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Putting The Focus On The Batterer

Ann Jones*

Some of our panelists began this morning by saying that everyone in the room knows a lot or knows something about the problem that we call euphemistically, domestic violence; that peculiar tame kind of violence. I want to back up and start from square one, because I believe that much of what we think we know about woman-beating is misinformation, disinformation, outmoded information and confusing information that complicates this issue needlessly for us. What is going on here is very simple and what can be done to stop it is equally simple. Although getting anybody to do that may be quite complex.

Why does battering happen? Battering was said this morning to be coercive control. What does that mean? That means that many men still believe that they have a right to make their woman live her life to please them and not to please herself. Batterers batter because it works. A man who hits a woman gets his way, at least in the short run. Men beat women not only because it works but because they can. To this date, no one has made an organized concerted community-wide effort to stop them. The problem is quite simple and will go on being a problem as long as we go on talking about the victims, and as long as we refrain from looking at the perpetrator and putting a stop to the perpetrator's activities.

The problem of violence against women has been so important for so long. Yet, most of what has been done to stop it has

* This is a transcript of the speech given by Ann Jones at Pace University, Domestic Violence Symposium on February 18, 1995. Ann Jones has written many publications concerning battered women. These publications include: *NEXT TIME SHE'LL BE DEAD: BATTERING - AND HOW TO STOP IT* (Beacon Press 1994); *ANN JONES & SUSAN SCHECHTER, WHEN LOVE GOES WRONG: WHAT TO DO WHEN YOU CAN'T DO ANYTHING RIGHT*, (Harper-Collins 1992) (Harper-Collings Perennial Paperback 1993) (also published in the United Kingdom and Germany); *EVERYDAY DEATH: THE CASE OF BERNADETTE POWELL* (Holt, Rinehart and Winston 1985); *WOMEN WHO KILL* (Holt, Rinehart and Winston 1980) (Fawcett Columbine Paperback 1981) (Fawcett Paperback 1982) (also published in the United Kingdom and Germany); *UNCLE TOM'S CAMPUS* (Praeger 1973) (Simon & Schuster Touchstone Paperback 1974).

been done by women. Most of them have been survivors of violence against women, who organized to help other crime victims escape from this crime. This is an unprecedented grass roots, widespread, movement of crime victims helping other crime victims. It never happened before in history, and here it is.

I was going to read you a list that I wrote in my book of some of the basic accomplishments of that movement since it first got off the ground in 1975, but that list goes on for three pages. So, I'll let you read it for yourself. But I do have to point out one fundamental problem with the battered women's movement. This is not a criticism of the battered women's movement. This is a historical description of what happens. Since I write better than I talk, I'll read it to you.

The battered women's movement arose among women from immediate need, not abstract theory. It was taken up by concerned policy makers largely for reasons of politics and economics, not justice. So we have a situation in which social action precedes the premise from which it should follow. Namely, that all women have an absolute right to be free from bodily harm.

It is no longer enough to offer some victimized woman safety and sympathy any more than it would have been enough to offer Rosa Parks that seat at the front of the bus without granting the principal of social equality behind it. Grant the principal, and all the rest falls into place. For women in the United States, that principal has not yet been recognized.

So what we're talking about here is a simple question of human rights, constitutional rights and civil rights as they affect women. And if we can keep in mind that principal, that nobody even mentions and nobody ever talks about, it simplifies everything. It lets us know that every woman has a right to be free from physical violence no matter who she is, no matter where she lives, no matter what she does, no matter how masochistic, provocative, bitchy or nasty she is, no matter whether she stays or goes. No one has a right to inflict bodily harm on her. That also means that no man has a right to violate a woman's constitutional rights, her civil rights, her human rights. Whether he does it by punching her in the jaw or delivering unwanted valentines in her mailbox in violation of a restraining order.

So what I want to do is shift our conversation to the perpetrator. And we've already heard this morning that he might be anybody. He's not a monster. He's that nice guy, that same kind of nice guy that's sitting in Judge Ito's courtroom at this very moment where, only yesterday, Judge Ito was cracking jokes with him. If we can switch our attention to the perpetrators, that means we have to bring pressure to bear for an organized criminal justice response through the whole system.

So far, as some of our panelists indicated this morning, and as Sergeant Walsh expressed his fear, one part of the system may work but the other part of the system breaks down. So, that has been the convenient thing for the criminal justice system; if part of it works and the other parts do not, then they can always pass the buck and say that it was the other person's fault. And ultimately, they pass the buck to the woman who they say either did not want to press charges, or didn't follow through or did not show up in court. Or, well you know that old story, bring it all back to the woman again.

So, while we heard encouraging things this morning about the police response, and the prospective police response, we have to make sure, through our public pressures, that our prosecutors are ready to do their jobs and that the judges are informed enough to hear the cases before them intelligently, fairly, and justly for women. I have to tell you that there are a lot of feminist observers of the courts who have long ago given up on the legal system because they feel that the law itself is so deeply gendered. And, the behavior of current practitioners of the law is so deeply imbued with sexism, that there is no hope of women getting justice under this system.

I continue to think that there is hope, but it means massive changes in attitude and conduct, and it means that all of us have to bring pressure to bear on all parts of that system to work. Not only to stop individual perpetrators but, as emphasized this morning, to bring that message to the whole community at large, to the society at large, that this is behavior that we will not tolerate any more. That, in a nutshell, is what I have to say. But I would like to point out a few, what I think of, as the major impediments to making that kind of transformation today.

What's holding us back? We have been talking about this for twenty years now and the violence against women, despite all our accomplishments and despite changes that have been made, continues to mount. So why? What stops us? First of all, I think it's that terrible gender-defensiveness that seems to come with the male genes. It has always been astonishing to me how men who in every other way seem to be nice, well-intentioned human beings will rise to the defense of the most loathsome batterer because they seem to take any criticism of violence against women as a challenge to the entire male sex.

That is not what this is about. Yes, it is a war between men and women in the perpetration of these crimes. Ninety five percent of these crimes are committed by men against women; and that is where the gender war comes in. But when you look at the other end of the process, at the results of this process, at the immense costs in economic terms and in human terms to our entire society, you must see how deeply this affects all women and all men. So men need to stand up, get over this gender defensiveness and take a firm stand against male violence against women.

We are stuck, however, with a prevailing misconception that what we are talking about is romance; that what we are talking about is love; that what we are talking about is domestic disputes; or as Johnny Cochran put it, "a rocky marriage." That is not the subject. We are talking about rights. We are talking about crimes. Period. End of the story.

Everyone was very concerned this morning that we raise public awareness. Everyone offers, as some consolation to this debacle in Los Angeles right now, that the Simpson case is "raising our public consciousness." Well, it has and let me give you an example of how it has.

This is the issue of Time magazine after O.J. Simpson's arrest last July which features more of Donna Ferrato's wonderful photographs. The photographs are great, the text reads like this: "Though domestic violence usually goes undetected by neighbors, there is a predictable progression to relationships that end in murder." Do you notice we don't have any perpetrator here? It's the usual obscure language. No perpetrators exist in the English language when we start talking about domestic violence.

"Typically, it begins either with a steady diet of battery or isolated incidents of violence that can go on for years. Often the drama is fueled by both parties. A man wages an assault." Notice the elevation of that language - he "wages an assault." "The woman retaliates by deliberately trying to provoke his jealousy or anger. He strikes again. And the cycle repeats with the two locked in a sick battle that binds and reassures, even as it divides."

Now, there is much more of this, I could read you much more of it. But, if that represents the level of our public discourse, if that is the kind of information that we are being given by our major news magazine that is supposed to be a great breakthrough in the discussion of violence against women, we are in very deep trouble indeed. It should not be necessary to point out to this audience that this is a description of a "relationship," this is not a description of a "rocky marriage." Even if we were to accept this sexist description of "rocky marriage," what she does to him that "deliberately provokes him" is not against the law anywhere in the world. But what he does to her is against the law in every jurisdiction of this country. So, we need to be clear about what we are talking about. It is not romance, it is crime.

Some of you may have seen a "Day One" report by Brian Ross, just last week on batterers, in which he talked about the attitude of judges. One of the judges in this report was a man, who had appearing before him, for the fifth time, a husband convicted of assaulting his wife. Despite prosecutor's recommendations for sentencing, the judge had never given one on four occasions.

On the fifth occasion, prosecutors insisted and he sentenced the guy to eight hours of "batterer's counseling." It was a "batterer's counseling" program that was not on the list approved by the prosecutors; it was some fly-by-night operation. It must have been a wonderful finishing school in how to control your wife. Because, when the batterer finished that counseling program, on the very day that he got his diploma, he went to his wife's house and killed her. The reporter on this program asked the judge who had sentenced this man to eight hours, "In view of what happened afterwards, do you think that when that man appeared before you, justice was done?" And the judge, who I'm

sure was a very decent, conscientious man, thought, very seriously (you could see the little wheels spinning) and said, "I'm not sure." A person can only come to that conclusion, of course, if he believes that what we are talking about is a "rocky marriage" and not crime.

I want to mention to you, briefly, a couple of other impediments and then I'll stop haranguing you. We are still stuck with a massive body of the old boys' research and it keeps turning up more and more in magazines and newspapers. Usually it is quoted to minimize the problem of violence against women or to stress the problem of female violence against men. We have (I'm speaking of the University of New Hampshire Family Violence Center funded by your tax dollars and mine) Strouss and Gellis, the sociologists, and the token female, here and there, like Suzanne Stienmetz. They have produced all this misinformation that would lead us to believe that women and men are violent towards one another in equal measure and with equal consequence, and that the single greatest unsung social problem in America is battered husbands. So we are stuck with that information.

Unfortunately, we are about to be stuck with Loren Schurmann's revised studies. Sergeant Walsh mentioned this morning the importance of his initial studies of policing in Minneapolis. This led to the conclusion that has been borne out in many police precincts across this country: arrests can be a significant deterrent to both assault and homicide. Schurmann now is trying to recant those studies. In his latest book, he tells us that arresting batterers is bad for battered women because it makes batterers angry. Heaven forbid that we should make batterers any angrier than they already are.

We are also stuck with the problem that is widespread in this country of psychologizing everything, and particularly this problem. So that we have devoted endless attention, and I hesitate to tell you how many millions of your tax dollars, through federal grants to study the psychology of women. All to determine why they go out and become the victims of violence all the time.

We are stuck, particularly when it comes to the legal system, with an old fashioned model of something called the "cycle of violence" and something called the "battered woman who has

learned helplessness." Anyone who works with battered women can tell you that most battered women are women like Nicole Simpson, who are not helpless victims sitting in a corner waiting to get beaten up again. But, women who are in fact trying to do the very best they can, actively, to stand up for themselves and for their children, and to lead life as peaceably as they can, given the fact that they are living with this violent man.

What happens when these women go into court (and we will see this in the Simpson case) is that they do not match the legally received opinion of what a good battered woman should look like. If you are not a helpless victim, in the eyes of many of our courts, you are not a real victim and you must therefore be something entirely different, probably a cold-blooded killer. So, women suffer the consequences of research that was done twenty years ago and that has some useful places in the courts but that is easily twisted and used against women; particularly in courtrooms where the lawyers, the prosecutors, the judges may not be sufficiently informed to understand adequately what is going on.

So, those are some things to be on the lookout for. But if we can grasp that principal - that women have a right to live free from bodily harm - then we should start thinking about these perpetrators differently. And we should start thinking about these victims differently as well. Because these women get beat up not because they are helpless, not because they are "victims," these women get beat up because they don't do what he wants them to do. If they did, he wouldn't go on doing it. They try to please him in every way. It does not work. He thinks of another reason to beat them. They get fed up, they argue, they stand up for themselves. And woman after woman after woman leaves alright.

If you think that what is going on here is a battle for women to live their lives as we see it, we ought to be building statues to these women in the streets, not locking them up in prison. They are the resistance, they are the freedom fighters. I would ask you to try to get a hold of the principal. And, as my hero John Stuart Mill advised years ago, "If the principal is true, we should act as if we believe it." So I would ask you to do that in all of your work.