

MATTERS OF HISTORY, FAITH, AND SOCIETY

CHAPTER OVERVIEW

Why do we care about historical attitudes and precedents toward women or religion in the United States, an increasingly secular society? Are religious doctrines and attitudes still important in the context of a modern Western society? Simply stated, an understanding of domestic violence should include a macro-level analysis to explain the structural violence considered by many to be endemic against women in most societies. This chapter will discuss the long history of societal neglect of this problem and how socially sanctioned violence against women has persisted since ancient times.

Prior to the 1970s, the statutory structure for handling domestic violence could charitably be described as “benevolent neglect” of “family problems.” State assistance for victims, if any, went to traditional social welfare agencies that handled a variety of family problems, most of which were assumed to originate from poverty, ignorance, or ill-breeding. Not only did these agencies lack expertise in domestic violence, but they often took the occurrence of violence as an occasion to strengthen family bonds, in many cases exacerbating women’s abuse. Managing violence against women was considered beyond the purview of government; as a result, the failure of government to assume responsibility for the safety of women and children in their homes was not noticed. To the contrary, it was widely believed that intervening to protect women and children except in the most egregious cases could do incalculable harm to family structure and so, by extension, to society as a whole.

We also know that many religions—Christianity, Judaism, Islam, and others—in their core texts simply have affirmed ancient male-dominated family structures. The result can be found in the official discrimination and historical tolerance of domestic violence. These are exemplified by English common law in the history and practices of the United States at least until the enactment of modern reforms. Although most societies have the same—or even significantly worse—issues with official and tacit tolerance toward domestic violence, this chapter will focus on historical and religious antecedents that have shaped the “traditional” US tolerance of domestic violence and how these might still impact how our society treats the issue. Finally, we will deal with the paradox that despite patriarchal texts, many empirical studies have found that in the United States at least deep religious convictions correlate with lower rates of intimate violence.

The second part of the chapter will discuss the modern movement for change in the police response to domestic violence. Change originated from an unusual confluence of political and legal pressure from women’s rights and battered women’s advocates, research, and organizational concerns over the possibility of liability if the police continued past practices of neglecting victims of domestic violence. The interaction of all these sources of influence is worthy of examination as it helps us understand our current concepts of belief systems and best practices.

HISTORIC ATTITUDES ON DOMESTIC VIOLENCE

Domestic violence has long been a feature of both ancient and modern societies. From the earliest record, most societies to varying extents have given the male patriarch of a family the right to use force against women and children under his control.

The basis for patriarchal power often was a desire to maintain social order extending to defined relations within the family. One graphic example is Roman civil law, *patria potestas*, which gave legal guardianship of a wife to her husband. This concept included the largely unfettered ability of the husband to beat his wife, who became, in legal effect, his daughter. Such rights were not necessarily for her well-being since this right extended to the ability (if not the reality) to sell a wife into slavery or, under certain limited circumstances, to put her to death. This was codified in the earliest known example of a written marital code (753 BC); Roman law stated simply that wives were “to conform themselves entirely to the temper of their husbands and the husbands to rule their wives as necessary and inseparable possessions” (Pressman, 1984, p. 18). Similar codes or judicial doctrines were enacted in many ancient societies where women, whether slaves, concubines, or wives, were under the authority of men and in effect were treated as chattel property (Anderson & Zinsser, 1989) or viewed as inherently having an inferior role “as men ruled in government and society, so husbands ruled in the home” (Lentz, 1999, p. 10). Ancient historical precedents can therefore best be summarized by the concept of the “natural order,” being one of inferiority of women under the male head of the household, who logically retained “property” rights as the head of the household over everyone in his domain.

English Common Law and European History

English common law, the progenitor legal system of 49 of the 50 US states (all but Louisiana), followed a variant of the well-recognized custom. In traditional English society, property rights were the key denominator of social status. English feudal law reinforced religious edicts using the concept of male property rights over women and, within limits, the right of men to beat “their women” if needed. Socioeconomic status, heredity, and sex determined far more than personal achievement in setting the potential limits for what a person could attain. Hence, one was either bred into nobility with the numerous rights thereof or one was a commoner. Each group had clearly defined property rights and behavioral expectations. Within such a charged atmosphere, the characterization of one’s rights over property was perhaps the most important attribute of a person’s status.

In feudal times and according to common law, incorporating Norman customs, married women became “a femme covert,” the law of “coverture.” This meant women were under the protection and control of their husbands. While one could be cynical about the role of “chivalry,” there also were risks for men in this allocation of responsibilities as under the law of coverture; husbands were legally responsible for the actions of their wives. However, women incurred the far greater loss as they relinquished property rights in favor of their husbands, even when property was inherited from their families.

The implications of a man’s property rights and his reaction to the violation of such rights were acknowledged in the British judiciary’s reaction to adultery by each gender. For example, English common law differentiated between the “reasonable reactions” of a husband to his spouse’s adultery (justifying to some extent an impulse to extreme violence) and those of a similarly situated wife, who had no such protection for her own violence in the face of adultery.

From the seventeenth century through the mid-twentieth century, British common law mirrored their society where it was expected that men had more aggressive sex drive and a natural dominance over their wives. Hence, a “normal” reaction to a woman’s adultery was

understood. Under this conception of dominance, adultery by the wife constituted adequate provocation enough to mitigate murder to manslaughter (a lesser crime not punished by death) regardless of whether a husband killed the wife or her lover. Because adultery was viewed as violating a husband's property rights in his wife's body and his family name, the common law recognized allegations of infidelity as the most severe form of provocation. As a court opined in *Regina v. Mawgridge* (as cited in Miccio, 2000, p. 161), "Jealousy is the rage of a man, and adultery is the highest invasion of property ... [A] man cannot receive a higher provocation."

Although spousal infidelity might always be considered a severe betrayal, the law of adultery was totally gendered in its application. Until 1946, English courts assumed that wives did not experience rage as men did. Therefore, women who killed philandering husbands could not use adultery as a justification to reduce a murder charge to manslaughter.

This exemption for killing in defense of a man's honor—and in effect, in defense of his property—was carried forth from common law and widely recognized in the United States as well, both by state statutes (four of which at one point made adultery a complete defense to criminal charges of killing a wife's lover) and even more commonly by judicial action (Miccio, 2000).

Some historical change, however, was evident beginning in the 1500s. In response to beating deaths that were from the medieval times regarded as extreme, English common law began the process of introducing constraints on a man's rights to beat his wife. The concept of "restraint" was introduced to place some limits on the up-until-then largely unfettered rights of the husband. Under later English common law, husbands were entitled to dominate wives using violence "with restraint" (e.g., the theory of "moderate chastisement"). The power of life and death over his wife was taken away—at least officially. In practice, however, few if any restraints short of punishing homicide were imposed on the husband's ability to chastise his wife (Gamache, Edelson, & Schock, 1988; Sigler, 1989; Walker, 1990).

Such limiting rights were perhaps most graphically illustrated by the often-stated, if somewhat allegorical, concept of the rule of thumb, which purported to allow husbands to beat their wives with a rod or stick no thicker than his thumb. The probability that a whipping with such an instrument could still cause serious injury or even death illustrates how important maintenance of the family unit and the authority of its patriarch was in practice—far more important than stopping violence. As such, one eighteenth century court ruling gave authority to the husband to punish his wife as long as it was confined to "blows, thumps, kicks, or punches in the back which did not leave marks" (Dobash & Dobash, 1979, p. 40).

In the late 1500s, the British jurisprudence began debating whether there were legal limits to the theory of chastisement. Public debate began as to whether God or the state sanctioned physical beatings (Fletcher, 1995; Lentz, 1999). In this regard, trial courts began to be concerned about the reasons for the beating and the extent of the physical damage inflicted. Hence, it held if the woman somehow was responsible for the beating—if she was an adulteress, or even "a nag," more physical punishment would be permitted. Alternatively, if the beating was the result of a drunken rage, it would be illegitimate and punishable. From this perspective, the concept of restricting beating to particular acts as well as the physical punishment inflicted became key limitations on the common law right to chastise one's wife.

From a different perspective, it is possible to see that as socioeconomic status lines became more rigid, "wife beating," although still widespread, came to be viewed as a mark of the lower class—at least by members of the upper classes, who increasingly disdained such violence as the product of the British drunk lower classes. In reality, although few court records exist, because such actions were considered to be private within the family, it is equally possible that beatings in upper-class families were widely present. Although probably rarer than in the lower classes, at least partially due to differences in drinking patterns, such abuse

was more likely to be veiled in silence and never reported to the authorities to prevent shaming the families in proper society (Fletcher, 1995; Lentz, 1999).

Other societies adopted similar theories that limited the application of the husband's violence while in effect condoning his right as the family patriarch to engage in certain violence to promote family values. For example, a sixteenth century Russian ordinance expressly listed the methods by which a man could beat his wife (Quinn, 1985). When violence became too serious, laws against assault and battery were typically not invoked. Instead, informal sanctions by family, friends, the church, and perhaps vigilantes were undertaken. Such sanctions included social ostracism, lectures by the clergy, or retaliatory beatings of an offender by the wife's male kinfolk (Pleck, 1979).

The fact is that in virtually every society we have examined, whether in European or other cultures, proverbs, jokes, and laws indicated strong cultural acceptance and even approval, within reason of the control of women by their husbands, including beatings, if necessary (Buzawa & Buzawa, 2017). Any effort to list such proverbs would be futile, but two examples are illustrative of the extent of such beliefs:

A wife is not a jug ... she won't crack if you hit her 10 times. (Russian proverb)

A spaniel, a woman, and a walnut tree—the more they're beaten, the better they be. (English proverb)

In addition, English comic plays used wife beating as a recurrent comic theme. One obvious example is William Shakespeare's witty comedy *The Taming of the Shrew*, where the woman's desire to test the limits and her subsequent acceptance of a beating were considered hugely comedic.

Certainly, US culture is no less inundated with messages of this nature. Until at least the 1970s, American pop culture often trivialized domestic violence. Consider television programs such as *I Love Lucy*, in which Ricky Ricardo regularly spanked Lucille Ball, for comic effect, or *The Honeymooners*, in which Jackie Gleason's arguments with his wife, Alice, typically ended with his catch phrase, "One of these days, Alice ... pow, zoom, right to the moon." John Wayne movies similarly used spanking as a staple strategy in many movies to tame a spouse or even to "win over" independent, strong women—usually in front of and to the delight of the entire town. Notably, such taming did not stop until the woman stopped struggling and accepted that this was appropriate. Although the spankings, at least on camera, might have been perceived as trivial, and no injuries ever resulted, in dramatic effect women were perceived to encourage moderate violence by taunting the male until he gave her the beating she tacitly desired. The reality of serious domestic violence was simply never addressed.

Nineteenth-Century European Advances

While most European countries had very little political activism in behalf of battered women, in the late nineteenth-century Victorian England, early feminists were emerging as a potent social force. As a group, they were admittedly far more interested in women's suffrage and began to understand the impact of what we now term domestic violence. Such authors that often wanted to regulate many aspects of private morality in their country from temperance through rehabilitation of criminals began to be incensed about what was commonly and somewhat derogatorily accepted as "wife beating." They viewed this as being a problem primarily of patriarchs in the "lower classes" who continue to display barbarism in their treatment of women and children in their families.

In 1878, Frances Power Cobbe wrote an important article entitled "Wife-Torture in England." She specifically called the paper "English Wife-Torture" because, in her own words, she "wished to impress my readers with the fact that the familiar term 'wife beating'

conveys as remote a notion of the extremity of the cruelty indicated as when candid and ingenuous vivisectioners talk of scratching a newt's tail when they refer to burning alive, or dissecting out the nerves, of living dogs or torturing 90 cats in a series of experiments" (Hassenbach, 1999).

By reframing what had been a common practice, and obviously not only in the lower classes, as being "torture," she reframed the debate in Victorian England.

Edward Peters, in his book *Torture*, refers to Cobbe's article indicating that: "the title speaks for itself. The word torture was arresting and unambiguous. It was astutely chosen and created a perspective upon the problem that must have focused a greater deal of hitherto diffused attention upon the central aspect of the problem by linking it to a term (*torture*) which, by the later 19th century, was one of virtually universal opprobrium and therefore potentially effective in harnessing what had until then been a scattered opposition. Torture was acquiring its semantic expansion, as always, in an honourable and important cause."

As a result of her use of statistics and vivid accounts of brutality, there was an immediate outcry. Her basic thesis was that in terms of legally sanctioned "rights," the relationship of husband-wife was more akin to master-slave than a marriage of equals and that without reform, serious abuse or torture was inevitable. The outcry assisted the resulting passage of the Matrimonial Causes Act of 1878 that same year. This statute allowed abused wives for the first time to obtain divorces which in turn also triggered financial maintenance and child custody rights—the key to any real ability for a married woman with children to escape an abusive husband (Hassenbach, 1999). Violence in the family was then defined as "torture," and because it was universally despised in England at the time, abused women were able to finally able to challenge the belief that violence in the home should remain private.

Early American Strategies and Interventions

The Massachusetts Body of Laws and Liberties, enacted by the Puritans in 1641, were the first laws in the world expressly making domestic violence illegal. This statute provided that "every married woman shall be free from bodily correction or stripes [lashing] by her husband, unless it be in his own defense upon her assault" (Pleck, 1987, pp. 21–22). Similarly, in 1672, the Pilgrims of Plymouth Plantation made wife beating illegal, punishable by fine or a whipping (Pleck, 1987).

The limitations of this first US intervention, however, should be clearly understood. Puritans and Pilgrims did not object to moderate violence under religious law, and over time, the practices sanctioned (or tolerated by the Pilgrims and Puritans) began to evolve into the more definitive boundaries for permissible levels of violence that became the historical antecedents for the experience in the United States.

Within these sects, the family patriarch retained not only the responsibility but also the duty to enforce rules of conduct within the family. Therefore, they largely concurred, perhaps unknowingly, with European thinking regarding violence in the family. Moderate force was necessary and proper to ensure that women, as well as children, followed the correct path to salvation. In effect, the right to use violence was sanctioned, but only if it was for the benefit of the family—and hence of the colony's social stability (Koehler, 1980; Pleck, 1979).

Also, the effect of these laws was largely symbolic, defining acceptable conduct and not often enforced by the public floggings or the other more draconian criminal justice punishments then in vogue. One exhaustive research project found that from 1633 to 1802 (169 years), only 12 cases of wife abuse were ever brought in Plymouth Colony (Pleck, 1989). In addition, although these statutes might have influenced other colonies, they were confined to

the more religious New England colonies and were not extended to the larger and more religiously representative Southern and Mid-Atlantic settlements. Finally, because these were primarily based on religion, determining the appropriateness of conduct that was “suitable in the Eyes of the Lord” became even more problematic, as American society, in common with most of Europe, became more secularized. For these reasons, enforcement of such laws largely disappeared before the American Revolution.

During the period between the late 1700s and the 1850s, there were virtually no recorded initiatives by society to control domestic violence, and despite a detailed search, it seems that a legislative vacuum existed (Pleck, 1989). In fact, in the early 1800s throughout the United States, judges commonly dismissed infrequent criminal charges of spousal violence because a husband was legally permitted to chastise his wife without being prosecuted for assault and battery (Lerman, 1981).

Furthermore, although not codified into law, state courts as early as the 1824 Supreme Court of Mississippi decision in *Bradley v. State* (1824) expressly reiterated the English common law principle that a husband could beat his wife “with a rod no thicker than his thumb.” Some court decisions of this period, although using extreme language, illustrate the prevailing judicial sentiments toward intervening in domestic matters.

One court clearly focused on how the wife brought punishment down on herself (Hirschel, Hutchison, Dean, & Mills, 1992): “The law gives the husband power to use such a degree of force as is necessary to make the wife behave herself and know her place” (p. 251). The same court made it clear that it was even immaterial whether the husband used a whip or another weapon on his wife “if she deserved it,” and this gave her no authority to abandon her husband, *an offense for which she could be prosecuted* (Hirschel et al., 1992, pp. 252–253, emphasis in original).

In reality, a married woman was not viewed as being autonomous or being an adult in most popular conceptions of the word. Until the start of the twentieth century, she had few legal rights. For example, as in Britain, a husband owned all of a family’s property and assets and in practice was allowed to chastise his wife physically. He also had the right to force her to move and accept new domiciles even if this meant uprooting the family. Not surprisingly, in the closely related context of marital rape, legislatures and courts viewed the husband as having an unfettered right to the sexual enjoyment of his wife with or without her consent.

This acceptance of marital rape changed only in the last century. In *Oppenheim v. Kridel* (1923), the court abridged this right, noting that in the past in New York State,

[t]he marriage contract vested in husbands a limited property interest in the wife’s body with the concomitant right to “the personal enjoyment” of his wife. Consequently, in exchange for shelter and protection from external forms of violence, the wife gave over her body. If wives refused conveyance of the self, husbands enforced compliance by force. Marital status conferred upon husbands the right to violate the bodily integrity of their wives. (Miccio, 2000, p. 157, emphasis added)

Why did judges condone obvious violence? Well, it was no coincidence that for centuries all judges were men, but we believe it simply reflected the widely held societal belief that a woman, with an inferior mind and countenance, needed the protection of her spouse, regardless of the possible harm inflicted by the few that used such powers to abuse their spouse. It also is probable that larger societal trends were at work. As society became more secularized, the enforcement of community moral standards in private conduct became considered an improper state activity—an overreaching use of governmental power.

In this regard, the operations of the legal systems of the new US Republic (as well as Great Britain) reflected the philosophies and teachings of classic “liberal” philosophers. For example, John Locke, the British philosopher, strongly believed that society should restrict its concerns to

the maintenance of public order and abjure both trying to regulate the private order and to eliminate private vice (Pleck, 1989). Jean-Jacques Rousseau, the French philosopher, had a strong intellectual influence in the United States on the importance of equality and the role of the state. His beliefs did not extend his concept of equality to women, however, whom he viewed as inferior and as having interests confined to “women’s functions” (Miccio, 2000).

Domestic Violence Reforms in the 1800s

In the United States, the second period of greater enforcement against domestic violence occurred in the context of the major societal upheavals of the latter nineteenth century. Laws passed and cases decided during or immediately after the Civil War reflected a new willingness to impose restrictions typical of a more urban environment and of an enhanced government willingness to regulate families. Some legislation tentatively at first began to erode the husband’s unfettered authority over his spouse.

Did such new enforcement occur because of an enhanced appreciation of the rights of women? Perhaps, but frankly, we believe that we should not underestimate the dominant society’s reaction to the lifestyles and mores of new immigrants and the lower social classes—long a theme of American “reformers.” At this time, the emerging financial elite, as well as the professional and middle classes, were frightened, almost to the point of hysteria, over their perception of uncontrollable crime waves committed by the lower classes. This was exacerbated due to fear of the demise of American civilization resulting from waves of immigrants with markedly different—and supposedly far more brutal—cultural backgrounds such as the Irish, Italians, Jews, and those from Eastern Europe in general.

For whatever reason, in 1871, the Supreme Court of Alabama became the first appellate court in the United States to rescind the common law rights of a husband to beat his wife as follows:

The privilege, ancient though it may be, to beat [one’s wife] with a stick, to pull her hair, choke her, spit in her face or kick her about the floor, or to inflict upon her like indignities, is not now acknowledged by our law. ... In person, the wife is entitled to the same protection of the law that the husband can invoke for himself. (Hart, 1992, p. 22)

In sharp contrast, the North Carolina Supreme Court had rejected a similar case just 3 years earlier in 1868: “If no permanent injury has been inflicted, nor malice, cruelty nor dangerous violence shown by the husband, it is better to draw the civilian, shut out the public gaze, and leave the parties to forget and forgive” (*State v. Rhodes*, 1868).

In addition to growing judicial limits on a husband’s authority to chastise his wife, concerns about physical abuse were beginning to be expressed by the nascent women’s advocacy movement. Following the lead of Victorian feminists in Great Britain, upper-class and highly religious women had begun organizing to achieve political and societal reforms. The first of these organizations were the Temperance Leagues. The Temperance Leagues saw their primary mission as stamping out the most visible cause of societal problems, “demon rum,” especially considered a vice of immigrants and the lower classes. Out of these early movements, a new phenomenon, “suffragettes,” evolved into the effort to gain women’s voting rights. Although this was their primary mission, they also concurrently organized activities designed to help women more generally, including efforts to lift the numerous legal restrictions on women’s freedom, such as the right to own property in their own name.

In 1885, volunteers working with a coalition of women’s organizations in Chicago started a “court watch” project designed to monitor proceedings that involved female and child victims of abuse and rape. In addition to providing legal aid and personal assistance, they also sent abused women to a shelter run by the Women’s Club of Chicago, the first shelter of its

kind. These endeavors were part of the *Progressive Movement* (1880s–early 1920s) in the United States.

While not expressly tied to wife abuse, society also began to be concerned with women and children who could no longer stay in a home, quite often due to legitimate fears of being beaten and abused. The most enduring work of the *Progressive Movement* was the establishment of settlement houses, with growth that continued through the 1920s, reaching more than 500 throughout the country. The goal of the settlement house movement was to bring the resources of the wealthy/middle class to alleviate poverty in marginalized, largely immigrant, urban communities. Unique in their time, the settlement house movement identified and responded to the plight of abandoned wives/widows and their children. Organizers resided in the settlement houses, providing childcare, education, healthcare, English studies, employment assistance, and cultural awareness to their neighbors in impoverished communities. Recognizing the structural impediments to eradicating poverty, the movement also sought economic and political reforms. However, the settlement house movement ended by the end of the 1920s, along with the decline of the Progressive Party and the economic turmoil of the Great Depression. The plight of impoverished, abandoned, and abused women, frequently thrust into economic destitution by separation from husbands, divorce, or widowhood, was largely ignored until the women's movement of the 1960s.

In short, during the last decades of the nineteenth century, women in both Great Britain and the United States began to achieve some modest degree of financial freedom and protection of their property rights. Divorce became at least theoretically possible. Although there were legislative reforms to “protect women” by limiting their ability to work in difficult, but well-paying, positions, there was a gradual acceptance of women in the workforce, at least in what we now view as traditional female occupations such as teaching, nursing, and other skilled services. Also, with the widespread passage in all states of Married Women's Property Acts, most restrictive limits on women holding property in their own name were abolished. Women thus began the process of accumulating wealth and some degree of economic—and later political—power.

In addition to the right to own property in their own name, women's groups did, indeed, affect official attitudes toward domestic violence. By the end of the nineteenth century, chastisement as an official defense to a charge of assault largely ended. Twelve states considered, and three adopted, a stronger position containing explicit laws against wife beating. In these three states, Maryland (1882), Delaware (1881), and Oregon (1886), the crime of wife beating became officially punishable at the whipping post.

Although these statutes demonstrated a new level of societal activism, we believe that they were rarely officially enforced. In a far more problematic manner, vigilantes, including the Ku Klux Klan, supplanted official sanctions by using beatings against alleged offenders, primarily Black individuals, to control behavior and oppress targeted groups (Pleck, 1989). One can obviously question their real motivation in that such vigilantism had the effect of maintaining the enforcers' claim as final arbiter of permissible conduct—powers dramatically abused since their formation post-Civil War to support rigid racial and ethnic discrimination.

THE CONTINUING IMPORTANCE OF HISTORY

Does pre-1900 history still matter? Although it would be easy to dismiss its relevance to the present, several recurrent patterns between domestic violence and the criminal justice system seem to carry over. First, restrictive laws nominally on statute books were not equated with real enforcement policies. Although they might exist, criminal sanctions were infrequently imposed. Instead, they were tacitly deployed to control the fringes of clearly improper conduct. The excess had to become impossible to ignore because of a victim's recurrent severe injuries or public breaches of the peace. Instead, as we discuss later in this chapter, informal methods of control became the primary vehicle for enforcing basic societal norms.

Second, when official punishment was deployed, it was far more extensively used against Black individuals, immigrants, vagrants, and other groups without political, economic, or social power. In these cases, it is debatable whether societal interventions were primarily out of concern for the men's wives or intimate partners or instead became yet an additional method to enforce the existing social order against these disfavored minorities.

Third, the contemplated use of highly visible and emotionally charged punishments such as the whipping post, even though infrequently applied, might be considered an attempt to deter future criminal activity with the prospect of public humiliation. As such, it might have been the logical precursor to modern efforts to use arrest without real efforts to obtain a subsequent conviction as a mechanism for deterrence via public humiliation rather than relying on the actual exercise of criminal punishment.

The Historical Pull Back

In any event, just as domestic violence as an issue seemed to have gained a foothold in the national consciousness, by the early 1900s, the second great experiment of using societal sanctions to combat domestic violence had largely ended. By several accounts, domestic violence as an officially punished crime virtually disappeared from the public view (Pleck, 1989; Rothman, 1980). This was probably inevitable. After a series of financial panics in the late 1800s and early 1900s, economic rather than social issues became the focal point of concern for middle-class Americans. Also, female activists were focusing their efforts on their primary goals: temperance and, subsequently, suffrage, and not domestic violence.

During this period, the criminal justice system and other social institutions rapidly evolved away from enforcing crimes committed in the home. Political theorists indeed began to fear the possibility of coercive use of police, a characteristic rapidly increasing in the emerging authoritarian states of Prussia and czarist (and later Soviet) Russia. Excesses of police use of force in Europe greatly contributed to a counter reaction in the United States. US politicians and commentators contrasted their supposedly superior respect of the family and its need for privacy compared to authoritarian Europe. Not surprisingly, this so-called concern for family privacy minimized societal intrusion into the family, even if there were severe abuse in the family (Rothman, 1980).

Furthermore, as with the police, the judicial trend moved *away* from criminalizing domestic violence. American political theorists of the time were concerned that criminal courts might conspire to work with the government to repress individual freedom. They feared the abuses seen in the more authoritarian states of Europe, where courts suppressed dissent by sentencing large numbers of people on pretextual crimes.

In this context, in the early twentieth century, case law and statutory restrictions developed which severely restricted police powers. The impact of these restrictions, perhaps unintended, was to limit dramatically societal control on violence in families. In one highly significant development, virtually all states codified and then reinforced requirements that forbade police from making any arrests in misdemeanor cases without witnesses. Hence, a perverse American outcome to the international growth of police state abuse was to limit society's ability to react to family violence.

The United States' reaction to European governmental abuse of their citizenry was to try to limit the role of criminal courts and thus divert as many cases as possible away from the criminal justice system. Family disputes were a key area for such diversion. In the first several decades of the twentieth century, the development of family courts was *expressly* designed to eliminate routine family troubles from criminal court dockets and instead provide a specialized forum that would deal with family crises. Although these courts could frequently grant divorce, the typically expressed goals of such courts were to assist couples to work out problems within the existing family structure and seek reconciliation. In this context, their primary mission did not usually include efforts to criminalize violence within the family.

Family courts, as well as courts of general jurisdiction, also began to be influenced by the nascent social work movement. Although perhaps simplistic, at least in the early years, some social work professionals viewed criminal prosecution of domestic violence cases as unprofessional or as being a product of society's overall preference to stamp its own normative behavioral models coercively onto those of the lower classes and minorities. The rehabilitative model used by social workers was viewed as vastly superior in that it tried to help dysfunctional family units and to rehabilitate, rather than punish an offender's poor behavior. Thus, early social workers attempted to develop a consistent intervention strategy for all batterers (as compared with current approaches that acknowledge vast differences among batterers).

This period of criminal justice dormancy had a profound impact on current criminal justice operational practices. Although less true than reported in the earlier editions of this treatise, and despite nearly universal official policies to the contrary, some police officers, prosecutors, and judges still privately hold that society should not customarily intervene in domestic disputes except in cases of dire violence and, outside the view of highly publicized cases, act accordingly.

As we explore in subsequent chapters, until recently, procedural requirements adopted by bureaucratized and highly controlled police forces virtually eliminated criminal justice intervention. At the same time, there was a largely unexplored but probably real increase in the tendency of police to mete out street-level justice to minor miscreants, by giving stern lectures, or even an occasional beating, to drunk domestic violence offenders to teach them a lesson while avoiding making an actual arrest.

The restrictions on misdemeanor arrests without a warrant were probably the key legal impediment to the use of arrest; however, the restrictive policies of prosecutors adopted in the early 1900s also made use of criminal sanctions even more problematic. The combined effect of these procedural barriers made the actual intervention of the criminal justice system far more remote than the crime would otherwise warrant based on victim injuries or offender intent and conduct.

THE RELIGIOUS BASIS FOR ABUSE

The Old Testament: The Dawning of the Patriarchy in a Biblical Sense

When looking at responses to abuse, we need to consider how ecclesiastical or religious law treated family control and responsibility. Throughout recorded history, we know that deeply held religious beliefs have strongly influenced, and, in many societies, have governed, political and social attitudes. In this regard, the impact of the religious experience on domestic violence can be huge. Although this subject can be oversimplified, at a minimum we can say that Judeo-Christian religions have reinforced a husband's right to control his wife since, as we will show, many passages in the Bible repeatedly justify man's primacy.

Traditions subordinating women have a long religious history rooted in a literal biblical understanding of "patriarchy"—the institutional rule of men. Much of the Bible portrays women as naturally inferior, both physically and intellectually. As we all know from the Old Testament, Genesis is the foundation for the Jewish, Christian, and Islamic faiths. Within this book, it is implicit if not expressly suggested that women should be subordinate to men and that they are potentially untrustworthy.

In common parlance, it is believed that God created Adam in his likeness, while Eve was created solely from a rib or appendage of Adam, marking her as a subordinate both in time and in stature. It is interesting and notable that the Bible literally does not have a basis for this common belief as the basis for women's inferiority. Genesis 1:27 reads, "So God created man in his own image, in the image of God he created him; male and female he created them" (Bible, note that all biblical text references herein are to the New King James Version Bible).

This makes it clear that textually *both* males *and* females are created in the image of God. However, the Bible also states that, “And the rib that the Lord God had taken from the man he made into a woman” (Genesis 2:22). Why is this passage important? Because in medieval times, God was the center of all good and people rightly wanted to be considered in his image. Hence, in early church law, it often was explicitly stated that women were one step further removed from the image of God as compared to men.

Eve moreover also fell first prey to the Devil and then successfully tempted Adam to partake of her sin. (“Then to Adam He said, ‘Because you have heeded the voice of your wife and have eaten from the tree ... in toil you shall eat of it all the days of your life.’”) Thus, the first sin of the woman ultimately led to the expulsion of humankind from the Garden of Eden and to mankind’s fall from grace.

Therefore, in a literal sense, Adam, although made in the image of God, was led away from the Garden of Eden (paradise on Earth) by the initial transgression of his wife, Eve. It seems that because a woman had already led to the fall of man once, it was right that he whom the woman had led into wrongdoing should have her under his direction so that they might not fall a second time.

Sections of the Bible repeatedly set forth that all women should expressly suffer for this original sin. “I will greatly multiply your (woman’s) sorrow, and your conception; in pain you shall bring forth children; your desire shall be to thy husband, *and he shall rule over you*” (Genesis 3:16, emphasis added).

This passage clearly sets the tone indicating that God deliberately sought to extract special punishment on women and, in a very literal sense, gave the authority of a husband to rule over his wife. No chapter or verse in the Bible ever contradicts this very direct subservient role of women. It is not surprising, then, that throughout recorded history, Judeo-Christian, and later Islamic writings have been used to reinforce the subordination of women and, in effect, have condoned any measures used to support the primacy of men.

In fact, as the patriarch of the family, the husband was to enforce the law against his spouse.

Consider the following passages:

(W)here it is clear the husband can go to the priest to bring forth an allegation of infidelity (due simply to a “spirit of jealousy”), whereas no parallel authority is *ever* given to a woman (Numbers 5:15).

[W]hen a wife while under her husband’s authority, goes astray and defiles herself or when the spirit of jealousy comes on a man and he is jealous of his wife; then he shall stand the woman before the Lord and the priest shall execute all this law upon her. Then the man shall be free from iniquity, but that woman shall bear her guilt. (Numbers 5:29–32++)

The New Testament: A More Subtle Role

The New Testament provides a somewhat more balanced view of the role of women. In repeated manner, Jesus by his actions elevated the status of women from that of the women in the Old Testament. For example, at John 4:26, Jesus reveals himself for the first time as the Messiah to a Samaritan woman. There is nothing in Jesus’s life that suggests he was anything but respectful to women and in a manner that was far more accepting of women as equals than traditional Jewish culture of the time. It becomes apparent that many of the biblical references that dismiss women may have been interpretations by his disciples, especially Paul, of the “proper” subservient role of women rather than implicit in the teachings of Christ. Similarly, in Ephesians, Chapter 5 where the rules of living a good household life as a Christian are set forth, the very first requirement is to “submit to one another out of reverence for Christ” (Ephesians 5:21).

Other biblical passages, however, are more explicit in promulgating the husband as an agent to both interpret and enforce ecclesiastical law. The husband was given the authority to interpret the wife's actions as improper and therefore to invoke religious law against her.

Wives be subject to your husbands as you are to the Lord. For the husband is the head of the wife just as Christ is the head of the Church, his body, of which he is the Savior. Now as the Church submits to Christ, so also wives should submit to their husbands in everything. (Ephesians 5:21–24)

See also the Apostle Paul

Wives be subject to your husband as you are to your lord. For the husband is the head of the wife just as his Christ is the head of the Church (Corinthians 14:34–35) ... “However, each one of you must also love his wife as he loves himself, and the wife must respect her husband.” (Ephesians 5:30)

Although we doubt most women ever truly worshiped their husbands, as a de facto Christlike figure, the husband's authority over his wife is evident.

Medieval Christianity

Clerical, and hence often official societal, interpretations of the Bible have until relatively recently reinforced the subordinate role of women. St. Augustine in the fifth century wrote of the natural order of a man and woman's respective duties:

For domestic peace ... they who care for the rest, rule—the husband: the wife, the parents: the children, the masters: the servants; and *they who are cared for obey*—the women their husbands, the children their parents, the servants their masters. (Lentz, 1999, p. 11, emphasis added)

In this Christian family and household, rule was not ostensibly because of any male love of power but from a sense of duty. According to St. Augustine, “[i]f any member of the family interrupts the domestic peace by disobedience, he is corrected either by word or blow, or some kind of just and legitimate punishment, such as society permits” (Lentz, 1999, p. 11).

It might not be a total coincidence that until fairly recent times, ordained clergy in all Judeo-Christian faiths were men who might naturally wholeheartedly support the natural primacy of men. The particular Christian denomination did not matter as this attitude did not change between the Catholic writers of the Middle Ages and those of the Protestant Reformation. Martin Luther, although seeking to dispel the primacy of the Catholic Church, had no problem stating in unequivocal terms the man's right to rule over his wife and other members of his family as authority “remains with the husband and the wife is compelled to obey him” (Lentz, 1999).

Violence in the context of a marriage was not recognized historically as abusive at all but, instead, simply one of the religious duties of the husband. A medieval Christian scholar even propagated rules of marriage in the late fifteenth century, specifying the following:

When you see your wife commit an offense, don't rush at her with insults and violent blows ... scold her sharply, bully and terrify her. And if this doesn't work ... take up a stick and beat her soundly, for it is better to punish the body and correct the soul than to damage the soul and spare the body. ... Then readily beat her, not in rage, but out of charity and concern for her soul, so that the beating will rebound to your merit and her good. (Hart, 1992, p. 3)

Similarly, the Koran in the 34th Koranic verse (Ayah) of the Al Nisa Chapter contains the following verse, “As to those women on whose part ye fear disloyalty and ill conduct, admonish them, refuse to share their beds, and beat them.” Nawal Ammar (2007) in a well-reasoned article reviews how this seemingly simple passage has been interpreted many different ways both to justify spousal abuse by a family patriarch and conversely in more modern interpretations to show why spouse abuse should not happen in a normal Islamic marriage.

Ammar interestingly finds that some more modern scholars note that the Prophet Mohamed, according to text, never beat his wives and scorned those who felt it necessary to do so. Still, Ammar (2007) wrote that predominant Islamic scholarly thought holds that beating is still an allowable last resort but only to be used after admonishment and loss of marital cohabitation do not work to correct the error of the wife. In any event, beating would implicitly be preferable to terminating a marriage. Many Muslims believe that

[t]he superiority of men over women ... is a natural and everlasting one ... according to this interpretation, [it] is a God given relationship of power and authority that men are granted over women that permits men to discipline women (including wives) by beating them. (Shaikh, 1997, quoted in; Ammar, 2007, p. 519)

So why are ancient biblical or Koranic texts still relevant? First, as we noted above, many people of different faiths still believe in a literal interpretation of the Old Testament and therefore believe that upholding Judeo-Christian or Koranic-based beliefs allows or even mandates subordination of women, and therefore husbands have the authority (and, at times, the responsibility) to dominate and use coercion to control their wives' behavior.

Second, male dominance can be perceived in the more secular traditions through a host of seemingly paternalistic rituals. For example, many people still consider marriage a holy institution. This belief is a concern because interpretations of holy texts often are coupled with a strong belief that marriage is a sacred institution—even if physical abuse occurs or persists.

One key tenet in traditional Judeo-Christian faiths is that marriage is permanent and not dissolvable easily, at least by the woman. The results, when deconstructed, produce an odd language that shows the unequal social views of the responsibility of people in basic institutions like marriage.

For example, readers as old as the authors probably remember the vows exchanged in traditional wedding ceremonies. The bride vowed to “love, honor, and *obey*” her husband, whereas the groom vowed to “love, honor, and *cherish*” his spouse. Both parties still today agree to remain together “for better or for worse until death do us part,” which in the context of a marriage with domestic violence, if taken literally, could effectively place the attacker and the victim on a similar moral plane.

The difference in marital vows between obeying and cherishing (as a prized possession?) clearly imply that adversity—perhaps including being beaten—could not justify leaving a marriage. After all, children may be cherished by a parent but prior to relatively recent changes in child raising techniques often were indeed physically punished (“spare the rod, spoil the child”). At worst, relaying problems of marital conflict to a priest, pastor, rabbi, or Imam might even invoke stern lectures to the wife as to her biblical responsibility to raise the family and accede to the natural order.

Why Religion Remains Important

One could argue with some validity that historical attitudes toward religion might be largely irrelevant in the context of most modern, pluralistic, and secular societies. In other words, although it might have been true that the historical basis for most of the world's major monotheistic religions—Judaism, Christianity, and Islam—encouraged, or at least tolerated, violence against married women as part of a patriarchal control system, this attitude largely is

irrelevant in today's world. Indeed, many denominations have undertaken great effort to eliminate (or at least address) physical domination of married women.

Also, it is important to stress that religion can and has been used to try to prevent domestic violence. In virtually all denominations, leaders have denounced any type of physical or psychological abuse. In doing so, they can cite specific references in the Bible that clearly promote tolerance and would seem to denounce spousal violence. For example:

There is neither Jew nor Greek, there is neither bond nor free, there is neither male nor female: for ye are all one in Christ Jesus. (Galatians 3:28)

Similarly, even if a literal reading of the Bible gives man authority over woman, this does not mean he has any right to abuse that woman:

In the same way, husbands ought to love their wives as their own bodies. He who loves his wife loves himself. After all, no one ever hated his own body, but he feeds and cares for it, just as Christ does the church. (Ephesians 5:28–29)

From this perspective, a modern reading of the scriptures can lead the faithful to conclude that early church leaders like St. Augustine in their zeal to assert male control over their patriarchy were wrongly extrapolating from their own observations of societies in which they lived to conclude that universalist religious texts giving some “authority” to the husband meant that the husband had the right to abuse that authority. After all, unless someone likes to beat himself, and God states that he who loves his wife loves himself, there would seem to be a fairly direct prohibition on hitting your spouse even if you are the head of the household.

This recognition, however, does not involve rewriting the scriptures themselves, is of fairly recent origin, and has not fully penetrated popular culture in some denominations. Thus, although we can acknowledge and greatly praise the role of many religious leaders in leading the fight against domestic violence and also in funding many shelters for victims of such abuse, we believe that for many reasons, historically based religious tolerance for abuse continues to some extent.

For example, many within any society retain traditional beliefs regarding the status of women. As discussed in later chapters, often immigrant families retain traditional religious belief systems more in accordance with their country of origin rather than with their country of migration. Similarly, there are many home-grown religious sects that maintain absolute adherence to their sacred text. For these people, modernity and its rejection of the patriarchal family is regarded as an anathema.

The Effect of Religion on Potential Batterers

A growing body of empirical research has now begun to examine how religious faith interacts with domestic violence. That interaction is far more complex than one might first expect. The relationship between religiosity and intimate partner violence (IPV) tendencies is quite complex and difficult to generalize. Akers (2010) and Johnson (2011) summarized research and stated that virtually all concluded that increased religiosity decreased the frequency of criminality in general. The issue is whether that extends to commission of IPV.

Theoretically this may occur, but not necessarily for doctrinal reasons. Specifically, Baier and Wright (2001) did a meta-analysis of over 60 studies and found that increased religious beliefs tended to lessen commission of so-called victimless crimes such as substance abuse and illegal use of narcotics. IT has long been known that both substance abuse and use of narcotics themselves are strong predictors of IPV. Thus, indirectly, religion may help prevent much spontaneous acts of family violence.

Renzetti, DeWall, Messer and Pond (2015) also noted that most measure of the degree of religiosity itself were quite limited, typically measuring only whether the person attended regular church services (as in Ellison, Trinitapoli, Anderson, & Johnson, 2007). They correctly observed that this was an abbreviated strategy to determine how religious someone was, and also, perhaps of even more importance, whether such religious values were internalized or simply part of a person's social expectations and peer pressures. Not surprisingly, Renzetti et al. showed that men whose beliefs were more internalized rather than introjected from outside pressure reported lower rates of IPV (Renzetti et al., 2015).

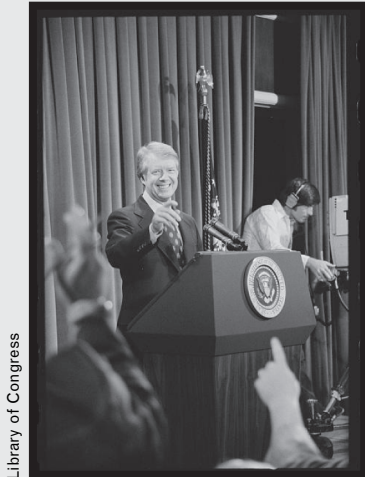
There may also be major doctrinal differences in different sects, even of the same religion. For example, one member of a growing conservative evangelical or fundamentalist groups may explicitly embrace a patriarchal vision of the family. This emphasizes clear-cut male and female roles in which the woman's participation in the workforce and public spheres is often limited and traditional feminine pursuits in the home are cherished. Some religious leaders to this day continue to support male supremacy through a literal reading of biblical text, often by selected use of quotes of the passages provided earlier. One author referred to this as "proof texting." Proof texting, the selective use of a text to support one's position, is common among those who seek to simply justify their actions (Fortune & Enger, 2005). Religious leaders in these congregations may tacitly or even explicitly still argue for the primacy of male authority in the family and bemoan the breakdown of the family unity (Ellison, Bartkowski, & Segal, 1996).

In the case of potential batterers, some conservative evangelical and Christian clergy may therefore be providing religious justification that in effect supports the male batterers' activities—but only if it is part of a context of maintaining the primacy of the family and of the man as the head of the family (Giesbrecht & Sevcik, 2000; Horne & Levitt, 2004; Knickmeyer, Levitt, Horne, & Bayer, 2004; Pagelow, 1981; Potter, 2007). Some religious batterers claiming to be quite religious quote the scriptures when justifying their activities. Andrew Klein, the former chief probation officer of the Quincy domestic violence court, stated that he often heard batterers defy his state's domestic violence laws, claiming that "restraining orders are against God's will because the Bible says a man should control his wife" (1993, p. 1).

Instead, Ellison, Bartkowski and Anderson (1999) found that while being a "fundamentalist" did not of and by itself relate to more abuse, what did correlate with more violence in a family was that if men were more religiously conservative than their female partners (e.g., believing in the authority of the Bible more than their wives), the possibility of violence increased. Although interesting, perhaps this is simply because women who match their husbands' conservative religious beliefs are not predisposed to challenge their family patriarch. While this outcome might be preferable to violent physical attacks, the lack of actual violence might therefore not equate to "no threat of violence" should the woman ever adopt more mainstream beliefs, especially if her husband retains the belief in his rights as the head of the household. In that manner certain fundamentalist beliefs may for certain men actually increase IPV. Topalli, Brezina and Bernhardt (2012) reported that *some* repeat offenders justified their violence on religious text interpretations. Their conclusion was that many "offenders have a propensity to co-opt religious doctrine to permit and even encourage their criminality" (Topalli et al., 2012, p. 63). Not surprisingly, as a result a high degree of fundamentalism in a persons' faith may lead to acceptance of violence in the family, to enforce the perceived commands of God.

"This conservative religious subculture that supports the use of corporal punishment and also uses Biblically based family life education may also create a context conducive to hierarchical, if not overtly abusive family dynamics" (Koch & Ramirez, 2010, p. 403; as quoted in Renzetti et al., 2015, p. 16).

DOMESTIC VIOLENCE IN RELIGIOUS COMMUNITIES



In 2009, former President Jimmy Carter made international news for his decision to publicize his choice to withdraw from his church:

There is neither Jew nor Greek, there is neither bond nor free, there is neither male nor female: for ye are all one in Christ Jesus. (Galatians 3:28)

I have been a practicing Christian all my life and a deacon and Bible teacher for many years. My faith is a source of strength and comfort to me, as religious beliefs are to hundreds of millions of people around the world.

So my decision to sever my ties with the Southern Baptist Convention, after six decades, was painful and difficult. It was, however, an unavoidable decision when the convention's leaders, quoting a few carefully selected Bible verses and claiming that Eve was created second to Adam and was responsible for original sin, ordained that women must be "subservient" to their husbands and prohibited from serving as deacons, pastors, or chaplains in the military service. This was in conflict with my belief—confirmed in the Holy Scriptures—that we are all equal in the eyes of God.

This view that women are somehow inferior to men is not restricted to one religion or belief. It is widespread. Women are prevented from playing a full and equal role in many faiths.

Although not having training in religion or theology, I understand that the carefully selected verses found in the Holy Scriptures to justify the superiority of men owe more to

time and place—and the determination of male leaders to hold onto their influence—than eternal truths. Similar biblical excerpts could be found to support the approval of slavery and the timid acquiescence to oppressive rulers [emphasis supplied].

At the same time, I am also familiar with vivid descriptions in the same scriptures in which women are revered as pre-eminent leaders. During the years of the early Christian, church women served as deacons, priests, bishops, apostles, teachers, and prophets. It was not until the fourth century that dominant Christian leaders, all men, twisted and distorted Holy Scriptures to perpetuate their ascendant positions within the religious hierarchy.

The truth is that male religious leaders have had—and still have—an option to interpret holy teachings either to exalt or subjugate women. They have, for their own selfish ends, overwhelmingly chosen the latter.

Their continuing choice provides the foundation or justification for much of the pervasive persecution and abuse of women throughout the world. This is in clear violation not just of the Universal Declaration of Human Rights but also the teachings of Jesus Christ, the Apostle Paul, Moses and the prophets, Muhammad, and founders of other great religions—all of whom have called for proper and equitable treatment of all the children of God. It is time we had the courage to challenge these views (Carter, 2009; para. 2–5, 16, 17, 19, & 20).

While most attention has been placed upon the impact of Christian Fundamentalism on commission of domestic violence, other religions have also had impact on their adherents.

For example, Cares and Cusick (2012) explored domestic violence in Jewish communities. Not unexpectedly, the types of abuse are varied, ranging from measures reflecting coercive control to outright physical violence.

Abusers are creative, having a number of different ways to use Jewish religious laws and practices to their advantage. This may include husbands forcing wives to violate religious commandments, being obsessively and needlessly particular about small points of religious law, using religious ceremonies to humiliate and subjugate, and using Jewish law to justify abuse of their wives. (Cares & Cusick, 2012, p. 428)

In their study they found that perpetrators used less overt violence, perhaps because religious tradition allowed such a varied and powerful method to emotionally abuse and control their intimate victims.

In this sample, we found perpetrators used the laws and culture of Judaism to abuse partners as

part of their larger pattern of abuse. This may be the case because this sample is likely to experience intimate terrorism (Johnson, 2008), where perpetrators are focused on exerting power and control over their partner and will use whatever tools and options are available to them to do so. (Cares and Cusick, 2012, p. 433)

The Effect of Religion on the Behavior of Victims of Domestic Violence

Although potential male batterers might be tolerated or find their beliefs if not their actions reinforced in some religious communities, perhaps the more insidious effect might be on female victims of domestic violence. At times this effect is direct. We know that some faiths teach female adherents that their primary responsibilities are to assume traditional roles such as childbearing, child rearing, and obeying the husband. In this context, simply being battered does not justify leaving an abusive relationship (Knickmeyer et al., 2004; Potter, 2007). When these women seek counsel from religious leaders, some might even be admonished that they deserve “chastisement” by their husbands for not respecting his authority (Horne & Levitt, 2004).

Some, but certainly not all, conservative clergy might be advising battered women to accept God’s mandate to preserve their families. Several studies have been conducted where Christian women were interviewed about their experiences with pastoral counseling in the context of domestic violence. Interestingly, one study reported that approximately 70% were expressly given the responsibility to “save their husbands” spiritually (Alsdurf & Alsdurf, 1989). One woman was even told that she would be saved in heaven for enduring abuse and attempting to save her husband (Rotunda, Williamson, & Penfold, 2004). Not surprisingly, for that reason, it has long been known that religious women tend to remain in abusive marital relationships longer than their nonreligious cohorts (Horton, Wilkins, & Wright, 1988).

Several common beliefs found in Christian literature might influence battered women to accept their subordinate marital status. In virtually all Christian faiths, marriage is considered to be sacrosanct. In many denominations, such as the Catholic Church, divorces still are very difficult to obtain ecclesiastically. Furthermore, some Christian churches often treat the tolerance of suffering as a virtue, and even as an honor, “a cross to bear.” This belief, coupled with the recurring theme of the Catholic Church that a good Christian must forgive and reconcile with those who sin against them, might encourage some religious women to tolerate abuse that often their more secularly oriented sisters would reject. Collectively, these beliefs might have a profound influence on her tolerance of otherwise unacceptable and illegal behavior.

Many scriptures are interpreted to mean that God’s forgiveness of (the sins of) an individual depends on that person being able to forgive others. When a victim is confronted with scriptures that discourage her from seeking relief from an abusive marriage, she may be likely to stay in the relationship out of a sense of guilt. In essence, the common values of women, which include holding the family together, not wanting to hurt anyone, having faith that prayers will be answered, and not wanting to lose status in church are strong motivators to remain in abusive relationships. (Rotunda et al., 2004, pp. 355–356)

In another example, although there are no passages in the Torah that expressly promote violence against women, several scholars have reported that the concept of “Shalom bayit” (peace in the home) places the primary responsibility on wives to preserve peace in the family (Cares et al., 2012). Thus, many battered Jewish women have been in effect pressured by more conservative and orthodox rabbis to stay with abusers (Graetz, 1998; Kaufman, 2003).

Evan Stark (2007), in his book *Coercive Control: How Men Entrap Women in Personal Life*, provides a graphic case study of what happens when a particular group finds it difficult to accept laws and norms contradicting religious beliefs:

A devoted Jehovah’s Witness was repeatedly assaulted and emotionally abused by her husband, also a Witness. The woman reported her abuse to the church elders, an all-male body of lay ministers responsible for counseling parishioners on religious and family matters. In response, the elders advised their “sister” to try harder to please her husband and God. One consequence of following their advice—becoming more devout and accepting responsibility for her problems—was that she began to cut and starve herself, losing so much weight that she was admitted to the hospital. When she again brought her complaints of abuse to the elders, this time showing them the marks from her husband’s belt, she was “disfellowshipped,” a form of ostracism that prevented other Witnesses from communicating with her, cutting her off from her entire social network. As isolated and miserable as these experiences made her, she only took the elders to court when they made her abusive husband an elder in clear violation of the church doctrine in which she still believed. (p. 240)

Similarly, although the American Muslim community has to date not been as well studied in the context of domestic violence as either Jewish or Christian denominations, several studies have reported that abuse exists and might in fact be increasing in the community because of increased community tensions after 9/11 (Childress, 2003) and because of perceptions that the community is to some extent “at siege” from racism and xenophobia (Haddad & Smith, 2002).

Furthermore, female victims of abuse by Muslim mates might be reluctant to disclose such abuse either to other members of their religious communities or to their Imams. Researchers have reported that the community does not want to get involved in the matters of a family, and that many Imams have held victims responsible for the conduct of their husbands (Alkhateeb, 1999; Alkhateeb & Abugideiri, 2007). In common with the context of proof texting noted earlier, another author reported that although the Koran did not instruct men to abuse female partners, many clergy in effect modified the Koran by redirecting the women’s attention on verses that dealt with spousal obedience (Hassouneh-Phillips, 2003). On a more global basis, South Asian women, regardless of religion (Hindu or Muslim), reported that their religious institutions made it very difficult for battered women in their communities to leave their abusers (Abraham, 2000; cited in Potter, 2007).

Domestic Violence Rates Among the Faithful

While one can easily cite the reasons why religious beliefs shelter violent acts, it should be emphasized that no empirical evidence shows that *overall* being religious of and by itself leads to increased rates of domestic violence. Regular attendance at services and other evidence of deeply held religious beliefs are actually correlated to *higher* levels of marital satisfaction and happiness, as well as less violence. One study reported that those couples attending religious services on a weekly basis were less than half as likely to

commit violence as those who attended once a year or less, even in conservatively orientated groups (Ellison et al., 1999). Another study reported that women with high levels of religious activity (strong beliefs, church attendance, and participation in religious activities) experienced lower rates of violent victimization (Raj, Silverman, Wingood, & DiClemente, 1999).

In today's world, however, is religious commitment always a benign influence? As illustrated earlier, many seminal texts, including the Torah, the Bible, and the Koran, all contain passages that, if literally read, subordinate women or emphasize family solidarity and the preservation of family harmony to the apparent exclusion of concerns over the wife's physical safety. The key factors toward the role of certain religious beliefs might therefore be in predisposing some male adherents of some religious groups to be violent and some women in these same groups to be more accepting of such violence.

This should not be surprising. Many modern religious scholars teach that books of such breadth as the Bible, the Torah, or the Koran have many, sometimes contradictory, themes. They understand that although some parts might be literally "written by God," other parts, such as passages that justify slavery or family violence, merely reflect the social views and historical context of the period when these great books were first written down. Based on this premise, adherents to their faiths should not adopt overly strict interpretations that might seem likely to justify the use of force inside the family. In the same vein, regular attendance at services might provide a family with the services of clergy in pastoral counseling and guidance, none of which is likely to emphasize a man's right to commit marital violence.

Can Religion Become Part of the Solution?

As noted above, religion can play a key mediating role in the cultural component of how victims cope with or learn to tolerate an abusive relationship. Potter (2007) reported on a case study of 40 African American women, finding that reliance on spirituality facilitated their tolerance of an abusive relationship. A reasonably high percentage of those women who sought help from their clergy or other people from their religious community were told to "work things out" and remain in the relationship, thereby reifying an abusive relationship rather than seeking to terminate it. Although Potter had only a very small sample, she reported that Islamic clergy and mosques tended to provide *more* support for the abused women than did Christian clergy. Bowker (1988) also reported that clergy from religions other than from Christianity tended to provide more support for battered women. Not surprisingly, then, Potter concluded a higher percentage of Christian women were either disappointed in advice received from clergy or did not even seek out assistance as a result of their perception that the church would not help. Similarly, Potter (2007) reported that Muslim women were more satisfied, even though overall orientation was quite paternalistic and patriarchal. What is not clear is whether support by Muslim clergy tended to support intervention for the purposes of sustaining a relationship rather than encouraging women to leave violent partners.

It should also be acknowledged that although being active in a religious community correlates with lower levels of domestic violence, at times membership might assist a woman in leaving an abusive relationship. This becomes especially true in more closed communities, such as among recent immigrants, where if a woman is not religious she may have little source of reference and authority other than the abusing partner. As a practical matter, she might be less able to cope with leaving a relationship compared with those with a strong religious background who might have the ties to a belief system as well as to a strong social network that is attuned to providing assistance to victims of abuse.

MUSLIM MEN AGAINST DOMESTIC VIOLENCE

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Speaking out against domestic violence among American Muslims is extremely difficult as the community is very diverse and heterogeneous making the adoption of a single stance or ideology fraught with difficulty.

Can we organize, fund, and maintain more shelters just for Muslim women? Can a program to rehabilitate Bosnian-American batterers work for Arab-American men as well? Can a “khutbah” (sermon) in Somali against sexual abuse be simply translated and repeated in Bengali, Spanish, or Hausa? These are just some of the challenges facing domestic violence advocates in the American Muslim community.

The biggest obstacle facing the American Muslim community is the prevalence and dependence on cultural identities, traditions, and customs instead of a focus on the Qur’an, “hadith” (traditions of Prophet Muhammad, peace be upon him), and Islamic scholarship. For instance, there is not a single “sahih”

(authenticated) hadith that describes Prophet Muhammad (peace be upon him) ever hitting his wives or children. And yet Muslim men originally from Asia, Africa, and even South America, to name a few, can be some of the most abusive and destructive men on the planet. Why does this happen? Why do we allow ourselves to be blinded by “spiritual amnesia” where we take only those elements of Islam that appeal to us, as men, but reject those that take away—as we perceive it—from our Muslim “manhood”?

For years, this work has been carried only on the shoulders of our sisters in the movement. But we, as men, are taking more responsibility for our actions and also starting to hold other men accountable. Some of the steps we have taken include asking imams to choose significant topics for the Friday khutbah including domestic violence, keys to healthy marriage, anger management, and so on. We are also starting to become more involved in group counseling and therapy to learn how not to use violent and controlling behaviors in relationships. And we are also finally taking the time to really understand the Qur’an and our traditions regarding the full equality that exists and needs to be enforced between Muslim men and women.

Source: Written by Shyam Sriram.

Do Societies Hold Different Standards for Some Religious Communities?

The final impact of religion is considerably more subtle: Does society turn a blind eye to abuse in minority religious communities? Clearly, some retrograde traditional practices will not be tolerated by any modern society. For example, the use of female circumcision (e.g., genital mutilation) is practiced by some societies to “protect their daughters from sexual promiscuity” by eliminating surgically the areas responsible for her sexual pleasure. This would clearly be treated as a crime in Western societies. However, some members of the majority community tolerate abuse in immigrant communities as a result of their perception that historic religious or cultural history allows or encourages such behavior. In effect, such tolerance condones, tacitly, discrimination against such minority women.

THE IMPETUS FOR CHANGE

While the historic attitudes promoting nonintervention were developed over many centuries, massive changes began occurring in the mid-1970s and continue through to the present time.

What accounted for these dramatic shifts in the response to domestic violence? Change can be attributed to an unusual confluence of political and legal pressure from women's rights and battered women's advocates, research, and organizational concerns over the possibility of liability if the police continued past practices of neglecting victims of domestic violence. The interaction of all these sources of influence is worthy of examination as it helps us understand our current concepts of belief systems and best practices.

Political Pressure and the Feminist Movement

Political pressure began to mount in the late 1960s and early 1970s over the increased observations of the inadequacy of criminal justice responses to issues of interest to women. The growing women's rights and feminist movements that emerged during those years raised consciousness about societal neglect toward the unique problems confronting women. Initially, the inability of the criminal justice system to respond to violence against women focused on stranger rape and assaults. However, it soon broadened as activists recognized the severity of the problem of intimate violence.

One source was the professionals who assisted battered women through shelters and legal services networks. These networks were, at first, largely decentralized, assisting battered women through hundreds, if not thousands, of local, community-based volunteer efforts. Later, such groups were assisted by statewide coalitions to prevent violence against women. Whether on their own or through the assistance of umbrella groups, shelters acquired the services of volunteer and paid attorneys, victim advocates, and social workers. These trained professionals soon realized that the needs of victims of domestic violence were not being addressed.

A pattern variously described as "patriarchal" or "cavalier" began to be used to describe the attitudes and, even more important, the practices of male-dominated police agencies and prosecutors. Concerns grew rapidly when advocates came to believe that police arrested everyone *but* domestic violence assailants (Berk & Loseke, 1980–1981). As a result, advocating more aggressive use of arrest became the natural consensus position among domestic violence activists (Coker, 2000; Mills, 1999). This group provided the driving leadership needed to promote enactment of domestic violence legislation, first at the local and state levels and much later at the national level.

Police initially resisted outside pressure. Advocates for battered women were faced with policing that traditionally had emphasized public order and authority without official intervention in "private matters," practicing family interventions which relied on informal, if any, ad hoc strategies for resolution. Police officials emphasized that protection of the public order was paramount, individual rights of secondary importance, and the safety of a particular victim typically relegated to minimal importance.

The contribution of victim advocates was to argue that, regardless of the reason, police would not or could not adequately respond to the concerns of women. It was simply a matter of fact that women were more likely to be raped, murdered, and assaulted by someone they knew rather than strangers. Conversely, men were more likely to be the victims of public disorder. Hence, perhaps inadvertently or due to sexism, the needs of male victims of violence were addressed far more than those of women.

Since the widespread riots in the mid-1960s and the proliferation of drug use at the same time, the "war on crime" became (and still is) a reliable vote winner. This strategy was first used successfully by presidential candidate Richard Nixon in 1968 and was reinforced during the 1980 presidential campaign, when candidate Ronald Reagan argued that a "new morning in America" was at least partially dependent on being much tougher on criminals. A "tough-on-crime" or "war-on-crime" approach was a consistent and successful political theme both among Republican candidates and, partially as a reaction, among centrist Democratic aspirants to higher office.

As a result, recent decades have experienced a marked increase in society's propensity to use coercive police powers to solve seemingly intractable social problems and a relative unwillingness to invest in efforts to attempt to "reform" miscreants. It can be argued that the increasing role of law to maintain social control indicates the perceived weakness of informal controls. Pressure to criminalize domestic conflict, similar to policing disorder, emphasized the use of misdemeanor arrests. Placed in this context, it is not surprising that the previously lax treatment of domestic violence became a political issue.

There are certainly parallels with this period to the earlier reform era of the late 1880s. Key distinctions between the current and earlier reform periods have made the challenges to the system far more powerful. Today's mass media, and the growing ability of special interests to influence legislation, made the movement for a more proactive law enforcement response into a national imperative. Similarly, the existence of support services to assist women with shelter and legal advocacy, even when not well funded, has given increased national visibility to the tremendous numbers of women injured by intimates.

COVERAGE OF DOMESTIC VIOLENCE IN THE MEDIA

Finally, tantalizing stories of celebrity spouse abuse or death have been regularly reported, giving national feminist and battered women's groups enormous media attention and focusing public opinion even more on domestic violence. Even after the start of domestic violence reforms, national attention to domestic violence was periodically stoked by instances of nationally televised domestic violence. For example, in 1990, the media were captivated by Carol Stuart's murder in Boston. Her husband, Charles Stuart, had frantically reported the crime using a cell phone to call 911 from their vehicle.

He described in graphic detail how a Black man had shot both of them in an attempted robbery of their vehicle. This account was nationally broadcast both because of its inherent drama and because it played to white suburban fears about random minority street. The Boston Police Department placed responsibility on an innocent Black man and tried to obtain his confession. These efforts were derailed by Charles Stuart's suicide, as the police department, as well as the press, developed leads indicating that Stuart was the real killer. This incident was ultimately recognized as reflecting both societies' tendency to blame street crime committed by minorities for most violence and police departments' inability to recognize domestic violence.

In 1994, the public allegations about domestic violence among celebrities were rapidly followed by the national media circus attendant to the domestic

violence and stalking involved in the O. J. Simpson–Nicole Simpson murder. Not surprisingly, such media attention, including gavel-to-gavel coverage of the O. J. Simpson trial and repeated cover stories in newspapers and national news magazines, led to dramatic increases in calls for service to domestic violence hotlines, shelters, the police, and the courts.

Other, well-publicized cases were publicized in the early 2000s including claims of domestic abuse against well-known media figures such as "Stone Cold" Steve Austin, former professional wrestler; Riddick Bowe, former heavyweight boxing champion; Jim Brown, a former NFL star; and James Brown, a famous singer.

The trend to publicize cases of well-known sports figures and movie celebrities continues and often predominates media portrayal domestic violence. For example, Hollywood celebrity Johnny Depp's wife Amber Heard filed a restraining order and subsequent divorce papers on the grounds that he abused her throughout their marriage. Among other things, Heard alleged that Depp smashed an iPhone into her face, resulting in bruising (Christodoulou & Pollard, 2020).

While publicizing the problem of domestic violence is important, it is also important that the media reflect the reality of who is most at risk and the reality of their experiences. Incidents of abuse are often taken out of context and support a common perception that these incidents are isolated and private events rather than the result of an ongoing pattern of violence and coercive control (Perras et al., 2021).

The Role of Research in Promoting Change

Early Research

Research linking the criminal justice system to domestic violence also had a dramatic effect alerting the policy elite to the existence of the problems of domestic violence and legitimizing support for pro-arrest policies. In this regard, the research itself became a factor independent of the adequacy of its design, accuracy of conclusions, or the utility of the particular policy nostrums being promulgated.

Academic interest in family violence first emerged with concerns about child abuse. The seminal article “The battered-child syndrome” by Kemp, Silverman, Steele, Droegenmuller, and Silver (1962) focused on the necessity that physicians and other primary caregivers such as social workers recognize and intervene in abusive families.

Several years after the Kemp et al. (1962) article, Parnas (1967) published “*The Police Response to the Domestic Disturbance*.” This was followed in 1971 by Morton Bard’s “Police Discretion and Diversion of Incidents of Intra-Family Violence” (Bard, 1967, 1973). Bard’s study analyzed the effect of a demonstration project on family crisis intervention, funded by the Law Enforcement Assistance Administration (LEAA). This project, in turn, became the theoretical foundation for many other family crisis intervention projects (Liebman & Schwartz, 1973). Although the specific tenets and a critique of family crisis intervention as a technique will be addressed later, the impact of the Bard study (1973) was that it reinforced the concept that changing the police response could dramatically reduce the impact of domestic violence.

While the domestic assault policy at that time was for police to do as little as possible and then leave the situation, Bard convinced LEAA that crisis intervention techniques had significant potential. As a result, they funded a feasibility study for a special unit of crisis intervention officers. Bard’s research was highly influential despite its weak design and findings that indicated that the program had negative results on officers and victims. The NIJ spent millions of dollars to pay overtime for officers to attend training that encouraged the use of Bard’s intervention program in more than a dozen police departments across the United States. Elements of the program were promoted by the International Association of Chiefs of Police and discussed positively in the widely distributed *Law Enforcement Bulletin* (Mohr & Steblein, 1976). As a result, Police Family Crisis Intervention became a major, if not the dominant, law enforcement approach to addressing domestic violence. Despite the evaluation’s negative program findings, the evaluators advocated their own untested version of police family violence intervention training (Wylie, Basinger, Heinecke, & Rueckert, 1976).

The next important study, *Domestic Violence and the Police*, was provided by Marie Wilt and James Bannon (1977). They demonstrated that domestic violence was directly related to homicide; that in 85% of incidents, the police had been called at least once before; and that in 50% of incidents, police had been called five or more times. Although it was concluded that an ineffective police response contributed to the excessive rates of death and injury to victims as well as to the high cost of intervention for police departments, no suggestions were given for exactly how the police could intervene effectively.

This body of domestic violence research was supported by other research criticizing the efficacy of rehabilitation efforts for violent offenders. The famous research of Lipton, Martinson, and Wilks (1975) on the impact of rehabilitation and their conclusion that “nothing worked” contributed to the noncriminal justice efforts to “reform” domestic violence offenders.

The cumulative impact of research contributed to developing a consensus among researchers and policymakers regarding the then current police policy of noninterference. There was widespread agreement that passive police responses further contributed to societal tolerance and to high rates of domestic violence. This led to the growing belief that alternative police strategies were needed to reverse this trend.

The Evolution of Research Supporting the Primacy of Arrest

By the 1970s, there was widespread disillusionment among practitioners, researchers, and some police administrators regarding then current domestic violence policies and practices.

Debates regarding the control of domestic violence as a possible exception to policies of tough enforcement continued to persist, however. Those supporting nonintervention argued that the dichotomy between aggressive enforcement against street crime and lax enforcement of crimes against intimates was justified in that domestic incidents involved private family strife and not public disorder or real crime. Still others believed such incidents were trivial and not likely to incur serious injury that victims were not likely to desire police intervention and that, therefore, an arrest would not result in conviction, virtually negating the value of police efforts (Myers & Hagan, 1979).

Many victim advocates successfully challenged these assumptions and instead maintained that criminal justice institutions were demonstrating sexist behavior (Dobash & Dobash, 1979; Matoesian, 1993; Smart, 1986). Over time, there was a growing concern that the use of formal social controls needed to be increased with an emphasis on the use of legal remedies. These sentiments were highlighted by a National Academy of Sciences report addressing the central role of applying criminal justice sanctions as an effective crime control strategy (Blumstein, Cohen, & Nagin, 1978). This disputed the position that an overreliance on “the law” represented a failure of social controls (Black, 1976).

Such concerns gradually permeated the general attitudes of practitioners, policymakers, and the public (Garland, 2001). Primary emphasis began shifting to increased police use of arrests as a deterrent to domestic violence. After all, it had long been established that the arrest of domestic violence offenders was both proper and essential, at least in some situations. At times, an arrest was the only method by which police could ensure separation of the couple and prevent further violence, at least until the offender was released. Similarly, despite a strong past bias against arrest, arrests for non-domestic-violence-specific charges, such as “drunk and disorderly” conduct or “public intoxication,” often were used. Also, arrests were an acknowledged method for the police to regain control from a disrespectful or otherwise threatening assailant and to maintain the officer’s situational dominance (Bittner, 1974).

By the early 1980s, the consensus on limiting the role of arrest and the use of the crisis intervention approach lost credibility. It was replaced by an expanding debate among policymakers, researchers, practitioners, and advocates about the use of arrest as the primary mechanism to deter violence and support the role for subsequent criminal justice interventions.

Deterrence as a Rationale for Police Action. The concept of deterrence through arrest as a general preference for crime control became the dominant perspective in mainstream academic literature and policy circles. Not surprisingly, the two trends were linked; deterrence as a justification for the use of arrest came to be regarded widely as the *only* true reform. The line between researchers and activists began to blur, with both vehemently advocating arrest even though research on the deterrent impact of arrest remained inconclusive. In part, this was a reflection of the general US attitudes favoring the increased use of formal social controls to deter crime. Policies favoring punitive rather than rehabilitative responses gradually permeated practitioner, policymaker, and general public attitudes (Garland, 2001).

Indeed, this could be perceived as part of a trend among “crime control” proponents to advocate deterrence as a mechanism to prevent future criminal behavior. Von Hirsch (1985) noted the radical shift from a treatment model favoring offender rehabilitation predominant during the 1960s and early 1970s to one that implicitly conceded that rehabilitation had little effect. The increased challenge to the treatment model left a void that deterrence theorists happily filled. Economists began to apply their disciplines to criminal justice policy development, an area that had been the province of sociologists, psychologists, and political scientists. They theorized that “crime could effectively be reduced ... through sentencing policies aimed at *intimidating* potential offenders” (p. 7).

Beginning in the 1970s, a series of experiments involving some of the country's most prominent researchers were conducted to try to determine whether police actions specifically deterred offenders and to develop the most effective police response to domestic violence. Before discussing these experiments, it is helpful to understand the concept of deterrence.

Specific Deterrence

Over the years, many researchers argued that domestic violence was an ideal setting for the application of deterrence theory. Williams and Hawkins (1989) noted that although classic deterrence theory focused on formal punishments as actual consequences of committing a crime (see also Gibbs, 1985), this analysis was inadequate. Instead, in domestic violence cases, it was the act of being publicly labeled as a “wife beater” and attendant fear of social scorn and ostracism that deters possible recidivism. The shock of an arrest, especially to an individual who does not typically interact with the police, would deter future violence.

Deterrence theory, although rooted in economics, is also consistent with the more psychologically based learning theory, which posits that the best time to attempt to correct deviant behavior is immediately after the conduct occurs. Learning theory predicts that immediate punishment need not be very severe to prevent reinforcement of deviant behavior. In contrast, aberrant behavior might otherwise recur if the deviant act, in this case spousal abuse, went unnoticed and unpunished. The premise to the application of deterrence theory to domestic violence is that arrest can itself serve as sufficient punishment to prompt changed behavior (Williams & Hawkins, 1989).

In contrast, most lay people assume punishment should only commence after a person has been convicted. This ignores the reality that conviction in a contested case requires a considerable commitment to use sorely stressed public assets, whether the police, public defenders, prosecutors, judiciary, and, after conviction, often probation and the penal system. Furthermore, formal criminal justice system case processing does not typically transpire for several months after an initial arrest. Delays of several months to more than 1 year are common, if not the norm in many jurisdictions. Although such delays are rarely advantageous for any of the involved parties, delays can greatly reduce the safety and well-being of victims of domestic violence and their children. Evidence suggests that most reoffending occurs prior to an abuser's court appearance (Buzawa, Hotaling, Klein, & Byrne, 1999; Wilson & Klein, 2006).

Specific deterrence in the context of arresting a domestic violence offender presumes that arrest will deter or prevent an offender from committing further crimes. It presumes that individuals, even violent offenders, rationally consider the benefits of a particular behavior against its potential consequences. Therefore, when an offender is punished by means of an arrest or other criminal justice sanction, threats of punishment become more credible and deter future misconduct.

General Deterrence

General deterrence occurs when an arrest serves as an effective deterrent for *potential* offenders. It assumes that potential offenders weigh the benefits and costs of their possible actions before committing an offense. Hence, general deterrence might occur in a population of *possible* offenders in addition to the specific deterrence of past offenders.

This theory assumes that when offenders are arrested, there are serious consequences (Williams & Hawkins, 1989). In one early study of anticipated indirect effects of an arrest for domestic violence, 63% of men stated they would lose “self-respect” if arrested. Most men also feared family stigma and social disapproval after arrest. In contrast, although the possible ultimate costs of a conviction, such as time in jail, or loss of a job would be far more severe, they perceived correctly these outcomes as highly unlikely, and hence not very effective, as a general deterrent (Williams & Hawkins, 1989). In contrast, public perception of the likelihood of an arrest might serve as an effective deterrent.

In the 1980s, the NIJ funded a series of studies testing the application of deterrence theory to domestic violence based upon a National Academy of Sciences Report titled *Deterrence and incapacitation: Estimating the effects of criminal sanctions on crime rates*, which was edited by Blumstein et al. (1978). These studies have been of key importance in stimulating change in police organizations and had a virtually unprecedented impact in changing police practices and policies, as well as domestic violence legislation.

THE MINNEAPOLIS DOMESTIC VIOLENCE EXPERIMENT

Sherman and Berk (1984a, 1984b) conducted the Minneapolis Domestic Violence Experiment (MDVE), a study which played an important role in facilitating changes in how police respond to domestic violence. It asked 51 volunteer patrol officers in two precincts to adopt one of the three possible responses to situations in which there was probable cause to believe that domestic violence had occurred. Officers were randomly assigned one of the three choices: (1) separate the parties by ordering one of them to leave, (2) advise them of alternatives (possibly including mediating disputes), or (3) simply arrest the abuser. During a period of approximately 17 months, 330 cases were generated. The authors then evaluated the possible success of these various treatments in deterring recidivism. Recidivism was measured both by official arrest statistics, such as arrest reports, and, when available, by victim interviews. The researchers later reported that 10% of those arrested, 19% of those advised of alternatives, and 24% of those merely removed repeated violence (Sherman & Berk, 1984a). From this, they concluded that arrest provided the strongest deterrent to future violence and consequently was the preferred police response.¹

Although the Minneapolis experiment might best be referred to as being merely a pilot study, few now deny its great policy impact. Despite initial disclaimers to the contrary, the Sherman and Berk study immediately became the most cited study in the field. Findings were reported in the *New York Times* (Boffey, 1983), in a Police Foundation report (Sherman & Berk, 1984a), and in numerous academic journals (Berk & Sherman, 1988; Sherman & Berk, 1984b), and they were widely publicized across the country as a whole. Hundreds of newspapers and nationally syndicated columnists discussed these findings, and several major television networks provided prime time news coverage, often with special documentaries (Fagan, 1988; Sherman & Cohn, 1989). The 1984 Attorney General's Task Force on Family Violence even cited the MDVE findings as a basis for recommending that all law enforcement agencies should develop policies requiring arrest as the preferred response for domestic violence incidents (US Attorney General's Task Force on Family Violence, 1984).

In their summary of the significance of the 1989 MDVE, Maxwell, Garner, and Fagan (2001) stated that “a 1989 survey of local police departments concluded that the published results of MDVE may have substantially influenced over one-third of the police departments responding to their survey to adopt a pro-arrest policy” (p. 4).²

The impact of the Minneapolis study was certainly a result, in part, of the extreme publicity it received and the impression that its conclusions, however tentative, were federally funded and supported. Under such conditions, administrative debates on the relative merits of arrest compared with other potential avenues of reform became nearly irrelevant. In fact, despite its acknowledged limitations, by the mid-1980s the study reinforced to the point of orthodoxy the view among feminists that police should arrest and a mandatory arrest policy should be instituted when possible (Maxwell et al., 2001).

In any event, within 1 year of the study's first publication, almost two-thirds of major police departments had heard of the Minneapolis experiment, and three-quarters of the departments correctly remembered its general conclusion that arrest was the preferable police response. Similarly, the number of police departments encouraging arrests for domestic violence tripled in 1 year from only 10% to 31%—a figure that increased again to 46% by

1986 (with more than 30% of all such departments stating they had changed their position at least partially because of the Minneapolis study). This impact was immense. The fact that it generated wide-scale abandonment of police doctrine that had remained static for decades is still probably an understatement of its importance in changing policy. The study served as a catalyst for ongoing politically based efforts at change, being favorably cited by other influential researchers and policymakers who were then considering implementing state domestic violence laws (Cohn & Sherman, 1987).

Apart from concerted efforts to publicize the findings, why did the MDVE so resonate with policymakers? In part, it resulted from the emergence of the predominance of the theory of deterrence. As indicated, advocates and battered women's support groups seized Sherman and Berk's (1984a, 1984b) conclusions. For years, their advocacy and litigation had little visible effect on convincing police departments of the seriousness of domestic violence and the need for greater victim respect. Therefore, the attention placed on the study was fortuitous, supporting an agenda favored by a significant policy elite. Under such conditions, research disclaimers were predictably ignored.

In addition, the belief that arrest would actually stop domestic violence offenders from reoffending had a great deal of intuitive appeal. Arrest or the potential for arrest would provide a general deterrent effect to other potential offenders. At that point in time, consideration was not given to the criminal justice response once an arrest had been made. As we discuss in Chapter 10, the likelihood of a case continuing in the criminal justice system was highly unlikely; however, at the time, arrest itself was thought to provide an end point in the cycle of victimization for women.

THE REPLICATION STUDIES

Part of the reason for the extensive publicity campaign discussed earlier was to pressure the NIJ to replicate the study in additional cities rather than focusing research on victims or other aspects of the response to domestic violence. In addition, questions, criticisms, and concerns were escalating in the research community, and support for replications became widespread.

As a result, the NIJ decided to expend most of its limited domestic violence research funds on a number of experimental replications of the MDVE study. They subsequently funded six additional experiments which were collectively known as the "Replication Studies." Their results were revealing as will next be discussed.

Omaha, Nebraska

Dunford, Huizinga, and Elliott (1989) conducted the first replication study in Omaha, Nebraska. When both victim and offender were present, the officers were explicitly instructed at the time of their initial response as to one of three options: to arrest, to separate the parties by removing the offender from the household, or to use mediation. The methodology was improved compared to the MDVE because it matched ethnic backgrounds of the victims to female interviewers, which resulted in the cooperation of far more victims (73% at 6 months).

Dunford et al. (1989) reported that arrested offenders were *more likely to reoffend based on official police data but less likely to reoffend based on victim interviews*. These findings were not statistically significant, however, leading the researchers to conclude that the relative impact of arrest versus other treatments was not profound because arrest by itself did not seem to deter future assaults any more than separation or mediation.

A second component involved offenders who had already vacated the premises. Offenders in this group were randomly assigned to issuance of a warrant or to no further police action. This data set *provided the surprising result that more than 40% of the offenders were not present when the police arrived*. This was significant because little attention had been paid to the fact

that a large percentage of offenders left before police arrived, which led future researchers to question whether there were differences between offenders who remained and those who stayed (Buzawa et al., 1999; Hirschel & Buzawa, 2013).

There also were clear differences based on the intervention chosen when the offender was absent. Absent offenders who were the subject of an arrest warrant were less than half as likely to recidivate than others—5.4% versus 11.9% (Dunford et al., 1989). Therefore, this experiment provided tentative evidence that the issuance of a pending arrest warrant seemed to deter prospective offenses.

Milwaukee, Wisconsin

A second replication study by Sherman, Schmidt, et al. (1992) was conducted in Milwaukee, Wisconsin. Many of the earlier methodological problems of the MDVE were expressly addressed by this research design. These researchers chose to study four police districts containing high concentrations of minorities and to compare the results of offenders who were merely warned by the police with those who were arrested and held for a short period of time (3 hours) and those arrested and held for a longer period of time (12 hours). The duration of holding was tested to see whether a “short arrest and hold” might serve to provoke an offender.

It was true that *when repeat violence was measured after 6 months, arrest deterred more reabuse than the mere issuance of a warning*, whereas a greater duration of the hold period did not significantly affect outcome. This result, however, did not continue. *After 11 months, the arrested group showed even higher levels of recidivism*. The report concluded that arrests seemed to deter the employed but not the unemployed offender (Sherman, Smith, Schmidt, & Rogan, 1992). Perhaps this result should not have been surprising. Less-publicized research had long reported that being arrested seemed only to have an effect for 6 months, which is a relatively short period (see, e.g., Dutton, 1987). It is possible that many of these offenders have a long history or arrests or are aware of the fact that arrest seldom leads to prosecution.

In addition, the research strongly suggested that deterrence occurred among many of those arrested. Specifically, arrest seemed to deter offenders who are white with a reduction rate of approximately 39% over those offenders who were merely warned—versus a modest increase among offenders who are Black. Similar to the other replication studies, unemployed offenders, both Black and white offenders, seemed to be least deterred by arrest, being the group most likely to recidivate in general and most likely, statistically, to show a long-term negative effect after arrest.

These results fueled speculation as to their meaning. It is not surprising that offenders who are Black, especially in the 1980s, who might have a history of negative experiences with many predominantly white police officers, including those in Milwaukee, might react adversely to arrest, especially if the arrest is not sensitively carried out or if the victim is not supplied with information as to how she can obtain support services.

Charlotte, North Carolina

Hirschel, Hutchison, Dean, Kelley, and Pesackis (1991) conducted the third replication study in Charlotte, North Carolina. Charlotte has a relatively high crime rate and high unemployment. In addition, at the time of the study, the city had an approximately 70% minority population, allowing the researchers to address the police response to this sub-population. The Charlotte experiment focused on misdemeanor-level violence committed in that city during a 23-month period (August 1987 to June 1989).

According to official statistics, this study reported that arrest was associated with increased reoffending. This contrasted with the findings from victim interviews in which arrest was associated with reduced reoffending. Neither finding was statistically significant, however, and the researchers concluded that the data did not support arrest as being more effective in deterring subsequent assaults.

The group and jurisdiction selected in Charlotte might have contributed to an especially tough test of the effects of arrest. Almost 70% of the offenders had previous criminal histories. It had been hypothesized that this group is among the least likely to be deterred by yet another arrest (Sherman, Schmidt, et al., 1992). Of even greater importance, only 35.5% of those arrested or who had received a citation was ever prosecuted, and less than 1% ever spent time in jail beyond the initial arrest. Simply put, arrest used in an administrative vacuum seems unlikely to be a significant deterrent to a group of offenders already inured by past experiences with the criminal justice system.

Colorado Springs, Colorado

Berk, Campbell, Klap, and Western (1992) conducted the fourth replication study for a 2-year period in Colorado Springs, Colorado. They drew a large sample—1,658 incidents of misdemeanor violence. The study was unusual in several ways. It involved a highly unrepresentative proportion of military personnel (more than 24% of the offenders and 7% of the victims). Also, only 38% of the cases involved an assault, whereas others were claims of “harassment,” “menacing,” and other related offenses.

This study assigned respondents to one of the four options: (1) an emergency order of protection alone, (2) the protective order coupled with arrest, (3) the protective order coupled with crisis counseling, and (4) the officer’s response limited to merely restoring order (Berk et al., 1992). Although victim interviews found a deterrent effect, this was not reflected by the official data.

Of equal or greater importance, the study seemed to show only a limited effect of a case being assigned to the Safe Streets Unit; 18.8% of those who received their services reported continued violence compared with 22.4% of those who had not. This 3.6% difference was not statistically significant nor was the frequency of reported abuse markedly different.

Miami, Florida

Pate and Hamilton (1992) conducted a fifth replication from August 1987 to July 1989 in the Metro-Dade Police Department, Miami, Florida. The study involved 907 cases in which the officers had arrest discretion. The sample was somewhat unusual in that it only involved male offenders as a result of then current Florida law.

Two interventions were tested—arrest versus no arrest as an initial action and whether there was a follow-up assignment to the Safe Streets Unit. This specialized unit consisted of several detectives, supervisors, and support staff, all of whom had received an intensive 150-hour training course in handling domestic violence. The unit established case histories and interviewed the couple.

Police assisted parties in reaching acceptable solutions and made referrals to appropriate agencies and outside resources. Although updated in its approach, this unit shared the same orientation as the Family Crisis Intervention Teams first used in New York City and discussed earlier. Based on victim interviews and police records, this study reported significant differences between those offenders who were arrested and those who were not. Using the common 6-month follow-up, 14.6% of arrested offenders had reabused their victims compared with 26.9% of those who were not arrested. In addition, the frequency of violence was greater among those who had not been arrested. Victim’s reports, however, indicated that there was no significant effect of treatment chosen on the 29% of offenders who were unemployed (Pate & Hamilton, 1992).

A second experiment with these data involved the provision of follow-up police services. The authors reported that there were no significant differences in revictimization rates for those victims receiving follow-up services based both on official police data and on victim interviews (Pate, Hamilton, & Annan, 1991).

Reanalysis and Reaction to the Replication Studies

Maxwell et al. (2001) reanalyzed data from the replication studies with the exception of Omaha and, of course, Atlanta. Their analysis attempted to address the concern that none of the replication studies employed the same outcome measures, measurement strategies, or methodologies as the MDVE. They determined that the only analyses possible were based on prevalence, frequency, and time to failure in official records as well as on prevalence and frequency of reoffending in victim interviews. Although they did report that *overall* arrest decreased the likelihood of reoffending, *the findings were not statistically significant when using official data but were significant when analyzing victim report data.*

It can be argued that victims only report a small percentage of reoffending, however, and that those who are willing to be interviewed or could be located might be those who were most likely *not* to be revictimized. In research involving several data sets, Buzawa and Hotaling (2000) found that victims only reported about half of new offenses. Those dissatisfied with the police response and who believed that the police either overreacted or increased the danger of the situation were unwilling—and, in fact, feared—disclosing new assaults (Buzawa et al., 1999; Buzawa & Hotaling, 2000; Hotaling & Buzawa, 2001).

In addition, we now have research suggesting that many offenders find new victims once a victim is unwilling to tolerate violence or reports it to the police (Buzawa et al., 1999). Therefore, although it is possible for revictimization to be reduced, reoffending rates might remain stable.

Reaction to the replication studies and their failure to confirm the earlier MDVE findings were predictable. Feminists and battered women's advocates severely criticized their methodology, their sensitivity to policy implications, and their conclusions (Bowman, 1992; Zorza, 1994; Zorza & Woods, 1994).

Bowman (1992) wrote the following:

Quantitative research has often elicited a good deal of criticism from feminists. Quantitative methods are considered suspect because they place a greater value on "objective" and quantifiable information than on other sources of knowledge. Relying solely on such data assumes a separation—indeed, a distance—between the researcher and the object of study since they isolate the factors under study from their socioeconomic and historical context. Further, there is a failure to hear directly from the victim herself and include data as to how *she* interprets the situation. In the domestic violence field, moreover, survey research is greeted with particular mistrust because of early studies, which were perceived as both insensitive in their design and biased in their results. (p. 201)

An especially telling critique has been leveled at the heart of the experimental approach— isolating one individual variable (in this case, arrest) from all other factors and then assuming that this factor might truly be studied independent of its organizational and societal milieu. Zorza and Wood's (1994) overall analysis of the replication studies best summarizes this position:

The problem inherent in police replication studies is that they isolate the initial police response from any other possible responses to domestic abuse and fail to realize that the effect of arrest on domestic abuse is only one of potentially dozens of issues, which should be studied. Although the experimenters occasionally reported the rarity of conviction and especially imprisonment, they failed to evaluate what steps prosecutors and the courts took and why, what sentences the offenders received, what type of batterer treatment programs were utilized and for how long, how batterers were monitored for attendance... were orders of protection issued, or what assistance was provided to the victims... In the absence of answers to all these questions, one cannot properly assess whether some other part of the system supported or completely undermined police efforts. (p. 972)

Regardless of their individual and collective methodological shortcomings, the replication studies collectively suggest that the role of arrest as a monolithic response for responding to all cases of domestic violence is problematic. Deterrence might exist for some but not all offenders. Furthermore, although never addressed by the replication studies, but of at least equal significance is the differential impact of arrest on victims and other family members. Nonetheless, arrest clearly is an essential tool even if it does not deter certain types of offenders. As we have seen with the MDVE, extensively published research does not guarantee that the results will remain constant in other settings and at other times. Although some offenders might not be deterred, others (both those arrested and those who might otherwise batter in the future) might be so dissuaded.

In addition, such a conclusion would place an inappropriate emphasis on the concept of deterrence. Arrest historically has not been used because of its capacity to deter offenders but to serve as the primary vehicle by which offenders are brought into the criminal justice system. In addition, it is an important reminder to the victim, the offender, and society at large that a particular conduct will not be permitted. The replication studies should be considered along with other evidence suggesting the necessity of providing a coordinated criminal justice response. Arrest could then be a useful tool that is part of a coordinated response rather than an end by itself. These issues are discussed in more detail in a later chapter.

LEGAL LIABILITY AS AN AGENT FOR CHANGE

The final major factor forcing many law enforcement agencies to change their response to domestic violence was that individual officers, as well as entire police departments and municipalities, were exposed to substantial risks of liability awards, fines, and injunctions if they failed to make an arrest for domestic assault. This concern directly contributed to the development of written domestic violence policies and training.

Several lawsuits in the late 1970s claimed that the Oakland, California, and New York City police departments failed to protect battered women (*Bruno v. Codd*, 1977; *Scott v. Hart*, 1976). In both of these cases, trial courts ordered the police via injunction to better protect victims of domestic violence. These cases were important because the courts clearly recognized that the police had not served battered women. In these cases, the remedies requested were largely prospective. The theoretical basis for the actual award of damages to other victims was now established: to force police to treat victims of domestic assault the same as other similar victims of crimes.

CASE STUDY: LEGAL LIABILITY

It has generally been recognized that the seminal case forcing police change was *Thurman v. City of Torrington* (1984). In this case, Ms. Thurman and other relatives had repeatedly called the police, pleading for help to protect her from her estranged husband, but they had received virtually no assistance, even after he was convicted and placed on probation for damage to her property. When she asked the police to arrest him for continuing to make threats to shoot her and her son even while still on probation, they told her, without any legal basis, to

return 3 weeks later and to get a restraining order in the interim.

In any event, she did obtain the court order, but the police then refused to arrest her husband, citing a holiday weekend. After the weekend, police continued to refuse to assist based on the fact that the only officer who could arrest him (sic) was “on vacation.”

In one final rampage by her husband after a delayed response to her call for emergency police assistance, Ms. Thurman was attacked and suffered multiple stab wounds to the chest and neck, resulting

in paralysis below her neck and permanent disfigurement. The responding officer stated that he was at the other side of the house “relieving himself” and thought the screams he heard were from a wounded animal.

Her attorneys argued two major theories for police liability: negligence and breach of constitutional rights. Simply stated, the negligence theory claimed that police, being sworn to protect citizenry, had a duty to take reasonable action when requested to prevent victim injury from a known offender.

The second theory was that the police, as agents of the state, violated her fourteenth amendment rights by failing to provide equal protection under the law. This

claim was based on differential treatment accorded by police to largely male victims of nondomestic assault compared with primarily female victims of domestic assault. This was considered sex discrimination because most victims of serious injuries in cases of intimate partner abuse were women.

The court found a clear hidden agenda of the Torrington Police Department. Police actions were found to constitute deliberate indifference to complaints of married women in general and of Ms. Thurman in particular. This was negligent and violated the equal protection of the law guaranteed Ms. Thurman. A \$2.3 million verdict was awarded to Ms. Thurman and her son.

The impact of *Thurman* and similar cases was immediate. Fear of liability became a prime factor motivating departmental administration, at the least out of self-protection, to require more justification if arrests were not made. Fear of liability awards was even more important for those departments located in jurisdictions that had adopted, by statute or department policy, mandatory or presumptive arrest. Such statutes could easily be used by plaintiffs’ attorneys to establish the standard of care that police owed to victims of domestic violence.

As a result of a number of cases both before and after *Thurman*, there was a proliferation of consent decrees resulting from negotiated settlements of class action lawsuits to stop tacit “no arrest” policies. Many police departments operated under consent decrees for years requiring them to treat domestic violence as a crime, to make arrests when appropriate without consideration of marital status, and to advise victims of their legal rights.

The importance of having these orders in place is twofold: If the order is violated, a clear standard of care has been set—and not met—making liability relatively easy to determine. In addition, if the violation was intentional, the police administrators and the officers in question risk contempt of court, possibly risking personal fines or incarceration. (For a summary of the early cases, see Ferraro, 1989a; Victim Services Agency, 1988; and Woods, 1978. For a discussion of the full breadth of civil litigation and its impact, we recommend Kappeler, 1997.)

This book does not, of course, purport to describe the latest legal findings on police liability, or lack thereof, but only to describe the influence of litigation as a factor in changing how police respond. In that vein, there have been few, if any, rollback of policies simply because the US Supreme Court in *DeShaney v. Winnebago County Dept. of Social Services* (1989) made it far more difficult to sue police departments. In this case against a social service agency, the Supreme Court disallowed the action even though the county had seemingly negligently sent a minor child back to his father, who then brutally murdered him. The county was held not liable for damages caused by the private violence of one party against another. This can be contrasted with *Canton v. Harris* (1989), which the Supreme Court decided 6 days after *DeShaney*. In that case, the Supreme Court found liability against a police department after it determined that the department had not adequately trained an officer on its own policies, resulting in specific injury to victims.

The irony is that, as of the writing of this edition, two of the three reasons for the change in practices have been severely eroded, with research no longer consistently reporting that arrests are the best method for handling domestic assaults. Similarly, legal liability against the police now is minimal—at least at the federal level and for many states. Nonetheless, there is no apparent relaxation in the push for mandating or at a minimum primarily relying on arrest.

SUMMARY

Historically, domestic violence was considered a normal part of some intimate relationships and a part of everyday life for some women. This historical context of violence against women is neither of a short time span nor of a sporadic one. It often has been explicitly stated in pronouncements and codified into numerous laws, becoming an endemic feature of most societies from the ancient world until very recent times. Religion, being a key component of, and justifying many, social and legal attitudes toward women, has reinforced such history, although in modern times religion has shown that it can be part of the solution. Finally, as noted by many feminists and others that critique social structure, the deeply ingrained nature of domestic violence into society might serve to reinforce battering by some.

Hence, although we might punish the batterer, help the victims, and try to reform dysfunctional families, we must remember the deeply entrenched historical, religious, and societal bases of domestic violence.

DISCUSSION QUESTIONS

1. To what extent do you believe early laws contributed to the acceptance of domestic violence?
2. In what ways can you see how the attitudes of batterers and victims relate to their early laws regarding the role of women or religious beliefs?
3. In what ways do religion and spirituality increase vulnerability?
4. In what ways do religion and spirituality increase resilience?
5. How important a role do you believe religion still plays in domestic violence, and how could it help better support victims?
6. What factors do you think most accounted for change in the community where you live? If you think more change is needed, what would best facilitate it?
7. Why do you think there is such variation in how communities have changed their response?
8. What role do you believe liability should play in effecting change? Do you believe cities should pay for negligence on the part of those who respond to domestic violence victims?
9. Who should be held responsible for failure to respond properly to a victim—the individual or the agency/organization for whom they work? Why?
10. Do mandatory arrest policies rely on faulty assumptions regarding deterrence?
11. Do mandatory arrest policies adequately differentiate among the vast range of incidents and relationships that fall under domestic violence statutes?

NOTES

1. Despite its importance in setting policy, it is important to realize that the MDVE was a limited experimental design that did not purport to address the question of the “proper” police response to domestic violence. In fact it was strongly critiqued both for its methodology and for its

conclusions. Responding officers apparently had advance knowledge of the response they were to make. As such, they had opportunity to reclassify offenses to fall outside the parameters of the experiment (Mederer & Gelles, 1989). They might do so if an arrest was assigned despite the officers not desiring to do so. Even in official statistics of the experiment, 17 cases were dropped, and in fully 56 of 330 cases (17%), the officers gave a treatment different than that required.

After all, unionized, rank-and-file police officers have never been committed to honoring an experiment by academic outsiders (not exactly their favorite group). There is, in fact, considerable evidence that the MDVE experiment did not control the officers. For example, 3 of the 51 officers assigned to participate in the study made most of the arrests, suggesting that the other officers might have actively or passively subverted randomization techniques.

Furthermore, the study only used volunteer officers. This, plus anecdotal evidence, strongly suggests that most officers simply acted the way they thought the situation demanded, indirectly sabotaging the project's validity. The victim measurements also were questionable. Only 49% responded in the 6 months after interviews, leaving conclusions based on this database innately suspect. Binder and Meeker (1988) as well as Lempert (1987, 1989) provided a thorough critique of the MDVE, including these as well as additional concerns. Gartin (1991) attempted to address many of the methodological concerns through a reanalysis of the archived data from the MDVE and found that statistical significance depended on which data sources were used and how the data were analyzed. Gartin concluded that arrest did not have as great a specific deterrent effect as the original research had suggested.

The external validity (or generalizability) of the conclusions in this study also was suspect. The actions of the officers were, by the nature of the experiment, treated in a vacuum largely independent of the downstream effect of other criminal justice actors. In our view, it is difficult to determine the effect of any police action without explaining how domestic violence prosecutors, courts, probation officers, or social service agencies subsequently handle the cases.

2. Part of the reason for the profound impact of the MDVE was the promotional campaign that followed. At least one of the authors, Professor Sherman, stated that he believed it was the obligation of social scientists to solicit publicity (Sherman & Cohn, 1989). He recounted how he and his colleagues made decisions about how to manage the story, including persuading local television stations to feature documentaries or action tapes for national news shows (even before the results of the experiment were known). Efforts to manage the press continued even to the extent of releasing the final results on the Sunday before Memorial Day, assuming that there would be less competition on a slow news day (Sherman & Cohn, 1989) and notifying the MacNeil/Lehrer NewsHour of the study's release well in advance.

Such publicity efforts, which were extraordinary for social science research, were justified as an attempt to "get the attention of key audiences effecting police department policies" (Sherman & Cohn, 1989, p. 121). As Sherman remarked, he also "wanted the audiences to be influenced by the recommendations and be more willing to control replications and random experiments in general" (p. 122).

The NIJ did not release any publications on the study, hold any meetings or conferences, or fund any demonstration programs testing the use of arrest, however. The massive publicity generated by this research was almost entirely due to the efforts of individuals (Garner & Maxwell, 2000).