

New book examines gender on legal response to domestic violence

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Over the past 40 years, considerable progress has been made in lowering rates of domestic violence (DV) in our communities. However, this progress has been uneven due to continuing misconceptions about the causes and dynamics of domestic violence.

"Gender and Domestic Violence: Contemporary Legal Practice and Intervention Reforms," a new book edited and authored by Brenda Russell, professor of psychology at Penn State Berks, and John Hamel, licensed clinical social worker, practitioner, researcher, and editor-in-chief of the journal *Partner Abuse*, presents empirical research findings and reform recommendations for prosecutors, criminal defense attorneys, policymakers, and intervention providers with the aim of rectifying shortcomings in legal and law enforcement responses to domestic [violence](#).

Domestic violence, otherwise known more recently as [intimate partner violence](#) (IPV), is a significant social and public health problem in the United States and worldwide. Early research on domestic violence focused on female victimization, as this was essential to bring recognition to the plight of many women who were exploited and abused by men.

This created a social movement that merged with the feminist political views that IPV was a gendered phenomenon wherein men use abuse to maintain the patriarchy. However, as studies began to explore other populations impacted by IPV victimization (men and sexual minorities) they consistently found IPV victimization is often comparable across gender and sexual orientation. Despite this knowledge, societal perceptions and IPV policies continue to adhere to the gender paradigm that focuses primarily on men as perpetrators and women as victims.

According to Russell and Hamel, the causes and dynamics of domestic violence include an exaggerated focus on males as perpetrators and females as victims. Over time, this has resulted in a heavy-handed law enforcement response that compromises the rights of criminal defendants without necessarily reducing violence. The book confronts the notion that certain beliefs shared among victim advocates, legal actors, and other stakeholders have led to the use of ineffective and

potentially harmful one-size-fits-all intervention policies that can jeopardize defendant due process and victim safety.

"There is a shared belief that DV or IPV is bound by gender and is primarily a crime against woman," said Russell. "Unfortunately, this shared belief has deeply affected legal decision-making and practices."

While some men are motivated to assault their partners to maintain male privilege, evidence posits that most do so for personality and relationship reasons—to get what they want, to punish, out of jealousy, in retaliation—when they are under the influence of substances, in self-defense, or to express anger or other emotions. Motives are the same for LGBTQ+ perpetrators as they are for heterosexual perpetrators. Additionally, women perpetrate IPV for the same reasons as men, with self-defense as one of the least-endorsed motives.

There is also major concern for children who witness IPV in the home. Regardless of which parent inflicts IPV on the other parent, children are at risk for displaying conduct and academic problems. They also run the risk of perpetrating IPV themselves in adolescence or adulthood, and exhibiting various mental health or [substance use disorders](#).

Additionally, the researchers examined the tools used in IPV training, which they determine are rarely inclusive, often inaccurately defined, and incomplete. The tools were originally intended to apply only to heterosexual male offenders, which fails to account for far more common varieties of mutually escalating couple dynamics or IPV abuse among [sexual minorities](#).

Contributors of the book include practicing lawyers, practitioners, and scholars who provide information and suggestions for those working in the field to consider gender-inclusive frameworks from arrest, investigative techniques, custody litigation, parental alienation, jury

decision making, to treatment including batterer intervention, holding batterers accountable, and suggestions for policy reform.

The goal of the book is to build a foundation from which those working in that space can begin to move beyond the gender paradigm by recognizing disparities and applying tools that improve research, policing, and practice. The findings emphasize the use of data and evidence versus reinforced systematic stereotypes that persist through the legal and criminal justice systems.

"We want people to understand that there is evidence-based research information on how gender is not the determining predicator for who commits domestic violence. IPV is no longer a gender-based crime, but rather a crime that exists beyond gender or sexual identity or orientation," noted Hamel. "We hope that this book will allow those working in the courts, advocates, or in the DV/IPV policy space to make long overdue changes within the system and progress toward eradicating [domestic violence](#) while reducing individual and family trauma."

More information: Gender and Domestic Violence: Contemporary Legal Practice and Intervention Reforms, Edited by Brenda Russell and John Hamel. [global.oup.com/academic/produ...64028?cc=us&lang=en&](https://global.oup.com/academic/product/9780190264028?cc=us&lang=en&)

Provided by Pennsylvania State University

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