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**THEORIES RELATING TO DOMESTIC VIOLENCE:**

**CRITICAL FEMINIST THEORY AND SOCIAL LEARNING THEORY**

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## ABSTRACT

Domestic violence is a crime which may result in injury or even death for the victim, but oftentimes the victim is unwilling to report these incidents to law enforcement. This paper will review the history of domestic violence, incidents of domestic violence, and the response by the criminal justice system to domestic violence. This paper will also attempt to examine the theories relating to domestic violence, both causation and victimization, and implications for the criminal justice system.

THEORIES RELATING TO DOMESTIC VIOLENCE:  
CRITICAL FEMINIST THEORY AND SOCIAL LEARNING THEORY

Domestic violence, unlike many other violent crimes, is an invisible crime, often occurring in the homes of the victims and perpetrated by an intimate partner. Oftentimes the victims of domestic violence fail to report these incidents to police, and many of the victims choose not to leave the abusive situation immediately. Domestic violence affects not only the offender and the victim, but costs society as well. The Centers for Disease Control and Prevention estimate the costs for domestic violence in 1995 was an estimated \$5.8 billion (Centers for Disease Control, 2006). Clearly the need to understand and deter domestic violence is important not only for the safety of the victims, but for the betterment of society in general.

In today's society, there are many types of intimate partner relationships; however, this paper will attempt to examine the causation of domestic violence within the largest category of violent intimate partner relationships: men as offenders and women as victims.

*History of Domestic Violence*

Domestic violence is not a phenomenon unique to our society. In fact, domestic violence has occurred throughout recorded history. In ancient Rome, men had the legal right to physically assault their wives for such acts as walking in public without their face covered, drinking wine, or attending public events without permission (Siegel, 1986). This acceptance of a husband's legal and moral obligation to physically control their wife's behavior continued into the modern era (Siegel, 1986).

By the end of the 19<sup>th</sup> century, England passed laws to protect wives from being physically assaulted by their husbands, but these laws were overshadowed by the traditional portrayal of wives as subordinate to their husbands and subject to the physical control of their husbands (Siegel, 1986). Husbands who physically assaulted their wives were subject to public ridicule, but limited chastisement was still the rule (Siegel, 1986).

It was not until 1882 that the act of “wife-beating” was considered a crime in the United States (Minnesota Center Against Violence and Abuse, 1999). However, domestic violence was not viewed as serious social problem until the 1960’s and 1970’s during the women’s liberation movement (Minnesota Center Against Violence and Abuse, 1999).

In essence, history has contributed to the societal approval for a man to physical control a woman (Siegel, 1986).

### *Incidents of Domestic Violence*

Each year women are the victims of 4.8 million physical assaults and rapes at the hands of their intimate partners (Centers for Disease Control, 2006). The National Institute of Justice reports that 1 out of every 5 women in the United States have been the victim of domestic violence sometime in their life (Tjaden & Thoennes, 2000).

These figures account for the number of victims of physical assaults only; however, domestic violence may not be limited to physical assaults. Domestic violence involves an array of behaviors. The Centers for Disease Control (2006) list four types of behaviors that encompass domestic abuse:

1. Physical abuse is when a person hurts or tries to hurt a partner by hitting, kicking, burning, or other physical force.
2. Sexual abuse is forcing a partner to take part in a sex act when the partner does not consent.
3. Threats of physical or sexual abuse include the use of words, gestures, weapons, or other means to communicate the intent to cause harm.
4. Emotional abuse is threatening a partner or his or her possessions or loved ones, or harming a partner's sense of self-worth. Examples are stalking, namecalling, intimidation, or not letting a partner see friends and family.

When one expands the definition of domestic violence to include all of these behaviors, the true extent for which women are abused may never be known.

Research into incidents of domestic violence has provided factors that may predict domestic violence. Siegel (2005, p.255) list these factors as follows:

1. Presence of alcohol. Excessive alcohol use may turn otherwise docile husbands into wife abusers.
2. Hostility toward dependency. Some husbands who appear docile and passive may resent their dependence on their wives and react with rage and violence; this reaction has been linked to sexual inadequacy.
3. Excessive brooding. Obsession with a wife's behavior, however trivial, can result in violent assaults.
4. Social approval. Some husbands believe society approves of wife abuse and use these beliefs to justify their violent behavior.

5. Socioeconomic factors. Men who fail as providers and are under economic stress may take their frustrations out on their wives.
6. Flashes of anger. Research shows that a significant amount of family violence results from a sudden burst of anger after a verbal dispute.
7. Military service. Spouse abuse among men who have served in the military service is extremely high. Similarly, those serving in the military are more likely to assault their wives than civilian husbands. The reasons for this phenomenon may be the violence promoted by military training and the close proximity in which military families live to one another.
8. Having been battered as children. Husbands who assault their wives were generally battered as children.
9. Unpredictableness. Batterers are unpredictable, unable to be influenced by their wives, and impossible to prevent from battering once an argument has begun. Batterers can be classified into two distinct types: men whose temper slowly simmers until it suddenly erupts into violence, and those who strike out immediately.

Domestic violence also occurs more frequently in certain social conditions than others.

DeKeseredy and Hinch (1991, pp. 26-28) discovered that:

1. Married women are more likely to be beaten than unmarried women.
2. Women aged 18-34 are more likely to be victimized than women of other age groups.
3. Low-income men are more likely to assault their wives than males in higher income groups.
4. Unemployed men are more likely than both employed men and part-time men to abuse their wives.

Regarding the specific demographics of victims, women of all races and ethnic origins are at risk for becoming a victim of domestic violence. As stated by the National Coalition Against Domestic Violence (n. d.), “There is not a typical woman who will be battered - the risk factor is being born female.”

### *Domestic Violence and the Criminal Justice System*

Traditionally, the criminal justice system had not considered domestic violence a high priority crime, classifying violence committed by an intimate partner less seriously than crimes committed by strangers (Toth, Crews, & Burton, 2008). The victim’s lack of cooperation, unwillingness to testify in court, and state law restrictions on misdemeanor arrest procedures for police officers further served to keep domestic violence cases a low priority in the criminal justice system (Toth et al., 2008).

As stated earlier, domestic violence was not considered a serious social problem until the women’s liberation movement during the 1960’s and 1970’s. Law enforcement had to change the way it responded to domestic violence, and between 1976 and 1981 the Law Enforcement Assistance Administration began funding projects specifically for assisting victims and prosecuting offenders (Toth et al., 2008).

The Minneapolis Domestic Violence Experiment conducted by Lawrence Sherman and Richard Berk between 1981 and 1982 measured the effectiveness of police mediation, ordering the offender to leave the residence, or arresting the offender (Siegel, 2005). The results from this experiment showed that repeat offending decreased 50% when the offender was arrested (Toth et al., 2008). However, these results could not be duplicated in other cities (Siegel, 2005). Studies in other cities showed that arresting the offender resulted in three different outcomes: the

violence used by the offender escalated, some offenders were deterred from reoffending, or no deterrent effect at all (Toth et al., 2008). The deterrent effect of arrest may initially have prevented some reoffending because of the fear of punishment, but this fear may be replaced with anger toward the victim when the case does not result in severe punishment (Siegel, 2005). These offenders may also be aware of police reluctance to make an arrest unless the victim has received or has a significant chance of receiving further injury (Siegel, 2005). This writer, while employed as a patrol officer within a small municipal police department, has responded to many reported incidents of domestic violence and personally observed law enforcements' hesitancy to arrest a domestic violence offender.

Oftentimes, before considering arresting an abuser, law enforcement officers may first inquire about previous reports of domestic violence incidents. Many law enforcement officers stated that this was to ensure that a "one-time" incident would not lead to unnecessarily subjecting an offender to possible formal criminal sanctions, especially if the victim is perceived to be unlikely or unwilling to cooperate during the prosecution of the offender. Law enforcement officers would also account for numerous incidents of reported domestic abuse incidents. If the victim had previously filed numerous domestic violence complaints, and the offender had been arrested numerous times, law enforcement officers would view the arrest of the abuser as futile, due to the victims' repeated return to the abusive situation.

With the enactment of mandatory arrest laws in many states, law enforcement officers express more pressure to affect an arrest, lest they be held personally liable for failure to act. This leads many law enforcement officers to minimize the victim's injuries or emphasize aggravating factors that led to the physical abuse (i.e., the victim and/or offender were intoxicated, in a heated verbal argument, etc.) to justify not arresting the abuser. Also, by



examining and exploiting “technical” requirements of the mandated domestic violence abuse policies, such as domicile status and relationship type, many law enforcement officers find that some incidents of abuse fall outside the purview of the written domestic violence laws.

For many law enforcement officers, this writer included, the sometimes disappointing disposition of the domestic violence incidents within the court system was equally demoralizing. Many domestic batterers are mandated to anger management classes without simultaneously counseling to address the issue of domestic violence. The absence of treating the root cause of domestic violence negates the entire purpose of court-mandated counseling in cognitively changing the offender’s behavior and reducing future acts of offending.

The willingness of a victim to report incidents of domestic violence to law enforcement is also a major issue faced by criminal justice agencies. In their study of victim satisfaction with the criminal justice system, Buzawa and Hotaling (2006) discovered that the more control the victim felt they had over the actions of the criminal justice system, over ending violent incidents, and over the offender’s future, the more satisfied the victim was with the criminal justice system and the more likely to report future incidents of domestic violence. The study also revealed that of the 17% of victims who expressed dissatisfaction with the criminal justice system, 49% admitted that they had been revictimized (Buzawa & Hotaling, 2006).

The study also discovered that women who were sexually abused as children were least likely to report domestic violence incidents, coinciding with previous research suggesting a link between the victim’s history of abuse and likelihood of reporting domestic violence (Buzawa & Hotaling, 2006). Victims who took advantage of victim services programs had higher levels of

satisfaction, especially when the victim utilized nonprofit and community-based agencies with resources available from the criminal justice system (Buzawa & Hotaling, 2006).

Without proper assistance from the criminal justice system and other community based organizations, the victim may develop a form of Post Traumatic Stress Disorder known as Battered Woman Syndrome which, among its general characteristics, includes the belief that the incidents of domestic violence are due to the actions of the victim, and not the offender. This may lead to depression and substance abuse which may lead to the victim herself engaging in criminal acts and increased distrust of law enforcement, decreasing willingness to report future incidents of domestic violence.

Now that the history of domestic violence in society, information regarding incidents of domestic violence, and the response by the criminal justice system has been reviewed, theories of causation may be explored.

### *Critical Feminist Theory*

Critical feminist theory is a social conflict theory based on gender inequality caused from men's dominance in a capitalist society (Siegel, 2005). In a male dominated society, women are considered a commodity, similar to money or land (Siegel, 2005). Critical feminists view the patriarchal system (male control of the division of labor and women's sexuality) as the most important relations in any society, with all other relations, such as social class, deriving from male-female relations (Beirne & Messerschmidt, 2000). This theory is also based on the following rationale by Jaggar & Rothenberg (1985, p. 86):

1. Women were, historically, the first oppressed group.

2. Women's oppression is the most widespread, existing in virtually every known society.
3. Women's oppression is the deepest, in that it is the hardest form of oppression to eradicate and cannot be removed by other social changes such as the abolishment of class society.

The critical feminist theory links gender conflict in society to the causation of criminal behavior by men and the heightened risk of women victimization (Siegel, 2005). It also maintains that a capitalist society promotes the continued exploitation of women by excluding women from the labor force, furthering male domination over women sexually and economically (Siegel, 2005). Although attempts by legislation have been made to bridge the economic inequalities between men and women, women still on average earn less than their male counterparts for the same labor, and remain a minority in corporate administration.

*Men as offenders.*

The critical feminist theory asserts that when lower-class men are excluded from economic opportunity, they attempt to compensate by reinforcing their self-image, usually by committing violent crimes against women (Siegel, 2005). This need to prove their masculinity by dominating women is the most convenient way for these men to prove their manhood, due to the fact that women are physically weaker (Siegel, 2005). Furthermore, in a discussion of men who engage in domestic violence, Hanser (2007) describes patriarchal terrorism, the need of men to be in control of a relationship by abusing women, as based on the idea of "male privilege," or the rights inherent to men based on their historical dominance in society. This need for control is

evident in the different behaviors which encompass domestic violence; these actions are based on the need to control the victim.

This theory is supported by several factors that may predict domestic violence examined earlier in this paper. Hostility toward dependency may reflect the man's internal rage toward the inability to compete in a capitalist society; therefore this rage is reflected onto the symbol of inadequacy, the man's spouse. In a capitalist society dominated by men, it is socially unacceptable for a man to be financially dependent on a wife's income. Excessive brooding and obsession with a woman's behaviors may indicate a need to limit a woman's activities outside of the home. Part of a wife's capital lies in work completed inside the home, such as cleaning and cooking, and the more time spent out of the home, the less work is completed inside the home. Social approval believed by some men to batter their spouses also supports this theory, as history has already shown a social acceptance of this practice, and law enforcement, a mainly male-dominated profession, has been historically reluctant to arrest men who physically assault women.

This theory is further supported by the increased frequency of domestic violence in certain socioeconomic conditions, such as low-income men more likely than higher income men to batter women, and unemployed men more likely than both full-time and part-time employed men to batter women. This leads back to the assertion that lower-class men are more prone to commit violent acts against women to reinforce their image of "manhood."

#### *Women as victims.*

In a capitalist society, the division of labor determined by the male dominated society left many women responsible for unpaid "domestic work" (Siegel, 2005). Even when women were

allowed to enter the workforce, they were paid less than their male counterparts, leaving women exploited both inside the household and in the workforce (Siegel, 2005). This in turn left women dependant on a man's income (Siegel, 2005).

Women were historically viewed by society as "property" of their husbands (Toth et al., 2008), and even in today's society, women are encouraged to take their husband's surname when married. When women marry, typically their independent financial resources become tied to their husband's. In many cases, victims of domestic violence cite financial reasons for not leaving the abuser, including limited marketable skills, child care issues, costs of legal assistance, and lack of financial resources (Beirne & Messerschmidt, 2000).

This theory is supported by the increased frequency of domestic violence in certain socioeconomic conditions, such as the fact more married women are victims of domestic violence than unmarried women. This theory also supports why women age 18-34 are more at risk for becoming victims of domestic violence than other age groups; this age bracket coincides with the typical age for women in their child-bearing and child-rearing years. Women in this age bracket must rely upon the income of a man to support the costs of caring for children.

This theory is also supported by higher reports of victim satisfaction and lower rates of revictimization when a woman is able to utilize nonprofit and community-based agencies to provide resources not normally obtainable without assistance. These resources help the woman find some measure of economic independence from the abuser, providing a means to escape the abuse without becoming devastated financially for doing so.

### *Social Learning Theory*

The social learning theory that will be discussed in this paper is the social learning theory that is a branch of the psychological trait theory of criminology. The basis of this theory is that offenders are not born with the impulse to engage in violent acts; rather, offenders learn to engage in violent acts by observing others achieve goals by acting aggressively (Siegel, 2005). This process of learning violence is called behavior modeling and Siegel (2005, pp. 114-115) identifies three main sources in which offenders learn violent behavior:

1. Family interactions. Studies of family life show that aggressive children have parents who use similar tactics when dealing with others. For example, the children of wife batterers are more likely to use aggressive tactics themselves than children in the general population, especially if the victims (their mothers) suffer psychological distress from the abuse.
2. Environmental experiences. People who reside in areas where violence occurs daily are more likely to act violently than those who dwell in low-crime areas whose norms stress conventional behavior.
3. Mass media. Films and television shows commonly depict violence graphically. Moreover, violence is often portrayed as acceptable, especially for the heroes who never have to face legal consequences for their actions.

Although a mental or physical predisposition towards violence may be present, social learning theorists argue that environmental factors are the trigger for offenders to engage in violent acts (Siegel, 2005). In addition, social learning theorists have identified four factors that may trigger or contribute to violent behavior (Siegel, 2005, pp. 115-116):

1. An event that heightens arousal. For example, a person may frustrate or provoke another through physical assault or verbal abuse.
2. Aggressive skills. Learned aggressive responses picked up from observing others, either personally or through the media.
3. Expected outcomes. The belief that aggression will somehow be rewarded. Rewards can come in the form of reducing tension or anger, gaining some financial reward, building self-esteem, or gaining the praise of others.
4. Consistency of behavior with values. The belief, gained from observing others, that aggression is justified and appropriate, given the circumstances of the present situation.

*Men as offenders.*

This theory is supported by several factors that have been shown to predict domestic violence, namely the offender having been battered as a child. Childhood exposure to domestic violence has been linked to an increased risk of future violent behavior. The National Coalition Against Domestic Violence (2007) reports childhood exposure to domestic violence as the strongest risk factor for the transmission of violent behavior to the next generation, and that boys who witness domestic violence are twice as likely to be batterers as adults. Childhood abuse is also common in households where domestic violence occurs; 30% to 60% of domestic abuse offenders also engage in child abuse (National Coalition Against Domestic Violence, 2007).

Another factor that has been shown to predict domestic violence that also supports this theory is the prevalence of domestic violence among military personnel. The environment that military service produces is one of constant aggression and complete obedience to rules and

orders. The very nature of military training is geared toward the acceptance of violence in certain situations, and aggression is often rewarded with both praise and recognition from peers and commanders. The proximity of military housing also creates a “subculture” in which military personnel are expected to have complete control over their household, wife, and children.

The nominal effect of arrest as a deterrent for batterers may also support social learning theory from the standpoint of social approval. When an offender is arrested, if there are no immediate and severe sanctions from the criminal justice system, the offender may feel that their actions were viewed as justifiable because no punishment was inflicted for their behavior. When an offender learns that there are no negative sanctions for physically assaulting their spouse, they may continue this activity with increasing violence. Batterers are a group that have a high recidivism rate, and police are often familiar with these “repeat customers” (Hanser, 2007). However, police still remain reluctant to affect an arrest except in the most extreme circumstances, further contributing to the offender’s idea that domestic violence is an act that is accepted by society.

#### *Women as victims.*

The reasons why women become victims of domestic violence may also be rooted in childhood experiences. This is supported by the link between sexual abuse as a child and the lower likelihood of reporting domestic violence. Buzawa & Hotaling (2006, p. 18) state “for an individual who has experienced abuse through the ‘life course,’ reporting this latest incident to the police may be viewed as a useless ritualism.”

Women who reside in rural areas are especially vulnerable to local social norms that are conducive for domestic violence. These victims often encounter criticism for “breaking”



traditions implemented by fundamentalist religious teachings and accepted sex roles, therefore they continue to endure abuse rather than carry the stigma of a “troublemaker” (National Coalition Against Domestic Violence, n. d.).

This theory is also supported by the increased satisfaction from victims when they feel that they are more in control over the actions of the criminal justice system. Victims may develop a “learned helplessness,” a syndrome in which the victims believe that they have no control over their environment and are powerless to change their circumstances (Toth et al., 2008). In an abusive relationship, the victim may adopt several strategies to avoid severe victimization, such as sexual compliance or attempts to appease the batterer. For those women who do try to escape abusive relationships, they were subjected to severe victimization and deterred from further attempts to leave their abuser (Beirne & Messerschmidt, 2000). Therefore, these women learn to cope with abuse and not to report the abuse for fear of retaliation from their spouse. However, whenever a victim is able to take control of their own safety, protect their children, and maintain financial stability without their spouse, they feel more empowered to control their environment, decreasing their risk of future victimization.

## SUMMARY AND CONCLUSION

Domestic violence is a complicated crime in which the offender targets those intimately closest to them and a crime in which the victim is oftentimes unwilling to report to law enforcement. Domestic violence offenders differ from other violent offenders in that they target those persons most intimate with them. In many cases, the domestic violence abuser may be normal by all public appearances, but within the confines of their own residence, seek to physically and psychologically terrorize and control others. By examining the history of domestic violence, incidents of domestic violence, and the response by the criminal justice system to domestic violence, several theories relating to domestic violence, involving both causation and victimization, were discussed. These theories lead to several implications for the criminal justice system.

Social acceptance of domestic violence was a factor for both critical feminist theory and social learning theory. For the criminal justice system, this factor indicates the need to aggressively address the criminal nature of domestic violence by arresting violators without hesitation. Reluctance on the part of law enforcement in arresting violators has only reinforced the offender's belief that domestic violence is, at best, considered a minor violation of the law and acceptable in some situations. Law enforcement officers need to recognize that domestic violence is just as egregious, if not more, than violence committed by a stranger. Although mandatory arrest laws have proven to only minimally deter some offenders, arrest does allow immediate, if not short term, protection for the victim. The court system should re-examine sentencing practices for domestic violence cases and consider stricter punishments for those offenders who continue to recidivate. Court-mandated counseling should address both anger management and the root causation of domestic violence. And even though some offenders may

respond to counseling programs, for those offenders who continue to reoffend, incapacitation may be the only viable option for these offenders.

The critical feminist theory and social learning theory also share the need for victims to have some feelings of control before they are able to leave an abusive relationship permanently and reduce their risk of future victimization. For the criminal justice system, this indicates a need to involve the victim at every stage of the criminal justice process and to direct the victim to the appropriate agencies to assist with maintaining economic independence and other necessary services. This cooperative effort between nonprofit agencies, community-based agencies, and the criminal justice system must be able to provide services to the victim immediately, or the victim may be pressured to return to the abusive situation due to lack of resources. Failure to assist victims of domestic violence may lead to a cycle of victimization and offending that will further instill a permanent sense of helplessness for the victim.

Although the historical acceptance of domestic violence cannot be altered, changing societal attitudes regarding domestic violence and empowering victims of domestic abuse are the best approaches for deterring future incidents of violence and reducing the cost to society in general. The criminal justice system must cooperate with religious, educational, and social institutions to educate the general public on the social costs and potential dangers of domestic violence in order to establish intolerance towards any form of domestic violence.

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