HISTORY OF VIOLENCE IN THE FAMILY
CHAPTER 2

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FAMILY VIOLENCE

• Each state and the federal government provide legal definitions, which may be slightly different from state to state or from the federal definition.

• The legal definition explains the relationships that are considered to be domestic and the acts that are defined as criminal.

• A crime of family violence consists of an act that if forbidden by law and in which the perpetrator is related to the victim in some way.
CONTEMPORARY FIELD OF FAMILY VIOLENCE

- the study of a wide-spread social problem
- Multi-disciplinary area of study:
  - Sociology
  - Psychology
  - Anthropology
  - History
  - Legal
EARLY SOCIAL-LEGAL HISTORY

- Domination of men over women and children has a strong historical foundation. Some experts suggest that this inequality of the sexes is the foundation for the assumption of male superiority and the foundation for intimate partner violence.

- Violence against women can be traced back as far as the Roman era, when patriarchy defined the relationships between the husband and his wife and children.

- **Patriarchy** refers to a social system that recognizes the complete dominance of men over women, typically strengthened by law in addition to custom and religion.

- The term patriarchy is used today to describe an inequity of power of men dominating women.
MARITAL RELATIONS IN EARLY AMERICA

- **Puritan Restrictions**
  - 1599 ministers spoke in England against wife beating, bringing objection to America

- **The Next 100 Years**
  - American Revolution marked the turning point toward great legal acceptance of wife beating in the United States
  - Fines and penalties instituted for wife beating
  - Bradley v State (1924)
  - Fulgham v State (1871)

- **African American Families**
- **Native American Families**
WIFE BATTERING

- Reemerged with concern about child abuse as a social issue in the 1960s
- Dominant view: marital violence was a “private affair”
- Intimate violence continued behind closed doors
- Lack of effective legal remedies for the victim hindered progress, including police action
- Police officers often failed to arrest, even when the law demanded it
- During the 1970’s, reformers sought changes that might ensure effective intervention
THE MINNEAPOLIS DOMESTIC VIOLENCE EXPERIMENT

• First controlled randomized test of the effectiveness of arrest for intimate partner violence—1980 with results published in 1984

• Study suggested that the arrest of the perpetrator produced the least amount of repeat violence for the same victims within a six-month period

• Subsequent intimate partner violence was reduced by 50 percent when the suspect was arrested

• Within months mandatory arrest procedures were adopted across the nation
THURMAN V. CITY OF TORRINGTON (1984)

- Tracy Thurman was permanently disabled by her husband.
- Torrington Police, in Connecticut, failed to protect her against her estranged husband; it took them 25 minutes to arrive on the scene.
- The court decided that failure of the police to protect a woman based on sex discrimination was a denial of equal protection under the laws.
- The court awarded $2.3 million in compensatory damages against 24 police officers.
SPOUSE ASSAULT REPLICATION STUDIES

- Research was undertaken in a variety of police departments.
- The results of the replications program were inconsistent; there was no deterrent effect due to arrest of the perpetrator.
- Only certain types of offenders were deterred by arrest, in some cases, the arrest escalated the violence.
- Lawrence Sherman and others involved with the Minneapolis experiment now advocate repeal of mandatory arrest policies in favor of varied responses based on individual cases.
WHAT IS FAMILY VIOLENCE TODAY?

- **Intimate Partner Violence (IPV)** refers to violence committed with an adult intimate relationship.
- **Battering** is a term initially used to describe a form of domestic abuse, hitting.
- **Battering** is now commonly used interchangeably with intimate partner violence to refer to the pattern of violent and coercive behavior use to gain control in an intimate relationship.

**Child Abuse**

- Abuse and neglect are defined by federal and state laws.
- Minimum standards are provided by the Child Abuse Prevention and Treatment Act.
- The employment, use, persuasion, inducement, enticement or coercion of any child to engage in any sexually explicit conduct, or
- The rape, statutory rape, molestation, prostitution, or other form of sexual exploitation of children.

**Elder Abuse**

- May involve physical, sexual, or emotional/psychological violence and neglect, abandonment, or financial exploitation.
- Two general categories:
  - Domestic
  - Institutional
Intimate partner violence comes in many different forms. The severity of an act or the extent of harm is routinely the measuring tool used by the police to determine whether the act is criminal.

- Arrest is the legal intervention.
- Examples: beating, pulling hair, shoving, striking, pulling, punching, slapping, kicking, choking, biting, and pointing weapons.
LEGAL FAMILY RELATIONSHIPS

- Persons who are or were legally married
- Persons who reside together without marriage
- Persons who share a child in common
- A women who is pregnant and the man who is presumed to be the father
- Persons who have had a substantial dating or engagement relationship
- Biological children or stepchildren
- Biological parents or stepparents
DEFINITIONS OF COMMON TERMS

- **Neglect**: defined as failure or refusal to provide care or services for a person when there is an obligation to do so.

- **Physical Abuse**: is the use of force or threat of force that may result in bodily injury, physical pain or impairment—signs may be external, internal or both.

- **Psychological Abuse**: is the intentional infliction of anguish, pain, or distress designed to control the victim.

- **Sexual Abuse**: nonconsensual sexual contact of any kind. Sexual contact with a person incapable of giving consent is also considered sexual abuse.