
Recognizing Domestic Violence Directed Towards Men: Overcoming Societal Perceptions, Conducting Accurate Studies, and Enacting Responsible Legislation

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I. INTRODUCTION

“I was hit in the head with a beer mug . . . requiring stitches.”
“ . . . would throw hot scalding coffee in my face.”
“I was slapped, punched, poked and kicked repeatedly.”
“I suffered a broken leg, a broken ankle, and [a] broken wrist.”
“I have been chased with a car and attacked with a chainsaw.”
“ . . . sitting on my chest with a butcher knife in hand and the blade at my throat.”
“ . . . attempted to smother [me] with a pillow while I slept.”¹

In the public’s mind, these true recollections of violence evoke the image of an abusive husband or boyfriend. In reality they were all perpetrated by a wife or girlfriend. The traditional societal view of domestic violence, as evidenced by legal, medical, and statistical data, involves the notion of men engaging in the domestic abuse of their female partner or spouse, hence making it very difficult to accept that male spousal abuse is a serious problem.²

This note takes the position that domestic violence against men is in fact a serious social issue that must be fully addressed by overcoming societal perceptions, conducting accurate studies, and enacting responsible legislation.

Societal trends indicate that we are becoming more and more concerned with reducing all forms of abuse and violence that manifest themselves in domestic relations.³ Therefore, the next appropriate action would be to discard the long-held and stereotypical view that “violence is considered the province of the male,” and accept the reality

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that women have the same capacity for violence.⁴ Not addressing this issue will result in serious ramifications, not just to the men who are abused, but also to society as a whole.⁵ In reducing domestic violence, it is therefore imperative to develop a societal approach, based on education and coordination of efforts between the legal and law enforcement communities, academics and statisticians, domestic violence support groups, and popular culture influences.

Part II of this note focuses on the social stereotypes, while Part III focuses on statistical data and interpretation that contribute to the lack of acknowledgment the seriousness of domestic violence against men receives. Part IV focuses on legislation (specifically the Violence Against Women Act and Ohio's battered woman syndrome statute) that makes it more difficult for men to receive the same protection and support under the law as female victims of domestic violence. It offers suggestions about improving the legal state of affairs. Finally, Part V focuses on the harm resulting to not only men, but also to children, women, and sexual minorities, if society continues to gender-stereotype the problem of domestic violence.

II. THE HIDDEN SIDE OF DOMESTIC VIOLENCE

It should be obvious why society assumes that men are almost never victims of domestic violence—such abuse “has been minimized, justified, and ignored for a very long time.”⁶

Popular culture has had a great impact on minimizing the problem of domestic violence against men. Upon hearing about the topic of battered men, the public's first reaction is usually that of incredulity and amusement.⁷ Historically, battered husbands have been ignored, ridiculed, and chastised.⁸ Print media has also made battered men a topic for jokes, a common example being the stereotypical cartoon image of a woman chasing her husband while wielding a rolling pin above her head.⁹ A researcher has also noted that women are depicted as the perpetrators in seventy-three percent of newspaper comics addressing domestic violence situations.¹⁰ Furthermore, surveys regarding public attitudes about slapping have changed dramatically for men, but not for women.¹¹ Movies and television have continually presented scenes in which women who, upon being subjected to emotionally upsetting circumstances, immediately slap the man who is the cause of them. The audience's reaction can range from that of laughter and cheer to even applause; however, were a man to do the same things, the reaction would be quite the opposite.

The media is also instrumental in perpetuating this stereotype, and in effect is detrimental to the recognition of domestic violence against men.¹² News headlines regarding domestic violence against men have been phrased in such a way as to be sensational and evoke humor.¹³ Even more recently and on a national level, the issue of domestic violence against women has received significantly increased attention

since the murder of Nicole Brown Simpson.¹⁴ Unfortunately, the media has not presented similar incidents of domestic violence against men with equal fervor, as evidenced by the Phil Hartman tragedy.¹⁵ These societal reactions and media perceptions are in keeping with the unfortunate, stereotypical view society holds of men as being sturdy and women being the weaker, more helpless sex.¹⁶

Feminists view domestic abuse as an “essential element of the vast male conspiracy to suppress and subordinate women,” not through the individual male, but rather through patriarchy.¹⁷ Furthermore, Gloria Steinem has asserted that “patriarchy requires violence or the subliminal threat of violence in order to maintain itself.”¹⁸ Therefore, one would believe that a patriarchal society is directly responsible for domestic violence against women. While no one doubts the existence of a patriarchal society, it is incorrect to hold that domestic violence is a gender issue.¹⁹ The patriarchal model of domestic violence fails when one examines domestic violence in same-sex relationships.²⁰ For example, lesbians batter each other at about the same rate as couples in heterosexual relationships.²¹ Some studies have found even higher figures, finding that abuse and violence occur in more than fifty percent of lesbian relationships as compared to approximately ten percent in other types of relationships.²² These figures could not exist if domestic violence were in any way related to a patriarchal society.²³ Therefore, society must recognize that domestic violence is not a gender issue, but rather a power issue, stemming from the dominance and control structure that can be found in any relationship.²⁴

This gender-neutral view is not reflected in the social programs addressing domestic violence. In literature distributed to victims and perpetrators, gender-neutral language is usually absent and the perpetrators are described as “he,” with the victim always being referred to as “her.”²⁵ Some domestic violence counselors honestly believe that continuing such practices is beneficial to combating domestic violence.²⁶ Similar beliefs are prevalent in domestic violence treatment programs, as evidenced by the widely used Duluth Model.²⁷ Its creators have conceptualized domestic violence into a “Power and Control Wheel” diagram that “depicts the primary abusive behaviors experienced by women living with men who batter.”²⁸ The authors state that the Duluth Model is meant for battering men and battered women and that it can’t work for the treatment of battering women.²⁹ Treatment programs across the country for batterers are based on the gender-polarizing Duluth Model, and therefore reject other effective methodologies such as couples counseling, family systems theory, and anger management, “in favor of a gender-polarizing view that battering is a conscious strategy by men to assert male dominance over women.”³⁰ The lack of gender-neutrality not only perpetuates the belief that domestic violence only affects women, but also results in direct harm to men, in that “a man seeking help would feel he is not wanted, and cannot be a victim, if the language does not acknowledge his existence.”³¹

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Due to gender stereotypes regarding domestic violence against men, social ridicule is the fear that confronts male spousal abuse victims.³² Men perceive society as expecting them to be the strong, dominant party in their intimate relationships, and therefore are less willing to report incidents of domestic violence.³³ Men are less likely to call law enforcement, even when there is an injury, because they feel shame about disclosing family violence, especially since the police adhere to traditional gender role expectations.³⁴ Hence, the stereotypical male feels shame and inadequacy when he realizes that he cannot keep his wife under control.³⁵ The impact of domestic violence is also less apparent and less likely to come to the attention of others outside of law enforcement when a man is abused.³⁶ For example, it is assumed that a man with a bruised or black eye was involved in a fight with another man, he was injured during employment, or was playing a contact sport. Society's disbelief and the humiliation directed towards abused men makes disclosure even more difficult.³⁷ Since the general public refuses to confront the issue of domestic violence against men, one would assume that in the professional realm of shelters and counseling, there would be more recognition of this problem—unfortunately, this is not the case.

In 1999, the National Coalition Against Domestic Violence reported that the number of agencies providing services to battered women in the United States surpassed 2,000.³⁸ In Ohio, there are neither any battered men's shelters, nor any resources dedicated specifically to helping abused men.³⁹ These facts clearly indicate that there is no direct support for male victims of domestic violence.⁴⁰ The domestic violence movement argues that women's shelters do in fact work with men, when in actuality what they mean is that "they may work with male victims if they [men] happen to show up at their door."⁴¹ As for domestic violence crisis lines, most men would not call such lines because of the assumption that such crisis lines existed only for women.⁴² This statement does not take into account the underlying social stereotypes mentioned earlier, which would have the greater effect of further discouraging men from calling such crisis lines.⁴³

Another reason for abuse against men not being recognized in the area of domestic violence is that unlike the numerous support groups available for women, there are hardly any men's groups, or more importantly, movements, representing the issues affecting such men.⁴⁴ Also, many therapists and clinicians are resistant in believing that women are abusers, and hence rarely ask questions of their male clients about the possibility of domestic violence.⁴⁵ For almost thirty years, the "battered women's movement has worked to provide services while, at the same time, advocating for change in laws and institutions . . . [and] . . . since the eighties, there have been . . . programs offering direct services for survivors of domestic violence."⁴⁶ While abused women are fortunate to have such resources available to them, the domestic violence movement has neglected to address the problem of abused men in its entirety. This

leads to another critical factor that has great influence on whether domestic violence against men will ever be acknowledged.

Advocates against domestic violence continually point out that silence regarding domestic violence only increases the probability that this social problem will intensify, yet these same advocates have acted to ensure that there will not be equal recognition for all victims.⁴⁷ According to David L. Fontes, this is due to “any discussion of the problem of “battered men [being] considered politically incorrect.”⁴⁸ Gender feminists, compared to equity feminists,⁴⁹ “are primarily, if not exclusively interested in showcasing the maltreatment of females by males in society and are not particularly interested in showcasing the maltreatment of males by females, especially in the area of spousal abuse and child abuse,” says Fontes.⁵⁰ These same gender feminists were involved in establishing and operating domestic violence shelters around the country.⁵¹ Without feminists, there might not be the shelters and support available to women today, but it should also be recognized that many shelters across the country have “become havens for feminists to gather and promulgate their beliefs,” says Fontes.⁵²

Erin Pizzey, founder of the first battered women’s shelter in 1972, believes that the shelter movement has been “hijacked” by feminists.⁵³ Because gender feminists focus their attention on the oppression and victimization of women, it is very difficult for them to acknowledge domestic violence against men, especially since the importance of providing services to abused women would possibly be de-emphasized.⁵⁴ This could threaten the budgets allocated for women’s shelters and services.⁵⁵ The troubling aspect of the domestic violence movement, Fontes says, is that it has “become a feminist political movement more than an agency for helping all victims of domestic violence equally and with the same concern. Although feminists have indeed helped many women, they have done so at the expense of men who are also victims of abuse.”⁵⁶

Even within the realm of legal academia, there appears to be a lack of recognition of the problem of domestic violence against men.⁵⁷ While there is an astronomical amount of scholarly legal information regarding domestic violence against women, legal writings addressing domestic violence against men is scarce, almost non-existent.⁵⁸ Interestingly, the stereotypical notion of equating domestic violence with abused women is prevalent even in legal databases.⁵⁹ Of the few legal writings that do mention this paper’s topic, the majority criticize the validity of domestic violence against men, and therefore do not analyze their own topic as it pertains to abused men.⁶⁰ It is very difficult to address domestic violence against men if one must overcome barriers that hinder the flow and discussion of this topic even in the realm of legal academia.

III. STATISTICAL DATA AND INTERPRETATION

Although social stereotypes and popular culture affect the way society thinks about domestic violence, statistical data impose the greatest obstacle in having society acknowledge the seriousness of domestic violence directed towards men.

According to the latest National Crime Victimization Survey by the U.S. Department of Justice, in 1998, there were approximately one million non-lethal domestic violence offenses, and 876,340 of them were directed against women.⁶¹ On a local level, of the 2,125 domestic violence cases filed in Summit County, Ohio in 2000, 1,782 were female victims and 343 were male victims.⁶² Both national and local statistics emphasize the widely accepted 85/15, female/male domestic violence victimization rates.⁶³ This ratio is affirmed by various health and medical organizations' startling facts regarding the high degree of domestic violence encountered by females.⁶⁴ Therefore, it is very difficult to believe that in fact men and women engage in domestic abuse at almost the same rate as each other.⁶⁵

But how can one honestly make such an assertion, when the majority of other sources indicate to the contrary? The answer obviously lies in the statistical process of gathering and interpreting the data. For example, studies have presented the number of women abused in the United States each year by male partners, ranging from just below one million⁶⁶ to almost six million.⁶⁷ This should indicate that by employing poor research methodologies, studies can misrepresent the true ratio of male to female abusers.⁶⁸

Current government sponsored policy research has focused exclusively on the risks that women face from domestic violence.⁶⁹ For example, of all the domestic violence research projects conducted by the National Institute of Justice, none mentions domestic violence by women directed against men.⁷⁰ Several other explanations have been offered to explain the true disparity in the ratio of male to female batterers. For example, each study uses varied definitions for what constitutes domestic violence; some studies only consider serious assault,⁷¹ while others also include slapping, pushing, and kicking.⁷² Feminists have stretched the definition of abuse to also include "acts of lying, humiliation, withholding information, and refusing to help with child care or housework."⁷³ Furthermore, a general pattern of underreporting by men can also contribute to skewed statistics. Abused men fail to complain to authorities at even greater rates than women⁷⁴ due to the negative gender stereotypes that result from men admitting that they have been beaten by a woman.⁷⁵ Conversely, women are more likely to report their victimization than men.⁷⁶ Underreporting is also prevalent in injuries sustained during domestic violence episodes. Two-thirds of the injuries reported as part of a domestic violence-related physical assault are scratches, bruises, or welts.⁷⁷ Most men would not consider such inflictions of injury as an assault and therefore would not report it as such. Even if

victims of domestic violence do seek medical attention, hospital staffs usually fail to identify domestic violence as the cause of the injuries,⁷⁸ especially because men are less inclined to report such injuries due to social stereotypes.

Critics argue that even if the studies did indicate an equal assault rate, the figures should be ignored because they include women acting in self-defense.⁷⁹ This is not true in the majority of cases, because mutual abuse is the custom in violent households.⁸⁰ Some research suggests that fifty to eighty-three percent of spousal abuse is either bi-directional or mutual assault,⁸¹ and that only ten to twenty percent of assaults by women are clearly for self-defense reasons.⁸²

In order to understand that men face similar spousal abuse rates as women, more accurate studies need to be conducted. The result will be undeniable evidence supporting the argument for recognizing domestic violence against men. In the interim, while social scientists and academics debate the statistics, it is imperative that appropriate legislation be enacted to address the legal inequities facing male victims of domestic violence.

IV. THE NEED FOR REPOSIBLE LEGISLATION

Neither federal nor state legislative bodies have enacted explicit statutes and provisions dealing with domestic violence against men. Even those domestic violence laws that purport to be gender-neutral do not fully address the concerns of battered men.

The Violence Against Women Act (VAWA)⁸³ is a primary example of what is wrong with the current state of domestic violence legislation. The very title of the VAWA and the congressional findings underlying its enactment indicate that it encompasses male offenders and female victims.⁸⁴ Although it has been argued that the VAWA uses gender-neutral language when referring to substantive legal provisions,⁸⁵ it would be intellectually dishonest to state that male victims of domestic violence were even remotely considered as the rationale used for enacting the VAWA.⁸⁶ In fact, the VAWA is discriminatory as applied, in that it excludes men from some of the services and support offered to women by the Act. For example, The Safe Homes for Women Act of 1994, which was incorporated into the VAWA, requires “establish[ing] and operat[ing], a national toll-free telephone hotline to provide . . . information on the availability of shelters [throughout the United States] that serve battered women.”⁸⁷ In terms of financial expenditures, the VAWA mandated the issuance of grants for objectives such as “strengthen[ing] effective law enforcement and prosecution strategies to combat violent crimes against women, and . . . develop[ing] and strengthen[ing] victim services in cases involving violent crimes against women.”⁸⁸ Funding was also allocated to “develop a research agenda to increase the understanding and control of violence against women,”⁸⁹ and to overcome

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gender stereotypes against women.⁹⁰ Through the VAWA, a government-sponsored office has been established to deal with domestic violence against women,⁹¹ resulting in service and support initiatives targeted specifically towards women.⁹²

States must also be concerned with enacting responsible legislation that adequately addresses men within the domestic violence context. Although society approves of the admission of the battered woman syndrome self-defense into court, it excludes men from claiming such a defense.⁹³ Of the five states that explicitly admit battered syndrome self-defense into court, three of those states have gender-specific statutes, in that they allow only the battered woman syndrome evidence to be admitted.⁹⁴

One of those states, Ohio, debated in its House whether its battered syndrome statute⁹⁵ should be gender-neutral, thereby reading “battered person” or “battered spouse” syndrome, instead of “battered woman” syndrome.⁹⁶ The Ohio Senate Judiciary Committee eventually decided against it, thereby passing a gender-specific version of the bill to the Senate, which was then later enacted into law.⁹⁷ The committee limited the syndrome to women because it determined that the battered person or spouse syndrome was not an established syndrome.⁹⁸ This results in an unfortunate situation for any battered man in Ohio who retaliates due to the abuse he has endured, in that he is precluded from defending himself using legal self-defense instruments that are otherwise readily available to any females accused of retaliating against their aggressors.⁹⁹ Furthermore, enacting gender-specific legislation perpetuates the stereotype that only women are capable of being abused, and hence, are the only victims who would have a need for such a defense.¹⁰⁰

Not only do such gender-specific statutes create a disparity in the protections afforded to male victims of domestic abuse as compared to female victims, but they also invoke constitutional issues of equal protection.¹⁰¹ The Equal Protection Clause of the Fourteenth Amendment provides in relevant part that “no State shall make or enforce any law which shall . . . deny to any person within its jurisdiction the equal protection of the laws.”¹⁰² The United States Supreme Court has interpreted this clause to mean that persons who are similarly situated must be treated alike.¹⁰³ Therefore, male victims of domestic violence, who suffered the same forms of abuse as women and wish to introduce battering syndrome self-defense evidence into court are being denied their constitutional rights.

Although it is true that a few states, such as Pennsylvania, Arizona, and Washington, have appellate or state supreme court decisions allowing battering syndrome self-defense evidence to apply to battered men,¹⁰⁴ by not having explicit gender-neutral statutes, it is more difficult for legal and law enforcement professionals to understand that legislative protections are offered to both genders. Furthermore, by not codifying gender-neutral statutes, male victims of domestic violence are victimized twice; first by their abusers, and second by the judicial system. Now men must fight to

convince the judge to overcome social stereotypes, and allow them to introduce battering syndrome self-defense evidence.

It is obvious that gender-specific legislation only perpetuates the stereotype that men are immune from domestic violence, yet changing the scope of the language is not sufficient to overcome all domestic problems. Therefore, new approaches to reducing overall domestic violence must be considered. As Dr. Sally L. Satel says, the “dogma that women never provoke, incite, or aggravate domestic conflict, further, has led to some startling departures in domestic law.”¹⁰⁵ Many jurisdictions such as Ohio, have enacted “must-arrest” or “preferred-arrest” laws which mandate that where a “peace officer has reasonable grounds to believe that the offense of domestic violence . . . has been committed . . . it is the preferred course of action in this state that the officer arrest [the offender].”¹⁰⁶ The noticeable advantage is that the offender is immediately removed and any actual abuse or threats of domestic violence cease. Unfortunately, there are also negative aspects to enacting such legislation.

The first disadvantage to “must-arrest” or “preferred-arrest” laws is that the officer at the scene has significant discretion in deciding which party to arrest. As previously mentioned, law enforcement personnel still hold certain stereotypes about the aggressor and will therefore more willingly arrest the male,¹⁰⁷ when in fact, the preferred result would be an arrest of the prime perpetrator.¹⁰⁸ Secondly, “preferred-arrest” policies usually create more tension in an already strained relationship. What would have been considered a minor, non-physical altercation that would not need police intervention, could now result in one of the parties being arrested, thereby creating even greater animosity between the spouses or partners.¹⁰⁹ Finally, because “preferred-arrest” policies result in more arrests, jails become more overcrowded in a shorter amount of time, and the spousal offender may be prematurely released.¹¹⁰ These adverse consequences are not impossible to overcome, and even with its associated problems, a “preferred-arrest” policy can provide an objective, fair, and vigorous means of dealing with domestic violence for both female and male victims.¹¹¹

V. PREVENTING HARM TO OTHERS

Domestic violence is “damaging in a number of ways, not just in terms of physical injury,” says Philip W. Cook.¹¹² This damage is compounded by perpetuating the stereotype that males are the perpetrators and females are the victims. Victims of domestic violence suffer blows to their self-esteem, which could result in drug and alcohol abuse, mental illness, attempted suicide, and depression.¹¹³ These consequences not only reduce the victim’s ability to be a productive citizen, but also create a burden on the state in terms of providing resources to effectively deal with such problems.¹¹⁴ Furthermore, not recognizing domestic violence against men will disadvantage other groups as well, including children, women, and sexual minorities.

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It must be recognized that violence in the home is a social problem, regardless of whether it is committed by men or women.¹¹⁵ Additionally, it is imperative to have assaults by women be a focus of social policy, in order to fully understand the implications and harm to children growing up in a violent household.¹¹⁶ Children who grow up with domestic violence are more likely to become perpetrators themselves. Murray A. Straus, Richard J. Gelles, and Suzanne Steinmetz state the following statistics in their book on domestic violence:

Men who had seen parents physically attack each other were almost three times more likely to hit their own wives Women whose parents were violent had a much higher rate of hitting their own husbands . . . as compared to the daughters of non-violent parents In fact, the sons of the most violent parents have a rate of wife-beating 1000 percent greater than that of the sons of non-violent parents The daughters of violent parents have a husband-beating rate that is 600 percent greater than the daughters who grew up in non-violent households¹¹⁷

When a woman engages in violence against a man, by pushing, shoving, or hitting, even if no physical harm results to the man, a message is sent to children that violence is an accepted behavior.¹¹⁸

Another significant reason why advocates for female victims of domestic abuse should be concerned about female perpetrators is that when a woman strikes her male partner, her chances of becoming a victim increase as well.¹¹⁹

By not recognizing that women can be as abusive as men, the “substantial numbers of women who physically attack their mates do not get the kind of official sanctions and social service help that is commonly available to men,” says Philip W. Cook.¹²⁰ Pioneering sociologist Suzanne Steinmetz argues that when a man physically assaults a “woman, right away he’s put in a program for batterers He’s helped to deal with his problems. He’s also sometimes sent to jail. But when a woman does it, it’s passed off as [no big deal] No one says, ‘Gosh if you’re acting this way, you might be troubled [and need help]’”¹²¹ For example, as previously mentioned, the Duluth Model is tailored to only aid male perpetrators in terms of counseling and treatment.¹²² This effectually denies women the services that they need to deal with their problems.¹²³

Additionally, some feminists argue that women have fought very hard to be taken seriously and treated as equals, but by not recognizing their potential to also be abusive, women are again finding themselves portrayed as weak and helpless.¹²⁴ These are exactly the same stereotypes that have been traditionally used to justify discriminating against them.¹²⁵

Because society wants to reduce domestic violence with each successive generation, it must be concerned with abuse and violence from both genders.¹²⁶

Recognizing that domestic violence is gender-neutral is not enough, for abuse transcends gender and also affects a broad class of society, namely the gay and lesbian population. Since the prevailing societal assumption is that domestic violence involves a man who beats his wife, abuse in same sex relationships is significantly overlooked in social responses to domestic violence.¹²⁷ In the early 1990s, studies estimated that approximately five percent of gay men¹²⁸ and twenty-six percent of lesbians¹²⁹ in relationships experience partner violence and abuse. Does society want to deny this segment of the population the resources, counseling and treatments that are currently available to heterosexual female victims of domestic abuse?

Gay men seeking protection may encounter law enforcement that is unwilling to take same-sex abuse seriously, and therefore not address the true problem.¹³⁰ For example, it is common for police officers to believe that a man can defend himself in a dispute, therefore not classifying the assault in terms of domestic violence.¹³¹ Many officers also lack the sensitivity training and pressure from victim advocate groups to take action, because most of the education efforts focus on women.¹³²

The argument that same-sex couples are adversely affected because society thinks that only males can be abusers is even more applicable to the lesbian community. Due to the high rate of abuse in lesbian relationships,¹³³ one can no longer afford to view violence as purely a male phenomenon.¹³⁴

Generally, many lesbians feel that violence in a relationship is a trait inherent only in men,¹³⁵ which leaves lesbian battered women outside of feminists' theories that attempt to explain domestic violence as a form of male oppression and patriarchy.¹³⁶ Due to a lesbian's feelings of shame and the fact that the lesbian relationship was supposed to free her from male oppression, she is less likely to admit the abuse than a heterosexual woman.¹³⁷ Additionally, reporting the domestic violence does not fall into the template that the legal system uses to contextualize the victim's experience: the gendered story.¹³⁸ As Krisana M. Hodges explains:

[The gendered story] allows police officers, attorneys, judges, and juries to hear the story and fill in the gaps of heterosexual women's experiences of abuse. The gendered story of abuse gives credibility to heterosexual women's claims of abuse from their male partners. Additionally, when heterosexual women tell stories which fit into the gendered story of domestic violence, police and judges may use these models as a substitute to fact finding because under this model, heterosexual women's claims of abuse carry a presumption of truth. The story provides that men abuse and that women experience abuse. Heterosexual women need only fill in the details of their own experience. Lesbian battered women must tell a new story—a story of dominance and control, absent the endorsement of gender norms.¹³⁹

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Even after overcoming cultural assumptions, if domestic violence laws are found to encompass lesbian battered women,¹⁴⁰ Hodges suspects that they will not “shield [lesbians] against the persistent misunderstandings of same-sex domestic violence infecting the legal process.”¹⁴¹ Given the gendered discourse of domestic violence, judges and juries have difficulty in conceptualizing women as batterers, and therefore may respond to lesbian battery with confusion or denial, in effect blocking protection to lesbian victims.¹⁴²

By continuing to hold gender stereotypes regarding domestic violence, not only men, but children, women, and sexual minorities will suffer, thus creating a greater social problem than already exists. It is imperative that society challenge the heterosexual model of domestic violence, by forcing domestic violence advocates to re-examine the roles of the male batterer and the female victim.¹⁴³

VI. CONCLUSION

“Domestic violence against men is just not a social problem.”¹⁴⁴

This statement was made by Ellen Pence, founder of the nationally acclaimed Domestic Abuse Intervention Project¹⁴⁵ in Duluth, Minnesota, and a leader in the battered women’s movement.¹⁴⁶ Such statements are disheartening but are in a sense a wake-up call to how much more needs to be accomplished in order for society to fully realize and deal with the problem of domestic violence against men. Fortunately there are signs of optimism, evident in the fact that an increasing number of women each year are being arrested for domestic assaults.¹⁴⁷ Even in Summit County, Ohio, there has been a visible increase in the past four to five years in the number of arrests of women for domestic violence.¹⁴⁸ Neither social scientists nor law enforcement agencies can explain this increase in arrests, although some theories that have been posited are: (1) that women are being more aggressive, (2) that women are beating other women, (3) that with the increase in female police officers, gender stereotypes are lessened, and (even more probable) (4) that male victims are increasingly likely to come forward and be believed by both law enforcement officers and the courts.¹⁴⁹ Regardless of the reasons, these statistics give hope that the hidden side of domestic violence is finally beginning to be recognized and presented in a fair manner to enhance social awareness.¹⁵⁰

Murray A. Straus, co-developer of the National Family Violence Survey,¹⁵¹ believes that the most important reason for recognizing domestic violence against men is for morality, in that violence of any kind should not be tolerated.¹⁵² The ultimate question, says one commentator, is whether society’s perceptions of “masculinity will become more humane and less judgmental,”¹⁵³ allowing society to acknowledge that women can be as abusive of their partners, as men can. Only by overcoming societal

perceptions, conducting accurate studies, and enacting responsible legislation, will equal resources and protections be allocated and made available to all victims of domestic violence, women and men alike.

Notes

1. PHILIP W. COOK, ABUSED MEN: THE HIDDEN SIDE OF DOMESTIC VIOLENCE 39-43 (1997) (referencing quotes taken from interviews conducted with abused men); *Domestic Violence Accounts Bulletin Board*, available at <http://www.greenspun.com/bboard/q-and-a.tcl?topic=Domestic%20Violence%20Accounts> (referencing accounts of domestic violence, as personally described by abused men).
2. See Loretta J. Stalans & Arthur J. Lurigio, *Responding to Domestic Violence Against Women*, 41 CRIME & DELINQUENCY 387, 390 (1995) (arguing that there are much higher percentages of women victims of violence (as opposed to women perpetrators), recorded in police and court records, emergency room data, and victimization surveys). One-third of women in hospital emergency departments are there because of domestic violence. See David Orentlicher et al., *Physicians and Domestic Violence: Ethical Concerns*, 267 JAMA 3190 (1992). See also *Justice Department Examines Homicide in Families*, WASHINGTON POST, July 11, 1994, at A9 (“[A]n estimated 95 percent of assaults against spouses are committed by men against women”).
3. See generally LINDA GORDON, HEROES OF THEIR OWN LIVES: THE POLITICS AND HISTORY OF FAMILY VIOLENCE (1988). Society was first concerned “about child abuse in the 1960s, [with] the concern widen[ing] to include wife-beating, incest, and marital rape, as the women’s liberation movement of the 1970s drew those crimes to public attention.” *Id.* at 1. This led to family violence becoming recognized as a social problem.
4. PATRICIA PEARSON, WHEN SHE WAS BAD: VIOLENT WOMEN AND THE MYTH OF INNOCENCE 7 (1997) (“Women commit the majority of child homicides in the U.S., a greater share of physical child abuse, an equal rate of sibling violence and assaults on the elderly, about a quarter of child sexual abuse, an overwhelming share of the killing of newborns, and a fair preponderance of spousal assaults”).
5. See *id.* at 243. Pearson notes that:

[T]he consequences of our refusal to concede female contributions to violence are manifold. It affects our capacity to promote ourselves as autonomous and responsible beings. It affects our ability to develop a literature about ourselves that encompasses the full array of human emotions and experience. It demeans the right our victims have to be valued. And it radically impedes our ability to recognize dimensions of power that have nothing to do with formal structures of patriarchy. Perhaps above all, the denial of women’s aggression profoundly undermines our attempt as a culture to understand violence, to trace its causes and to quell them. *Id.*
6. Michael G. Conner, *About Domestic Violence Against Men*, at <http://www.crisiscounseling.org/AbuseViolence/DomesticViolenceMen.htm>.
7. Suzanne K. Steinmetz & Joseph S. Lucca, *Husband Battering*, in HANDBOOK OF FAMILY

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- VIOLENCE 234 (Vincent B Van Hasselt, et al. eds., 1988).
8. *See id.* (stating that in 18th-century France, a battered husband “was made to wear an outlandish outfit and ride backwards around the village on a donkey”).
 9. *See* Dave Gross, *Dave Gross’ Class Notes on Husband Battering*, at <http://www.vix.com/pub/men/battery/daveclass.html>, *citing* G. Saenger, *Male and Female Relations in the American Comic Strips*, in *THE FUNNIES: AN AMERICAN IDIOM*, 219-223 (M. White & R.H. Abel eds., 1963).
 10. *Id.* at 225.
 11. *See* Murray A. Straus & G. Kaufman-Kantor, *Cultural Norms Approving Martial Violence: Changes from 1968 to 1992 in Relation to Gender, Class, Cohort, and Other Social Characteristics* (1994) (unpublished report, Family Research Lab., Univ. of N.H.).
[A]pproval of slapping by husbands decreased from a high of 20 percent in 1968, to 13 percent in 1985, and 12 percent in 1992. However, approval of slapping by wives remained unchanged. It was 22 percent in 1968, 21.3 percent in 1985, and 22 percent in 1992. In general, fewer women than men approve of martial violence. However, the gender gap is narrowing because approval by men has decreased dramatically, whereas approval by women has decreased less, or in the case of slapping by women, has increased slightly.
 12. *See* K. Parker, *Stereotypes in the News Media Hurt Us All*, *ORLANDO SENTINEL* G3, Oct. 31, 1999.
 13. COOK, *supra* note 1, at 127. The author’s interview with a correspondent from the Oregonian provided an account of a woman who attacked her husband with a tire iron on their honeymoon. The husband suffered broken fingers and a severe concussion. As a lead story, the headline read, “Husband Survives the Lumps and Bumps of a New Marriage.” *See also* J. Griffith, *Husband Survives the Lumps and Bumps of a New Marriage*, *THE OREGONIAN*, Sept. 21, 1993.
 14. *See generally* Philip W. Cook, *The Death of Phil Hartman: How It Won’t Be Analyzed*, at <http://www.vix.com/menmag/omvhart2.htm> (acknowledging the overwhelming publicity surrounding the Simpson trial). Phil Hartman, a comedic actor made famous in part by his Saturday Night Live skits, was shot and killed by his wife in 1997.
 15. *Id.* The words “domestic violence” did not appear in news reports concerning the incident. Furthermore, there was sympathy and compassion directed towards Mrs. Hartman, with the media speculating as to what drove her to do it. Cook implies that the coverage varied significantly from the coverage one would have been exposed to had the pattern of violence been reversed).
 16. Gross, *supra* note 9.
 17. Sally L. Satel, M.D., *It’s Always His Fault*, 12 *WOMEN’S Q.* (Summer 1997), at <http://www.iwf.org/pubs/twq/archives.shtml>.
 18. *Id.* Steinem goes on to say that under a patriarchal society, “the most dangerous situation for a woman is not an unknown man in the street, or even the enemy in wartime, but a husband or lover in the isolation of their own home.” *See* Betsy Hart, *Violence Against Taxpayers*, at <http://www.iwf.org/pubs/twq/wi95a.shtml> (*quoting* Steinem).
 19. DAVID ISLAND & PATRICK LETELLIER, *MEN WHO BEAT THE MEN WHO LOVE THEM: BATTERED GAY MEN AND DOMESTIC VIOLENCE* 255 (1991).
 20. *See* K. LOBEL, *NAMING THE VIOLENCE: SPEAKING OUT ABOUT LESBIAN BATTERING*, 98-102 (1986) (acknowledging the limited influence of patriarchy in lesbian relationships).
 21. *See generally* CLAIRE M. RENZETTI, *VIOLENT BETRAYAL: PARTNER ABUSE IN LESBIAN*

- RELATIONSHIPS (1992).
22. *Id.* Lesbian relationships are significantly more violent than gay relationships. *See also* Gwat-Yong Lie & Sabrina Gentlewarrior, *Intimate Violence in Lesbian Relationships: Discussion of Survey Findings and Practice Implications*, 15 J. SOC. SCI. RES. 41-59 (1987). *See also* C. Card, *Lesbian Battering*, NEWSL. OF FEMINISM AND PHIL. 3 (Nov. 1988).
 23. *See generally* MURRAY A. STRAUS, ET AL., BEHIND CLOSED DOORS: VIOLENCE IN THE AMERICAN FAMILY (1980) (emphasizing that lesbian partner battering contradicts gender-feminist patriarchal theories about the causes of domestic violence).
 24. *See* Jo Ann Merica, *The Lawyer's Basic Guide to Domestic Violence*, 62 TEX. B.J. 915, 915 (1999) (“Domestic violence is a pattern of interaction that includes the use of physical violence, coercion, intimidation, isolation, and/or emotional, economic, or sexual abuse by one intimate partner to maintain power and control over the other intimate partner.”)
 25. COOK, *supra* note 1, at 136.
 26. *Id.* Mark Hess, coordinator of the Portland, Oregon area County Corrections Department states that the “language should [not] be changed. It is not an issue. It is only an issue with men who have agendas other than trying to solve domestic violence Using gender-neutral language would devalue the fight against domestic violence in the overwhelming majority of cases.” *Id.*
 27. *See generally* ELLEN PENCE & M. PAYMER, EDUCATION GROUPS FOR MEN WHO BATTER: THE DULUTH MODEL (1993). The Duluth Model was created by the Duluth Domestic Abuse Intervention Project of Duluth Minnesota, a national model for domestic violence treatment. *Id.* at xiii-iv.
 28. *Id.* at 2.
 29. *See id.* at xiv, 2-3. The tactics used by batterers reflect the tactics used by many groups or individuals in positions of power. Each of the tactics depicted on the Power and Control Wheel are typical of behaviors used by groups of people who dominate others. They are the tactics employed to sustain racism, ageism, classism, heterosexism, anti-Semitism, and many other forms of group domination. Men in particular are taught these tactics in both their families of origin and through their experiences in a culture that teaches men to dominate.
 30. Bert H. Hoff, J.D., *Gender Polarization in Domestic Violence Perpetrator Programs*, at <http://www.vix.com/menmag/gjdvdule.htm>.
 31. COOK, *supra* note 1, at 136.
 32. *See id.* at 52. *See also* Doug Flor, *Why Don't Men Get Help*, at <http://www.vix.com/pub/menmag/batflor.htm>. When the author discussed his experience of being abused by a woman, the story evoked reactions from others such as: “you wimp,” “why don't you take it like a man,” “you must be a controlling man or she wouldn't do that,” or “you must be abusive, too”).
 33. *See* Steinmetz & Lucca, *supra* note 7, at 238-39.
 34. *See* Murray A. Straus, *The Controversy Over Domestic Violence by Women: A Methodological, Theoretical, and Sociology of Science Analysis*, in VIOLENCE IN INTIMATE RELATIONSHIPS (X. B. Arriaga & S. Oskamp eds., 1999).
 35. *See id.*
 36. *See generally* Conner, *supra* note 6.
 37. *See* Peter Raeside, *Women's Violence Against Men is Our Last Taboo*, GLOBE & MAIL, Nov. 10, 1993, at A22.
 38. A. Saathoff & E. Stoffel, *Community-Based Domestic Violence Services: The Future of Children*, 3 DOMESTIC VIOLENCE AND CHILDREN, 97-110 (1999).

39. The author of this article placed a call to the Ohio Domestic Violence Network (phone number 1-800-934-9840) asking for any resources for battered men in Summit County, Ohio, the area of residence of the author. The operator remarked that there is no shelter for men and that no male-specific resources were available. After further inquiry, the author learned that no such services existed for men in the entire state of Ohio. The operator suggested that the best option would be to contact the Battered Women's Shelter of Akron to see if they could offer any further advice.
40. The author of this article is not advocating that battered men's shelters be put in place (as it would severely drain the already limited amount of money allocated to fighting domestic violence). A change in attitude can accomplish the same goals. See COOK, *supra* note 1, at 155-59. The Valley Oasis Shelter of Lancaster, California, for example, has a separate facility for men with children in need of shelter, and the Kelso, Washington Emergency Shelter has a male support worker on staff to handle crisis calls from men. Thus, there is no reason that current crisis lines cannot serve both genders.
41. David Fontes, *The Politics of the Domestic Violence Movement*, at <http://www.dvmen.org/dv-34.htm#politics>. The author describes how in the early part of the 1970s, "shelters began active outreach and educational programs which were designed to help women first, recognize their abuse, and second, how to receive assistance for themselves and their children." Because of shelters' active outreach programs designed for females, women began to come forward for assistance. Why does the domestic violence movement now believe that men will come forward without first establishing outreach programs designed to educate and assist the male, as they have done for the female?
42. COOK, *supra* note 1, at 84.
43. *Id.* at 85. Interestingly, men have indicated that whether or not they would utilize a crisis line is not the main issue, but rather, that the very existence of such a crisis line would indicate to them that they are not the only ones in abusive situations.
44. B. Beaupre, *No Place to Run for Male Victims of Domestic Abuse: Shelters, Support Groups Rare for Men*, THE DETROIT NEWS 8A, Apr. 20, 1997. While there are hundreds of men's groups in the United States dealing with issues relating to visitation rights for children, custody rights for men, and support of joint custody, domestic violence is not their primary focus. See also COOK, *supra* note 1, at 138.
45. *Id.* See also J. Macchietto, *Male Victimization and Female Aggression: Implications for Counseling Men*, 14 J.MENTAL HEALTH COUNSELING 375-92 (1992).
46. Joyce Klemperer, *Programs for Battered Women—What Works?*, 58 ALB. L. REV. 1171, 1181 (1995).
47. See Cook, *supra* note 14.
48. David L. Fontes, *Violent Touch: Breaking Through the Stereotype 3* at <http://www.menshealthnetwork.org/library/fontes2.doc>.
49. See generally C. H. SOMMERS, WHO STOLE FEMINISM?: HOW WOMEN HAVE BETRAYED WOMEN (1994).
50. Fontes, *supra* note 41.
51. See *id.*
52. *Id.*
53. D. Laframboise, *Sheltered from Reality*, NATIONAL POST, Nov. 23, 1998.
54. See COOK, *supra* note 1, at 110.
55. D. THOMAS, NOT GUILTY: THE CASE IN DEFENSE OF MEN 186-87 (1993).

56. Fontes, *supra* note 41.
57. MARGI LAIRD MCCUE, DOMESTIC VIOLENCE: A REFERENCE HANDBOOK 2-3 (1995) (defining domestic violence as “violence perpetrated by men against women with whom they have or have had an intimate relationship”).
58. A search of “battered women’s syndrome” and “domestic violence” resulted in more than 250 unique articles for each search. By only reading the titles, the author of this article observed that all articles used the search terms in the context of women, children, or same-sex couple issues. The author located a sole article (by Hope Toffel) that even remotely deals with domestic violence directed towards men in heterosexual relationships. *See infra* note 93.
59. For example, entering a search string in LexisNexis, enclosed with quotes, should only return documents containing the exact search string. The exception to this (according to LexisNexis technical support), is when the electronic parser believes the terms within the quotes are likely spelling mistakes, and it can match a pre-defined term or terms (assigned by LexisNexis) to the “misspelled” search. In this event it will return documents containing the pre-defined term(s) instead. In the author’s case, upon typing “battered man’s syndrome” no document containing any reference to battered man’s syndrome was returned, but a voluminous list of documents containing reference to the battered woman’s syndrome was displayed.
60. *See* Elizabeth Shor, *Domestic Abuse and Alien Women in Immigration Law: Response and Responsibility*, 9 CORNELL J. L. & PUB. POL’Y 697, 698 (2000) (“[b]ecause most victims of domestic abuse are women, this note refers to domestic abusers as male and the victims of domestic violence as female”). *See, also*, Evan Stark, *Re-Presenting Woman Battering: From Battered Woman Syndrome to Coercive Control*, 58 ALB. L. REV. 973, 984 (1995); Mary Ann Dutton, *A Redefinition of Battered Woman Syndrome*, 21 HOFSTRA L. REV. 1191, 1211 (1993).
61. U.S. Department of Justice (Office of Justice Programs: Bureau of Justice Statistics) *Intimate Partner Violence*, NATIONAL CRIME VICTIMIZATION SURVEY (May 2000), at <http://www.ojp.usdoj.gov/bjs/pub/pdf/ipv.pdf>.
62. City of Akron Prosecutor’s Office, Domestic Violence Unit, *Domestic Violence (DV) Unit Case Statistics: Jan. 1 – Dec. 31, 2000*.
63. U.S. Department of Justice (Office of Justice Programs: Bureau of Justice Statistics), BUREAU OF JUSTICE STATISTICS FACTBOOK (1998).
64. *See* American Psychological Association, *Facts About Family Violence*, at <http://www.apa.org/releases/facts.html> (“Nearly one in every three adult women experiences at least one physical assault by a partner during adulthood”). *See also*, Janice Massey, M.D., *Domestic Violence in Neurologic Practice*, 56 ARCHIVES IN NEUROLOGY 659-660, at <http://www.ama-assn.org> (“Up to 35 percent of women presenting to the emergency department have experienced domestic violence”).
65. Murray A. Straus, head of the Family Research Laboratory at the University of New Hampshire, and Richard J. Gelles, a sociologist at the University of Rhode Island, who have been tracking spousal abuse for more than 20 years, have come up with what is widely believed to be the most accurate estimate available: The National Family Violence Survey (NFVS). The NFVS, funded by the National Institute of Mental Health, is a representative survey conducted in 1975, 1985, and 1992 of thousands of married and cohabitating couples regarding domestic violence. The results were first published in 1977. *See* STRAUS, ET AL., *supra* note 23. Straus and Gelles followed up the initial survey of more than two thousand couples, with a larger six thousand-couple group in 1985. *See* Murray A. Straus & R. J. Gelles, *Societal Change and Change in Family Violence from 1975 to 1985: As Revealed by Two National Surveys*, 48 J. OF MARRIAGE

- AND THE FAMILY, 465-79 (1986). In minor violence (slapping, pushing, grabbing, shoving, or throwing objects), the incident rates in this second survey were equal for men and women. *Id.* In severe violence (kicking, biting, hitting with a fist, attempting to hit with an object, threatening with a knife or gun, using a knife or gun), more men were victimized than women. *Id.* By extrapolating the surveys onto the national population of married couples, the results showed that more than eight million couples each year engage in some form of domestic violence, and 1.8 million women and two million men are victims of severe violence. *Id.* More information about Murray A. Straus, author and co-author of more than one hundred articles and thirty books on family research, may be found at <http://pubpages.unh.edu/~mas2>.
66. U.S. Department of Justice, *supra* note 61.
 67. STRAUS, ET AL., *supra* note 23.
 68. See Charles E. Corry, Ph.D., *Gathering Statistics*, at <http://www.dvmen.org/dv-22.htm>, for a discussion on fundamental theorems of statistics that are being ignored by many of the commonly cited surveys.
 69. See Centers for Disease Prevention and Control (CDC), *Inventory of Services and Funding Sources for Programs Designed to Prevent Violence Against Women*, at <http://www.cdc.gov/ncipc/dvp/vawprograms> (listing extensive surveys of domestic violence programs that stress services to women but contain no information on services available to men).
 70. See National Institute of Justice, *Violence Against Women and Family Violence: Current National Institute of Justice Grants*, at <http://www.ojp.usdoj.gov/nij/vawprog/grntlist.html>.
 71. See STRAUS, ET AL., *supra* note 23, at 10.
 72. See American Medical Association, DIAGNOSTIC AND TREATMENT GUIDELINES ON DOMESTIC VIOLENCE 7 (1992) (listing specific forms of physical, emotional, and sexual abuse a battered woman may endure).
 73. Satel, *supra* note 17 (listing scenarios that constitute abuse from a brochure's checklist at a battered woman's shelter).
 74. Maureen McLeod, *Women Against Men: An Examination of Domestic Violence Based on an Analysis of Official Data and National Victimization Data*, 1 JUST. Q. 173 (1984). The author states that while "54 percent of abused females claim they have notified the police of the assaultive incident, only 45 percent of male victims allege they have taken this action." *Id.*
 75. See *supra* notes 32-37 and accompanying text.
 76. See J. E. Stets & M. A. Straus, *Gender Differences in Reporting Marital Violence and Its Medical and Psychological Consequences*, in PHYSICAL VIOLENCE IN AMERICAN FAMILIES: RISK FACTORS AND ADAPTATIONS TO VIOLENCE IN 8,145 FAMILIES (M. A. Straus & R. J. Gelles eds. 1990) (showing that women are nine times more likely to report their victimization to police and five times more likely to tell a friend or relative who can then encourage them to get the help they need).
 77. See Patricia Tjaden & Nancy Thoennes, *Prevalence, Incidence, and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey*, NATIONAL INSTITUTE OF JUSTICE (1998), available at <http://www.ojp.usdoj.gov/nij/pubs-sum/172837.htm> (found at exhibit 12, page 9).
 78. See Marti T. Loring & Roger W. Smith, *Health Care Barriers and Interventions for Battered Women*, 109 PUB. HEALTH REP. 328 (May, 1994) (finding that emergency room staff members correctly identify the cause of injuries in only five to ten percent of domestic violence cases).
 79. COOK, *supra* note 1, at 12.

80. *See id.*
81. J. Langhinrich-Rohling, P. Neidig, & G. Thorn, *Violent Marriages: Gender Differences in Levels of Current Violence and Past Abuse*, 2 J. OF FAM. VIOLENCE 159-76 (1995). *See also* Murray A. Straus, *Physical Assaults By Wives: A Major Social Problem*, in CURRENT CONTROVERSIES ON FAMILY VIOLENCE 74 (R. J. Gelles & D. R. Loseke eds., 1993). Almost 50 percent of the couples in the National Family Violence Survey reported both spouses to be violent. The remainder was nearly equally divided, in that the male was deemed to have been violent in 27 percent of the cases, whereas the female was violent 24 percent of the time.
82. *See, e.g.*, R. Sommer, *Male and Female Perpetrated Partner Abuse: Testing a Diathese-Stress Model* (1994) (unpublished doctoral dissertation, Univ. of Manitoba, Canada), *available at* <http://forever.freeshell.org/sommertc.htm>; M. Carrado, M. J. George, E. Loxam, L. Jones, & D. Templar, *Aggression in British Heterosexual Relationships: A Descriptive Analysis*, 22 AGGRESSIVE BEHAVIOR 401-15 (1996).
83. Violence Against Women Act, 42 U.S.C. § 13701 (1994).
84. *See, e.g.*, Kerrie E. Maloney, Note, *Gender-Motivated Violence and the Commerce Clause: The Civil Rights Provision of the Violence Against Women Act After Lopez*, 98 COLUM. L. REV. 1876, 1878-83 (1998) (making reference to congressional reports and FBI statistics that conclude that “violence against women in the United States constitutes a national epidemic mandating national intervention,” thereby compelling Congress to pass the VAWA).
85. *See, e.g.*, 18 U.S.C. § 2261(a)(1) (making it a crime for “a person” to travel across state lines with the intent to commit certain acts); 42 U.S.C. §13981(c) (describing “a person . . . who commits a crime of violence”).
86. *See* S. Rep. No. 103-38, at 41 (1993) (legislative history indicates that “the Violence Against Women Act represents an essential step in forging a national consensus that our society will not tolerate violence against women”).
87. 42 U.S.C. § 40211.
88. *Id.* at § 40121.
89. *Id.* at § 40291.
90. Equal Justice for Women in the Courts Act, 42 U.S.C. § 40401 (1994). It is ironic that this subtitle has a subsection that allows for training provided under this section to include “current information, existing studies, or current data on . . . *sex stereotyping of female and male victims of domestic violence*, myths about presence or absence of domestic violence in certain racial, ethnic, religious, or socioeconomic groups, and their impact on the administration of justice.” *Id.* (emphasis added). This reference is one of the few instances in the entire VAWA in which men are explicitly acknowledged as also able to be victims of domestic violence. *See generally supra* note 83.
91. *See Office of Violence Against Women*, at <http://www.ojp.usdoj.gov/vawo/about.htm>. The Department of Justice has established an Office of Violence Against Women that works with attorneys to ensure enforcement of the federal criminal statutes contained in the 1994 Act, assists the Attorney General in formulating policy related to civil and criminal justice for women, and administers more than \$270 million per year in grants to help states, tribes, and local communities transform the way in which criminal justice systems respond to violent crimes against women. The Office of Violence Against Women works with victim advocates and law enforcement in developing grant programs that support a wide range of services for women, including: advocacy, emergency shelter, law enforcement protection, and legal aid.
92. *See Toolkit to End Domestic Violence*, at <http://toolkit.ncjrs.org>. The National Advisory Council

- on Violence Against Women and the Violence Against Women Office developed an online toolkit “to provide concrete guidance to communities, policy leaders, and individuals engaged in activities to end violence against women.” *Id.*
93. Hope Toffel, *Crazy Women, Unharmful Men, and Evil Children: Confronting the Myths About Battered People Who Kill Their Abusers, and the Argument for Extending Battering Syndrome Self-Defenses to All Victims of Domestic Violence*, 70 S. CAL. L. REV. 337, 356 (1996).
94. See CAL. EVID. CODE § 1107 (West 2001); WYO. STAT. ANN. § 6-1-203 (Michie 2001); OHIO REV. CODE ANN. § 2901.06 (Anderson 2001).
95. OHIO REV. CODE ANN. § 2901.06 (Anderson 2001) states:
- (A) The general assembly hereby declares that it recognizes both of the following, in relation to the “battered woman syndrome:”
- (1) That the syndrome currently is a matter of commonly accepted scientific knowledge;
- (2) That the subject matter and details of the syndrome are not within the general understanding or experience of a person who is a member of the general populace and are not within the field of common knowledge.
- (B) If a person is charged with an offense involving the use of force against another and the person, as a defense to the offense charged, raises the affirmative defense of self-defense, the person may introduce expert testimony of the “battered woman syndrome” and expert testimony that the person suffered from that syndrome as evidence to establish the requisite belief of an imminent danger of death or great bodily harm that is necessary, as an element of the affirmative defense, to justify the person's use of the force in question.
96. See Laura Huber Martin, Case Note, *Ohio Joins the Majority and Allows Expert Testimony on the Battered Woman Syndrome: State v. Koss*, 551 N.E. 2d 970 (Ohio 1990), 60 U. CIN. L. REV. 877, 889 n.85 (1992) Martin obtained unpublished legislative materials from Ohio Representative Koziura, the sponsor of a bill codifying admission of battered woman syndrome evidence in Ohio.
97. See *id.* See also OHIO REV. CODE ANN. § 2901.06.
98. See *id.*
99. See Julia J. Chavez, *Comment, Battered Men and the California Law*, 22 SW. U. L. REV. 239, 240-43 (1992). The author discusses a gender-specific California statute regarding the admission of battered woman's syndrome evidence, and suggests that “the battered male defendant does not have the same protection afforded as a battered female defendant.” *Id.*
100. See *id.* at 242-243.
101. An in-depth constitutional analysis of equal protection for battered men is beyond the scope of this article. At present, there are no articles specifically dealing with how equal protection relates to heterosexual male victims of domestic violence. For a constitutional analysis of how the equal protection issue impacts homosexual victims of domestic violence, see, Nancy E. Murphy, Note, *Queer Justice: Equal Protection for Victims of Same-Sex Domestic Violence*, 30 VAL. U. L. REV. 335 (1995); Pamela M. Jablow, Note, *Victims of Abuse and Discrimination: Protecting Battered Homosexuals Under Domestic Violence Legislation*, 28 HOFSTRA L. REV. 1095, 1117 (2000).
102. U.S. CONST. amend. XIV, § 1.
103. See *F.S. Royster Guano Co. v. Virginia*, 253 U.S. 412, 415 (1920).
104. See Toffel, *supra* note 93, at 344.

105. Satel, *supra* note 17.
106. OHIO REV. CODE ANN. § 2935.03(B)(3)(b) (Anderson 2001). *See* COOK, *supra* note 1, at 142. An officer can determine who the assailant is by considering factors such as the “seriousness of the threat or threats, the history of domestic violence between the couple, the potential for future assaults, the comparative extent of the parties’ injuries, and the possibility that an act was committed in self-defense.” *Id.*
107. *See* Straus, *supra* note 34.
108. COOK, *supra* note 1, at 142.
109. Cathy Young, *Domestic Violations*, REASON ONLINE, at <http://reason.com/9802/fe.young.shtml>. The author quotes Christopher Pagan, who until recently was a prosecutor in Hamilton County, Ohio. Pagan estimates that due to the enactment of the 1994 “preferred-arrest” law, domestic violence cases rose from ten percent to forty percent of the cases on his docket. This doesn't mean that actual abusers were coming to his attention more often, but rather that he was “getting a lot of push-and-shoves or even yelling matches. In the past, police officers would intervene and separate the parties to let them cool off. Now those cases end up in criminal courts. It's exacerbating tensions between the parties, and it's turning law-abiding middle-class citizens into criminals.”
110. COOK, *supra* note 1, at 142.
111. *See id.*
112. *See* COOK, *supra* note 1, at 23.
113. *See id.*
114. *See id.*
115. COOK, *supra* note 1, at 23. In an interview with the author, Suzanne Steinmetz emphasized that society should “look at all violence as equally bad. It really doesn't matter who ends up with more damage. I get real nervous when we try to say one is more important than the other, or one needs more attention than the other.”
116. *See* Straus, *supra* note 34. The connection between partner violence and child behavior problems “occurs not only when both partners are violent (about half of families with partner assaults), but also when the assaults are committed exclusively by the male partner (about a quarter of the cases), as well as when the assaults are committed exclusively by the female partner.”
117. *See* STRAUS, ET AL., *supra* note 23, at 100-01.
118. COOK, *supra* note 1, at 24.
119. *See* Straus, *supra* note 81, at 74. Straus explains:
[T]he moral justification of assault implicit when a woman slaps or throws something at a partner for doing something outrageous reinforces his moral justification for slapping her when she is doing something outrageous To the extent this is correct, one of the many steps needed in primary prevention of assaults on wives is for women to forsake even “harmless” physical attacks on male partners and children. Women must insist on non-violence from their sisters, just as they rightfully insist on it from men Although this may seem like “victim blaming,” there is an important difference. Recognizing that assaults by wives are one of the many causes of wife beating does not justify such assaults. It is the responsibility of husbands as well as wives to refrain from physical attacks (including retaliation), at home as elsewhere, no matter what the provocation. *Id.* at 79-80.

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120. Cook, *supra* note 14.
121. COOK, *supra* note 1, at 113.
122. *See generally* PENCE & PAYMER, *supra* note 27.
123. COOK, *supra* note 1, at 113.
124. Armin A. Brott, *The Battered-Truth Syndrome*, WASHINGTON POST, July 31, 1994, at C1. The author quotes Katherine Dunn from *The New Republic*: “The denial of female aggression is a destructive myth. It robs an entire gender of a significant spectrum of power, leaving women less than equal with men and effectively keeping them ‘in their place’ and under control.”
125. *See id.*
126. *See* COOK, *supra* note 1, at 24.
127. *See* Carla M. Da Luz, *A Legal and Social Comparison of Heterosexual and Same-Sex Domestic Violence: Similar Inadequacies in Legal Recognition and Response*, 4 S. CAL. REV. L. & WOMEN'S STUD. 251, 267-72 (1994).
128. *See* ISLAND ET AL., *supra* note 19, at 1. It is estimated that as many as 500,000 out of the 9.5 million gay men in America are victims of domestic violence.
129. *See* RENZETTI, *supra* note 21, at 17. *See also* Bologna, Waterman, & Dawson, *Violence in Gay Male and Lesbian Relationships: Implications for Practitioners and Policy Makers*, Paper presented at the Third National Conference for Family Violence Researchers, Durham, New Hampshire (July, 1987). Renzetti notes:

[The researchers] discovered a high incidence of abuse in their survey of a self-selected sample of 174 lesbians. Approximately twenty-six percent of their respondents reported having been subjected to at least one act of sexual violence; sixty percent had been victims of physical violence; and eighty-one percent had experienced verbal or emotional abuse. At the same time, sixty-eight percent of the respondents reported that they had both used violence against their current or most recent partner and had been victimized by a partner. RENZETTI at 18 (citing Bologna et al.).

See also Lie & Gentlewarrior, *supra* note 22, at 41-59. Renzetti notes of Lie and Gentlewarrior’s study:

Similarly, in a survey of a nonrandom sample of 1,099 lesbians, [researchers] . . . found that 52% of the respondents had been abused by a female lover or partner and that 30% admitted having abused a female lover or partner. Of those who had been victims of abuse, more than half . . . reported that they also had been abusive toward their partners. RENZETTI at 18 (citing Lie).
130. *See* Jane Furse, *Calls for Help Are Ignored in Gay's Domestic Violence*, THE TIMES-PICAYNE, Dec. 12, 1993, at A10.
131. *Id.*
132. *See* Elizabeth M. Schneider, *Introduction: The Promise of the Violence Against Women Act of 1994*, 4 J.L. & POL'Y 371, 375 (1996). The Violence Against Women Act came about in large part because of efforts to educate the public about the problems surrounding violence against women.
133. *See* RENZETTI, *supra* note 21, at 17-18.
134. *See* JOELLE TAYLOR & TRACEY CHANDLER, LESBIANS TALK VIOLENT RELATIONSHIPS 54-55 (1995).

135. See Angela West, *Prosecutorial Activism: Confronting Heterosexism in a Lesbian Battering Case*, 15 HARV. WOMEN'S L.J. 249, 262 (1992).
136. See, e.g., STANLEY G. FRENCH, *VIOLENCE AGAINST WOMEN: PHILOSOPHICAL PERSPECTIVES* 1-4 (1998).
137. See Sandra E. Lundy, *Abuse That Dare Not Speak Its Name: Assisting Victims of Lesbian and Gay Domestic Violence in Massachusetts*, 28 NEW ENG. L. REV. 273, 286 (1993). Lundy says, "Lesbian communities . . . may be reluctant . . . to acknowledge that women can batter other women, because to do so would mean shattering a utopic vision of a peaceful, women-centered world." *Id.*
138. See Kimberlé Crenshaw, *Whose Story Is It Anyway? Feminist and Antiracist Appropriations of Anita Hill*, in RACE-ING JUSTICE, EN-GENDER-ING POWER: ESSAYS ON ANITA HILL, CLARENCE THOMAS, AND THE CONSTRUCTION OF SOCIAL REALITY, 402-07, 434-36 (Toni Morrison ed., 1992).
139. Krisana M. Hodges, *Trouble in Paradise: Barriers to Addressing Domestic Violence in Lesbian Relationships*, 9 LAW & SEX. 311, 326-27 (2000).
140. See generally *State v. Linner*, 665 N.E.2d 1180 (Hamilton County Mun. Ct. 1996). In Ohio, the Hamilton County Municipal Court used a functional definition of "spouse" to apply the state's domestic violence statute to same sex couples. *Id.* at 1183. It went on to state that if the Ohio legislature intended to exclude members of the same sex from the protection of the statute, then it would have made explicit references to gender. See also *State v. Hadinger*, 573 N.E. 2d 1191, 1193 (Ohio Ct. App. 1991) (interpreting the legislature's failure to explicitly refer to gender in the state's domestic violence statute as its intent to protect cohabiting partners regardless of gender).
141. Hodges, *supra* note 139, at 325.
142. See *id.*
143. See Nancy J. Knauer, *Same-Sex Domestic Violence: Claiming a Domestic Sphere While Risking Negative Stereotypes*, 8 TEMP. POL. & CIV. RTS. L. REV. 325, 328 (1999). Knauer states, "For the domestic violence movement, the existence of domestic violence in the absence of gender differences presents a direct challenge to the feminist construction of domestic violence as a gender-specific development of power and violence." *Id.*
144. Tamar Lewin, NEW YORK TIMES, April 20, 1992, at A12 (in the late edition, quoting Ellen Pence).
145. For more information about the Domestic Abuse Intervention Project, visit <http://www.duluth-model.org/daipmain.htm>.
146. COOK, *supra* note 1, at 34.
147. James O. Clifford, *Domestic Case Arrests of Women Rise*, AP WIRE, Nov. 24, 1999. Clifford states: "In 1987, women were arrested in 5 percent of California's domestic violence cases; that rate had risen to 15 percent by the time the state passed its primary aggressor law in 1997 . . ." In 1998, "as overall domestic violence arrests declined in California, the percentage of women arrested rose still further, to 16 percent: 9,373 arrests compared with 47,519 for men." See also Carey Goldberg, *Spousal Abuse Crackdown, Surprisingly, Nets Many Women*, NEW YORK TIMES, Nov. 23, 1999, at A16. In 1999 in Concord, New Hampshire, "nearly 35 percent of domestic assault arrests . . . [were] of women, up from 23 percent in 1993. In Vermont, 23 percent of domestic assault arrests [in 1999] were of women, compared with 16 percent in 1997."

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- In Boulder County, Colorado, one in every four defendants charged in domestic violence cases prior to September 1999 were women.
148. Joseph Kodish, *Defense of an Accused Batterer*, presentation given at Domestic Violence Forum held at University of Akron School of Law (Apr. 6, 2001).
149. See Clifford, *supra* note 147.
150. See P. Hoynes, *Finley Attacked By Wife, Police Say*, THE PLAIN DEALER (April 4, 2002), saying: “Actress Tawney Kitaen, former wife of David Coverdale of rock band Whitesnake fame, was charged with spousal abuse and battery for kicking her current husband, Cleveland Indians pitcher Chuck Finley, with her high-heeled shoes while he was driving.” *Id.* Furthermore, Kitaen used her high-heeled shoe to keep Finley’s foot on the automobile’s accelerator. *Id.* It is encouraging to see the media treat such an incident seriously and without ridicule (for example, not placing an abused man’s masculinity in question), especially since Finley, a professional baseball player, towers over Kitaen at 6 feet 6 inches and 226 pounds. St. Louis Cardinals Team Roster, at <http://sports.yahoo.com/mlb/teams/stl/roster.htm>.
151. See *supra* note 65.
152. See Straus, *supra* note 34. Straus emphasizes that:
“[T]he most fundamental reason for giving attention to assaults per se, regardless of whether an injury occurs, is the intrinsic moral wrong of assaulting a partner. Assaults by women are a crime and a serious social problem, just as it would be if men “only” slapped their wives or “only” slapped a fellow employee and produced no injury. Although this is a fundamental reason for morally condemning women who “only” slap their partners, it should not be allowed to obscure the fact that assaults by men are likely to be even more morally reprehensible because they result in injury so much more often than women. Nevertheless, an even greater wrong does not excuse the lesser wrong. A society in which dating, cohabiting, and married partners never hit each other is not a more unrealistic goal than a society in which co-workers never hit each other, and is certainly no less a hallmark of a humane society.
153. Asa Baber, *The Male Minority*, PLAYBOY, March 2001, at 41.