts as they attempted to protect their children from domestic violence and sexual abuse. This well-made and carefully researched film is an important resource for community members working for court reforms. (Available from Intermedia, 1-800-553-8336)

- *Divorced from Justice: The Abuse of Women and Children by Divorce Lawyers and Judges*, by Karen Winner (Regan Books).

This is another book that is out of print, but you can find it at libraries, used-book stores, or online. The stories are painful ones, and this makes the book heavy reading, but Winner offers crucial advice to women and to anyone who is trying to help them, and she also gives important suggestions to people interested in working for court reform.

- *The Hostage Child: Sex Abuse Allegations in Custody Disputes*, by Leora Rosen and Michelle Etlin (Indiana University Press).

An eye-opening education for people interested in working toward family court reform, this book documents the obstacles that abused women can

encounter while attempting to protect their children from abuse, even in cases where extensive evidence exists. (I don't recommend this book for abused women to read themselves if they are currently involved in litigation—it's very frightening, and most cases don't go as badly as the ones presented here.)

- National Child Support Enforcement Association
444 North Capitol St., Suite 414
Washington DC 20001-1512
(202) 624-8180 www.ncsea.org

NCSEA provides information on child support collection, with links to specific child support resources in your geographical area.

FOR MOTHERS OF SEXUALLY ABUSED CHILDREN

- *A Mother's Nightmare—Incest: A*

Practical Legal Guide for Parents and Professionals, by John E. B. Myers
(Sage Publications).

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Written by a smart and compassionate attorney, this is a critical book for any woman who has reason to suspect that her child has been sexually abused by the child's father or stepfather, whether or not the child has explicitly disclosed.

ABOUT GENERAL PARENTING ISSUES

The books listed in this section are general parenting guides, full of tremendous practical help and insight. I have found all of these titles to be terrific. However, two words of caution: First, these books tend not to address the impact on children of exposure to a man who abuses their mother, including the role that abuse plays in as much as half of divorces. Second, with the exception of *Real Boys*, these books do not offer detailed guidance to parents who have a gay or

lesbian teen (though *Reviving Ophelia* touches on the issue briefly).

You can also find additional parenting resources in your phone book, such as parental stress hotline numbers, Parent's Anonymous, and various kinds of parent education classes, or do an Internet search for "Parent Education."

- *How to Talk So Kids Will Listen and Listen So Kids Will Talk*, by Adele Faber and Elaine Mazlish (Avon).
- *Siblings Without Rivalry*, by Adele Faber and Elaine Mazlish (Avon).
- *The Courage to Raise Good Men*, by Olga Silverstein and Beth Rashbaum (Penguin). Consider this book a *must read* for any parent of a son, especially if that son has been exposed to a man who mistreats the son's mother.
- *Reviving Ophelia: Saving the Selves of Adolescent Girls*, by Mary Pipher

(Grosset/Putnam).

- *Real Boys: Rescuing Our Sons from the Myths of Boyhood*, by William Pollack (Random House).
- *How to Mother a Successful Daughter*, by Nicky Marone (Three Rivers).
- *How to Father a Successful Daughter*, by Nicky Marone (Fawcett Crest).

FOR WOMEN INVOLVED WITH LAW ENFORCEMENT OFFICERS

- Spouse Abuse by Law Enforcement
(SABLE)
Life Span
P.O. Box 445
Des Plaines IL 60016
(847) 824-0382 www.policedv.com

SABLE offers a booklet called *Police Domestic Violence: A Handbook for Victims* for \$5

(including shipping) from the above address.

FOR WOMEN IN FAITH COMMUNITIES

- Minnesota Center Against Violence and Abuse

www.mincava.umn.edu, then select
“Faith Response”

This website offers many readings and resources regarding the abuse of Christian, Jewish, and Islamic women, and a collection of interfaith writings and organizations. A terrific resource for women whose spiritual or religious involvement is an important part of their lives.

- *Keeping the Faith: Guidance for Christian Women Facing Abuse*, by Marie Fortune (Harper San Francisco).

Fortune offers clarity, advice, and validation, along with new interpretations of scriptural texts,

to help abused Christian women escape entrapment and draw strength from their spiritual beliefs. (I am not currently aware of similar books for women of other faiths, but you may find one, as new resources on abuse appear every day.)

ABOUT ABUSIVE MEN

The organizations listed here offer literature, videos, and training for people interested in starting or improving counseling programs for men who abuse women.

- **Emerge: Counseling and Education to End Domestic Violence**
2380 Massachusetts Ave., Suite 101
Cambridge MA 02140
(617) 547-9879
www.emergedv.com
- **Domestic Abuse Intervention Project**
206 West Fourth St.

Duluth MN 55806
(218) 722-2781
www.duluth-model.org

FOR THOSE ASSISTING ABUSED WOMEN

- *To Be an Anchor in the Storm: A Guide for Families and Friends of Abused Women*, by Susan Brewster (Ballantine Books).

An outstandingly caring, practical, and wise book for the loved ones of an abused woman. If you are trying to assist a woman who is in a bad relationship, *read this book*. It will help you to feel better *and* make you a much more effective helper. (However, one word of caution: A section at the end of the book on reporting child abuse contains information that I find ill-advised. Before you involve child protective services with a mother you care about, call a program for abused women

in your area and seek advice about whether and how to make a child-abuse report.)

- *Safety Planning with Battered Women*, by Jill Davies, Eleanor Lyon, and Diane Monti-Catania (Sage Publications).

This is a professional book, but it is very readable and helpful for anyone who wants to understand what is really involved when a woman is considering leaving an abusive partner, and it provides guidance for how to help a woman be safer *even if she can't leave or doesn't want to*. The authors talk about much more than just safety planning—they address the full range of practical realities that abused women face in a way that I have found in no other book.

- *Trauma and Recovery*, by Judith Herman (Basic Books).

Dr. Herman's book is the bible of trauma,

especially for those kinds of traumatic experiences for which the society tends to blame the victim or deny the reality of her/his experience. An outstandingly brilliant work.

ABOUT OVERCOMING PARTNER ABUSE IN COMMUNITIES

- National Coalition Against Domestic Violence
1532 16th St., NW
Washington DC 20036
(202) 745-1211
www.ncadv.org

Join this organization to support policy and service development to benefit abused women and their children NCADV also has various resources that you can order (at a discount if you are a member) and listings of other sources of information.

- *Next Time She'll Be Dead: Battering and How to Stop It*, by Ann Jones (Beacon Press).

This terrific work elucidates the cultural influences and institutional actions that support abuse and gives to-the-point suggestions for concerned community members on how to end the abuse of women.

- *Rural Woman Battering and the Justice System: An Ethnography*, by Neil Websdale (Sage Publications).

This excellent book describes the special challenges faced by abused women who live far from large population centers, who may be very isolated and may face local communities that are not supportive of escaping abuse. Groundbreaking and insightful, with concrete strategies for how agencies and institutions can better serve abused women in rural areas.

- *Coordinating Community Responses to Domestic Violence: Lessons from the Duluth Model*, edited by Melanie Shepard and Ellen Pence (Sage Publications).

Detailed guidance on how to draw from the United States's premier model of collaborative work in communities to assist abused women, hold abusers accountable, and change community values about partner abuse.

- *Pornography: The Production and Consumption of Inequality*, by Gail Dines, Robert Jensen, and Ann Russo (Routledge).

This highly readable book provides the most reasonable and persuasive explanations that I have encountered of how pornography can shape men's ways of perceiving and interacting with women, and of the various excuses that groups and

individuals use to avoid looking at the damage that pornography can do.

- Dream Worlds II,” a video by the Media Education Foundation.

This powerful and disturbing video reveals the attitudes toward women that are taught by today's music videos. Available from MEF, 26 Center St., Northampton MA 01060, 1-800-897-0089, www.mediaed.org.

- “Tough Guise,” a video by the Media Education Foundation.

This widely acclaimed video created by Jackson Katz shows how popular portrayals of masculinity force boys and men into unhealthy roles and teach males to be abusive toward females. (See ordering information under previous listing.)

- Transforming Communities

734 A St.

San Rafael CA 94901-3923 (415) 457-2464

www.transformcommunities.org

Transforming Communities has a tremendous collection of resources and ideas for how to combat the abuse of women and children.

FOR MALE ALLIES

Many opportunities exist for men who want to be active in stopping the abuse of women, and more appear every day. Below are just a few examples.

- Men Overcoming Violence
1385 Mission St., Suite 300
San Francisco CA 94103
(415) 626-MOVE [6683]
www.menovercomingviolence.org

Public speakers, counseling groups, and opportunities for activism.

- Men Can Stop Rape
P.O. Box 57144
Washington DC 20037
(202) 265-6530
www.mencanstoprape.org

MCSR describes its mission as being “to promote gender equity and build men’s capacity to be strong without being violent.” Many programs, including outreach to youth and education on teen-dating violence.

- Family Violence Prevention Fund
www.endabuse.org

Information is available on the FVPF website about their program “Coaching Boys Into Men” (with a brochure that you can download), and a new initiative for reaching out to boys called

“Teach Early” has recently been launched. (The FVPF website is also full of information and resources on many aspects of partner abuse, including guidebooks for health-care providers and many other materials.)

- Men’s Initiative for Jane Doe
14 Beacon St., Suite 507
Boston MA 02108
(617) 248-0922
www.menscampaign.org

A new project that offers various ideas for how men can get involved as allies to abused women.

You can also visit the Campus Outreach Services website at www.campusoutreachservices.com: go to “Resources,” and then select “Men Against Violence Against Women Organizations,” and you will be provided with descriptions and links for *twenty* different men’s groups around the country that are focused on stopping the abuse of

women.

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Appendix O – Retraumatized in Court

RETRAUMATIZED IN COURT

Negar Katirai*

In addition to the indignities associated with the violence itself, intimate partner violence survivors very often risk being retraumatized when trying to access the justice system. While the “me too” movement has shed light on how survivors of sexual assault and harassment often experience victim-blaming and other types of retraumatization when they try to tell their stories, few legal scholars have written about the retraumatization that occurs when survivors of intimate partner violence attempt to seek help through the courts. This retraumatization risk presents a barrier to effective justice: it has a chilling effect on the criminal prosecutions of domestic violence crimes; and it deters civil domestic relations and dependency actions, including child custody trials.

This Article details how courts are implicated in retraumatization and is the first to propose cross-cultural communication to improve the quality of justice for survivors of intimate partner violence. Adequate justice requires combatting an institutional culture that all too frequently trivializes the impacts of intimate partner violence.

While adapting the legal process to address this problem is a long-term task, the focus of this Article is to lay out more immediate strategies for advocates of survivors of intimate partner violence to improve the experience of their clients. Key to this urgent endeavor are: (1) employing “habits” of cross-cultural communication to better prepare our clients for how retraumatizing the legal system can be and (2) expanding the services provided by legal services organizations, including law school clinics, to include supportive services such as case-management and counseling.

* Associate Clinical Professor, University of Arizona. This article is dedicated to Joan and all the survivors of intimate partner violence who seek peace and security for themselves and their families. With many thanks to Barbara Atwood, Leigh Goodmark, Terry Maroney, Kristine Huskey, Joan Meier, Deborah Epstein, Carolyn Ramsey, Julia Saldino, Margo Lindauer, Courtney Cross, Gillian Chadwick, Chris Slobogin, Michael Vanderbergh, Joni Hersch, Paul Bennett, Nina Rabin, Cathy O’Grady, Justin Pidot, Marc Miller, Andrew Coan, Christopher Robertson, Sergio Puig, Tonya Turner, Robin Murphy, Eric Angel, Trisha Monroe, Stephanie Troyer, Julianna Lee, Tianna Gibbs, Margaret Rowe, Mika Galilee-Belfer, Kelleen Mull, Bryce Anderson, Douglas Tyler Milliron, Ashley Daltrey, Maureen Garmon, the excellent team at the Daniel F. Cracchiolo Law Library, and the participants of workshops and presentations at the University of Arizona and Vanderbilt University for their helpful criticisms, advice, and suggestions.

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INTRODUCTION

Joan is petite and soft-spoken, with large brown eyes and a sweet demeanor. She met Anthony when she was about to turn 19 years old at a party she went to with some friends. He was older and charming, and he pursued her intensely. Within a year of meeting him, Joan had given birth to their son, and Anthony had

begun physically abusing her, frequently hitting, punching, and kicking Joan. Joan attempted to leave Anthony many times, but many obstacles, including fear of Anthony escalating the violence and worries about supporting herself and her children financially, held her back. When Joan left Anthony, she had three children with him, with Robert, their oldest, entering his tweens.

Joan did all the “right things” when she left her abuser, obtaining a protection order against him and seeking custody of the children in court. But despite her best efforts and a relatively good outcome given her position prior to trial, Joan’s overall experience with the court was negative. Instead of feeling heard, she felt blamed for the abuse and traumatized by the process, causing her to question her decision to go to court at all. First, she had to relive a long history of emotional and physical abuse over several days of a trial spread out over a period of many months. Second, she endured being disparaged as an alcoholic, neglectful, and promiscuous mother by Anthony’s attorney, a depiction not only with no basis in fact but rife with racial stereotypes. Third, Anthony and his friends intimidated Joan by snickering and staring her down in court. Finally, and most devastatingly, she perceived the judge’s decisions as blaming her for the abuse she had endured, largely because of a comment regarding how she must still be attracted to Anthony.

Courts are an essential component of addressing the problem of intimate partner violence (“IPV”). A survivor¹ of IPV may interact with the legal system in several ways. On the criminal side, an abuser may be charged with a number of crimes, including harassment, stalking, threatening or intimidating, assault, and attempted homicide.² On the civil side, a survivor may seek an order of protection, divorce, separation, child custody, or child support.³

And yet, survivors face specific barriers to accessing the court system. Survivors are often recovering from trauma and many have post-traumatic stress disorder (“PTSD”);⁴ must overcome the challenge of facing their abuser in court;⁵

1. The word “victim” is typically used by members of law enforcement and within the context of courtroom proceedings, but for many, “survivor” speaks to a sense of empowerment. The best practice may be to follow the lead of the person who has experienced the violence, since the journey from victim to survivor is unique to each person. Many are beginning to use the term “victim/survivor” to represent this continuum. This Article uses survivor for ease of reading as well as to err on the side of empowerment.

2. See generally *Domestic Violence/Domestic Abuse Definitions and Relationships*, NCSL (June 13, 2019), <http://www.ncsl.org/research/human-services/domestic-violence-domestic-abuse-definitions-and-relationships.aspx>.

3. See generally *Navigating the Civil Legal System: Resources for Survivors of Domestic Violence, Their Advocates, and Legal Professionals*, VAWNET (Dec. 1, 2015), <https://vawnet.org/sc/navigating-civil-legal-system-resources-survivors-domestic-violence-their-advocates-and-legal>.

4. Deborah Epstein & Lisa A. Goodman, *Discounting Women: Doubting Domestic Violence Survivors’ Credibility and Dismissing Their Experiences*, 167 U. PA. L. REV. 399, 410 (2019).

5. Survivors “entering the court system face a challenging experience, in part, because the experience can be intimidating and difficult for any person, and in part because of the nature of intimate partner violence cases.” Carol E. Jordan, *Intimate Partner Violence*

are likely to have financial obstacles if they are separating,⁶ even temporarily, from their abusers; and are more likely to suffer from health problems.⁷ But few legal scholars have written about the retraumatization that occurs when survivors come forward and attempt to seek help through the legal system. This gap in the legal literature exists despite overwhelming scientific evidence that survivors experience retraumatization.⁸ Such retraumatization has been defined as negative treatment by third parties that the survivor experiences as additional trauma echoing the original IPV.⁹

“And then it came time for him to testify and I learned what it meant to be revictimized.”¹⁰ These are the words of Chanel Miller, once known only as Emily Doe, a rape survivor who has spoken out about the difficulties of enduring a trial where her integrity and character were questioned.¹¹ While rape and IPV are not one and the same, there are many IPV survivors who read these words with sighs of recognition.¹² It is called retraumatization because for some survivors simply

and the Justice System: An Examination of the Interface, 19 J. INTERPERSONAL VIOLENCE 1412, 1412 (2004).

6. See generally Dana Harrington Conner, *Financial Freedom: Women, Money, and Domestic Abuse*, 20 WM. & MARY J. WOMEN & L. 339 (2014); Margo Lindauer, “Please Stop Telling Her to Leave.” *Where is the Money: Reclaiming Economic Power to Address Domestic Violence*, 39 SEATTLE U. L. REV. 1263 (2016).

7. Survivors of IPV experience health problems at a higher rate than their peers who have not experienced abuse, including gynecological dysfunction, sexually transmitted diseases, chronic pain, and PTSD, with such health consequences often continuing long after the abuse has ended. THERESA DOLEZAL, DAVID MCCOLLUM & MICHAEL CALLAHAN, ACAD. ON VIOLENCE & ABUSE, HIDDEN COSTS IN HEALTH CARE: THE ECONOMIC IMPACT OF VIOLENCE AND ABUSE 9 (2009); Amy E. Bonomi et al., *Health Care Utilization and Costs Associated with Physical and Nonphysical-Only Intimate Partner Violence*, 44 HEALTH SERV. RES. 1052, 1052–53 (2009); Jacquelyn C. Campbell, *Health Consequences of Intimate Partner Violence*, 359 LANCET 1331, 1331 (2002); Keith E. Davis et al., *Physical and Mental Health Effects of Being Stalked for Men and Women*, 17 VIOLENCE & VICTIMS 429, 440 (2002).

8. See *infra* Section I.A.

9. See generally Echo A. Rivera et al., *Secondary Victimization of Abused Mothers by Family Court Mediators*, 7(3) FEMINIST CRIMINOLOGY 234 (2012).

10. Katie J.M. Baker, *Here’s the Powerful Letter the Stanford Victim Read to Her Attacker*, BUZZFEED (June 3, 2016, 4:17 PM), <https://www.buzzfeed.com/katiejmbaker/heres-the-powerful-letter-the-stanford-victim-read-to-her-ra>.

11. Chanel Miller has since written a memoir and revealed her name. Concepción de León, *You Know Emily Doe’s Story. Now Learn Her Name.*, N.Y. TIMES (Sep. 4, 2019), <https://www.nytimes.com/2019/09/04/books/chanel-miller-brock-turner-assault-stanford.html>.

12. See David Palumbo-Liu, *Stanford Professor Calls on University to Include Chanel Miller’s Words at Site of Attack*, TEEN VOGUE (Oct. 8, 2019), <https://www.teenvogue.com/story/stanford-professor-calls-on-university-to-include-chanel-millers-words-at-site-of-attack> (“[Chanel Miller’s story] also opens a window on the systems of power that can serve to silence survivors, an experience that has resonated with the truths of countless others.”). There are also many overlaps between sexual assault and IPV, as most survivors of sexual assault knew their attacker, and most relationships that feature IPV also feature sexual assault. Lauren R. Taylor & Nicole Gaskin-Laniyan, *Sexual Assault in Abusive*

participating in the process can be as painful and damaging as the crime itself.¹³ In the context of IPV, facing one's abuser in a courtroom is not only an intimidating and difficult process, but can provide the abuser with an additional opportunity to exert power and control over the victim,¹⁴ often by coopting the features and personages of our justice system, including judges, clerks, and lawyers.¹⁵

This risk of retraumatization can have a chilling effect on the participation of survivors in court proceedings, including both criminal proceedings to prosecute IPV crimes and civil proceedings to establish and maintain orders of protection and custody and child support orders.¹⁶ In the civil context, many survivors may settle for less in mediation or settlement negotiations or opt out of participating in the legal system altogether for fear of being traumatized or dissatisfied, often because of previous experiences. In other words, retraumatization presents a serious barrier to justice, particularly given the prevalence of IPV.¹⁷ Given the broader inequalities faced by women in poverty and women of color, the chilling effect of retraumatization can have a particularly harmful effect to already disadvantaged, vulnerable, or marginalized populations.¹⁸

Our legal system has features that can make it more difficult for survivors to pursue justice. For one, while many survivors fear confronting their abusers, ours is an adversarial system that requires such confrontation.¹⁹ In fact, the most recognizable element of our adversarial system is the often intense, high-pressure process of cross-examination, and in cases where the abuser is unrepresented,

Relationships, NAT'L INST. JUST. (Feb. 1, 2007), <https://nij.ojp.gov/topics/articles/sexual-assault-abusive-relationships>; *Most Victims Know Their Attacker*, NAT'L INST. JUST. (Sept. 30, 2008), <https://nij.ojp.gov/topics/articles/most-victims-know-their-attacker>.

13. Some prefer to use the term revictimization or secondary victimization. See Rivera et al., *supra* note 9 (choosing to use the term retraumatization because it captures the experiences of a broader population of survivors and avoids the misconception that revictimization refers to a new criminal act).

14. See generally EVAN STARK, *COERCIVE CONTROL: HOW MEN ENTRAP WOMEN IN PERSONAL LIFE* (2007).

15. Leigh Goodmark, *Law is the Answer? Do We Know That for Sure?: Questioning the Efficacy of Legal Interventions for Battered Women*, 23 ST. LOUIS U. PUB. L. REV. 7, 24 (2004) (detailing how abusers often race their victims to the courthouse and make claims that mirror the victim's but for the identity of the perpetrator). Additionally, "having the justice system turn on you instead of vindicating the injustice of how you were treated, is an even more profound betrayal and harm than the original abuse." E-mail from Joan Meier, Professor of Clinical Law, George Washington Law Sch., and Legal Dir., DV LEAP, to author (July 25, 2018, 5:28 AM) (on file with author).

16. Rivera et al., *supra* note 9, at 245–46.

17. See MICHELE C. BLACK ET AL., NAT'L CTR. FOR INJ. PREVENTION & CONTROL, CTRS. FOR DISEASE CONTROL & PREVENTION, *THE NATIONAL INTIMATE PARTNER AND SEXUAL VIOLENCE SURVEY: 2010 SUMMARY REPORT 2* (2011), http://www.cdc.gov/violence-prevention/pdf/nisvs_report2010-a.pdf.

18. See generally 20 *Facts About U.S. Inequality that Everyone Should Know*, STAN. CTR. ON POVERTY & INEQ. (2011), <https://inequality.stanford.edu/publications/20-facts-about-us-inequality-everyone-should-know>.

19. See generally William T. Pizzi, *The American "Adversary System"?*, 100 W. VA. L. REV. 847 (1998).

survivors must endure this questioning by their abuser.²⁰ In addition, while survivors may be seeking affirmation that they have been wronged, our legal system is premised on an objective decision-maker.²¹ In family courts, that involves a dispassionate judge.²² Furthermore, survivors of IPV find it difficult maneuvering in our highly formalistic legal system, even when its rules are relaxed to increase access to pro se litigants.²³ Most importantly, our legal responses to IPV are premised on the assumption that all survivors want to, or at least should want to, leave their abusers.²⁴ Thus, embedded in our legal system's approach to IPV is the myth of "the ideal victim" who leaves her abuser, turns to the legal system for assistance in leaving, and never returns.²⁵ Survivors who do not fit this stereotype are more likely to confront victim-blaming and other demeaning behavior by judges, clerks, lawyers, and others in the legal system that can cause retraumatization.²⁶ These features of our legal system pose such obstacles that some scholars have questioned the efficacy of the legal system for addressing the needs of survivors and suggested that survivors may choose alternative avenues for pursuing their goals.²⁷

Some aspects of the legal system may be beyond our ability to change while others, such as the adversarial nature of court proceedings, may be outside the scope of what we want to change because of their usefulness in other contexts. Still other aspects, such as judicial attitudes, are of course more malleable, and numerous scholars have written about the importance of addressing judicial attitudes in particular.²⁸ The focus of this Article, however, is not proposing legal reforms to improve the experience of survivors.²⁹ There is an ongoing debate on such

20. In criminal cases, victims often have "trouble understanding that the central focus of the case was on the defendant, not on themselves." Judith Lewis Herman, *Justice From the Victim's Perspective*, 11 VIOLENCE AGAINST WOMEN 571, 581 (2005).

21. See generally Charles Gardner Geyh, *The Dimensions of Judicial Impartiality*, 65 FLA. L. REV. 493 (2013).

22. "Insistence on emotionless judging—that is, on judicial dispassion—is a cultural script of unusual longevity and potency." Terry A. Maroney, *The Persistent Cultural Script of Judicial Dispassion*, 99 CAL. L. REV. 629, 630 (2011).

23. For a wonderful discussion of how family law in particular has evolved with respect to formalism, see Rebecca Aviel, *A New Formalism for Family Law*, 55 WM. & MARY L. REV. 2003 (2014).

24. Goodmark, *supra* note 15, at 19.

25. Leigh Goodmark, *Reframing Domestic Violence Law and Policy: An Anti-Essentialist Proposal*, 31 WASH. U. J.L. & POL'Y 39, 45–46 (2009) (describing the stereotypical "victim" as "meek, weak, passive, and dependent").

26. Epstein & Goodman, *supra* note 4, at 15.

27. See, e.g., Goodmark, *supra* note 15, at 45–48.

28. See, e.g., PETER JAFFE, U.S. DEP'T OF JUSTICE, ENHANCING JUDICIAL SKILLS IN DOMESTIC VIOLENCE CASES: A PROCESS AND OUTCOME EVALUATION OF A NATIONAL JUDICIAL EDUCATION PROGRAM 6–9 (2010), <https://www.futureswithoutviolence.org/wp-content/uploads/ejs-report-nov-12.pdf>.

29. Since the 1970s, advocates' calls for reform have resulted in the passage of statutes that establish and expand civil orders of protection; consider domestic violence as a factor in custody determinations; create domestic violence crimes that are distinct from existing assault and battery statutes; and criminalize the violation of a civil order of protection. During the 1980s and 1990s advocacy efforts led to mandatory arrest laws requiring police

improvements and it is important that it continues. The focus of this Article is instead on the role of advocates in addressing the urgent need to improve the experience of survivors who choose to access the legal system.³⁰ In doing so, this Article is the first to explore what the insights of cultural competence can bring to this conversation to ensure a trauma-informed approach to lawyering.

More specifically, this Article relies on the important work done by scholars who have promoted a trauma-informed approach to legal services by

officers to make an arrest if there is probable cause to believe that a crime of domestic violence has been committed and no-drop prosecution policies that prevent prosecutors from dismissing charges at the victim's request. There is an ongoing debate as to the best steps forward with respect to further reform. Mandatory arrest statutes and no-drop prosecution policies serve as useful vignettes in understanding the contours of this debate. Proponents of mandatory arrest and no-drop prosecution policies argue that these policies empower survivors by sending a strong, expressive message that the legal system will hold abusers accountable. Opponents, on the other hand, contend that these policies disempower survivors, deprive them of agency, and fail to acknowledge that survivors are in the best position to weigh the risks they will face as a result of legal intervention. Debates regarding utilizing systems that are less adversarial, such as therapeutic justice and restorative justice models, continue, and there is some evidence that such programs can be effective in the IPV context. For a thoughtful discussion of what types of court system reforms would improve the experience of survivors, see Epstein & Goodman, *supra* note 4, at 453–59. For a particularly intriguing example of reform to IPV law and policy that falls in the category of therapeutic justice as advanced by David Wexler, see Catherine Cerulli et al., *Unlocking Family Court's Potential for Public Health Promotion*, 22 BUFF. J. GENDER L. & SOC. POL'Y 49 (2014) (reimagining and expanding the work of the family court to encompass extra-legal services including childcare and a mental health clinic, and suggesting that universities and courts partner in meaningful ways to initiate and sustain similar or parallel models of therapeutic justice to improve litigants' physical and mental health); see also Richard A. DuBose III, *Katsenelenbogen v. Katsenelenbogen: Through the Eyes of the Victim—Maryland's Civil Protection Order and the Role Of the Court*, 32 U. BALT. L. REV. 237, 242–43 (2003) (comparing the expanded definition of “abuse” and the classes of persons eligible for relief in Maryland's 1992 domestic violence statute with the previous 1980 act); Goodmark, *supra* note 15, at 31 (detailing arguments for and against mandatory arrest statutes and no-drop prosecution policies); Laurie S. Kohn, *The Justice System and Domestic Violence: Engaging the Case but Divorcing the Victim*, 32 N.Y.U. REV. L. & SOC. CHANGE 191, 211–25 (2008) (providing an overview of the development of mandatory arrest statutes, no drop prosecution policies, and restorative justice models in the context of IPV); David M. Zlotnick, *Empowering the Battered Woman: The Use of Criminal Contempt Sanctions to Enforce Civil Protection Orders*, 56 OHIO ST. L.J. 1153, 1194 (1995) (describing how violations of civil protection orders have evolved to involve more criminal sanctions); Michelle Aulivola, Note, *Outing Domestic Violence: Affording Appropriate Protections to Gay and Lesbian Victims*, 42 FAM. CT. REV. 162, 169 (2004) (noting that within the past ten years, many states have amended their domestic violence statutes to include gender neutral pronouns and exclude phrases like “opposite sex” so that victims of same-sex domestic violence may be included under the statutes).

30. See, e.g., Deborah Epstein et al., *Transforming Aggressive Prosecution Policies: Prioritizing Victims' Long-Term Safety in the Prosecution of Domestic Violence Cases*, 11 AM. U. J. GENDER SOC. POL'Y & L. 465, 488 (2003) (arguing that “effective advocacy” for victims “requires more than mere accompaniment in the courtroom or a conversation about how to navigate the court system”).

detailing how cross-cultural communication skills can help identify previous trauma, adjust the attorney-client relationship, and adapt litigation strategy to limit retraumatization. Building on the work of Jean Koh Peters, Sue Bryant, Antoinette Sedillo López, and others, it examines how these tools can limit the retraumatization of survivors.³¹ It argues that while culture is often thought of as encompassing race, ethnicity, social group, or national origin, cross-cultural competence is also important in navigating differences in experience. In this case, the experience differential is between those who have experienced IPV and those who have not. This Article also argues for expanding the services provided by legal services organizations, including law school clinics, to include supportive services such as social work, case-management, and counseling to support clients. Such essential services not only support clients by limiting retraumatization, but also support clients who wish to access nonlegal solutions. Finally, this Article argues that developing cross-cultural intelligence is an essential element of legal education that should play a more prominent role in legal curriculum. Expanding the teaching of these skills outside of the clinical setting will not only help survivors but will also help us build a more “just legal system.”³²

The Article proceeds as follows: Part I introduces the concept of retraumatization and how it can serve as a barrier to justice. Part I also includes a case study of retraumatization in the IPV context as well as a survey of practitioners and advocates documenting the prevalence of retraumatization amongst survivors. Part II examines how specific features and approaches of our legal system increase the risk of retraumatization. Part III summarizes the techniques developed by clinicians and others writing on cultural competence. Before concluding, Part IV explains how these tools, along with an expansion of services provided to survivors, are essential to trauma-informed lawyering.

I. RETRAUMATIZATION AS A BARRIER TO JUSTICE

A. What is Retraumatization?

Retraumatization, also known as secondary victimization, describes the experience of survivors who encounter “victim-blaming attitudes, behaviors, and practices” from service providers and institutions “which result in additional trauma.”³³ In other words, retraumatization refers to additional traumatization during a survivor’s interactions with professionals and processes in the justice system and other fields (medical, behavioral health, and even services designed for victims). While individuals in these fields may be doing their best to help, they can

31. See generally Susan Bryant, *The Five Habits: Building Cross-Cultural Competence in Lawyers*, 8 CLINICAL L. REV. 33, 36 (2001); Antoinette Sedillo López, *Making and Breaking Habits: Teaching (and Learning) Cultural Context, Self-Awareness, and Intercultural Communication Through Case Supervision in a Client-Service Legal Clinic*, 28 WASH. U. J. L. & POL’Y 37 (2008).

32. See Bryant, *supra* note 31, at 36 (“On the macro level, a clinic may teach cross-cultural perspectives and skills to enable students to help build a more just legal system.”).

33. Rivera et al., *supra* note 9, at 237 (quoting Rebecca Campbell, *What Really Happened? A Validation Study of Rape Survivors’ Help-Seeking Experiences With the Legal and Medical Systems*, 20 VIOLENCE & VICTIMS 55, 56 (2005)).

unintentionally retraumatize survivors through negative statements, behaviors, and attitudes.³⁴

Survivors then experience these negative or unresponsive behaviors and process them as a further violation that echoes and relates to the original IPV they experienced at the hands of their abusers.³⁵ The term retraumatization is most frequently used in the context of sexual assault, but also applies to any form of IPV or crime.³⁶ It includes victim-blaming, and explicitly or implicitly accusing someone of failing to prevent what happened to them.³⁷ It also includes other negative attitudes and behaviors, such as dismissive or unresponsive actions, as well as statements that minimize what the survivor has experienced.³⁸

Existing research shows that IPV survivors who interact with the court system feel traumatized by the process and the legal system itself.³⁹ The same has been found of survivors of sexual assault,⁴⁰ a sometimes overlapping population.

34. Kayleigh Roberts, *The Psychology of Victim-Blaming*, ATLANTIC (Oct. 5, 2016), <https://www.theatlantic.com/science/archive/2016/10/the-psychology-of-victim-blaming/502661/> (quoting Sherry Hamby, Professor of Psychology at the University of the South, and elaborating that therapists who work in prevention programs where women are given recommendations about how to be careful and avoid becoming the victim of a crime are engaging in victim-blaming). The phenomenon is not limited to IPV or sexual assault but rather can affect survivors of any crime.

35. Rivera et al., *supra* note 9, at 237.

36. *Id.*

37. Laura Niemi, *Victim Blaming in the Case of Sexual Assault*, in THE SAGE ENCYCLOPEDIA OF PSYCHOLOGY AND GENDER, 1756–57 (Kevin L. Nadal ed., 2017); Roberts, *supra* note 34.

38. Revictimization is also a term used for retraumatization. However, revictimization is also used to describe renewed violence by the abuser. *See, e.g.*, Graham Farrell, *Preventing Repeat Victimization*, 19 CRIME & JUST. 469 (1995). Such a concept of revictimization is not the focus of this Article.

39. Karla Fischer & Mary Rose, *When “Enough is Enough”: Battered Women’s Decision Making Around Court Orders of Protection*, 41 CRIME & DELINQ. 414, 419 (1995) (finding that women “occasionally remarked that this fear of the court process can be so overwhelming as to cause a traumatic dissociative reaction”); *see also* JAMES PTACEK, *BATTERED WOMEN IN THE COURTROOM* 145–48 (1999) (reporting that many of the women in their study of those seeking protection orders found themselves feeling vulnerable to judgment and humiliation in the courtroom); Sally F. Goldfarb, *Reconceiving Civil Protection Orders for Domestic Violence: Can Law Help End the Abuse Without Ending the Relationship?*, 29 CARDOZO L. REV. 1487, 1515 (2008) (stating that women find the court process embarrassing and intimidating); Elise C. Lopez & Mary P. Koss, *VAWA After the Party: Implementing Proposed Guidelines on Campus Sexual Assault Resolution*, 18 CUNY L. REV. F. 4, 6 (2014) (“Criminal justice response to sexual assault . . . [has] been found to include policies and practices that discourage reporting, re-traumatize victims, and lead to high rates of closed cases.”).

40. In a study of rape victims, 52% appraised the contact with the legal system as harmful. Rebecca Campbell et al., *Preventing the “Second Rape”: Rape Survivors’ Experiences With Community Service Providers*, 16 J. INTERPERSONAL VIOLENCE 1239, 1250 (2001). In a study of mental health professionals, 81% of the participants believed that contact with the legal system can be psychologically harmful for rape victims. Rebecca Campbell &

Violations of the interpersonal aspect of legal proceedings, such as whether one is treated with respect versus whether one is subject to victim-blaming, insensitive remarks, and statements that minimize the harm caused by the abuse, are likely to have negative effects on a survivor.⁴¹ This is true of experiences with both the criminal and the civil court system.

In the civil system, a study conducted by researchers at Michigan State University examining how abused mothers experienced the custody mediation process in a midwestern U.S. county found that 63% of women reported experiencing retraumatization, while 84% reported at least a partially negative mediation experience.⁴² This study argues that retraumatization may be one of the most important factors contributing to a negative experience with the justice system.⁴³ Women reported feeling blamed and disbelieved, and felt that the abuse in their relationships had been dismissed because it was “too complicated an issue for mediators to consider or discuss.”⁴⁴ In addition, women felt judged and blamed by the mediators, even in cases where the mediator believed that the abuse had occurred.⁴⁵ In one example, the mediator told the woman in question that it was her fault that she had been the victim of violence because she should have given into the abuser’s demands and given the abuser the phone right away.⁴⁶ In another, the mediator asked, “if he’s such a con man, what the hell did you marry him for?”⁴⁷ All told, the Michigan study found that 37% of the women in the study reported experiencing retraumatization by both the abuser and the mediator during the mediation.⁴⁸ None of this subset of women reported feeling safe, respected, free to speak, or empowered during the mediation.⁴⁹

In the United Kingdom, a study by Women’s Aid and Queen Mary University of London found that survivors were repeatedly not believed, blamed for experiencing abuse, and seen as unstable by judges, barristers, and officers of the government agency responsible for children, Cafcass.⁵⁰ The study found that for some survivors, “the court experience had retraumatized them and created extra

Sheela Raja, *Secondary Victimization of Rape Victims: Insights From Mental Health Professionals Who Treat Survivors of Violence*, 14 VIOLENCE & VICTIMS 261, 267 (1999).

41. Uli Orth, *Secondary Victimization of Crime Victims by Criminal Proceedings*, 15 SOC. JUST. RES. 313, 316 (2002) (citing Tracy Bennett Herbert & Christine Dunkel-Schetter, *Negative Social Reactions to Victims: An Overview of Responses and Their Determinants*, in LIFE CRISES AND EXPERIENCES OF LOSS IN ADULTHOOD 497–518 (Leo Montada et al. eds., 1992)).

42. Rivera et al., *supra* note 9, at 243.

43. *Id.* at 244.

44. *Id.* at 243.

45. *Id.* at 245.

46. *Id.* at 244.

47. *Id.*

48. *Id.*

49. *Id.*

50. Owen Bowcott, *Domestic Abusers Still Able to Cross Examine Victims in Court*, GUARDIAN (May 29, 2018), <https://www.theguardian.com/society/2018/may/30/domestic-abusers-still-able-to-cross-examine-victims-in-court>.

barriers in their recovery after domestic abuse.”⁵¹ One participant stated “it’s just been very overwhelming for me, so yeah, it’s been traumatic. More traumatic than it needs to be if there was more awareness of this sort of abuse.”⁵²

A different study of sexual assault victims found that victims are more likely to experience traumatizing attitudes by those around them if they present against the gendered stereotype of a hysterical crying victim.⁵³ This study found that women who adopted a numbed style of self-presentation, as compared an emotional one, experienced more retraumatizing behaviors by those around them—a phenomenon the researchers termed “demeanor bias.”⁵⁴

With respect to the criminal system, a study of crime victims in Germany found that 35% of rape victims and 23% of victims of physical assault frequently experience retraumatization in criminal proceedings.⁵⁵ This study found that criminal proceedings were likely to cause negative psychological changes among crime victims.⁵⁶ Some participants reported that the proceedings harmed them even more than the original crimes. Other studies have found that victims are likely to feel blamed by the perpetrator or the perpetrator’s attorney in criminal trials.⁵⁷

Although researchers have studied retraumatization for 30 years,⁵⁸ contextualized research on IPV survivors is particularly scant for a variety of reasons. Many survivors are reluctant to engage in studies, in part because the moment they engage with the court system is likely to be the most exigent in their attempts to seek greater security.⁵⁹ In addition, researchers may have difficulties

51. JENNY BIRCHALL & SHAZIA CHOUDHRY, WOMEN’S AID, “WHAT ABOUT MY RIGHT NOT TO BE ABUSED?” DOMESTIC ABUSE, HUMAN RIGHTS AND THE FAMILY COURTS 44 (2018).

52. *Id.* at 42.

53. Frans Willem Winkel & Leendert Koppelaar, *Rape Victims’ Style of Self-Presentation and Secondary Victimization by the Environment: An Experiment*, 6 J. INTERPERSONAL VIOLENCE 29, 35 (1991).

54. *Id.* In addition, professionals who regularly work with survivors of IPV and sexual assault report witnessing or learning of retraumatization that their clients have experienced when attempting to get help. One survey of licensed mental health professionals found that “most therapists believed that some community professionals engage in harmful behaviors that are detrimental to rape survivors’ psychological well-being.” Campbell et al., *supra* note 40, at 261.

55. Orth, *supra* note 41, at 321.

56. *Id.*

57. *Id.* at 316 (quoting Mary P. Koss, *Blame, Shame, and Community: Justice Responses to Violence Against Women*, 55 AM. PSYCHOL. 1332, 1343 (2000)); Roger K. Pitman et. al., *Legal Issues in Posttraumatic Stress Disorder*, in TRAUMATIC STRESS: THE EFFECTS OF OVERWHELMING EXPERIENCE ON MIND, BODY, AND SOCIETY 388 (Bessel A. van der Kolk et al. eds., 1996).

58. One of the earliest studies on retraumatization is Winkel & Koppelaar, *supra* note 53.

59. See MARY ANN DUTTON ET AL., U.S. DEP’T OF JUSTICE, RECRUITMENT AND RETENTION IN INTIMATE PARTNER VIOLENCE RESEARCH 9 (2003), <https://www.ncjrs.gov/pdffiles1/nij/201943.pdf> (citing a study detailing numerous problems in recruiting and retaining participants for studies of IPV, including participants’ concerns about

accessing survivors, a vulnerable population often marginalized on several levels.⁶⁰ Furthermore, it is difficult to design an experimental research study that features a control group to analyze aspects of retraumatization in the courtroom context due in part to ethical considerations.⁶¹ These limitations aside, there is a need for greater research on this topic to expand our understanding of how and when retraumatization occurs.

B. IPV Legal and Social Service Provider Survey

1. Context

This Author surveyed lawyers, advocates, law clinic staff, and lay advocates who work with survivors because each of these populations has significant contact with survivors and courts. Lawyers and law clinic staff represent and provide advice to survivors in obtaining orders of protection and advancing their legal interests in custody, landlord-tenant, immigration, and other legal matters. Lay advocates provide information to, and assist, survivors regarding these legal goals as well nonlegal services such as housing and therapeutic counseling. The current model for representing survivors as a legal or nonlegal advocate is client-centered, meaning that advocates maximize their client's autonomy by providing them with information about their rights and options, and by respecting the client's decisions regarding the same.⁶² Moreover, those who provide client-centered services to survivors are well-placed to provide insights into what they've observed about the experiences of those survivors.

2. Survey Design

The survey was distributed online among legal and nonlegal advocates of survivors and collected information from 53 respondents.⁶³ It consists of ten questions to balance incentivizing participation and gathering information.

confidentiality; class differences between researchers and participants; lack of phones for follow-up contact; hesitancy by participants in providing feedback to researchers; participants' skepticism about the research process sometimes related to prior research abuses; no direct benefit for participation; participants' perception of research as intrusive; participants' lack of time and resources required to participate; concern that involvement in the research process would create excessive worry for themselves; and agencies' overwhelming service demands and high employee turnover).

60. See *id.* at 7–8 (mentioning gender differences and racial differences between researchers and participants).

61. See, e.g., Jill T. Messing et al., *Research Designs in the Real World: Testing the Effectiveness of an IPV Intervention*, 275 NAT'L INST. OF JUST. J. 49, 50 (2015) ("Because the women in our study faced a high risk for homicide due to the fact that they were victims of high-risk IPV cases, we did not feel that we could meet our ethical obligations as researchers or professionals by using a randomized control trial.").

62. Monroe H. Freedman, *Client-Centered Lawyering—What it Isn't*, 40 HOFSTRA L. REV. 349, 353 (2011).

63. See *infra* Appendix. The survey was distributed to listservs frequented by legal and nonlegal advocates of survivors, including the National Network to End Domestic Violence's listserv, a law clinic listserv of law clinic staff, and the Arizona Coalition to End Sexual Assault and Domestic Violence's listserv. The survey is anonymous and limits respondents to one submission each.

The first six questions are designed to gather contextual information about the quality and quantity of respondents' interactions with survivors, including whether respondents are lawyers or nonlawyers, how many years they have served survivors, and what percentage of their client population consists of survivors. The contextual survey questions are also designed to gather information about the types of cases respondents work on; for example, order of protection versus custody, as well as where they practice geographically and the gender breakdown of their clients.

The final four questions are substantive and are designed to gather information about how many of the respondent's clients have experienced some type of retraumatization when accessing the legal system. These questions are designed to capture different types of retraumatization, including that which occurs as a result of court procedures as well as that which occurs as the result of the verbal or nonverbal behavior of the abuser, the abuser's associates, or court personnel. Respondents were given examples of retraumatizing behaviors—including those that are intentional, such as threatening behavior, and those that could be unintentional, including victim-blaming, insensitive remarks or behavior, and minimizing remarks or behavior. The survey questions were also designed to determine how many of the respondent's clients have expressed regret as a result of choosing to access the legal system due to the retraumatization they faced when doing so.

3. Results

Not surprisingly, perhaps, 81% of respondents indicated that many, most, or all of their clients identified the actions of the abuser or the abuser's associates as a source of retraumatization.⁶⁴ Well over half of the respondents—60%—indicated that many, most, or all of their clients experienced retraumatization as a result of the behavior, statements, or actions of court personnel. In perhaps the most startling finding, 83% of respondents indicated that many, most, or all of their clients reported retraumatization due to court procedures and outcomes—a *greater* percentage than reported retraumatization by their abusers while in court.

64. For the purposes of data analysis, the categories "many," "most," and "all" were combined to capture larger-end numbers.

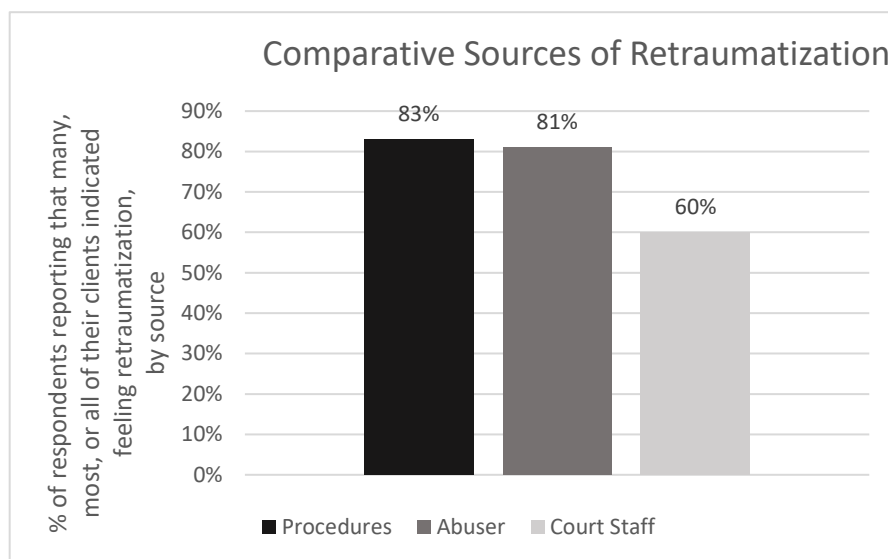


Figure 1: Comparative Sources of Retraumatization

Further worth highlighting is that when asked about expressions of regret or distress as a result of going to court, only 1 of the 53 providers reported never hearing of regret from a client. The other 52 indicated they had heard expressions of regret or distress from some ($n = 19$), many ($n = 21$), most ($n = 9$), or all ($n = 3$) of their clients, as evidenced by statements about not feeling heard, not feeling respected, or feeling that going to court was not worth their time.

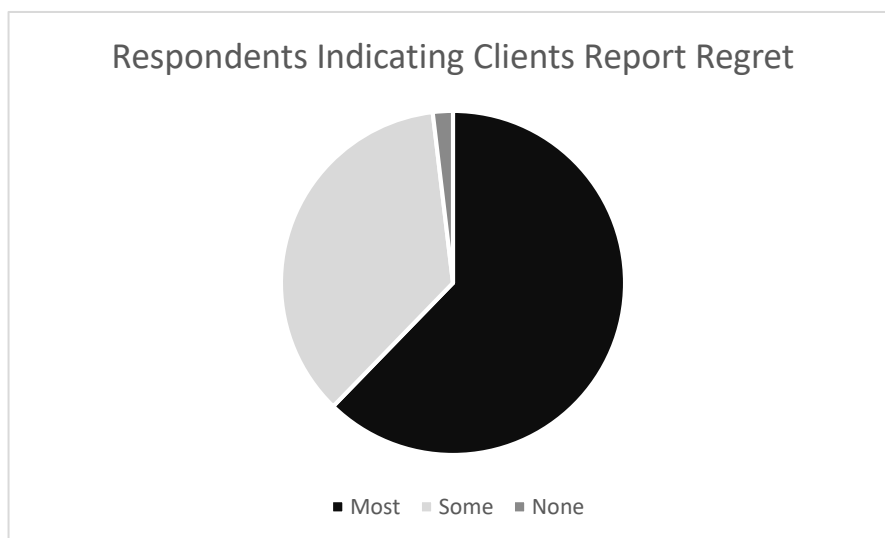


Figure 2: Respondents Indicating Clients Report Regret

4. Population and External Validity

The majority of respondents primarily serve survivors, with 63% of respondents stating that between 75% to 100% of their clients are survivors. Half of the respondents were nonlawyer advocates, while the other half were evenly split between attorneys at nonprofit organizations and clinics at law schools. Respondents spanned 18 states, reflecting both political and geographic diversity. Respondents also reflected a diversity of experience levels, with years of practice ranging from 0 to 3 years to 20 plus years, and about half of all respondents in the field for 10 or more years.

While neither the survey design nor the number of respondents produces generalizable findings, the data are nevertheless important because they provide a sense of how those with expertise in IPV perceive the experiences of the survivors with whom they have worked. Of course, there are other limitations including, among others, that professionals may be more likely to report these kinds of problems due to confirmation bias.

The survey results confirm that survivors regularly experience retraumatization when seeking help through the legal system.⁶⁵ As one attorney and

65. Social scientists have studied what leads people to engage in behaviors that are likely to retraumatize, in particular victim-blaming (perhaps the most representative form of retraumatization), and found that an individual's experiences, background, and culture can make them more or less likely to engage in retraumatizing behaviors. Several factors influence the likelihood of this happening. One factor is the degree to which a person subscribes to what has been termed the "just world hypothesis." The more a person subscribes to the concept that the world is just and fair and that people deserve both the good and bad things that happen to them, the more likely they are to engage in retraumatizing behaviors. In other words, "people blame victims so that they can continue to feel safe themselves." Roberts, *supra* note 34 (quoting Barbara Gilin, Professor of Social Work, at Widener University); see also Melvin J. Lerner & Dale T. Miller, *Just World Research and the Attribution Process: Looking Back and Ahead*, 85 PSYCHOL. BULL. 1030 (1978). A second factor that researchers have identified is whether an individual endorses binding values or a focus on the group rather than the individual. Roberts, *supra* note 34. One study of 994 participants found that those who endorse binding values, or values associated with prohibiting behavior that destabilizes groups and relationships, such as purity, are more likely to express stigmatizing attitudes about victims in the context of both sexual and nonsexual crimes. Laura Niemi & Liane Young, *When and Why We See Victims as Responsible: The Impact of Ideology on Attitudes Toward Victims*, 42 PERSONALITY & SOC. PSYCHOL. BULL. 1227 (2016). The researchers measured moral values associated with unconditionally prohibiting harm ("individualizing values") versus moral values associated with prohibiting behavior that destabilizes groups and relationships ("binding values": loyalty, obedience to authority, and purity). Increased endorsement of binding values predicted increased ratings of victims as contaminated, increased blame and responsibility attributed to victims, increased perceptions of victims' (versus perpetrators') behaviors as contributing to the outcome, and decreased focus on perpetrators. *Id.* at 1228–30. A third factor is that people often have greater difficulty understanding a story that departs from a continuous, linear narrative, while narratives of survivors tend to be more "impressionistic than linear" and may appear "somewhat illogical" or even "emotionally off-kilter" due to the trauma they have

law professor expressed: “how courts are so destructive to survivors is a well-kept secret, but it is beginning to get out.”⁶⁶

C. Retraumatization’s Chilling Effect

The risk of retraumatization presents a serious barrier to justice, as it negatively influences survivors’ choices in several ways. First, many may opt out of seeking help from the legal system entirely.⁶⁷ One qualitative study of sexual assault survivors found that survivors chose not to continue disclosing their assault after experiencing negative reactions from formal and informal support providers.⁶⁸ Second, some may settle for less than they would like in settlement negotiations or mediation.⁶⁹ The result is a chilling effect on the participation of survivors in both criminal and civil court proceedings. Moreover, the chilling effect of a negative experience for one survivor can infect an entire community, resulting in distrust and reluctance to access the courts on the part of a large number of survivors.⁷⁰

experienced. Epstein & Goodman, *supra* note 4 (providing an in-depth exploration of why court officials are likely to discredit survivors). Victim-blaming or retraumatizing attitudes are not static and can be changed. Researchers have found that manipulating the sentence structure of hypothetical vignettes about sexual assault victims changed the degree to which readers attributed responsibility for the crime to the victim. When the perpetrator was the subject of the sentence, participants were less likely to blame the victim for the violence. Roberts, *supra* note 34 (discussing a separate study by Laura Niemi & Liane Young). Because of this study, other researchers believe that even a sympathetic narrative that focuses on the victim’s experience might increase the likelihood of victim-blaming. See Niemi, *supra* note 37, at 1756–57 (noting a separate study of Niemi and Young quoted in Atlantic article). For lawyers striving to help their clients present their narrative in court, this presents obvious challenges about how to avoid triggering unsympathetic attitudes on the part of decision-makers.

66. E-mail from Joan Meier, *supra* note 15.

67. Epstein & Goodman, *supra* note 4, at 452 (quoting FINAL REPORT OF THE PENNSYLVANIA SUPREME COURT COMMITTEE ON RACIAL & GENDER BIAS IN THE JUSTICE SYSTEM 405 (2003) (“The tendency to doubt the testimony of domestic violence victims and to ‘blame’ them for their predicament not only hampers the court’s ability to provide victims with the protection they deserve, it also has a chilling effect on the victim’s willingness to seek relief.”)).

68. Courtney E. Ahrens, *Silent and Silenced: The Disclosure and Non-Disclosure of Sexual Assault* 26–27 (Dec. 19, 2001) (unpublished Ph.D. thesis, University of Illinois) (on file with University of Illinois at Chicago).

69. “Related to this is the fact that the batterer may use children and custody issues to force women to drop their financial claims, and domestic violence can cause victims to settle prematurely and not necessarily in their best interests.” Susan L. Pollet, *Mediating Domestic Violence: A Potentially Dangerous Tool*, 77 N.Y. ST. B.J. 42, 42–43 (2005) (citing Domestic Violence Screening Training Curriculum, “Policy of New York State’s Unified Court System, Office of ADR Programs,” *CDRC Program Manual*, Guideline II, Ch. 4, Pt. 4.030).

70. Epstein & Goodman, *supra* note 4, at 453 (describing how this “ripple effect” discourages “the broader community of women from seeking the help they need”).

In the civil context, many survivors settle for less in mediation or settlement negotiations⁷¹ or opt-out of participating in the legal system altogether for fear of being traumatized or dissatisfied, often because of previous experiences.⁷² Most of the mediation study participants in the Michigan study indicated that they would avoid going back to family court, and some indicated that they would not even tell anyone else about the abuse because of the mediator's reactions.⁷³ One mother, for example, wanted to request a safer custody arrangement but did not object to the order because she was too worried the mediator would give the father full custody if she did.⁷⁴

In the criminal context, courts that have incorporated impartial and independent victim advocates who provide confidential and informed support for survivors have noticed an increase in victims appearing in court.⁷⁵ However, courts still report that many survivors do not appear for criminal hearings or refuse to cooperate with prosecutors.⁷⁶ While some survivors may choose not to participate in proceedings because they deem it safer not to confront their abuser⁷⁷ (or because of another rational reason),⁷⁸ reducing the likelihood of retraumatization would at least decrease deterrents for those survivors who fear retraumatization. Often a survivor's failure to appear results in prosecutors offering a plea agreement they would not have otherwise offered or dismissing the case altogether.⁷⁹ In addition,

71. Trina Grillo, *The Mediation Alternative: Process Dangers for Women*, 100 YALE L.J. 1545, 1601–02 (1991); Susan Landrum, *The Ongoing Debate About Mediation in the Context of Domestic Violence: A Call for Empirical Studies of Mediation Effectiveness*, 12 CARDOZO J. CONFLICT RESOL. 425, 469 (2011).

72. Sarah M. Buel, *Fifty Obstacles to Leaving*, a.k.a., *Why Abuse Victims Stay*, 28 COLO. LAW. 19, 19, 24 (1999); Rivera et al., *supra* note 9, at 244; *see also* E-mail from Wendy Million, Tucson City Court Judge, to author (Dec. 28, 2018, 8:35 AM) (on file with author).

73. Rivera et al., *supra* note 9, at 245.

74. *Id.*

75. E-mail from Wendy Million, Tucson City Court Judge, to author (Dec. 17, 2018, 11:52 AM) (on file with author). For a thorough discussion of the benefits of involving victims' advocates in criminal cases *see* Anna F. Conrad, *The Use of Victim Advocates and Expert Witnesses in Battered Women Cases*, 30 COLO. LAW. 43, 43 (2001).

76. Kohn, *supra* note 29, at 203; *see also* E-mail from Wendy Million, *supra* note 72.

77. Buel, *supra* note 72, at 19 (“It is estimated that a battered woman is 75 percent more likely to be murdered when she tries to flee or has fled, than when she stays.”).

78. NAT'L DIST. ATT'YS ASS'N, DOMESTIC VIOLENCE PROSECUTION BEST PRACTICES GUIDE 7 (2017), <https://ndaa.org/wp-content/uploads/NDAA-DV-White-Paper-FINAL-revised-July-17-2017-1.pdf>.

79. Thomas L. Kirsch II, *Problems in Domestic Violence: Should Victims Be Forced to Participate in the Prosecution of Their Abusers?*, 7 WM. & MARY J. WOMEN & L. 384, 388–89 (2001) (Author's interviews of current and former prosecutors, defense attorneys, judges and victim-witness advocates in Lake County, Indiana, found that almost all interviewees agreed that most cases did not end in conviction, but rather the defendant was given a conditional discharge or prosecution was deferred and ultimately resulted in dismissal, in large part due to the reticence of survivors to participate in criminal proceedings); *see also* Angela Corsilles, Note, *No-Drop Policies in the Prosecution of Domestic Violence Cases: Guarantee to Action or Dangerous Solution?*, 63 FORDHAM L.

survivors who have been through the criminal system once as victims may be less likely to want to participate again.⁸⁰ The German study discussed above found that victims of crimes reported that their trust in the legal system and faith in a just world were negatively affected by their experience in criminal court.⁸¹

D. A Case Study of Retraumatization

In our Domestic Violence Law Clinic at the University of Arizona James E. Rogers College of Law, we have represented many Jane Does who feel revictimized by their experience of pursuing their legal claims in court. The story of one client stands out. For the purposes of this paper, names and details have been changed.

Joan is a petite and soft-spoken Native American woman with large brown eyes and a sweet demeanor. She was about to turn 19 years old when she met Anthony at a party she went to with some friends. He was a few years older than her and worked as a club promoter. She had little experience dating and found him charismatic and exciting. He pursued her intensely and the two were soon inseparable. Within six months Joan was pregnant.

Anthony presented some early warning signs, including possessiveness, mood swings, and isolating Joan from her friends and family. Within a year of meeting him, and at just 19 years old, Joan had given birth to their son Robert, and the abuse had turned physical. Anthony had begun to frequently hit, shove, and kick Joan.

When Robert turned two, Joan mustered the courage to leave Anthony. She moved out and enrolled in college at the University of Arizona. But Anthony pursued her relentlessly, often in frightening ways. One night he appeared seemingly out of nowhere as she returned from a night out with her friends, waving a gun at her and yelling about seeing her talking to a man that night. He was arrested and imprisoned for threatening and attempting to assault her, and was eventually let out on probation with completion of an IPV class as a condition of his release.

Anthony continued to pursue Joan intensely, arguing that prison and the class had changed him. Five years after breaking up with Anthony, when Robert was about seven, Joan relented. Soon afterwards she discovered she was pregnant. She gave birth to Sara when she was 26 and soon became pregnant again. Jordan was born when she was 27. Joan decided to stay home to take care of the children while Anthony worked. Anthony left most of the child care to Joan and often slept much of the day so he could spend his nights working. Despite Anthony's promises of a better relationship, nothing changed. Anthony continued to threaten, hit, and push Joan. On one occasion, he kicked her ankle so hard he caused a fracture, putting her in a boot for six weeks.

REV. 853, 857 (1994) ("In many jurisdictions, prosecutors routinely drop domestic violence cases because the victim requests it, refuses to testify, recants, or fails to appear in court. In these situations, prosecutors dispose of approximately fifty to eighty percent of cases by dropping the charges.").

80. Buel, *supra* note 72, at 24.

81. Orth, *supra* note 41, at 321.

At 30 years old, with three children aged 11, 4, and 2, and after a cumulative 6 years with Anthony, Joan told Anthony she had had enough of his abuse and asked him to move out. He agreed to leave, but only after punching two holes in her bedroom door. Joan got a protection order against Anthony, and Anthony moved in with his mother, Sally, down the street from the home he once shared with Joan. Joan got a job so she could support herself and her kids.

In Arizona, protection orders do not address custody or child support. Thus, while the protection order indicated that Joan and Anthony were to communicate about their children through Sally, it was silent as to the timing or other details of custody exchanges. Anthony insisted, however, that only his mother should watch the children while Joan was at work. Joan feared conflict with Anthony would result in violence and harm to the children, so she tried to avoid conflict by acquiescing to his demands. Anthony repeatedly threatened that he would take the children away if she did not agree to his terms.

For a year and a half after she left Anthony, Joan worked five days a week, eight hours a day, while Sally watched the kids during these times. Sometimes Joan worked double shifts, staying at work past the children's bedtimes, and on those nights the children would stay at Sally's house. During this period, Anthony used the children to try to control Joan. Whenever he suspected that Joan was out with friends or another man, he refused to return the children. Anthony kept a diary of the custody exchanges, but in it he twisted the truth to make it seem like Joan did not want to spend time with her own children. He would omit his own efforts to interfere with Joan's parenting time with her children and write that he had not heard from Joan when Joan was actively trying to coordinate a time with Sally to pick up the children when Sally was home so that she would not have to encounter Anthony alone.

When Joan started a serious relationship with a coworker, her oldest son Robert started refusing to spend time with Joan and told her he only wanted to live with his father. Robert would frequently parrot Anthony's accusations against her, stating that if she really loved him, she would never have left his father. This was particularly heartbreaking for Joan, as it seemed that Anthony had succeeded in poisoning her son against her.

Joan tried negotiating a different schedule through Sally, where she had the children on her days off, from Friday afternoon to Monday afternoon, hoping that this would limit Anthony's opportunity to interfere with her parenting time. But Anthony continued to withhold the children when he was upset. He would also request time with the children during weekends and then refuse to reciprocate when Joan wanted to spend time with the children during the week.

Disheartened and desperate, Joan filed for custody of her three children 2 years after breaking up with Anthony for good, and about 13 years after first meeting him. She requested sole legal decision-making and for the children to live with her the majority of the time, spending every other weekend with Anthony. Anthony responded by denying Joan's allegations of IPV, stating that it was "never physical" and claiming that Joan had abandoned her children.

The trial spanned several days spread over a 75-day period due to the court's crowded calendar. The trial was so difficult for Joan that she frequently questioned her decision to file for custody. She endured cross-examination by Anthony's attorney, who tried to paint her as a drunken "party mom" who abused and neglected her children and only cared about collecting child support from Anthony. The attorney used Anthony's journal to support Anthony's version of events. The lawyer also questioned her repeatedly about a decision she regretted deeply—sleeping with Anthony about six months after breaking up with him the final time. Anthony stared menacingly at Joan the entire time each of them was on the stand to provide their testimony and respond to cross-examination. He also brought an entourage of friends to court, and as Joan and her witnesses detailed the times Anthony had threatened and assaulted Joan, he and his witnesses laughed and snickered.

Anthony requested that the court interview Robert as to his preferences on parenting time and legal decision-making. In Arizona, such interviews can be conducted by Conciliation Court staff who issue a report to the judge. In this case, the Conciliation Court staff informed Robert that both his father and his mother would see a report of his comments. The resulting interview report noted that Robert stated he wanted to have nothing to do with his mother. Joan believed that Robert would have felt more free to express an interest in seeing her if his father would not have had access to the Conciliation Court staff's report.

The court found that Anthony had committed domestic violence, triggering the legal presumption established by Arizona statutes that granting legal decision-making or parenting time to Anthony was not in the children's best interests. The court found that Anthony had overcome that presumption with respect to Robert, but that he had not done so with respect to the younger children. Thus, Anthony was awarded sole legal decision-making for Robert, and Joan was awarded sole legal decision-making for Sara and Jordan. The court also decided that Joan and Anthony would have equal parenting time with the younger children, with Sara and Jordan alternating weeks between their parents' homes. Though it held that Robert would continue to live with Anthony and would not be required to spend time with Joan, the court ordered reconciliation therapy between Joan and Robert. In addition, the court ordered that all communication regarding the children would take place through Sally. Joan was also ordered to pay child support to Anthony, as she made a decent salary, while his work was mostly under the table, and neither Joan nor Anthony were able to provide documents verifying his true income, leaving the court no choice but to impute the minimum wage.

In addition to custody determinations, Joan had requested a renewal of her protection order. The judge denied the extension in court, and in doing so, stated that while there was a history of IPV, the two parties were "clearly still attracted to each other." This was certainly the lowest point for Joan, who cried silently in her seat while the judge made this statement. Later, Joan told me that she felt the judge did not care about her case and considered it a "waste of time." She did not believe that the judge took the abuse seriously or cared to hear about how it had affected her or her children. Throughout the trial, the judge never made any sort of statement condemning Anthony's behavior. While the court's final written decision did find

that Anthony had committed domestic violence in the past, this decision was delivered by email and mail after the trial had ended.

Given the status quo when Joan and Anthony went to court, the outcome of the case was not altogether surprising. We had prepared Joan for the likelihood that the court would grant Anthony significant parenting time and thus child support, as Arizona statutes state that parenting plans should maximize each parent's respective parenting time.⁸² On the one hand, Joan's situation after trial was better than it was at the time of filing, as now she had a court order that she could show to the police if Anthony attempted to interfere with her parenting time with her younger children. With respect to Robert, at least a mechanism was put in place to facilitate her attempts to reestablish and repair her relationship with her oldest son.

On the other hand, from Joan's perspective, Anthony was rewarded for his abuse with equal parenting time of the younger children, legal decision-making for Robert, and child support, while she was not awarded any parenting time with Robert. Most problematically, Joan felt revictimized by the process of going to court. Not only did she have to recount and reexperience a long history of emotional and physical abuse over several days, but the trial from start to finish spanned a period of several months. In addition, Anthony, his counsel, and his family members disparaged Joan as an alcoholic, neglectful, and promiscuous mother—a depiction that not only had no basis in fact but was rife with racial stereotypes. On top of that, Anthony menacingly stared her down in court while his friends snickered at her from the audience. Finally, and most devastatingly, she perceived the judge's decisions as blaming her for the abuse she had endured, largely because of the judge's comment regarding how she must still be attracted to Anthony.

In sum, despite the relatively good outcome given her position prior to the trial, Joan's overall experience with the court was negative. She felt both blamed and disbelieved, and questioned the wisdom of going to court. She experienced retraumatization by the abuser, his counsel, and, perhaps even worse, the judge.

II. SPECIFIC FEATURES OF THE LEGAL SYSTEM THAT IMPACT RETRAUMATIZATION

As is clear from both the survey data and the experiences of women like Joan, key elements of our legal system contribute to the revictimization of survivors. Indeed, in the words of Judith Herman, "if one set out intentionally to design a system for provoking symptoms of traumatic stress, it might look very much like a court of law."⁸³ This Part examines these features and their impact on survivors in further detail. This Part also divides these features into two categories: passive and active. Passive features are inherent to our legal system. They would require a significant paradigm shift to change and may not even be elements we want to change, given their usefulness in other contexts. Active features are more feasible to change, through either legislative reform or judicial and perhaps public education.

82. ARIZ. REV. STAT. ANN. § 25-403.02 (2015).

83. Herman, *supra* note 20, at 574.

A. *Passive Features*

1. *Adversarial*

First, the adversarial nature of our legal system can make seeking legal redress through the court system particularly traumatizing for survivors,⁸⁴ even if they have the right support and are in a survivor-friendly courtroom.⁸⁵ While survivors fear direct confrontation with their abusers, the adversarial system requires survivors to endure both face-to-face confrontations and to relive acts of victimization in specific detail.⁸⁶ Testifying, confronting one's abuser, and the presence of spectators—known and unknown—adds significantly to the psychological stress survivors feel during legal proceedings.⁸⁷ This is particularly challenging for survivors with PTSD or those who have repressed traumatic events as a coping mechanism.⁸⁸

Moreover, survivors must endure questioning by their abuser or the abuser's attorney that is designed to undermine the survivor's credibility.⁸⁹ This is particularly hard on survivors when the abuser is unrepresented and can directly cross-examine the survivor.⁹⁰ Almost a quarter of survivors (24%) surveyed by Women's Aid and Queen Mary University of London said they had been cross-examined by their abusive ex-partner.⁹¹ Sympathetic judges may require the abuser to pose the questions to the judge, who will then repeat them to the survivor, so that

84. Mary P. Koss, *Blame, Shame, and Community: Justice Responses to Violence Against Women*, 55 AM. PSYCHOL. 1332, 1335 (2000); Orth, *supra* note 41 (quoting Amanda Konradi, "I Don't Have to be Afraid of You": Rape Survivors' Emotion Management in Court, 22(1) SYMBOLIC INTERACT. 45–77 (1999)).

85. Alesha Durfee, "Usually it's Something in the Writing": *Reconsidering the Narrative Requirement for Protection Order Petitions*, 5 U. MIAMI RACE & SOC. JUST. L. REV. 469, 482 (2015) ("However, the adversarial nature of the legal system, in combination with complex and confusing bureaucratic procedures and untrained court staff, may make the PO process an incredibly traumatizing experience—even with the 'right' support and in the 'right' environment.").

86. Herman, *supra* note 20, at 574 (describing how while survivors often fear direct confrontation with their perpetrators, courts require face-to-face confrontation).

87. Orth, *supra* note 41 (citing Konradi, *supra* note 84, at 51–55; Koss, *supra* note 84, at 1332–43).

88. Durfee, *supra* note 85, at 482.

89. Herman, *supra* note 20, at 574.

90. For this reason, The Office of Civil Rights, which has issued guidelines for Title IX investigations of campus sexual assault, "strongly discourages schools from allowing the parties personally to question or cross-examine each other during the hearing. Allowing an alleged perpetrator to question an alleged victim directly may be traumatic or intimidating, thereby possibly escalating or perpetuating a hostile environment." Letter from Russlynn Ali, Assistant Secretary for Civil Rights, U.S. Dep't of Educ., to colleague 12 (Apr. 4, 2011), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>. But see Susan Svrluga, *Transcript: Betsy DeVos's Remarks on Campus Sexual Assault*, WASH. POST (Sept. 7, 2017, 11:08 AM), <https://www.washingtonpost.com/news/grade-point/wp/2017/09/07/transcript-betsy-devoss-remarks-on-campus-sexual-assault/> ("The era of 'rule by letter' is over.").

91. Bowcott, *supra* note 50.

the survivor is not directly questioned by the abuser.⁹² But other judges may want to conform more closely to the accused's right to confront witnesses.⁹³

Even in victim-friendly courtrooms, the risk of traumatization is high, as abusers are typically well-versed in verbal abuse and how to use emotional content to intimidate and humiliate their survivors.⁹⁴ Put simply, abusers are better-positioned to use the intimate and personal information gained from the intimate partner relationship as a sword.⁹⁵ This was evident in Joan's case, as Anthony's attorney used the times that Joan reconciled with Anthony against her to argue that, despite her own testimony and other evidence to the contrary (police reports, an order of protection, witnesses to Anthony's assaults and threats), she was not truly afraid of Anthony. In this way, survivors' intimate partner relationships with abusers put them at a particularly high risk of retraumatization relative to other crime victims or civil suit participants.⁹⁶

92. This has been a common practice of some judges in the District of Columbia Superior Court. Email from Tianna Gibbs, Assistant Professor of Law, Univ. D.C. David A. Clarke Sch. of Law, to author (Nov. 22, 2018, 4:19 PM) (on file with author). In the United Kingdom, there has been discussion of passing legislation to disallow abusers from cross-examining survivors altogether. Bowcott, *supra* note 50.

93. The right to confront one's accusers in the civil context is the subject of some debate. Some cases state that the right to confront witnesses does not apply in civil cases. *See In re Estate of Clinger*, 872 N.W.2d 37, 54 (Neb. 2015) ("[T]he Sixth Amendment right to confront witnesses and its Nebraska equivalent do not apply."). Other cases, however, hold that the right does apply in civil cases, specifically cases concerning family law. *See In re DeLeon J.*, 963 A.2d 53, 58 (Conn. 2009) (holding that a party in a civil case regarding guardianship of a minor child must have "an effective opportunity to defend by confronting any adverse witnesses and by presenting his own arguments and evidence orally.") (internal quotation marks omitted) (quoting *Giaimo v. New Haven*, 778 A.2d 33, 54 (Conn. 2001)); *see also* Nick Klenow, Due Process: Protecting the Confrontation Right in Civil Cases (May 19, 2015) (unpublished student Note), <http://www-personal.umich.edu/~rdfrdman/Civil.Confrontation.Hornbook.pdf>.

94. Epstein & Goodman, *supra* note 4, at 450 ("The more powerful the perpetrator, the greater is his prerogative to name and deny reality, and the more completely his arguments prevail.").

95. Bowcott, *supra* note 50 (In the words of one survivor: "He was following his own agenda and asking me about previous boyfriends and my sex life – things that were completely irrelevant to what we were discussing.").

96. The emotionally intrusive nature of such trials in part explains why many survivors are reluctant to discuss abuse in the courtroom. Joy M. Bingham, *Protecting Victims by Working Around the System and Within the System: Statutory Protections for Emotional Abuse in the Domestic Violence Context*, 81 N.D. L. REV. 837, 843 (2005); PATRICIA TJADEN & NANCY THOENNES, EXTENT, NATURE, AND CONSEQUENCES OF INTIMATE PARTNER VIOLENCE: FINDINGS FROM THE NATIONAL VIOLENCE AGAINST WOMEN SURVEY 7 (2000), <http://www.ncjrs.gov/pdffiles1/nij/181867.pdf> ("Most victims of intimate partner violence do not consider the justice system an appropriate vehicle for resolving conflicts with intimates."). Another reason survivors do not disclose abuse is the social stigma against women who make such claims. *See* Barbara R. Barreno, *In Search of Guidance: An Examination of Past, Present, and Future Adjudications of Domestic Violence Asylum Claims*, 64 VAND. L. REV. 225, 243 (2011) ("Domestic violence is viewed as a 'hidden

While judges are accustomed to the adversarial nature of our system, for survivors it is a particularly traumatic and foreign experience. Unfortunately, abusers all too often take advantage of this reality to advance their own interests in the courtroom.⁹⁷

2. Impartial

Second, the conventional view of our legal system is that it features impartial judges. While scholars have exposed the fallacy of this perception, the ideal of the dispassionate judge persists.⁹⁸ Even judges who seek to harness their emotions toward justice often do so while keeping a poker face to avoid the impression of being biased.⁹⁹

Survivors can be thrown by the strict impartiality that many judges strive to embody. Some survivors who access the legal system do so expecting justice in the form of validation.¹⁰⁰ Many are seeking vindication in the form of someone in a position of authority admonishing the abuser.¹⁰¹ When met with a judge who is focused on following proper procedures and ensuring that both sides are given equal time, some survivors could reasonably interpret such behavior not as impartiality but as irrationality. Thus, the ideal of an impartial judge is another reason survivors and judges approach the courtroom with different expectations.

Some scholars have argued for a more openly emotional and compassionate approach to judging in the IPV context. Professor Ann Freedman,

problem,’ and its victims are often ‘invisible’ to society because they choose not to disclose their situations for such reasons as fear, shame, and the social stigma attached to abuse.”); Leigh Goodmark, *Telling Stories, Saving Lives: The Battered Mother’s Testimony Project, Women’s Narratives, and Court Reform*, 37 ARIZ. ST. L.J. 709, 744 n.186 (2005) (“[W]omen are actually reluctant to disclose abuse to legal system professionals, particularly in custody cases, because of fear of both the abuser and the system’s perception of women who make such claims.”) (citing Martha Albertson Fineman, *Domestic Violence, Custody, and Visitation*, 36 FAM. L. Q. 211, 222–23 (2002)).

97. Goodmark, *supra* note 15 (describing how as abusers become more “savvy” about the legal system, “the race to the courthouse” becomes more common); *id.* at 33 (“[W]hat many women find is that the legal system itself becomes the batterer’s forum for terrorizing his victim, and judges and others often give him the tools to perpetuate the abuse.”).

98. See MODEL CODE OF JUDICIAL CONDUCT CANON 2 (AM. BAR ASS’N 2011) (“A judge shall perform the duties of judicial office impartially, competently, and diligently.”); see also Catherine Gage O’Grady, *Empathy and Perspective in Judging: The Honorable William C. Canby, Jr.*, 33 ARIZ. ST. L.J. 4, 11 (2001) (expounding on debates regarding empathy’s role in the judicial process). See generally Terry A. Maroney, *The Persistent Cultural Script of Judicial Dispassion*, 99 CAL. L. REV. 629, 631 (2011).

99. STINA BERGMAN BLIX & ASA WETTERGREN, PROFESSIONAL EMOTIONS IN COURT: A SOCIOLOGICAL PERSPECTIVE 166 (2018) (“Stone face is the primary judge mask communicating impartial listening. . .”).

100. Epstein & Goodman, *supra* note 4, at 447–48 (“But she is also hoping for validation of the harm she has endured—in other words, to have her experience credited.”); LEIGH GOODMARK, A TROUBLED MARRIAGE: DOMESTIC VIOLENCE AND THE LEGAL SYSTEM 178 (2012).

101. Epstein & Goodman, *supra* note 4, at 447–48.

for example, has expanded on “the value of compassionate witnessing in their work with victims of violence, including domestic violence” on the part of judges as well as other law enforcement professionals.¹⁰² In doing so, she cites a study by James Ptacek, finding that some judges working in specialized domestic violence courts used what he characterized as a “good-natured” demeanor to make survivors “feel welcome in court, to express concern for their suffering, and to mobilize resources on their behalf.”¹⁰³ Ptacek contrasts this demeanor with alternative demeanors, including bureaucratic, distant, firm, condescending, and harsh.¹⁰⁴

In Joan’s experience, while the judge’s written findings did state that Anthony had committed domestic violence, the judge never used court time to state this finding to Anthony or Joan, let alone to tell Anthony that what he had done was wrong. In the view of many survivors and their advocates, cases where one person has used threats or physical violence to gain power and control over another are the perfect examples of where righteous anger is appropriate on the part of judges. But with the current ideal of judicial impartiality, such expectations are not commonly met.

3. Formal

Third, our legal system is formalistic. While its complex sets of rules and procedures are designed to ensure consistency and procedural justice, they are also difficult to navigate.¹⁰⁵ These rules and procedures include specific forms or petitions for initiating a case;¹⁰⁶ procedures for conducting a court hearing, such as

102. Ann E. Freedman, *Fact-Finding in Civil Domestic Violence Cases: Secondary Traumatic Stress and the Need for Compassionate Witnesses*, 11 AM. U. J. GENDER SOC. POL’Y & L. 567, 630 (2003).

103. *Id.* (citing JAMES PTACEK, BATTERED WOMEN IN THE COURTROOM: THE POWER OF JUDICIAL RESPONSES 99, 106 (1999)).

104. PTACEK, *supra* note 103, at 145–48.

105. For this reason, scholars have advocated for a less formal system for survivors. See Donna Coker, *Transformative Justice: Anti-Subordination Processes in Cases of Domestic Violence*, in RESTORATIVE JUSTICE AND FAMILY VIOLENCE 128, 128–29 (Heather Strang & John Braithwaite eds., 2002) (outlining the tensions between restorative justice and the public sphere that feminists seek out for domestic violence); Brenda V. Smith, *Battering, Forgiveness, and Redemption*, 11 AM. U. J. GENDER SOC. POL’Y & L. 921, 934 (2003) (discussing how existing, less formal models of dispute resolution may offer alternate approaches or elements of an approach to address domestic violence).

106. See, e.g., ARIZ. REV. STAT. ANN. § 13-3602(A) (2013) (stating that to obtain an order of protection, a person “may file a verified petition, as in civil actions, with a magistrate, justice of the peace or superior court judge for an order of protection for the purpose of restraining a person from committing an act included in domestic violence.”); see also Arizona Form to Petition for a Protection Order, <https://www.sc.pima.gov/Portals/0/Library/Family/Petition%20for%20Protection%20Order.pdf>.

which party presents their case first;¹⁰⁷ and specific rules for presenting relevant evidence, including oral testimony.¹⁰⁸

Survivors, the great majority of whom access the court system without the aid of an attorney,¹⁰⁹ often find these rules and procedures unnecessarily confusing and complex.¹¹⁰ Indeed, survivors who have the benefit of representation “are significantly more likely to be awarded civil protection orders than those who are unrepresented, and their orders contain more effective and complete relief.”¹¹¹ Those survivors who are unrepresented may depend on court staff who are not trained in the dynamics of IPV and may discount the credibility of survivors, to traumatizing effect.¹¹² Thus, accessing court personnel for assistance exposes survivors to further risk of encountering negative attitudes such as victim-blaming.

107. See ARIZ. R. PROTECTIVE ORDER P., [https://govt.westlaw.com/azrules/Browse/Home/Arizona/ArizonaCourtRules/ArizonaStatutesCourtRules?guid=NB4DEDOE0679D11DCA204A4EECB71484&transitionType=CategoryPageItem&contextData=\(sc.Default\)&bhcp=1](https://govt.westlaw.com/azrules/Browse/Home/Arizona/ArizonaCourtRules/ArizonaStatutesCourtRules?guid=NB4DEDOE0679D11DCA204A4EECB71484&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1) (last visited Jan. 4, 2020).

108. See ARIZ. R. PROTECTIVE ORDER P. R. 36.

109. Durfee, *supra* note 85, at 471 (“[A]ccess to legal representation for civil cases is not guaranteed (though the defendant may have legal representation in a concurrent criminal case), the cost of a family court lawyer is prohibitive, and civil legal assistance programs are severely underfunded and cannot represent all victims seeking orders.”); Epstein & Goodman, *supra* note 4, at 404 (quoting Amy Barasch, *Justice for Victims of Domestic Violence: One Thing They Really Need is Lawyers*, SLATE (Feb. 19, 2015, 9:30 AM), http://www.slate.com/articles/news_and_politics/jurisprudence/2015/02/domestic_violence_protection_victims_need_civil_courts_and_lawyers.html (at least 80% of women are unrepresented in civil protection order cases)); see also LEGAL SERVS. CORP., THE JUSTICE GAP 6 (June 2017), <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf> (“Eighty-six percent of the civil legal problems faced by low-income Americans in a given year receive inadequate or no legal help,” including domestic violence cases); Melissa Jeltsen, *Why So Many Domestic Violence Survivors Don’t Get Help—Even When They Ask for It*, HUFFINGTON POST (June 10, 2015, 11:49 AM), https://www.huffingtonpost.com/2015/06/10/domestic-violence-help_n_7537554.html (“Only 11 percent of programs across the country reported being able to offer legal representation.”).

110. Durfee, *supra* note 85, at 471 (“[V]ictims must navigate a bureaucracy that uses specialized language and specific procedures—for example, they must know the definitions of ‘petitioners,’ ‘respondents,’ and ‘service’—all at a time where they are traumatized, sleep deprived, and have more basic needs to meet such as shelter, food, clothing, and safe transportation to work, school, and/or court.”); see also Herman, *supra* note 20, at 574 (“Victims need to establish a sense of power and control over their lives; the court requires them to submit to a complex set of rules and bureaucratic procedures that they may not understand and over which they have no control.”).

111. Jane K. Stoeber, *Stories Absent from the Courtroom: Responding to Domestic Violence in the Context of HIV and AIDS*, 87 N.C. L. REV. 1157, 1218 (2009) (citing Catherine F. Klein & Leslye E. Orloff, *Providing Legal Protection for Battered Women: An Analysis of State Statutes and Case Law*, 21 HOFSTRA L. REV. 801, 813 (1993) (reporting findings of the National Institute of Justice Civil Protection Order study)).

112. See Epstein & Goodman, *supra* note 4, at 411–12 (explaining how courthouse clerks often discount survivors’ credibility and take on the role of credibility-assessors and system gatekeepers even though their tasks are limited to creating and maintaining case files).

Survivors benefit from telling their stories in their own way because it helps them to both reestablish control over their lives and to avoid exposure to specific reminders of the traumas they have faced.¹¹³ This is particularly the case for survivors who have PTSD or have repressed traumatic events as a coping mechanism.¹¹⁴ The formalism of our legal system, on the other hand, requires survivors to fit their narratives into specific rules and procedures that survivors have no control over and which limit their ability to tell their own story as a meaningful narrative.¹¹⁵ In other words, our legal system requires survivors to go through the trauma of reliving their experience without the safeguards that mental health professionals recommend for limiting the retraumatization that can result from such retelling.¹¹⁶ In Joan's experience, she gave her testimony on one day of trial, but was then cross-examined by Anthony's attorney on another day several weeks later due to the court's busy calendar. The spacing between her testimony was difficult on Joan, who also felt surprised to find herself, on cross-examination, having to explain the reasoning behind her decisions, when in her eyes the focus should have been on Anthony's bad behavior.

While some courts deciding civil cases involving IPV have relaxed rules to allow for somewhat more informal proceedings,¹¹⁷ the resulting process still exceeds a lay person's knowledge and experience. Furthermore, the resulting process remains restrictive as to how and when survivors tell their stories.¹¹⁸ For these reasons, the formalism of the court system is yet another factor that contributes to differing expectations for judges and survivors. While judges are accustomed to formalism after years of training and may view formalism as a way of ensuring consistency, for survivors, formalism can contribute to retraumatization.

B. Active Features

1. The Separation Paradigm

Legal solutions to IPV are premised on the assumption that survivors can and should leave their abusers. From the criminal justice system that imprisons and places abusers on probation to the civil system of orders of protection and custody statutes that account for the impact of IPV, such remedies are premised on survivors

and they have no formal authority to determine whether a complaint has merit, recounting a story from Jane Stoeber regarding a clerk who tore up a survivor's petition as an example).

113. Herman, *supra* note 20, at 574 (describing how while survivors benefit from "an opportunity to tell their stories in their own way, in a setting of their choice" and "need to control or limit their exposure to specific reminders of the trauma," court procedures require them to relive their experience while responding to "yes-or-no questions that break down any personal attempt to construct a coherent and meaningful narrative").

114. Durfee, *supra* note 85, at 482.

115. *See id.* (describing how when survivors are asked to recount their narrative, they "must relive acts of victimization and recall specific details about events that they have repressed simply in order to survive").

116. For further discussion of such safeguards, see Herman, *supra* note 20, at 574.

117. *See, e.g.,* ARIZ. R. PROTECTIVE ORDER P. R. 36 (relaxing evidentiary rules to allow for any admissible evidence).

118. *See* Herman, *supra* note 20, at 574.

leaving.¹¹⁹ In other words, the legal system's solutions to IPV are premised on a separation paradigm.¹²⁰ As Susan Schechter and Leigh Goodmark have written, the underlying assumption of domestic violence legal solutions currently available is that all survivors want to, or should want to, leave their abusers.¹²¹ This separation paradigm targets the short-term physical safety of the person subjected to abuse by separating her from the person who committed the abuse.¹²² The separation is accomplished through an array of legal measures, including the criminal justice system's mandatory arrest laws and no-drop prosecution policies, as well as through the remedies available in the civil system, including civil protection orders that feature stay away, no contact, and ejectment from the home provisions.¹²³ Deborah Epstein and Lisa Goodman have written that judges tend to express difficulty in understanding women who stay with their abusers "in less formal contexts, such as judicial training sessions and casual conversations outside of the courtroom."¹²⁴

The assumption that all survivors should leave their abusers is so pervasive that when a survivor chooses to stay with an abuser, at best the assumption then becomes that she has not been provided with sufficient legal or other services.¹²⁵ At worst, the survivor is blamed for returning to her abuser and possibly even penalized for doing so.¹²⁶ That the legal system is the best form of assistance for leaving an abusive relationship is a reflection of the assumption that all survivors should want

119. Goodmark, *supra* note 15, at 19 (quoting Donna Coker, *Shifting Power for Battered Women: Law, Material Resources, and Poor Women of Color*, 33 U.C. DAVIS L. REV. 1009, 1019 (2000)).

120. *Id.* at 19–35 (arguing that the legal tools, including civil protection orders, mandatory arrest laws, "no-drop" prosecution policies, the child protective system, and divorce and custody laws for addressing IPV are premised on faulty assumptions, most prominently the notion that all survivors should leave their abusers, but also the notions that all survivors should choose to use the legal tools available and that physical violence is the only type of violence that is important).

121. *Id.* at 19–20 (quoting SUSAN SCHECHTER, EXPANDING SOLUTIONS FOR DOMESTIC VIOLENCE AND POVERTY: WHAT BATTERED WOMEN WITH ABUSED CHILDREN NEED FROM THEIR ADVOCATES 7 (2000)).

122. See Margaret E. Johnson, *Changing Course in the Anti-Domestic Violence Legal Movement: From Safety to Security*, 60 VILL. L. REV. 145, 147–48 (2015); see also, Durfee, *supra* note 85, at 472 (detailing other assumptions implicit in the legal system's response to survivors, including assumptions concerning legal status, language ability, education level, attributions for abuse, beliefs about which forms of violence are the most severe, and the "appropriate" victim responses to abuse). See generally Camille Carey & Robert A. Solomon, *Impossible Choices: Balancing Safety and Security in Domestic Violence Representation*, 21 CLINICAL L. REV. 201, 221–27 (2014).

123. Johnson, *supra* note 122, at 153.

124. Epstein & Goodman, *supra* note 4, at 414.

125. Goodmark, *supra* note 15, at 20.

126. *Id.* at 21 ("Creating a norm that assumes that women who want to keep themselves (and their children) safe will turn to the legal system has created unintended consequences for battered women.").

to leave their abusers.¹²⁷ Even the reforms that have been enacted to benefit survivors are based on this unstated and often invalid assumption about victims of domestic violence. Accordingly, research indicates that despite these “victim-friendly” procedures, the legal system continues to reproduce broader social inequalities.¹²⁸

The separation paradigm has many problematic consequences, including case outcomes.¹²⁹ Many of these are evident in Joan’s case.¹³⁰ First, despite the social science research on the obstacles survivors face in leaving an abuser, women who return to their abusers often are deemed as not credible.¹³¹ In Joan’s case, the fact that she had been intimate with her abuser after leaving him was used as evidence that she did not require an extension of her protection order. Second, women who compromise with their abusers often are not seen as meeting the legal requirements of the statutory presumptions designed to address IPV.¹³² In Joan’s case, she was able to establish that domestic violence had occurred, which triggered the presumption against granting Anthony parenting time with the children. But because she had agreed to the children spending time at Anthony’s mother’s home, where Anthony also lived, Anthony was able to rebut the presumption.

2. *The Focus on Physical Harm*

Another shortcoming of our legal system is that it has not found a way to adequately address how coercive control, including emotional and financial abuse,

127. *Id.* (“Embedded in the belief that all battered women want to or should want to leave their abusers is another assumption: that all women should turn to the legal system for assistance in leaving.”).

128. *See id.* at 23, 37–38 (explaining, for example, how mandatory arrest statutes have resulted in dual arrests and have a disproportionate impact on African American women, who may experience an increase in violence as a result of mandatory arrest policies).

129. *See Epstein & Goodman, supra* note 4, at 414–15 (recounting the story of one of the author’s clients, whose civil protection order was denied because the judge found it incoherent that she had gone to Red Lobster with her abuser shortly after a serious violent episode).

130. While this did not happen in Joan’s case, women who do not leave their abusers risk having their children taken away by the child protection system. *See Goodmark, supra* note 15, 25–27 (explaining how mothers who are victims of abuse can find themselves accused of failing to protect their children by child protection agencies).

131. *Epstein & Goodman, supra* note 4, at 414–15.

132. In Arizona, for example, one must prove that domestic violence has occurred in order to uphold an order of protection. Domestic violence is, in turn, defined by reference to various crimes, including disorderly conduct, defined, in part, as using “abusive or offensive language or gestures in a manner likely to provoke an immediate physical retaliation.” Survivors who compromise with their abusers, by, for example, continuing to exchange the children at the abuser’s home despite the abuser’s behavior that otherwise rises to the level of disorderly conduct, may be told that they do not qualify for a protective order because they continued to engage with the abuser. *See ARIZ. REV. STAT. ANN.* §§ 13-3601, 13-2904(A)(3) (2013). This has been a consistent experience of the author in representing many survivors, and watching more, not represented by counsel, tell their stories in civil protection order court.

affects survivors.¹³³ Coercive control describes an ongoing and multipronged strategy, with tactics that include manipulation, humiliation, isolation, financial abuse, and gaslighting¹³⁴ to exert power over another person.¹³⁵ Presenting evidence of coercive control may be significant in establishing a narrative of who was the primary aggressor in cases where there is also evidence of physical abuse, threats, harassment, or stalking. But on its own, such emotional and financial abuse is typically not sufficient to merit remedy by the legal system.

There is no crime or civil penalty that punishes coercive control when it takes the form of manipulation, humiliation, isolation, or financial abuse. Most protection-order statutes require the petitioner to establish that she has been the victim of assault, threats, damage to property, stalking, or harassment.¹³⁶ Custody statutes that take into account domestic violence typically define domestic violence similarly.¹³⁷ Survivors, on the other hand, often will tell you that the emotional abuse was worse than the physical abuse, and may focus more on recounting emotional

133. Goodmark, *supra* note 15, at 29–30 (“By focusing so intently on physical violence, the legal system refuses to recognize how the other types of violence experienced by battered women affect their ability to function as parents and as people.”); Margaret E. Johnson, *Redefining Harm, Reimagining Remedies, and Reclaiming Domestic Violence Law*, 42 U.C. DAVIS L. REV. 1107, 1112 (2009) (describing how if “physical violence is not considered severe enough, some courts are wary to provide any remedy at all, preferring not to meddle in private relationships” and more generally advocating for protection order laws to be expanded to allow remedy for coercive, emotional, and financial control); *see also* Epstein & Goodman, *supra* note 4, at 417 (“This prioritization of physical over psychological harm is reflected in the written law: criminal law, most of tort law, and civil protection order statutes all focus heavily on physical assaults and threats of violence, rather than emotional abuse or threats of psychological harm.”).

134. Gaslighting is a form of manipulation that seeks to sow seeds of doubt in a targeted individual with the aim of making the individual question his or her own memory, perception, and sanity. The term comes from a 1944 movie by the same name, in which a husband tries to drive his wife insane by changing minor details about their house, including the brightness of the gas lights, and insisting that they have always been that way. GASLIGHT (Metro-Goldwyn-Mayer 1944).

135. Epstein & Goodman, *supra* note 4, at 417 (explaining that “in many abusive relationships victims are subjected to their partners’ coercive control through a wide variety of psychological tactics, including, for example, ‘fear and intimidation, . . . emotional abuse, destruction of property and pets, isolation and imprisonment, economic abuse, and rigid expectations of sex roles.’”) (quoting Judy L. Postmus, *Analysis of the Family Violence Option: A Strengths Perspective*, 15 AFFILIA 244, 245 (2000)). Legal scholars as well as sociologists have cautioned, however, that conflating IPV with coercive control can also be a barrier to understanding how to address IPV. For a rich discussion of this topic, see Tamara L. Kuennen, *Love Matters*, 56 ARIZ. L. REV. 977, 1004 (2014).

136. Johnson, *supra* note 133, at 1112 (“[T]wo-thirds of the states limit CPO remedies to those who are subjected to physical violence or other criminal acts under state law.”). For a discussion of the fixation of protection order laws on physical violence, see Jeffrey R. Baker, *Enjoining Coercion: Squaring Civil Protection Orders with the Reality of Domestic Abuse*, 11 J.L. & FAM. STUD. 35, 43–44 (2008).

137. Goodmark, *supra* note 15, at 30.

abuse during testimony.¹³⁸ Accordingly, for survivors, understanding why the legal system is not interested in evidence of coercive control absent physical assault, threats, harassment, or stalking can be challenging, particularly given that coercive control can be indicative of future high-risk behavior as well as destructive parenting.¹³⁹ In Joan's case, despite significant testimony regarding how Anthony had used coercive control tactics throughout their relationship and after separation, the outcome did not reflect the impact of such abuse.

C. Conclusion

To be sure, there are elements of our legal system that do benefit survivors. This includes our system's ideals of procedural justice, consideration of all relevant evidence, and ability to appeal decisions for error.¹⁴⁰ Our system also includes a variety of remedies, including opportunities for financial compensation and rehabilitative remedies such as domestic violence classes (also sometimes called batterer intervention classes). However, these elements have their own critics.¹⁴¹ Rather than debating how the existing system could be improved, this Part's focus is on comparing the expectations of survivors with the structural and professional expectations imposed on judges.

III. CROSS-CULTURAL COMMUNICATION SKILLS TO BRIDGE THE EXPERIENTIAL GAP BETWEEN SURVIVORS AND JUDGES

Some survivors will choose not to access the justice system because of the elements mentioned above, whether based on prior bad experiences, or their perception of the system. It is our role as advocates to help survivors make an informed decision when deciding to seek court remedies. For those clients who do choose to access the justice system, how do we as advocates help them avoid retraumatization?

This Part of the paper sets out interventions that aim to decrease the likelihood of retraumatization. This Part begins by laying out and describing cross-cultural communication tools developed by legal clinicians and then illustrates how these tools are also applicable to representing survivors accessing our legal system. While we typically think of these cross-cultural communication habits as appropriate for working with clients from other countries or those who speak other languages, these tools are also appropriate for working with any clients who are

138. Durfee, *supra* note 85, at 478; Epstein & Goodman, *supra* note 4, at 418–19 (recounting how in the author's experience, survivors focus on emotional harm rather than physical violence when recounting their stories); Goodmark, *supra* note 15, at 29.

139. Danielle McLeod, *Coercive Control: Impacts on Children and Young People in the Family Environment*, RESEARCH IN PRACTICE 20, 34, <https://www.calderdale.gov.uk/v2/sites/default/files/coercive-control-impacts-on-children-lit-review.pdf> (last visited Feb. 20, 2019).

140. Orth, *supra* note 41, at 315.

141. See, e.g., Carolyn B. Ramsey, *The Stereotyped Offender: Domestic Violence and the Failure of Intervention*, 120 PENN. ST. L. REV. 337, 341–61 (2015) (discussing how offender stereotypes have long hampered state intervention in domestic violence).

marginalized, including survivors who may be marginalized by their experience of violence and the trauma of abuse.

In addition, this Section will present strategies for better serving survivors by expanding the services provided by legal services organizations, including law school clinics, to include supportive services such as social work, case-management, and counseling.

A. What is Cross-Cultural Communication?

In her seminal piece on building cross-cultural competence in lawyers, Susan Bryant documented what she termed the “five habits,” developed over the course of a collaborative project with Jean Koh Peters, in teaching their respective law clinics.¹⁴² Bryant, Peters, and others have argued that cross-cultural communication skills are essential to lawyering because our main goal as lawyers is to represent the interests of our clients, and we cannot understand, let alone advance, those interests without sound communication.¹⁴³

Bryant terms the first habit “Degrees of Separation & Connection.”¹⁴⁴ This habit is designed to encourage contemplation of the similarities and differences between oneself and one’s client, and to consider the effect of such similarities and differences on professional distance, information gathering, assessing credibility, and other aspects of representation.¹⁴⁵ Bryant has her students prepare a Venn diagram to illustrate such similarities and differences, and then contemplate their impact as a regular part of their casework for each client.¹⁴⁶

The second habit is termed “The Three Rings,” and is designed to identify and analyze the possible effects of similarities and differences between the client, the legal system (including the decision-maker), and the legal advocate.¹⁴⁷ It is essentially a broader version of the first habit that enhances the advocate’s ability to assess the client’s legal claim, prepare a legal strategy, and prepare the client for litigation.¹⁴⁸ This includes identifying both strong and weak points in the client’s case, including perception issues that may affect how credible the client appears in court, gaps between the client’s expectations and goals, and the likely outcome given the law.¹⁴⁹

142. Susan Bryant, *The Five Habits: Building Cross-Cultural Competence in Lawyers*, 8 CLINICAL L. REV. 33, 37 (2001) (“Jean and I kept questioning ourselves about two core issues: (1) what is effective cross-cultural lawyering and (2) how can we help ourselves and our students learn to be effective cross-cultural lawyers?”).

143. *Id.*; see also López, *supra* note 31, at 39, 62.

144. Bryant, *supra* note 142, at 64.

145. *Id.* at 66–67.

146. *Id.* at 65.

147. *Id.* at 68 (“In pinpointing and recording similarities and differences in the legal system-client dyad, students are asked to identify the cultural differences that may lead to different values or biases, causing legal decision-makers to negatively judge the client and the similarities that may establish connections and understanding.”).

148. *Id.*

149. *Id.* at 69.

The third habit, called “Parallel Universes,” has advocates go through the exercise of identifying multiple alternative interpretations of a client’s behavior whenever they are puzzled by a client’s decision-making.¹⁵⁰ This exercise encourages the advocate to approach the client with compassion and understanding and then explore the topic in question using active listening skills.¹⁵¹ Like The Three Rings, this habit also enhances an advocate’s information gathering, claim assessment, and legal strategy development.¹⁵²

The fourth habit involves identifying potential pitfalls, red flags, and remedies ahead of time, and is titled, appropriately, “Pitfalls, Red Flags, & Remedies.”¹⁵³ This habit involves paying attention to the process of communication itself, identifying trouble areas, and crafting solutions proactively.¹⁵⁴ For example, rather than waiting for that moment when attorney-client communication breaks down because an attorney has a “funny feeling” regarding a client, this habit involves acknowledging the feeling, inquiring into how it is affecting communication, and crafting a strategy to avoid miscommunication. In addition, habit four “encourages culturally sensitive exchanges with clients, by identifying four areas on which students should focus carefully: (1) scripts, especially those describing the legal process; (2) introductory rituals; (3) client’s understanding; and (4) culturally specific information about the client’s problem.”¹⁵⁵

The fifth habit is entitled “The Camel’s Back,” and asks advocates to be aware of their own cultural biases and stereotypes.¹⁵⁶ Solutions to such biases include creating settings where bias and stereotype are less likely to govern, including taking breaks, having food and drink, and attempting to identify what is interfering with the interaction ahead of time.¹⁵⁷ However, the habit is also more expansive, in that it encourages advocates to make a practice of reflecting on the topics of biases and stereotypes on a regular basis with the goal of being aware of one’s own preconceptions, in part by practicing mindfulness.¹⁵⁸

150. *Id.* at 70–71 (“The habit of ‘parallel universes’ thinking invites students to look for multiple interpretations, especially at times when the student is judging the client negatively.”).

151. *Id.* at 71–72.

152. *See id.* at 72.

153. *Id.*

154. *Id.* (This habit “encourages conscious attention to the process of communication—a skill and perspective that clinical teachers have used to improve interviewing skills in all attorney-client interactions.”).

155. *Id.* at 73.

156. *Id.* at 77 (explaining that while Habit Five may be the most important, because it involves “exploring oneself as a cultural being,” it can be the most difficult because “it asks the student to face the sometimes ugly side of cultural blinders-bias and stereotype” and for that reason it fits best as the last habit).

157. *Id.* at 78.

158. *Id.*

B. How Cross-Cultural Communication Skills Can Limit Victimization

The tools we have developed for cross-cultural communication can and should be applied to representing survivors to avoid retraumatization.¹⁵⁹ Cross-cultural communication skills can assist advocates in educating judges about our clients' experiences to affect not only the possibility of an optimal outcome in our clients' cases, but more importantly to improve our clients' experiences with the justice system to avoid, or at least limit, retraumatization. While Joan reported a negative experience with the justice system, our use of these tools, along with the mainstays of trauma-informed lawyering, limited her retraumatization. This Section will detail how the five habits of cross-cultural communication can help advocates understand and minimize the risks of retraumatization their clients may face and work with their clients to draft an appropriate case strategy in light of these risks.

1. Degrees of Separation & Connection

The first habit, "Degrees of Separation & Connection," asks an advocate to contemplate the similarities and differences between herself and her client. Advocates of survivors should engage in this exercise with an eye on how clients' experiences of violence and abuse may be different than the advocate's experience of violence and abuse, in addition to the other factors that make the advocate and client similar. Advocates should either include their own experience of violence and abuse as a factor in drawing a Venn diagram of similarities, or draw a separate diagram for the purpose of focusing on how the experiences of violence and abuse have affected the survivor.

Based on this contemplation, advocates may rethink their professional distance with the client as well as how they plan on approaching information gathering, assessing credibility, and other aspects of representation. For example, a client whose experience with violence and abuse is far more extensive than that of the advocate's may need additional time and rapport-building to trust the advocate. In addition, it may be necessary to gather more evidence to be prepared to document that client's experience of violence and abuse. Similarly, a client who has experienced more emotional and financial abuse may require the advocate to contemplate different types of information gathering than one who has suffered more physical abuse. Most importantly, however, this exercise encourages an advocate to consider how she may approach assessing the client's credibility given the disparity of experience with violence and abuse. In other words, those who have not experienced violence or abuse, or who have not experienced the same extent of such violence and abuse, may have a difficult time relating to someone who has. This was the case in working with Joan, where none of the attorneys had the same history of experiencing violence. Acknowledging this assisted us in gathering the necessary information to present her case.

2. Three Rings

The second habit, "The Three Rings," picks up where the first left off, and asks the advocate to add a ring to the Venn diagram to include the legal decision-

159. The following recommendations and application of cross-cultural communication skills to the context of working with survivors are based on the Author's experience teaching and supervising students in a domestic violence clinic.

maker. By considering the client's differences and similarities with the decision-maker, this exercise allows the advocate to consider how likely it is that the decision-maker will believe the client, as well as how the decision-maker is likely to relate to and treat the survivor. In the vast majority of cases, the advocate will not have any information about the decision-maker's own experience of violence and abuse. However, assuming that there is a disparity of experience in this respect will nevertheless enhance the advocate's ability to craft an appropriate litigation strategy and prepare the client for a hearing.

For example, when working with a client who has extensive experience with violence and abuse, an advocate may consider how to confront the likelihood that the decision-maker may find it hard to believe the client, or may be likely to question why the survivor did not leave the abuser earlier in the relationship. The advocate may consider a strategy of eliciting direct testimony from the client with the goal of making the client more relatable, such as questions about what kinds of activities the client engages in with her children, or where she grew up or went to school.

With respect to preparing the client for a hearing, the advocate may consider warning clients that they may face questions and statements from the decision-maker that they may find disrespectful or insensitive. In addition, when working with survivors, it is very important to identify and address any gaps between the client's expectations and goals and the likely outcome given the law. For example, a client may express a desire to have the decision-maker admonish the abuser or encourage the abuser to take steps to change. In such cases, and depending on the decision-maker, warning the client that the decision-maker will be more focused on a much narrower task (such as deciding whether or not a protection order remains in place) and may not be willing or inclined to make the types of statements desired may limit retraumatization by adjusting the client's expectations of what engagement with the justice system is likely to yield. It may be more helpful to engage the client in a broader discussion of his or her goals as well as alternatives to those goals.

In working with Joan, while we sympathized with her desire to have the children with her most of the time, we also knew that the facts of her case were unlikely to yield such a result given Arizona law on shared parenting time and our experience of the application of domestic violence presumptions in custody cases. For this reason, we had many conversations with Joan about what her goals were and what the likely outcome of going to court would be. Ultimately, she decided to go to court because the alternative meant not having a custody order she could enforce when Anthony withheld the children from her.

3. Parallel Universes

The third habit, "Parallel Universes," provides tools for when an advocate is puzzled by a client's behavior. Parallel Universes has the advocate think through as many alternative interpretations of the behavior as possible in an effort to discard one's initial unfounded assumptions. The exercise is essentially a way of reminding oneself that there are many explanations for the behavior, and we will only know the client's reasons for the decisions made if we ask. Thus, the exercise is followed

with approaching the client with compassion, asking about the decision or statement in question, and then actively listening to the client's response.

This exercise is particularly applicable to representing survivors, as those unfamiliar with the dynamics of IPV may question a survivor's decisions or even a survivor's affect. By engaging in Parallel Universes, the advocate not only identifies his or her own biases against understanding and believing the client, but also potential aspects of the client's narrative or affect that may give the decision-maker pause. As in The Three Rings exercise, identifying these potential fault lines can be critical to not only crafting a successful litigation strategy, but also to preparing the client for what she or he is likely to encounter in court. Both are critical to minimizing the risk of retraumatization.

Our use of Parallel Universes prepared us for the likelihood that the decision-maker may question why Joan chose to reconcile with Anthony in the past. We not only prepared Joan to testify about the history of her relationship with Anthony to put her decisions into context, but also prepared Joan for the likelihood that the judge, as well as Anthony's attorney, may ask her pointed and possibly disrespectful questions on this and other topics.

4. Pitfalls, Red Flags, & Remedies

The fourth habit, "Pitfalls, Red Flags, & Remedies," involves identifying trouble areas in the process of communication itself and addressing potential problems proactively. In the context of survivors, this can mean being aware of a gut reaction one is having to a client and thinking through how to address it.

In Joan's case, one of the students on the case had a bad feeling about how much time the younger children were spending in the care of Anthony's mother. We spoke about it and discussed where that feeling was coming from, and identified that we were both concerned about how it may appear that Joan had already agreed to a custody arrangement that was quite even, with the children spending half their time with Joan and half their time with Anthony's mother. We spoke to Joan about how this arrangement had come about and learned that it was not really what she wanted, but something she had agreed to in order to avoid further conflict with Anthony. In fact, she was concerned that if she did not agree, then her children would suffer because Anthony would either withhold them from her or harass her while the children were present. Explaining this to the judge became a key part of our case. Additionally, the discussions we had with Joan about why it was so important to explain how the current custody arrangement had come about helped prepare her to not only give testimony and undergo cross-examination, but also for what we knew was going to be an emotional day of testimony.

5. The Camel's Back

The fifth habit, "The Camel's Back," involves practicing mindfulness so that advocates are aware of their own cultural biases and stereotypes. This is a critical endeavor for those working with any marginalized population, but particularly when working with survivors. A mindful approach entails not only being conscious that we, like everyone, have our own biases, but also approaching each step and task of the attorney-client relationship with patience, calmly acknowledging one's feelings, thoughts, and sensations. By taking it slow, and

paying attention at each step, we are more likely to take note of a client's discomfort and the importance of using particular tact in addressing a sensitive issue. This deliberate approach can limit a client's experience of retraumatization in one's office. And while challenging to achieve in the fast pace of a hearing, such mindfulness, coupled with excellent preparation, can also minimize a client's experience of retraumatization in the courtroom.

One example of mindfulness in Joan's case was preparing her for what the court process would be like, from the structure of the hearing to the positioning of all the actors in the room. We also prepared Joan for the likelihood that Anthony's attorney would ask her difficult and disrespectful questions, and that one way of coping with this process was to look at us or at the judge while answering the questions. Mindfulness helped us make objections at key points in Anthony's attorney's cross-examination of Joan so as to stop him from badgering her. These objections also had the benefit of pausing the flow of questions so that Joan could have a chance to rest and giving us a chance to make eye contact with her and remind her that she could look at us or the judge while answering his questions.

Perhaps more importantly, by striving for mindfulness in our approach to clients, advocates can be more attuned to when our own biases and prejudices may be influencing our interactions and decision-making. For example, one student noticed that she remained troubled by Joan's decision to have Anthony's mother take care of the children despite our attempts to address that issue through our litigation strategy. By noting the discomfort and discussing it with her supervisor, the student was able to anticipate moments when that discomfort might have affected her relationship with the client and the ability to advise her client and adjust accordingly.

IV. TRAUMA-INFORMED LAWYERING & EXPANDING SERVICES

A. *What is Trauma-Informed Lawyering?*

Using the five habits enhances our ability as advocates to provide trauma-informed legal services. Trauma-informed practice is "an increasingly prevalent approach in the delivery of therapeutic services, social and human services, and now legal practice."¹⁶⁰ It "incorporates assessment of trauma and trauma symptoms into all routine practice" and "ensures that clients have access to trauma-focused interventions . . . that treat the consequences of traumatic stress."¹⁶¹ Trauma-informed services are more "supportive (rather than controlling and punitive)" and "avoid retraumatizing and punishing those served."¹⁶² As Sarah Katz and Deeya

160. Sarah Katz & Deeya Haldar, *The Pedagogy of Trauma-Informed Lawyering*, 22 CLINICAL L. REV. 359, 361 (2016). Trauma-informed practice builds on David Wexler's theory of therapeutic justice, which asks lawyers and judges to consider the mental and emotional consequences of the legal system on litigants and to recognize the effect of their own ethical, personal, and spiritual values on their behavior and decisions in the courtroom. David B. Wexler & Bruce J. Winick, *Therapeutic Jurisprudence as a New Approach to Mental Health Law Policy Analysis and Research*, 45 U. MIAMI L. REV. 979 (1991).

161. Katz & Haldar, *supra* note 160, at 363.

162. *Id.* at 370.

Halder have written, in the context of providing legal services, trauma-informed practice encompasses four “hallmarks”: identifying trauma, adjusting the attorney-client relationship accordingly, adapting an appropriate litigation strategy, and preventing vicarious trauma.¹⁶³

The first step to providing trauma-informed legal services is recognizing that a client has experienced trauma by either the client’s description or behavior.¹⁶⁴ From there, the attorney makes necessary adjustments to his or her relationship with the client specific to that client’s situation.¹⁶⁵ This can mean helping withdrawn or angry clients feel safe enough to share their stories, or helping emotional clients focus on particular aspects of their stories that are essential to the case, among other things. Adjustments to the attorney’s litigation strategy may also be necessary and should also be tailored to the client’s individual circumstances. One example is helping a client practice testifying to become accustomed to the difficulty of telling his or her story in court.

B. How does Cross-Cultural Communication Relate to Trauma-Informed Lawyering?

The five habits are essential in providing trauma-informed legal services. Practicing the habits is a way of ensuring that we are making adjustments to our client relationships and litigation strategy that are appropriately tailored to the specifics of our client’s situation and goals. In addition, much of retraumatization is the result of the differing expectations of decision-makers and survivors when they enter the courtroom.¹⁶⁶ The five habits are a way of bridging that gap and increasing the likelihood that the survivor feels seen and heard.

In our clinic, we teach both the five habits and trauma-informed lawyering in order to reinforce the importance of a client-centered approach to providing legal representation and counseling and to instill in our students the importance of not exposing our clients to any additional trauma. In one sense, teaching both tools is a way of achieving results through redundant communication and is indicative of the importance of client-centered lawyering.¹⁶⁷ In another sense, teaching both gives students multiple means for limiting retraumatization.

163. *Id.* at 363.

164. *Id.* at 382.

165. *Id.* at 383.

166. See Epstein & Goodman, *supra* note 4, at 413 (“Despite decades of activism and research, the experiences of women survivors fall into what philosopher Miranda Fricker calls a persistent ‘gap in collective interpretive resources’ that prevents the dominant culture from ‘making sense of a particular kind of social experience.’”) (citing MIRANDA FRICKER, EPISTEMIC INJUSTICE: POWER AND THE ETHICS OF KNOWING 1 (2007)).

167. See, e.g., Joep P. Cornelissen, *Sensemaking Under Pressure: The Influence of Professional Roles and Social Accountability on the Creation of Sense*, 23 ORG. SCI. 118, 123 (2012).

C. How Expanding Services Can Decrease Victimization

What we also know, however, is that our skills as lawyers are not sufficient to address our clients' needs and help them achieve their goals.¹⁶⁸ Unfortunately, Joan still felt retraumatized by her experience in court that day, despite all our efforts and our use of the five habits. Joan has an extensive support network of family and friends and was also in touch with a counselor prior to and throughout the trial. We had also referred her to local support services for survivors. Perhaps our efforts did limit Joan's retraumatization and things would have been worse without the steps we took. We will never know. However, her experience did lead our clinic to increase our internal capacity to prepare clients for the retraumatization that they may experience in court and address their nonlegal needs.

To that end, our law school has hired a Social Work Coordinator to serve all our law clinics by supervising and training social work interns to support clients.¹⁶⁹ In our clinic, this can take the form of supporting clients as they prepare for court hearings, accompanying clients to court hearings to provide additional emotional support and counseling, working with clients to develop step-by-step plans to help them meet their goals of finding employment or returning to school, and connecting clients with other community resources and services such as substance abuse counseling. In some cases, clients have chosen to take advantage of the nonlegal support that social workers can provide instead of pursuing court remedies. In this manner we are better able to provide trauma-informed services by providing our clients with truly holistic services that include nonlegal supports and approaches.

Legal and psychological counseling are a key part of a trauma-informed approach to legal representation.¹⁷⁰ Other nonlegal services, such as financial literacy training, are also integral to helping clients achieve their goals.¹⁷¹ Increasing our capacity to provide more holistic services to survivors is thus essential to limiting the retraumatization of our clients. Increasing this capacity need not mean bringing such services in-house, though we have found this model to increase our ability to ensure that these services are at least offered, if not provided. Other methods of increasing capacity include strengthening relationships with community partners who work with survivors by holding monthly meetings, serving on their boards, and engaging in community forums such as state and regional networks and coalitions aimed at addressing IPV. Most legal advocates for survivors are already taking these steps. What this Article argues is that these steps be understood as instrumental in limiting the retraumatization of our clients.

CONCLUSION

In order to limit the retraumatization of survivors, legal advocates should use cross-cultural communication skills to better prepare clients for how retraumatizing the legal system can be and should expand the services we provide

168. Goodmark, *supra* note 15, at 45.

169. See Erin Lowry, UNIV. OF ARIZ., <https://law.arizona.edu/erin-lowry> (last visited Jan. 8, 2020).

170. Katz & Haldar, *supra* note 160, at 359, 377; Orth, *supra* note 41, at 324.

171. See Goodmark, *supra* note 15, at 43.

to include social work services, case-management, and counseling. Furthermore, because cross-cultural communication skills are fundamental to improving the experience of those who access the justice system, these skills should be taught throughout the legal curriculum, not just in the clinic setting.

Trauma-informed lawyering helps us be better advocates for those survivors who choose to access the justice system. For those clients who decide against accessing the justice system, these same tools are valuable in that they can assist us in recommending solutions outside of the legal system. Limiting trauma also means expanding the services we provide to include nonlegal supportive services, whether those services are provided in-house or through referrals to community organization. Clients who decide against going to court will particularly benefit from truly holistic services that include social work, case-management, and counseling.

The broader point made by this Article is that the way individuals experience the law is as important as the substance of the law itself. Our role as lawyers is not limited to counseling our clients about the substantive law or even to seeking to reform the substantive law itself. Our role also includes ensuring that those who turn to the law find the experience worthy of the effort. Cross-cultural communication skills can enhance our ability to not only guide our clients through the justice system by equipping us to serve as translators between our clients and the courts, but also to improve the experience of all those who access the courts.

While many may perceive culture as being demarcated by race, ethnicity, social group, or national origin, the importance of cross-cultural competence extends beyond these boundaries. As lawyers and advocates, we regularly encounter cultural rifts that exist due to differences in experience. The experience of a survivor is just one type of experience that may result in a gap of understanding, expectations, and perspective between a lawyer and client, or between the judge and client. Other types of experiences can also result in an experiential divide, particularly those experiences common to marginalized communities, including those who are veterans, have grown up with alcoholic parents, or who have experienced poverty, to name just a few. The skills of cross-cultural communication are important for bridging the numerous gaps that may exist between ourselves and our clients due to experience. More importantly, these skills can be used to bridge the gap between our clients and decision-makers in court. In other words, lawyers should develop our cross-cultural communication skills so that we can understand and navigate the institutional culture of the justice system on behalf of our clients. The more we ask ourselves whether we have done our cross-cultural due diligence, the better we are as lawyers.

Developing cross-cultural competence is an essential element of legal education that should not be limited to the clinical classroom and experience. These cross-cultural skills should be taught throughout the legal curriculum and highlighted during key moments in a student's law school experience, including orientation and the first-year curriculum. When she first wrote about the five habits,

Susan Bryant argued that these skills could “help build a more just legal system.”¹⁷² As members of the legal profession, we should all care about the experience of people accessing the justice system, and for this reason we should be thinking more broadly about when we teach cross-cultural competence and how we prepare lawyers in law school.

172. Bryant, *supra* note 142, at 36.

APPENDIXSURVEY OF LEGAL SERVICE PROVIDERS ON RETRAUMATIZATION
OF INTIMATE PARTNER VIOLENCE (IPV) SURVIVORS

1. *What is your role in serving Intimate Partner Violence (IPV) Survivors?*

Response Options:

- Non-Lawyer Advocate
- Lawyer at a Non-Profit Organization
- Lawyer at a Private Firm
- Law Clinic Director or Staff
- Law Clinic Student

2. *What County do you primarily practice in?*

Response Options: Text Box

3. *How many years have you served IPV Survivors?*

Response Options:

- 0-3 Years
- 4-10 Years
- 10-19 Years
- 20 Plus Years

4. *What percentage of your cases involve IPV Survivors?*

Response Options:

- 0-5%
- 6-25%
- 26-50%
- 51-75%
- 76-100%

5. *What percentage of your representation of IPV survivors falls into the following categories:*

Response Options:

- Custody
- Child Support
- Divorce
- Immigration
- Landlord/Tenant
- Protection Order
- Other

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6. *What percentage of your clients identify as:*

Response Options:

- Male
- Female
- Non-binary

7. *How many of your IPV survivor clients would you say have experienced retraumatization through the verbal or nonverbal behavior of court personnel, including the behaviors described below. (Retraumatization describes the experience of negative or victim-blaming attitudes, behaviors, and statements when interacting with others that results in additional trauma.)*

- *Victim-blaming;*
- *Offensive remarks or behavior;*
- *Questioning client's honesty;*
- *Insensitive remarks or behavior;*
- *Dismissive remarks or behavior;*
- *Minimizing remarks or behavior;*
- *Unresponsive remarks or behavior; or*
- *Court personnel telling their own story of victimization.*

Response Options:

- None
- Some
- Many
- Most
- All

8. *How many of your IPV survivor clients would you say have experienced retraumatization through the abuser's or the abuser's associates' behavior in court, including:*

- *Threatening the client;*
- *Staring the client down;*
- *Saying something offensive or humiliating;*
- *Laughing at the client;*
- *Abuser's cross-examination of the client;*
- *Abuser's use of personal information gained through intimate relationship as a sword; or*
- *Abuser's victim-blaming.*

Response Options:

- None
- Some
- Many
- Most
- All

9. *How many of your IPV survivor clients would you say have experienced retraumatization through court procedures they found challenging, including the below.*

- *Trial/Hearings spread out over several dates;*
- *Plea bargaining and pre-trial diversion;*
- *Postponements and continuances;*
- *Testifying and/or having to re-testify;*
- *Decisions made by juries and/or the judge; or*
- *Providing a victim impact statement.*

Response Options:

- None
- Some
- Many
- Most
- All

10. *How many of your IPV survivor clients have expressed regret or distress as a result of going to court, including stating that they:*

- *Did not feel heard;*
- *Did not feel respected;*
- *Did not feel going to court was worth their time; or*
- *Did not think they would want to go to court again in the future.*

Response Options:

- None
- Some
- Many
- Most
- All

**Appendix P –
Reasons for Not
Reporting Among
Sexual Assault
Survivors Who Seek
Medical Forensic
Exams**

Reasons for Not Reporting Among Sexual Assault Survivors Who Seek Medical Forensic Exams: A Qualitative Analysis

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Abstract

After a sexual assault, survivors have the option of seeking a medical forensic exam, which includes medical evaluation and treatment, as well as forensic evidence collection. Forensic evidence is collected in a sexual assault evidence kit (SAEK) and typically released to police to aid in the investigation and potential prosecution of the assault. However, 20% to 25% of survivors who have a SAEK collected do not report their assault to police at that time and choose instead to have their SAEK stored for possible future use. This study sought to understand the reasons for not reporting among this group of survivors. We examined medical records of 296 individuals aged 18 and older who had documented their reasons for not reporting to police in their medical record and used a non-theory-driven coding framework to conduct a reflexive thematic analysis based on that data. We identified four themes: Reporting Won't Help, Reporting Will Harm, Not Now, and Not What I'm Here For. These data illustrate that survivors are making an active choice which, for many, was based on

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concerns that reporting would not meaningfully help their situation or may even make their situations worse. For some survivors, the decision to have forensic evidence collected without a police report was based on their needs at that moment, whereas for other survivors it was based on their desire to move on from the assault more permanently. Practice and policy recommendations are discussed, including the importance of providing survivors information about what police reporting would look like in specific circumstances as well as ensuring that financial concerns are not a barrier to survivors receiving post-assault medical care without forensic evidence collection.

Keywords

sexual assault, reporting/disclosure, adult victims, intervention

Sexual assault is a widespread social issue with a profound impact on survivors' physical, mental, and emotional health (Campbell et al., 2009; Jina & Thomas, 2013). While anyone can be victimized, it is disproportionately perpetrated by men against women and gender diverse individuals (Planty et al., 2013; Wirtz et al., 2020). Nationally representative studies have found that approximately one in five women have experienced a completed or attempted rape, and 46% of women have experienced some type of unwanted sexual contact during their lifetimes (Smith et al., 2018). Survivors¹ are often advised to seek out a medical forensic exam (MFE) after an assault, which includes medical evaluation and treatment as well as forensic evidence collection (Department of Justice, 2013). The forensic evidence and related documentation are placed in a sexual assault evidence kit (SAEK), which can be released to police for DNA testing and to aid in investigation and prosecution of the assault (Zweig et al., 2014, 2021).

However, sexual assault survivors have historically been treated poorly by the criminal legal system (Shaw et al., 2017; Tillman et al., 2010), and many express reservations about reporting their assaults. Quantitative analyses comparing case characteristics of reported versus nonreported assaults have found that survivors are more likely to report when their assault reflects stereotypical characteristics of rape, such as an unknown assailant, physical force, and victim injury; conversely, survivors are generally less likely to report their assaults when the assailant is known to the victim or when the victim was assaulted while incapacitated due to drugs or alcohol (Ceelen et al., 2019; Wolitzky-Taylor, 2011).

Qualitative research has expanded on these findings, indicating that survivors often do not report their assaults because they do not want others to know about the assault, want to handle it themselves, fear retaliation, fear being blamed or disbelieved by police, lawyers, or others involved in the criminal legal system, do not know if the incident was serious enough to report, or blame themselves for the assault (Ceelen et al., 2019; Cohn et al., 2013; Lorenz et al., 2021; Zinzow & Thompson, 2011). Cohn et al. (2013) distilled these reasons further with a principal component analysis that identified a three-factor solution: *others knowing* (i.e., not wanting family or others to know), *nonacknowledgment* (i.e., not knowing if it was serious, harmful, or criminal enough to report), and *criminal justice concerns* (i.e., concerns that reporting would lead to nonfavorable outcomes). These results are largely congruent with the typology of reasons for nonreporting proposed by Weiss (2011), who theorized that survivors' nonreporting decisions were based on denying criminal intent, denying serious injury, denying victim innocence, and rejecting a victim identity.

In-depth qualitative interviews and focus groups have explored survivors' perspectives in even greater depth. From interviews with 29 sexual assault survivors, Patterson et al. (2009) found that survivors frequently worried that police would not or could not help them, and the decision to not report was often made based on a desire to protect themselves from the pain that engaging with police was expected to cause. Zweig and colleagues' (2014) focus groups similarly identified a theme of survivors not wanting to put themselves through the criminal legal process, as well as concerns related to shame, self-blame, fear of retaliation, and loss of privacy.

Until the mid-2000s, survivors who did not report were often unable to access post-assault medical-forensic care (Lonsway & Archambault, 2011; Zweig et al., 2014). In many jurisdictions, police were responsible for authorizing SAEK collection, meaning that survivors who did not report or were deemed uncooperative were unable to access those services. This changed with the Violence Against Women Act (VAWA) Reauthorization of 2005, which mandated that survivors have access to MFEs and SAEK collection regardless of whether they report the assault to police. The "alternative reporting options" now available to survivors vary by jurisdiction, but all require that survivors be able to access an MFE, have an SAEK collected, and have that SAEK stored for some period of time, during which the survivor can decide whether they want to report the assault (Lonsway et al., 2021). Because biological-forensic evidence can degrade within days, these alternative reporting options enable nonreporting survivors to capture time-sensitive forensic evidence so that it is available should they later decide to report their assault.

Research based on medical records indicates that 20% to 25% of sexual assault survivors who have an SAEK collected choose not to report their assault to police at that time (Campbell et al., 2021; Jones et al., 2009; Ledray, 2001), but relatively little is known about this population of survivors and their specific reasons for not reporting their assaults. Similar to what has been found in the larger reporting literature, the small body of research that has compared survivors who do not report their assault before or during SAEK collection to those who do has found that “stereotypical rape” characteristics often differentiate the two groups. Specifically, survivors who have an SAEK collected without reporting are more likely to have been intoxicated during the assault (Downing et al., 2022), and report that they knew the assailant (Schei et al., 2003; Stokbæk et al., 2021) and are less likely to have experienced an assault that involved penetration (Downing et al., 2022), physical force (Schei et al., 2003), or physical injury (Downing et al., 2022, Schei et al., 2003). Jones et al. (2009) queried these two groups of survivors directly by asking patients receiving medical-forensic care to complete a questionnaire after the exam had concluded. The questionnaire included a list of hesitations survivors may have about reporting the assault to police and respondents were asked to endorse any hesitations they had about reporting. Three differences emerged, with survivors who did not report before or during SAEK collection being significantly more likely to say they hesitated to report because they “knew the assailant” (54% vs. 23%), did “not want the assailant to go to jail” (66% vs. 9%), or were concerned that “police would be insensitive or blame” them for the assault (51% vs. 15%).

Largely missing from the literature are reasons for not reporting described by this group of survivors in their own words. Sexual assault survivors who have medical forensic evidence collected but choose not to release the evidence to police for investigation at that time are a sizable subgroup with potentially unique needs, and understanding their reasons for not reporting could inform what services are offered to survivors in the aftermath of sexual assault. Therefore, the purpose of the current study was to explore the reasons for nonreporting given directly by survivors who had an SAEK collected but declined to report the assault to police at that time.

Method

Project Setting and Sample

The setting for the current study was a medical forensic unit at a large, hospital-based forensic nursing program in the Mid-Atlantic United States. The program employs two nurse practitioners, and five registered nurses, and two

certified nurse assistants who provide medical forensic services to all crime victims receiving services at the hospital. The number of nonreport SAEKs provided per year has increased over time, with $n=9$ nonreport SAEKs provided by the forensic nursing program in 2010 and $n=62$ provided in 2021 ($M=30.25$, $SD=19.79$). This increase coincides with an increase in the number of patients seen overall as the program grew; looking at the 2016 to 2021 period for which full-report SAEK comparison data are available, data indicate that a relatively consistent one-quarter of the adult sexual assault survivors who received an SAEK at the medical forensic unit chose a nonreport SAEK (range: 23%–29%).

The sample for the current analysis included all medical-forensic records connected to a nonreport SAEK that had been collected at that hospital from January 1, 2010, through December 31, 2021. As part of a supplement form specific to nonreport SAEKs, survivors were offered the opportunity to record offender or assault details that might be useful to a police investigation if they later decided to report the assault. The supplement form is completed in the exam room near the end of the exam and is filled out independently by the survivor unless they request assistance reading or writing answers to the questions. One of the questions on the supplement form is why the patient is choosing not to report the assault at that time, and survivors' answers to that question provided the data for this analysis. A completed supplement form was included in the medical forensic records of 87.8% of sexual assault patients who had a nonreport SAEK collected.²

The final sample included $N=296$ medical records representing survivors who were 18 years or older, had medical decision-making capacity to consent to the exam, and had a completed nonreport SAEK supplement form in their medical forensic record. The sample reflected survivors who were primarily cisgender women (96%), with smaller proportions of cisgender men (4%) and transgender women (<1%). The most common racial and ethnic identities were White Non-Hispanic/Latino/a/x (38%), African American or Black (32%), and Hispanic/Latino/a/x (22%), with smaller percentages of survivors identifying as Asian/Pacific Islander (5%), Multi or Bi-racial (2%), or another racial and ethnic identity (1%). Survivors' mean age was 26.90 ($SD=8.39$; range 18–64) and most came to the hospital within 24 hours (49%) or between 24 and 48 hours after the assault (26%). The assaults described in the medical forensic records were primarily perpetrated by acquaintances or friends (44.2%), followed by individuals known only by sight or nickname (30.2%), complete strangers (13.6%), current or former partners (10.1%), or family members (1.9%). In 12.2% of the assaults, the survivor did not know their relationship to the offender, typically when the survivor was unconscious or had no memory of the assault. Most cases involved voluntary or involuntary consumption of alcohol or drugs (72.6%) and approximately half (54.4%) involved physical force.

Procedure

Nonreport SAEK medical forensic records for relevant years were gathered by hospital staff and reviewed by the first and second authors to confirm fit based on sampling criteria (i.e., to confirm that the medical record was associated with a nonreport SAEK and that the patient was 18 or older and had medical decision-making capacity). The first author then reviewed each record and recorded de-identified, IRB-approved variables, including demographic and assault variables and responses to questions on the nonreport SAEK supplement form. Responses to the question on the nonreport SAEK supplement form about why the survivor was choosing not to report at that time were typed verbatim into a spreadsheet and later uploaded into Atlas.ti (Version 9.1.7.0) for analysis. All data were saved to a secure research server and procedures were approved by the Institutional Review Boards at both Wichita State University and the hospital that houses the forensic nursing program.

Analysis

Our research project and subsequent analysis was grounded in a constructivist epistemological framework, which holds that knowledge is “constructed” by researchers (ideally in collaboration with participants) rather than “discovered” as pre-existing truth (Lincoln et al., 2011). Because our data were not generated through survivors’ participation in a research project, but rather their participation in an MFE and completion of related medical forms, we were not able to include survivors in the construction of our findings directly. However, we went through multiple rounds of descriptive coding with the goal of retaining as much survivor voice in the data as possible at each stage of analysis. We utilized thematic analysis (Braun & Clarke, 2012), specifically reflective thematic analysis (Braun & Clarke, 2021), for its alignment with our goal of identifying and making sense of patterned meaning. Our coding was inductive, meaning that no a priori theory or framework was applied. The coding and theme generation process reflected the hallmarks of reflexive thematic analysis, namely that coding did not rely on a codebook or coding framework, theme generation occurred late in the analysis process, and researcher subjectivity was viewed as an asset rather than a bias to be controlled (Braun & Clarke, 2021).

The first step in the analytic process—data familiarization—involved the first and second authors reading the data and noting initial thoughts and ideas. The first author read each piece of data multiple times—first while extracting data from the medical records, then when typing each response into a

separate word document, and finally when uploading each word document into Atlas.ti. The second stage of the analysis—generating initial codes—was undertaken in multiple iterations with the goal of ensuring that codes (and ultimately themes) were constructed with as much survivor voice as possible, given the limitations of the data. The first iteration of coding was descriptive and relied only on semantic interpretation (e.g., “I’m in the middle of a custody battle” was coded as “custody concerns”). A second round of semantic, descriptive coding was then completed for data reduction purposes (e.g., “custody concerns” and “divorce concerns” codes were merged into a single “divorce/custody related concerns” code). A third round of coding was then conducted by the first and second authors in which initial codes were merged based on conceptual similarity. Braun and Clarke (2021) encourage recognition that semantic and latent codes should be viewed as ends of a continuum rather than as entirely separate concepts, and within that framing, this third round of coding shifted our analysis from purely semantic to a midpoint between semantic and latent meaning. For example, the code “divorce/custody related concerns” was merged with other theoretically similar codes such as “housing concerns” and “fear of being deported” to create the code “negative spillover effects.”

The next step in the analysis—generating themes—was carried out by the first author, who sorted the collated codes with the goal of identifying “patterns of shared meaning, united by a central concept or idea” (Braun & Clarke, 2021, p. 14). For example, the code “negative spillover effects” was grouped with the code “fear of harm/retaliation” as part of the theme *Reporting Will Harm*. All authors collaboratively engaged in the fourth step of the thematic analysis—reviewing themes—by reviewing and discussing potential thematic groupings and contributing input to the final list of candidate themes. The authors also collectively evaluated the candidate themes in relation to the data extracts, the content codes, and the dataset as a whole. The first author then initiated step five of the thematic analysis—defining and naming themes—by writing theme definitions that were then revised based on co-author feedback. The final step of the analysis—producing the report—was contributed to by all authors, who selected data excerpts to illustrate and elucidate the identified themes. A researcher positionality statement is included as Appendix A.

Results

Our analysis resulted in four primary themes that described sexual assault survivors’ complex reasons for having an SAEK collected but not reporting their assault to police: (1) *Reporting Won’t Help*, (2) *Reporting Will Harm*, (3) *Not Now*, and (4) *Not What I’m Here For*. Each theme is described in detail below.

Reporting Won't Help

Survivors frequently shared the sentiment that reporting their assaults to police was unlikely to benefit them or improve their situations in a meaningful way. Often, this reflected what survivors perceived to be limitations of their potential cases. One survivor explained, "I don't know what information to give [the police] because I don't remember anything." Another survivor echoed this sentiment, stating, "I don't feel like I have enough information . . . I passed out that night and don't remember much." A third survivor summarized the concern clearly, referring to her lack of memory and saying, "I would not win a [court] case." Survivors believed that investigation and possible prosecution of their case would require a great deal of information from them and when they did not feel they could provide that information, they were hesitant to make a report.

In other instances, survivors remembered the assault but did not have what they felt would be sufficient information to help police apprehend the offender. One survivor stated, "I didn't see his face. It could be any Hispanic man" and another expressed the concern that she didn't "know him or how to find him." Even when survivors felt confident in their ability to give a full account of the assault and assailant, they sometimes decided against reporting because they did not believe the circumstances of their assault would produce enough evidence to prosecute the assailant. One survivor explained, "he used a condom and I'm not sure if there is enough evidence to prove my case." Another survivor highlighted the potential costs of reporting without a strong case, explaining that it was "not worth reliving it" when she did not see a high likelihood of her case moving forward.

The perception that reporting the assault would be unlikely to help was also informed by survivors' perceptions of police. Sometimes, these were general expressions of skepticism or fear, such as "they're not going to do anything" and "I feel I will be the one questioned." Other times, survivors referenced having experienced previous sexual assaults in which the police response was ineffective, at best, and traumatizing, at worst. One survivor spoke of a past assault in which she felt her case had not been pursued, saying, "I was sexually assaulted as a sophomore in college and went to the police, but it never went anywhere. I don't want to do that again." Another survivor recounted having been explicitly told she was making up her assault when she tried reporting to police: "I was raped in [my home country] and when I went to police, they told me I lied and didn't do anything but make it worse."

Survivors were discouraged from reporting not just by negative police interactions they had experienced themselves but also by negative police interactions they had heard about or witnessed. One survivor drew parallels

between a friend's case and her own, stating, "The police couldn't help a friend I know when she was raped, and she at least knew who did it." This survivor indicated that if police had been unable to help a friend whose case she perceived to be stronger than her own, there would be no benefit to her making a report. Regardless of whether the negative perceptions were specific to their own previous sexual assault, a previous sexual assault of someone known to them, or more general feelings of distrust, negative feelings toward police often contributed to the belief that reporting the sexual assault was unlikely to help them in a meaningful way.

Reporting Will Harm

Beyond the belief that reporting their assault would not make things better, many survivors believed that making a police report would actively make things worse. We identified two subthemes: *Reporting Will Harm Me* and *Reporting Will Harm Others*.

Reporting Will Harm Me. Survivors who expressed that reporting the assault would do them harm frequently referenced the emotional toll that participating in the criminal legal system would take. One woman explained, "Just repeating the story [is] emotionally draining" and another expressed that participating in an investigation "would draw out the process of grief." Other survivors decided against reporting based on what would be required of them as their case moved forward, such as having to "face him again" in court. Survivors were also concerned about how they would be treated throughout the process, with one expressing "a huge fear of being in court and having a lawyer try to make it sound like it was my fault." Across these concerns, survivors reflected that reporting the assault was likely to require that they disrupt their own healing process in order to provide the criminal legal system what was needed for investigation and prosecution. One survivor explained in-depth:

I would not like to involve the police at this time because I fear for my own mental health. I want to handle this situation on my own terms and at my own pace. Involving myself in a criminal investigation this early in my processing period may compromise my degree of control over this situation.

When survivors considered what would be required of them if they participated in the criminal legal system, the anticipated emotional toll was often enough to dissuade them from reporting. Concerns that reflected this theme often built on the concerns raised as part of the *Reporting Won't Help* theme

described above. Whereas those concerns frequently referenced the responses survivors expected from police as a reason not to report, they framed the expected response as a reason that reporting was not worthwhile and was unlikely to lead to a meaningful outcome. In contrast, when similar concerns were grouped as part of the *Reporting Will Harm* theme, they identified distinct harms of the reporting and prosecution process independent of the outcome. Regardless of whether their case moved forward, these survivors felt that reporting would do them harm.

Survivors were also concerned that reporting the assault would make them vulnerable to physical harm or disrupt their life in other concrete ways. One survivor expressed a fear of being physically harmed by her assailant, stating, "He is threatening me. I am scared about it and afraid of him." Another survivor took little comfort in the idea that police intervention could reduce the threat to her safety, raising the possibility that he could "make bail and come after me." Survivors described other tangible harms that could come from reporting their assault, as well. One survivor stated, "I work with [the perpetrator] and I am worried about my job." Another woman, who was assaulted by her intimate partner, explained, "If I call the police, I will be on the street. The house is in his name only." Divorce and child custody cases were raised as issues, as well, with survivors voicing the concern that their assaults could be used against them. One survivor explained this fear, stating, "I'm going through a divorce and it's really nasty. My ex-husband has been looking for anything to take my [child] away from me." One survivor summarized these concerns as the "domino effect," which she explained as all the possible repercussions of reporting to police. These sentiments highlighted that, for many survivors, the current assault was one of many life stressors and they had to be cognizant of the way that reporting the assault could negatively impact other parts of their lives.

Reporting Will Harm Others. Survivors were also concerned about the ways that reporting the assault could harm others. One survivor described how difficult it would be for her family to learn about the assault, stating that she did not want to report "because of my family, relatives, and especially my mother. It would destroy her." Another woman, whose assault was perpetrated by her child's father, explained the negative impact a police report could have on her relationship with her child: "If I call the police, my [child] will hate me . . . the most important thing is that your child will hate you." Other survivors worried about the impact reporting the assault would have on the perpetrator's family. One woman stated that she did not "want his family to go through anything like this" and another explained that she did not want to report her assailant because "he is my ex's older brother and without his older brother

he has nobody to be there for him.” Concerns about the ways that reporting would harm others were particularly strong when the perpetrator had children. A survivor whose assailant was undocumented expressed concern about what his arrest and resulting deportation would mean for his child, explaining, “He doesn’t have [immigration] papers . . . He has a [teenage child] here and won’t be able to see [them] anymore.”

Some survivors also shared concerns about the ways that a police report would harm not only the perpetrator’s family but the perpetrator themselves. This was especially common when the survivor could not remember parts or all of the assault. Often, survivors had reason to think they had been assaulted by someone they had been with but could not remember the assault clearly and were uncomfortable making a report with that level of uncertainty. One woman described this hesitancy, saying, “I don’t know if I was raped or not, I just have this soreness and he was the only person I was with. If I was not raped, I don’t want to falsely accuse someone.” Even when survivors remembered the assault, concerns of harming the perpetrator sometimes remained. One woman explained that the perpetrator apologized after the incident, and she did not want to “ruin his life” by reporting him to police.” Another survivor echoed this statement, drawing a connection between the perpetrator’s life circumstances and why she did not want to make a report: “I feel bad because he just came back from deployment and I do not want to ruin his life.” While their specific concerns varied, many survivors saw ways that reporting could harm themselves or others and decided that it was simply not worth it to make a police report.

Not Now

For some survivors, the focus was not on whether to make a police report, but whether to make a police report *now*. These survivors often referenced the exhaustion and overwhelm that follow sexual assault. One woman explained that she was “too exhausted [to make a report] but might follow through later” and another similarly stated that she was ready to be “done with the incident for today.” Often, survivors chose to meet their basic needs before considering a police report. One woman explained, “I might [report] soon. I just want to go home and shower and eat and sleep.” Some survivors also wanted to wait to make a report until they had loved ones available to support them. For example, one survivor explained that she did not want to report at that time because she was “waiting for my mom to get here so I don’t have to do this alone.”

Many survivors were also explicit about needing more time to decide whether they would report their assault to police. One survivor explained,

"I'm not sure about pressing charges yet. I want to sleep on it and then give an OK . . . I need a little more time to process." Another survivor echoed this statement, stating, "I need to process what happened and decide what is best for my future." Survivors often recognized that SAEK collection was time sensitive and therefore chose to seek out that care before they were ready to decide about reporting. One survivor described her thought process, saying, "I just want to get the exam out of the way and see how I feel in a couple of days." Other survivors were leaning away from reporting but felt that having an SAEK collected would keep their options open. This sentiment was captured by a woman who was assaulted by her coworker and stated, "I . . . don't feel like [reporting] is necessary at this time. If he begins to start things at work and if he tries to contact me then I will pursue charges and follow up." Regardless of whether they were leaning toward or away from reporting in the future, these survivors shared a certainty that they did not want to report at the time of the MFE.

Not What I'm Here For

This final theme reflected that, for some survivors, reporting to police was not what they had come to the hospital for, nor was it an option they were interested in considering. Survivors who expressed this perspective emphasized that their goals for the hospital visit were to address their physical and emotional needs, not make a police report. One survivor explained that "the main reason I came here today was for a vaginal exam." Another survivor echoed this perspective, stating, "I just want to focus on my body right now." In each of these instances, survivors were clear about their desire to focus solely on their physical health at that time.

Other survivors explained that their mental health was the factor that drove them to seek services, as was the case for one woman who stated that she "came for depression." At times, it was a combination of mental and physical health concerns that led away from making a police report. One survivor explained, "I'm putting my mental and physical health first and don't want to get into reporting and pressing charges." Among survivors who expressed that making a police report was not what they were there for, the purpose of the MFE was seen as entirely distinct from the reporting process. In this way, it was unique from the *Not Now* theme, as these survivors were not waiting to report until another time so much as expressing a desire to not think about reporting at all. One survivor summarized this sentiment clearly, saying, "I just want to make sure I'm OK health wise and forget this happened." Another survivor echoed this statement, saying that they "would like to ensure medical wellbeing and move on." For these survivors, receiving

sexual assault-related care at the hospital was framed as a concluding step, and they were uninterested in opening a new chapter through reporting the assault to police.

Discussion

The goal of this study was to understand reasons for not reporting among sexual assault survivors who chose to have forensic evidence collected but not report their assault to police at that time. While reasons for not reporting have been a frequent topic of study, to our knowledge, this research is the first to analyze the concerns of this subset of survivors using their own words. Between 20% and 25% of survivors who seek MFEs choose the nonreport SAEK option (Campbell et al., 2021; Jones et al., 2009), and the ultimate goal of this study is to ensure that post-assault response systems are aware of and responsive to these survivors' needs.

Two of the themes identified in these data—*Reporting Won't Help* and *Reporting Will Harm*—reflect reasons for not reporting that have been documented in the nonreporting literature more broadly. Specific concerns that contributed to these themes, such as fear of physical retaliation and the low likelihood of receiving justice through the criminal legal system, have been raised, as well (Cohn et al., 2013; Zinzow & Thompson, 2011; Zweig et al., 2014). In perhaps the most similar set of findings, Patterson et al. (2009) found that survivors often worried that police could not help them, would not help them, or would make things worse. Interestingly, Patterson's sample was quite different from our own. While Patterson's team interviewed survivors who had not engaged with any formal systems, including police, medical, or advocacy, our current sample includes survivors who all engaged with medical help-seeking systems and chose to have forensic evidence collected that could be used if they later decided to make a report. That these concerns emerge across a range of survivor experiences emphasizes that while law enforcement agencies have worked to improve their responses to sexual assault in recent years (Campbell et al., 2020; Lathan et al., 2019), many sexual assault survivors remain hesitant to trust the police and a great deal of work is left to be done if that is to change.

Our findings also have notable similarities to the small body of literature that has specifically studied nonreporting among survivors who had nonreport SAEKs collected. Jones et al. (2009) found that not wanting the perpetrator to go to jail and believing that police would be insensitive or blame them significantly differentiated survivors who chose a nonreport SAEK from those who reported before or during the MFE. Those concerns arose in our data, as well, as ways in which survivors feared reporting would cause harm. This alignment

is particularly noteworthy given that our analysis relied on survivors' responses to an open-ended question and Jones quantitatively analyzed responses to a closed-ended list of potential concerns. The similarities in these two sets of findings indicate that concerns related to the perpetrator going to jail and concerns related to treatment by the police resonate deeply with at least some survivors who choose to have nonreport SAEKs collected.

While the *Reporting Won't Help* and *Reporting Will Harm* themes reflect concerns about reporting that have been found in the general nonreporting literature, the themes *Not Now* and *Not What I'm Here For* may be more specific to survivors who had a nonreport SAEK collected. The *Not Now* theme reflects one of the primary reasons that the nonreport SAEK option was created, namely that many survivors are not ready to engage with the reporting system in the immediate aftermath of an assault (Lonsway et al., 2021; Zweig et al., 2014). There has been little research done with survivors who have a nonreport SAEK collected to confirm that this option is perceived as offering time and space as intended, and our data suggest that this is indeed the case.

Yet if the *Not Now* theme shows that alternative reporting options are working as intended, the theme *Not What I'm Here For* indicates that room for improvement remains. Survivors whose reasons for not reporting were captured by this theme communicated that their reasons for seeking post-assault medical care were entirely unrelated to making a police report. This theme, therefore, raises the question: would some survivors' needs have been better met through a medical exam, carried out with the sole purpose of ensuring their physical health, rather than a medical forensic exam, carried out with the joint goals of physical health and evidence collection? Sexual assault patients at our study site are informed about all three options—a medical only exam, an MFE/nonreport SAEK, and an MFE/SAEK with a police report—so why did some survivors who expressed not wanting to report choose the nonreport SAEK rather than the medical only exam option? One uncomfortable reason could be financial cost. While exams that include forensic evidence collection are required to be financially covered through VAWA funds, medical only exams are not. The forensic nurses at our study site are passionate patient advocates and assure patients that they will connect them with the hospital's financial assistance program, but the possibility of receiving a hospital bill for a medical only exam does exist. This possibility may lead some survivors to choose an option that is guaranteed to be financially covered, even if it includes forensic evidence collection they do not actually want. To our knowledge, this concern has not been previously documented in the research literature, and additional research is needed to explore and potentially confirm these dynamics.

Limitations

These findings should be interpreted in light of their limitations. Survivors' written responses to the question about why they were not reporting at that time were quite short, usually a few words to a couple of sentences in length. It is very likely, therefore, that survivors' reasons for not reporting are more complex than the data were able to represent. The lack of anonymity in survivors' responses (i.e., that their responses were tied to their medical records) also could have impacted what they wrote. Additionally, use of archival data meant that we were unable to ask follow-up questions to clarify data that were unclear or ensure that we understood the survivor's meaning. Finally, while the sample was diverse in age, race, and ethnicity, there was little representation of cisgender men, nonbinary, or transgender survivors. It should not be assumed that the reasons for not reporting identified here reflect the experiences of survivors who are cisgender men or survivors in transgender and gender diverse communities.

Implications for Research, Practice, and Policy

There is relatively little research focused on sexual assault survivors who have forensic evidence collected but do not report the assault to police at that time, and these findings emphasize that they have unique experiences and perspectives that warrant future study. Although the current study takes a meaningful step toward understanding these survivors' experiences in their own words, future research should consider data collection methods likely to elicit a greater depth of information and provide survivors more control over the narratives they share. Zweig et al. (2014) gained important insights from focus groups that included survivors who chose the nonreport SAEK option, and these insights could be expanded with focus groups or individual interviews fully focused on this population. Research that seeks survivors' input on questions such as how long nonreport SAEKs should be kept, whether and how survivors should be notified prior to their SAEK's destruction, and what support would feel meaningful if they decided to convert their nonreport SAEK into a full report could be especially beneficial in ensuring that system responses are informed by survivor needs.

These findings also provide opportunities for practitioners to reflect on and potentially improve or better communicate their responses to sexual assault. The concerns reflected by the theme *Reporting Won't Help*, in particular, represent instances in which survivors believed the criminal legal system could not or would not offer them meaningful help. Sometimes, these data reflected general distrust of police and that is trust that many agencies

have been working, and must continue working, to earn. Other times, the data reflected circumstances in which survivors thought they did not have enough information to warrant making a police report, such as when they did not know the identity of the perpetrator or had limited memory of the assault. These findings should raise the question for police agencies: if sexual assault survivors are not reporting these types of assaults because they think there is nothing we can or will do, do we agree with that assessment? If not, agencies should consider developing and sharing how they investigate reports in which the survivor lacks complete information about the assault so that survivors can incorporate that information into their reporting decisions.

Informational pamphlets kept at help-seeking locations are one option for how such information could be communicated. Police agencies could use the themes identified through this analysis to communicate an understanding of survivors' concerns and explain the actions they take to mitigate those concerns when possible. For example, a brochure could have a section that explains how the agency responds to reported assaults in which the survivor has a limited memory of the assault or does not feel they could find or identify the offender. Information about the process of ending an investigation if the survivor decides they do not want to move forward could also be included to address survivors' concerns about an investigation negatively impacting their mental health. For agencies that have developed specific trauma-informed practices, these should be communicated, as well. Our results indicate that many survivors have had or know someone who has had a negative experience with police previously, and in the absence of evidence to the contrary, these previous experiences may be enough to dissuade survivors from reporting. The purpose of such informational materials should not be to dismiss survivors' concerns or convince them to report, but rather to provide information about the current practices at local law enforcement agencies so that survivors can make the most informed decision possible.

The breadth and depth of survivors' concerns, particularly those related to the *Reporting Will Harm* theme, also highlight the potential value of community-based advocacy services. Survivors referenced ways that reporting could negatively impact their employment, housing, custody, and close relationships. These are not short-term problems with easy solutions, and advocacy agencies are often the only response system able to provide the type of long-term support it would take to navigate them (Macy et al., 2009; Wegrzyn et al., 2023). Because community-based advocates are not affiliated with police agencies, they can also provide a neutral space to talk through the advantages and disadvantages of reporting and be there to support survivors regardless of what they decide (Patterson & Tringali, 2015).

Implications for policy are found most directly in the theme *Not What I'm Here For*. This theme reflected that some survivors were not at the hospital for anything related to a police report. Rather, they were there to have their physical health cared for and to potentially be connected with resources to support their emotional and mental health, as well. There is currently no national policy in place mandating that sexual assault survivors have access to a free medical only exam, and these data encourage exploration of such a policy. While there would be a financial cost associated with providing coverage for medical only exams in addition to MFEs, there are also costs to not providing that coverage. These costs are financial via the higher cost of forensic evidence collection compared to medical only examination, logistical via the burden of storing and tracking SAEKs that survivors may not have wanted collected in the first place, and moral via the possibility of survivors feeling financially pressured to have an invasive evidentiary exam when their health and healing could have been better served by something simpler.

Conclusion

Understanding sexual assault survivors' reasons for not reporting their assaults can highlight areas where improvement is needed and also areas in which improvements have already been made. That survivors who wanted to have an SAEK collected and then go home to eat, sleep, or gather their thoughts before deciding whether to make a report had the option of doing so demonstrates one such success. That survivors expressed concerns that reporting would not help or would cause additional harm demonstrates the need for more. Policies and practices that offer support and resources to those who disclose sexual assault, regardless of whether they decide to report the assault to police, are likely to offer long-term benefits for survivors and their communities.

Appendix A

Researcher Positionalities

Congruent with the constructivist epistemological framework of the research, we find it important to acknowledge our positionalities as knowledge producers in this project (Holmes, 2020; Sultana, 2007). This research project took place within a larger researcher-practitioner partnership that includes the first author, the second author, and other practitioners in Montgomery County, Maryland, including victims' services providers and police officers. We approach our work from an action-research perspective, in which research is

carried out with the goal of direct community application and change. The first and third authors have (R.G.W.) or are pursuing (K.F.) their doctorates in Community Psychology and have extensive training in qualitative research, including previous experience conducting qualitative research with survivors of sexual assault or service providers. Both also have experience working at sexual assault or domestic violence agencies. The second author has a doctorate in nursing practice and has more than 10 years of experience providing trauma-informed services to patients seeking medical-forensic care after sexual assault. The authors include both cisgender and genderqueer women, and all members of the research team are white and able-bodied. Our research is informed by a variety of feminist theories, including intersectionality theory (Crenshaw, 2017), which explores how the intersections of various identities shape experiences of inequality and oppression, and Neuman's Systems Model of Nursing (Neuman, 1995), which considers the influence of physiological, psychological, sociocultural, developmental, and spiritual factors on a person's response to stressors, adaptive behaviors, and wellness. Throughout this and other projects, we strive to actively engage with the ways that our varied identities and professional experiences impact us as researchers and our research.

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Notes

1. The words survivors, victim, and patient are all used in community responses to sexual assault, with *survivor* typically used by advocates, *victim* by police, and *patient* by medical personnel. Because this manuscript is based on the perspectives of the individuals who have been sexually assaulted, we are using the word *survivor*.
2. In the $n=41$ cases in which the medical forensic file did not include a completed supplement form, the patient stated that they did not wish to complete the form in $n=10$ cases. There was no indication of why the form was missing in the other $n=31$ cases.

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