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**THE DICHOTOMY OF DOMESTIC VIOLENCE:  
EVALUATING THE EFFICACY OF PROTECTION ORDERS  
FOR WOMEN EXPERIENCING COMMON COUPLE VIOLENCE  
VERSUS PATRIARCHAL TERRORISM**

presented by

**Amanda K. Burgess-Proctor**

has been accepted towards fulfillment  
of the requirements for

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Major professor

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**THE DICHOTOMY OF DOMESTIC VIOLENCE: EVALUATING THE  
EFFICACY OF PROTECTION ORDERS FOR WOMEN EXPERIENCING  
COMMON COUPLE VIOLENCE VERSUS PATRIARCHAL TERRORISM**

By

Amanda K. Burgess-Proctor

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## ABSTRACT

### THE DICHOTOMY OF DOMESTIC VIOLENCE: EVALUATING THE EFFICACY OF PROTECTION ORDERS FOR WOMEN EXPERIENCING COMMON COUPLE VIOLENCE VERSUS PATRIARCHAL TERRORISM

By

Amanda K. Burgess-Proctor

The purpose of this study is to gauge the efficacy of protection orders for victims of domestic violence. The theoretical basis for this analysis lies in Johnson's theory that there exist two distinct forms of interpersonal violence: "common couple violence", which consists of low-grade, mild violence that is equally perpetrated by both men and women, and "patriarchal terrorism", which involves severe mental and physical abuse that is primarily used by men to control their female partners. Based on Johnson's dichotomous theory, it is hypothesized that orders of protection will be less effective for women who experience patriarchal terrorism than for women who experience common couple violence.

## DEDICATION

This thesis is dedicated to my parents, Alan and Diane, for their steadfast support and encouragement, to my sister Megan for always making me laugh, and to my husband Bryan for keeping me sane. I love you all more than I can express.

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## TABLE OF CONTENTS

LIST OF TABLES.....	vi
CHAPTER 1	
INTRODUCTION.....	1
CHAPTER 2	
PROTECTION ORDERS AND THE APPLICATION OF JOHNSON'S THEORY..	6
The Development of Protection Orders.....	6
Overview of Protection Orders and the PO Process.....	7
Studies of Protection Orders in the Academic Literature.....	11
What Are Victims' Perceptions of Protection Orders?.....	12
How Well Are Protection Orders Enforced?.....	13
Do Protection Orders Prevent Re-abuse?.....	15
Integration of Johnson's Theory.....	16
CHAPTER 3	
DATA AND METHODS.....	20
Dependent Variable.....	20
Independent Variables.....	21
Descriptive Statistics.....	25
Petitioner Demographics.....	25
Relationship Dynamics.....	27
Respondent Arrest History.....	27
Limitations.....	28
Analysis.....	29
CHAPTER 4	
DISCUSSION AND CONCLUSION.....	35
REFERENCES.....	45



## LIST OF TABLES

TABLE 1	
EXISTING VARIABLES USED TO CREATE THE	
RELATIONSHIP VIOLENCE SCALE.....	22
TABLE 2	
DESCRIPTIVE STATISTICS.....	26
TABLE 3	
MEAN PERCENTAGE OF PROTECTION ORDER VIOLATION BY GROUP...	30
TABLE 4	
PROBABILITY OF PROTECTION ORDER VIOLATION USING	
LOGISTIC REGRESSION.....	33

## CHAPTER ONE: INTRODUCTION

*“If no permanent injury has been inflicted, nor malice, cruelty nor dangerous violence shown by the husband, it is better to draw the curtain, shut out the public gaze, and leave the parties to forget and forgive.” ~ North Carolina Supreme Court, 1874 (State v. Oliver, 1874).*

This quote, taken from an 1874 North Carolina Supreme Court holding regarding the propriety of court intervention in wife-beating cases (Kurz, 1992), accurately reflects public dismissal of domestic violence even now, nearly 130 years later. So often relegated to a class of conflicts identified merely as “family disputes”, domestic violence has been viewed historically as a private matter that does not warrant public or legal intervention (Keilitz et al., 1998). Despite widespread efforts over the last thirty years to acknowledge domestic violence as a crime worthy of prosecution, if not public disapproval, thousands of women each year remain swathed in a cloak of silence that tightly conceals their private victimization.

Awareness of domestic violence as a crime committed predominately against women first occurred in the 1970s, largely due to the tireless efforts of grassroots feminist organizations and activists within the women’s rights movement (Chaudhuri & Daly, 1992; Grau, Fagan, & Wexler, 1985; Mills, 1998; Stith & Straus, 1995). Prior to this time, acknowledgement of family violence was generally limited to the examination of child victimization, and it was not until 1971 that a research initiative devoted to family violence included topics other than child abuse or “psychiatric studies of abused wives” (Steinmetz, 1986, p. 52). Beginning with concern that initially was reserved for abused children, recognition of family violence eventually expanded to include adult

women's victimization at the hands of their intimate partners (Buzawa & Buzawa, 1992). Indeed, although modern society has long been protective of children's rights through measures such as mandatory reporting of abuse and protective service agencies, only recently has that same consideration been extended to women who are assaulted by their male partners (Binder & Meeker, 1992).

This shift in perspective to recognize the abuse of women as well as children is primarily a result of the concerted efforts of feminist groups during the early to late 1970s (Binder & Meeker, 1992). Outraged, the feminist movement demanded cessation of the systematic oppression of women that allowed domestic violence to be largely ignored by society, and facilitated awareness of this problem through the creation of shelters, hotlines, and outreach programs for battered women. Of particular significance is the effect of these efforts on the legal community; as a result of their lobbying and political activism, feminists were successful in altering the way that domestic violence cases were handled within the criminal justice system (Mills, 1998).

At the same time that activists within the women's movement lobbied for political change, there occurred a quantum leap in the number of empirical studies designed to explore intimate partner violence as the academic community began to acknowledge the importance of conducting research related to domestic violence (Stith & Straus, 1995). Sources ranging from academic journals to television and print media feverishly documented the phenomenon of wife-battering in America. The results were unsettling; estimates indicate that one in five couples experience at least one violent or abusive incident in their lives (Schafer, Caetano, & Clark, 1998), resulting in approximately 1.6 million battered women each year (Straus & Gelles, 1995).

Not surprisingly, the sudden proliferation of domestic violence research triggered controversy among academics regarding the etiology, frequency, and severity of intimate partner violence in America. At odds were researchers whose studies of battered women originated from one of two philosophical camps within the academic community: “feminist” theory and “family violence” theory, respectively (Anderson, 1997; Giordano et al., 1999; Hegarty & Roberts, 1998; Johnson, 1995; Kurz, 1992; Stewart, 2000). According to Kurz (1992), “a feminist view of battering is one based on an understanding of battering as a structural problem in which it is women, primarily, who are abused by men” (p. 22). In other words, the etiology of violence against women can be explained by understanding gender and power roles in society (Anderson, 1997), from which emerge “the origins of the problem in male-female relationships and in norms about men’s right to control women” (Kurz, 1992, p. 22). In short, feminist authors and researchers decry the male dominance within society that facilitates the subjugation of women, particularly within the family structure.

As an alternative research perspective on domestic violence, the “family violence” approach stands in stark contrast to feminist philosophy (Kurz, 1992, p. 22). Unlike feminist authors, family violence researchers “believe [that] family violence originates in wider social norms condoning violence and in the structure of the contemporary family” (Kurz, 1992, p. 23). Researchers who ascribe to a family violence philosophy assert that patriarchy is but one cause of intimate partner violence (Anderson, 1997). Thus, the family violence perspective views violence against women as one element of a larger, more general phenomenon of familial and societal violence.

As noted by many scholars, feminist- and family violence-based research tends to differ significantly. Whereas feminist research indicates that women are overwhelmingly the recipients of partner violence, family violence research suggests that women and men are equally likely to engage in violence against their intimate partners (Anderson, 1997; Giordano et al., 1999; Hegarty & Roberts, 1998; Johnson, 1995). These divergent findings are most frequently attributed to the methodology employed to gather and interpret data. Feminist studies often collect qualitative data from shelters, hospitals, and police reports, which provide accounts of serious abuse endured by women who utilize such resources. Conversely, family violence research relies heavily upon quantitative national survey data, which are likely to include admissions of minor acts of violence by both male and female participants (Anderson, 1997; Giordano et al., 1999; Hegarty & Roberts, 1998; Johnson, 1995).

Noting feminist researchers' assertion that violence between intimates involves severe physical and emotional abuse perpetrated by males against females, as well as family violence researchers' claim that couple violence is typically mild and perpetrated by both partners, Johnson (1995) suggested the existence of two separate phenomena. Johnson's theory, which will be explored further in greater detail, essentially argues that there are two types of domestic violence: low-grade, mutually combative behavior experienced equally by men and women (what he calls "common couple violence"), and systematic emotional, physical, and mental abuse used by men to manipulate and control their female partners (or "patriarchal terrorism"). In short, Johnson argues that women in violent relationships do not uniformly experience what we have come to know as "domestic violence".

Johnson's theory has gained support within the academic literature, and at least one author has incorporated Johnson's theory into his own research (see Milardo, 1998). However, there is one topic of interest that, to the knowledge of this author, has not been considered within the context of Johnson's theory. As alluded to earlier, one of the most significant achievements of the women's movement during the 1970s was the advancement of domestic violence as a matter of serious concern within the criminal justice system (Mills, 1998). Out of this increased awareness came legislation in many states authorizing the issuance of protection orders for victims of domestic violence. As will be discussed more fully throughout this thesis, orders of protection are, for a variety of reasons, being used with greater frequency as a legal remedy for battered women (Carlson, Harris, & Holden, 1999; Chaudhuri & Daly, 1992; Klein, 1996).

In light of knowledge that protection orders have become a common resource for women who experience domestic violence, Johnson's theory gives rise to an interesting question: If there exist two very different forms of intimate partner violence, will protection orders be equally effective for women who experience "common couple violence" versus women who experience "patriarchal terrorism"? The aim of this paper is to empirically determine whether protection orders are a useful resource for female victims of both forms of domestic violence. Based on the specifics of Johnson's theory to be discussed shortly, it is hypothesized that protection orders will have more utility for women involved in common couple violence than for their counterparts who experience patriarchal terrorism.

## CHAPTER TWO: PROTECTION ORDERS AND THE APPLICATION OF JOHNSON'S THEORY

### THE DEVELOPMENT OF PROTECTION ORDERS

The promotion of domestic violence during the 1970s as a legitimate societal ill heightened not only public awareness of the problem, but awareness within the legal system as well. As grassroots women's organizations publicized the absence of community resources available for battered women, they simultaneously exposed the inadequacy of responses to domestic violence from police, prosecutors, and legislators (Grau, et al., 1985). Most problematic was the identification within the legal system of domestic violence as non-criminal behavior. For example, Zalman (1992) concedes that "in the past, spousal violence was so countenanced by custom and social thinking that, in the minds of many, wife beating was not considered a crime" (p. 80).

In time, nearly every facet of the criminal justice system came under fire for its perceived reluctance to address domestic violence, but law enforcement and court personnel were criticized most heavily. Specifically, police were accused of treating domestic assaults less seriously than stranger assaults, as evidenced by an unwillingness to arrest batterers as they would perpetrators in other criminal cases (Buzawa & Buzawa, 1992; but see Ferraro & Boychuk, 1992). Officers were condemned for failure to respond to domestic calls (Chaudhuri & Daly, 1992), or, when they did respond, for merely separating couples without making an arrest (Zalman, 1992). Similarly, prosecutors and judges drew criticism as well, charged with "trivializing" battered women's experiences by failing to identify their victimization as criminal (Chaudhuri & Daly, 1992, p. 229), and with discouraging prosecution of domestic assaults (Grau et al.,

1985). In accordance with the pervasive view of domestic violence as a private family matter, many prosecutors maintained that domestic assaults were more appropriately handled by social service agencies than in criminal courts (Lerman, 1986). In short, “explicit refusal by police and prosecutors to sanction wife beaters has created the belief among battered women’s advocates that wife beating is not viewed as a similar threat and therefore is not treated with equal force of law” (Ferraro & Boychuk, 1992, p. 210).

However, the efforts of women’s organizations did not end with the criminal justice system. Attention soon turned toward state legislatures, which activists lobbied to pass laws funding programs for battered women, improving training for police and prosecutors, and rescinding warrantless arrest restrictions (Buzawa & Buzawa, 1992; Wiener, 1989). Aside from these legislative advances, women’s rights advocates prompted perhaps an even more significant change. In response to increasing demand for state-sponsored condemnation of domestic violence, many states, beginning with Pennsylvania in 1976, created legislation establishing civil orders of protection for battered women (Grau et al., 1985; Klein, 1996; Stewart, 2000). Today, every state has existing legislation authorizing the issuance of protection orders (POs) for victims of domestic violence (Klein, 1996).

## OVERVIEW OF PROTECTION ORDERS AND THE PO PROCESS

Protection orders are being used with increasing frequency by many states in the fight against domestic violence (Carlson et al., 1999; Chaudhuri & Daly, 1992; Klein, 1996). In theory, POs are court-ordered injunctions designed to restrain an individual’s use of physical violence, threats, or intimidation against another person; practically



speaking however, relief offered by POs may vary significantly according to state. For example, Chaudhuri & Daly (1992) remark that Connecticut law provides for a broader definition of abuse than many states, allowing for the inclusion of sexual assaults and threats under the provision of PO legislation. Similarly, Grau et al. (1985) acknowledge that state statutes may require parties in a PO to establish a recognized relationship, potentially excluding individuals who share an intimate relationship without residing together, or members of same-sex relationships.

Based on a variety of studies designed to identify common characteristics of individuals who seek protection orders, a composite may be constructed that illustrates the “typical” PO recipient. Generally speaking, she is a young, employed woman who is involved in a relatively short-term relationship with her partner, to whom she is not married but with whom she shares children (Grau et al., 1985; Harrell & Smith, 1996; Kaci, 1992; Klein, 1996). She may or may not have experienced abuse over a sustained period of time, although the event immediately preceding the request for the PO likely involved significant violence and may have resulted in physical injury, without necessarily being *the* most severe incident of abuse (Harrell & Smith, 1996; Zoellner et al., 2000). Finally, she has probably made at least one attempt to leave the relationship, or adopted some other means of protecting herself prior to filing for a protection order (Grau et al., 1985; Klein, 1996).

The protection order process generally involves two steps. To begin the process, an individual typically files a petition for a temporary (or *ex parte*) order to be issued immediately and without a hearing (Chadhuri & Daly, 1992; Grau et al., 1985; Kaci, 1992; Zoellner et al., 2000). Temporary orders are signed for perhaps one to two weeks,

during which time a hearing is scheduled to determine whether the temporary order should become permanent (Chaudhuri & Daly, 1992; Grau et al., 1985; Kaci, 1992; Zoellner et al., 2000). At this hearing both the petitioner (the moving party) and the respondent (the individual whose behavior is restrained) have the opportunity to speak with the judge. After hearing from both the petitioner and the respondent, the judge may make a determination regarding the issuance of a permanent order, which despite its misleading name generally is valid for no more than one year (Chaudhuri & Daly, 1992; Grau et al., 1985).

Although state statutes vary regarding the issuance of protection orders, most states authorize protection order proceedings to occur in civil court (Grau et al., 1985). Still, some state laws dictate that protection orders be obtained in criminal or even concurrent jurisdictions (Grau et al., 1985). However, what makes POs different from other civil orders (such as divorce decrees and declarations of paternity) are the criminal sanctions that ensue from a protection order violation. Whereas violation of a civil order yields only civil contempt charges, individuals who violate POs may face criminal sanctions as well (Chaudhuri & Daly, 1992), including arrest and incarceration.

For several reasons, this hybridization of the civil and criminal justice systems makes protection orders a versatile resource for women who experience domestic violence. First, POs provide a legitimate alternative when there is no criminal case in which to pursue prosecution. However, many women are reluctant to pursue criminal charges against their assailants, so the civil remedies offered by POs may be an attractive substitute (Grau et al., 1985). Secondly, POs provide state protection for women who otherwise might not be able to secure protection on their own (Chaudhuri & Daly, 1992).

Third, the criminal sanctions that accompany violation of a PO have a potentially deterrent effect on batterers, forcing them to consider the consequences of violating the PO (Carlson et al., 1999). Lastly, enactment of PO legislation communicates to battered women that their heretofore private victimization is no longer tolerated, and necessitates public intervention (Chaudhuri & Daly, 1992).

Despite these benefits, protection orders have distinct disadvantages that must be acknowledged. To begin with, there is often a lack of consensus among practitioners, and between states, regarding what behaviors constitute “abuse” (Straus & Gelles, 1995). While most states require proof of physical violence in order to obtain a PO, women may experience abuse that is sexual, emotional, or mental as well as physical (Chaudhuri & Daly, 1992; Grau et al., 1985; Straus & Gelles, 1995). Next, any fees that are required before a PO petition may be filed pose a significant obstacle to women who are financially unable to meet such demands (Chaudhuri & Daly, 1992; Horton, Simondis, & Simondis, 1987). On a personal level, petitioning for a PO may prove to be a formidable emotional task for some women, especially in light of research which suggests that attachment to batterers is a weighty factor in women’s decision to obtain a PO (Zoellner et al., 2000). Finally, petitioners are often responsible for serving the respondent with a copy of the PO (Harrell & Smith, 1996; Horton et al., 1987). Both the perceived and actual difficulty of locating the respondent, finding a way to serve the respondent while at the same time avoiding contact, and ensuring that the respondent will not evade service can be an insurmountable challenge for many women (Harrell & Smith, 1996; Horton et al., 1987).

Furthermore, several studies have investigated why some women who are involved in violent relationships decide *not* to pursue a protection order, or to terminate an existing order after it has been obtained. As many authors have recognized, one of the most frequently cited reasons for voluntarily terminating a protection order is fear of retaliation, whether it be the result of direct threats from the respondent or rather a general fear that obtaining an order would anger the respondent and induce further violence (Fischer & Rose, 1995; Harrell & Smith, 1996; Zoellner et al., 2000). Indeed, a PO is not a valid option for women if the threat of harm after obtaining it supersedes the perceived benefits of protection. Further, Fischer & Rose (1995) observe that women in their sample frequently believed that receipt of a PO would signify the termination of their relationships, which for many women is an undesired outcome. While every battered woman wants the abuse to stop, there is often a strong desire for the relationship to remain intact, albeit without violence.

## STUDIES OF PROTECTION ORDERS WITHIN THE EXISTING LITERATURE

Despite the popularity of protection orders, several authors have recognized the relative dearth of protection order research (Carlson et al., 1999; Klein, 1996). However, the few studies of POs that have been conducted typically aim to evaluate their effectiveness. For instance, factors shown to be negatively associated with the effectiveness of protection orders include respondents' serious criminal activity (Keilitz et al., 1998) and violence toward strangers (Grau et al., 1985), coercion by respondents to terminate the PO or fear of retaliation if the PO is not dropped (Harrell & Smith, 1996),

petitioners' lack of clarity regarding PO laws (Weiner, 1989), and police reluctance to arrest respondents for protection order violations (Rigakos, 1997).

Generally speaking, efforts to assess how well POs “work” typically gauge efficacy in one of three ways: victims' perceptions of protection orders and the PO process, enforcement of POs by law enforcement agencies, and the success of POs in preventing future re-abuse. To gain a clearer understanding of how the efficacy of protection orders is evaluated, I will examine briefly each of these measures of effectiveness.

#### What Are Victims' Perceptions of Protection Orders?

Several researchers have investigated how women who obtain POs against their partners feel about the protection they were afforded. Overall, responses tend to be mixed. For example, consider three studies which reveal fairly high levels of satisfaction among female petitioners. Harrell & Smith (1996) report that a majority of the women they studied felt that obtaining a PO was a worthwhile investment, as did 94% of the women interviewed by Horton et al. (1987). Similarly, nearly three-quarters of the women in a study conducted by Grau et al. (1985) stated that their POs were either “somewhat effective” or “very effective” (p. 22). Conversely, yet perhaps more importantly, less than half of the women interviewed by Harrell & Smith felt that their partner would *believe* that he was required to comply with the terms of the order. Similarly, one-quarter of the women questioned by Grau et al. described their orders as being “not at all effective” (p. 22).

In light of the varied levels of satisfaction women experience with their protection orders, it is important to consider thoughtfully the reasons why women might identify

their POs as being either effective or ineffective. The most obvious factor, of course, is whether the respondent actually violated the protection order; however, research indicates that victims' satisfaction is at least partially determined by less immediate considerations. Factors that may influence a woman's perception of the effectiveness of her PO - or her decision to complete the PO process - can include the court's response to battered women via judges, court staff, and legal advocates (Wan, 2000), as well as access to legal resources and efficiency of the PO process (Tracy, 1997). According to Keilitz et al. (1998), "victims' views on effectiveness of protection orders vary with how accessible the courts are for victims and how well established the links are between public and private services and support resources for victims" (p. 1). Still other authors have recognized the importance of extra-legal considerations, including both degree of emotional attachment (Chaudhuri & Daly, 1992; Zoellner et al., 2000) and financial attachment (Grau et al., 1985) to the respondent. As many women who are involved in intimate personal relationships share children with their abusers, the magnitude of these attachments should not be underestimated, even in relationships involving severe emotional and physical abuse. In short, victims' perceptions of protection orders often depend upon a number of factors, and thus may result in varied levels of reported satisfaction.

#### How Well Are Protection Orders Enforced?

One prominent theme that appears throughout much of the protection order literature is that effectiveness equals enforceability; unfortunately, studies of POs reveal myriad problems with their enforcement. First, officers' decisions to arrest men who violate POs appear to rely heavily upon situational determinants. In his examination of

police response to protection order violations, Rigakos (1997) notes that the factors most likely to result in arrest include evidence of forced entry and signs of a struggle, “[indicating] that officers appear more concerned with property damage than with signs suggesting that an assault may have occurred” (p. 212). Additionally, police officers responding to domestic disputes often refuse to make an arrest in the absence of physical injury to the woman or her children (Chaudhuri & Daly, 1992). What is more, officers in the Rigakos study (1997) were considerably less inclined to make an arrest if they believed that the woman was intoxicated, or that she allowed the respondent to enter her property, thus shifting the burden of responsibility - and the blame - from the assailant to the victim.

Similarly, Kane (2000) discovered that POs had the greatest impact on police decision to arrest when the victim was at little risk of harm, but that the predictive power of POs decreased in situations involving high risk to the victim. Summarizing his findings, Kane writes, “...the data showed that even at their strongest predictive level, [PO] violations led to arrest in less than half of all cases...Although the presence of a protective order appeared to have a strong impact on police arrest patterns, that impact was observed under very specific conditions” (p. 576-577).

Finally, particularly disturbing to many women is the frequency with which the police do not witness violation of their orders or arrive after the respondent has fled the scene. In many jurisdictions, police officers may make an arrest if they apprehend the respondent on site *or* if there is probable cause to believe that a violation has occurred. However, Harrell & Smith (1996) discovered that only 20% of the PO violations reported to police resulted in arrest, although many of the women claimed that the respondent *was*

present when police arrived. Nonetheless, it seems that without police observation of the respondent “in the act” of violating the PO, officers are reluctant to obtain an arrest warrant or to actively pursue the respondent after he has fled.

#### Do Protection Orders Prevent Re-abuse?

Not surprisingly, results of protection order studies that aim to predict likelihood of re-abuse tend to be conflicting. At least one study has indicated that protection orders are linked to a reduction in subsequent re-abuse. Carlson et al. (1999) compared reports of physical assaults for the two years immediately preceding the PO with the two years after the PO was obtained, and found a 66% decrease in police contacts. Further, the authors note that socioeconomic status and length of or investment in the relationship were both factors negatively related to risk of re-abuse.

However, other studies have indicated that POs have little to no association with reduction of post-PO abuse. For example, Grau et al. (1985) report that only victims who experienced a less violent relationship were likely to enjoy a reduction in post-PO abuse, writing, “overall, post-project abuse and violence are unaffected by the presence of a restraining order” (p. 22). Further, studies conducted by both Klein (1996) and Harrell & Smith (1996) indicate that protection orders may do little to prevent subsequent re-abuse, particularly if the respondent has a prior criminal history, is unemployed or holds only a part-time job, or has a problem with substance abuse (Chaudhuri & Daly, 1992). Thus, as with the other methods of evaluating the efficacy of protection orders, data regarding the utility of POs in preventing subsequent re-abuse tend to be inconclusive at best.



## INTEGRATION OF JOHNSON'S THEORY

As was discussed previously, there is often little agreement about what behaviors constitute “abuse” within the context of domestic violence. It has been suggested that problems with creating an operational definition of abuse result from research that is grounded in different theoretical frameworks. According to several authors, research on domestic violence typically is rooted in one of two competing paradigms: (1) traditionally feminist, qualitative research that relies upon clinical data and that primarily reveals extensive male-perpetrated abuse; and (2) traditionally non-feminist, quantitative research that relies upon mass survey data and that tends to reveal mild violence that is equally perpetrated by males and females (often referred to as the “family violence” perspective) (Anderson, 1997; Giardano et al., 1999; Hegarty & Roberts, 1998; Holzworth-Munroe, 2000; Johnson, 1995).

Johnson (1995) recognized the disharmony between these opposing perspectives, and responded by creating terminology meant to identify the distinct types of abuse he felt were being studied by feminist and family violence researchers, respectively. To address the abuse typically discussed in feminist literature, he uses the term “patriarchal terrorism”, which he asserts is the result of traditional, patriarchal attitudes that afford men the perceived right to control “their” women as if they are possessions. He observes that this systematic terrorization of women may involve not only physical abuse, but also threats, isolation, economic abuse, and various other means of control. Conversely, Johnson employs the phrase “common couple violence” to describe the type of abuse addressed within the family violence literature. He defines common couple violence as being “less a product of patriarchy, and more a product of the less-gendered causal

processes” frequently studied by family violence researchers (p. 285). According to Johnson, common couple violence typically involves mild forms of abuse that are not used as control tactics and that rarely escalate into serious, potentially life-threatening assaults. To summarize his perspective, Johnson writes:

The common couple violence that is assessed by large-scale random survey methodology is in fact gender balanced, and is a product of a violence-prone culture and the privatized setting of most U.S. households. The patriarchal terrorism that is tapped in research with the families encountered by public agencies is a pattern perpetrated almost exclusively by men, and rooted deeply in the patriarchal traditions of the Western family (p. 286).

Specifically, Johnson (1995) asserts that the most salient illustration of this theoretical disparity lies in the frequency and reciprocity of intimate personal violence that is reported in feminist- and family violence-based literature. He believes that discrepancies in alleged rates of female-perpetrated violence stem from methodological differences and sampling biases within conflicting research designs, which inevitably target “different, largely nonoverlapping populations” (p. 288-289). He argues that men who exert control over their female partners by engaging in patriarchal terrorism are unlikely to respond to mass surveys, such as the National Family Violence Survey used by Straus & Gelles (1995), in the same manner as individuals whose domestic disputes occasionally erupt into isolated violent incidents (i.e. common couple violence). In other words, both male and female respondents of the NFVS may be inclined to disclose information about disputes that resulted in (albeit mild) violence, leading to the

conclusion that physical assaultiveness in intimate relationships is a gender-balanced phenomenon. Recognizing this sampling bias Johnson writes, “the presentation of survey data that tap only common couple violence as evidence that men are terrorized as frequently as women produces a dangerous distortion of reality” (p. 292).

Conversely, data from shelters, hospitals, police records, and court files are undoubtedly biased in the opposite direction, indicating that men are overwhelmingly responsible for engaging in severe forms of physical, emotional, and mental abuse against their wives or female partners (Johnson, 1995). Further, shelter data lend support to the feminist position that the rare instances in which women use physical aggression against their male partners are necessitated by self-defense. In short, women who are physically abused only on occasion are probably unlikely to seek shelter, counseling, or divorce, so that data collected from public service agencies will reflect the most “egregious cases”, nearly always involving patriarchal terrorism (p. 289).

Johnson’s dichotomous model of domestic violence is well-supported within the academic literature, as several authors have lauded its utility in researching and understanding intimate partner violence (see Giordano et al., 1999; Hegarty & Roberts, 1998; Holtzworth-Munroe, 2000; Lloyd & Emery, 2000; Stewart, 2000; Umberson et al., 1998; Walker, 2000). Specifically, Johnson’s theory is examined in several studies of protection orders. For example, Stewart (2000) found that nearly 44% of the male subjects who had multiple POs filed against them by the same woman had contact with police for other violent offenses as well, an observation she claims is reflective of the use of violence as a control tactic that is embodied in patriarchal terrorism. Secondly, although not expressly labeled as “patriarchal terrorism” in the analysis, several studies

of PO efficacy discuss the use of controlling, manipulative behaviors by male assailants, such as: establishing a constantly changing set of rules of which the woman is unaware but for which she is held accountable (Fishcer & Rose, 1995); severe physical abuse including strangulation and forced sex, as well as emotional abuse involving harm to pets and threats involving weapons (Harrell & Smith, 1996); and threats to kidnap or remove children from the woman's custody (Tracy, 1997).

It is well-documented within the academic literature that while protection orders are an increasingly popular legal remedy for victims of domestic violence, scant research has been conducted regarding the efficacy of POs. Additionally, contemporary support for Johnson's theory lends credibility to his assertion that there exist distinct categories of intimate personal violence. It is my belief that the duality of Johnson's theory is readily applicable to the study of protection orders, particularly if the assumption is made that women who experience patriarchal terrorism encounter patterns of abuse that are dissimilar to the experiences of women involved with common couple violence. Therefore, it is my intent to utilize Johnson's theory to assess the efficacy of protection orders for women involved with common couple violence as well as patriarchal terrorism. The specific research hypotheses are:

H<sub>0</sub>: Protection orders will be *as effective* for women who experience patriarchal terrorism and for women who experience common couple violence.

H<sub>a</sub>: Protection orders will be *less effective* for women who experience patriarchal terrorism than for women who experience common couple violence.

## CHAPTER THREE: DATA AND METHODS

The data used in this analysis come from an existing data set originally compiled by Keilitz et al. called “Benefits and Limitations of Civil Protection Orders for Victims of Domestic Violence in Wilmington, Delaware, Denver, Colorado, and the District of Columbia, 1994-1995” (ISCPR #2227). The sample consists of 285 women who received either a temporary or a permanent protection order in one of three geographic locations: Delaware, Colorado, and Washington, D.C. After removing the missing values, a total of 228 valid cases remained for most of the analysis; however, certain sections of the analysis were performed with significantly fewer cases because one variable contained a mere 135 responses. To gather preliminary information, initial surveys were conducted via telephone interviews with petitioners approximately one month after they obtained either a temporary or a permanent protection order, followed by secondary surveys six months later. Additionally, information was gathered from administrative records such as court files and case histories.

### DEPENDENT VARIABLE

The dependent variable being studied in this analysis is efficacy of protection orders (POs), or how well POs “worked” for petitioners. However, it goes without saying that there are many ways to gauge the effectiveness of protection orders, including victims’ satisfaction, degree of enforceability, and subsequent reduction in or elimination of post-PO abuse. For the purposes of this study, efficacy will be determined by examining whether respondents violated their partners’ protection orders.<sup>1</sup>

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<sup>1</sup> Please recall that the word “respondent” as it is used here is a legal term identifying the defending party in a civil court action, and thus refers to offenders whose actions are restrained by POs.

While there is obvious merit in measuring effectiveness of POs via victim satisfaction or police responsiveness, it is my intent to maintain focus and accountability where it is most deserved: on the perpetrators. Thus, respondent compliance (or lack thereof) will be assessed rather than the aforementioned alternative measures of effectiveness. Specifically, the dependent variable measures whether a woman's protection order was violated by the respondent.

## INDEPENDENT VARIABLES

It is my hypothesis that protection orders will be less effective for women who experience patriarchal terrorism (PT) than for women who experience common couple violence (CCV). Therefore, the key independent variable is type of relationship violence, or whether the relationship between the petitioner and respondent is characterized by common couple violence or patriarchal terrorism. The independent variable is a composite variable that was created by combining several indicators of relationship dynamics, and is measured by the Relationship Violence Scale.

First, I selected four existing variables that identified behaviors often found in violent relationships. Those variables include: whether the respondent has ever beaten or choked his partner; whether the respondent has ever forced his partner into sexual activity (Chaudhuri & Daly, 1992; Grau et al., 1985; Harrell & Smith, 1996; Horton et al., 1987; Klein, 1996); whether the respondent's threats or stalking behaviors have ever made his partner feel frightened (Johnson, 1995); and whether the respondent has ever threatened or used weapons against his partner at any time during the relationship (Chaudhuri & Daly, 1992; Harrell & Smith, 1996) (see Table 1).

Table 1. Existing Variables Used to Create the Relationship Violence Scale (N=228)

Existing Variable	Frequency of “yes” responses
R ever beat/choke P?	121/228 (53.1%)
R ever forced P to have sex?	89/228 (39.0%)
R’s threats/stalking ever frighten P?	179/228 (78.5%)
R ever threatened/used a weapon?	82/228 (36.0%)

Next, petitioners received a score of zero to four according to the number of positive responses given for the existing relationship variables. For example, a woman who had been forced to have sex and whose partner had used a weapon during an assault would receive a score of two (out of a possible four) on the Relationship Violence Scale, while another woman who indicated that her relationship was devoid of all four behaviors would receive a score of zero. That is, one point was assigned for each of the four behaviors a woman identified as being present in her relationship.

Finally, women who score highly on this variable are believed to experience patriarchal terrorism, whereas women whose scores rank at the low end of the scale are presumed to experience common couple violence. It is worth noting that although type of relationship violence is measured by the Relationship Violence Scale, there is no set “cut point” to differentiate between the two types of violence. I believe that assignment of a value at which relationship violence shifts from common couple violence to patriarchal terrorism would have been arbitrary and without sufficient justification, thus type of relationship violence remains a scale and is not a dichotomous variable.

In addition to type of relationship violence, other secondary independent variables are also included in the analysis, each of which belongs to one of three categories. First, recent research regarding the effectiveness of protection orders involves consideration of

demographic characteristics, such as petitioners' socioeconomic status and level of education (Carlson et al., 1999; Chaudhuri & Daly, 1992; Grau et al., 1985; Horton et al., 1987). Thus, this analysis controls for petitioners' employment status, annual income, degree of education, as well as age and race. Second, interpersonal characteristics of the relationship (other than type of violence) are evaluated. According to several studies, dynamics such as marital status, relationship duration, and presence of children can influence the effectiveness of protection orders, both in terms of victim satisfaction as well as actual re-abuse (Carlson et al., 1999; Grau et al., 1985; Harrell & Smith, 1996; Klein, 1996). Therefore, marital status, relationship duration, living arrangement prior to receipt of the PO, and the number of children shared by the petitioner and the respondent will be included as secondary independent variables.

Finally, several studies of protection orders discuss a link between respondents' prior criminal history or arrest record and post-PO abuse (e.g. Carlson et al., 1999; Chaudhuri & Daly, 1992; Harrell & Smith, 1996; Keilitz et al., 1998; Klein, 1996). In his study of court-restrained male batterers, Klein (1996) notes that nearly 80% of respondents had records that contained at least one criminal complaint, and that the average number of complaints was thirteen. Further, in a study conducted by Keilitz et al. (1998) nearly two-thirds (65%) of respondents had a history of prior arrest, while Chaudhuri & Daly (1992) point out that *every* respondent in their analysis who had a prior criminal history violated his PO. Thus, the third and final category of secondary independent variables includes whether respondents were ever arrested for abuse prior to being restrained by the PO.



Based on the existing literature, I expect that the secondary independent variables in each of the three categories - petitioner demographics, relationship dynamics, and respondent arrest history - will bear statistically significant relationships with the dependent variable, protection order violation. For example, Robinson & Chandek (2000) note that “higher rates of domestic violence are experienced by black females compared to their white counterparts, females living in low-income households, young women (ages 16 to 24) and women with children under the age of twelve” (p. 3-4); therefore, I expect to see higher rates of protection order violation for women in these categories. Additionally, Harrell & Smith (1996) report that women who lived with their partners at the time of the offense were significantly less likely than their counterparts to experience re-abuse after obtaining a protection order. Thus, I will examine not only the living arrangements of the women in the sample but also their marital status as well, in order to determine whether a similar pattern emerges in this analysis. Finally, as noted earlier, several authors have identified a correlation between respondents’ prior criminal history and likelihood of protection order violation (Carlson et al., 1999; Chaudhuri & Daly, 1992; Harrell & Smith, 1996; Keilitz et al., 1998; Klein, 1996). In light of these findings, I expect that women whose partners have been arrested for abuse prior to the protection order will experience a higher rate of violation than other women in the sample.

## DESCRIPTIVE STATISTICS

### Petitioner Demographics

Women in the sample range in age from 16 to 77, having an average age of 32. The sample is fairly racially diverse: half of the women (49.1%) are Black, a third (37.3%) are White, just over one-tenth (11.8%) are Hispanic, and a small fraction (1.8%) report a racial background of “other”. Approximately 40% of the women are high school graduates and a majority (62.7%) are employed full-time; however, 17.1% of the women dropped out of high school and over one-quarter (27.2%) are unemployed. In terms of socio-economic status, the women average a monthly income of just over \$1100, although the maximum reported income is \$6200 per month (see Table 2).

Table 2. Descriptive Statistics (N=228)

INDEPENDENT VARIABLES			
Petitioner Demographics:			
<u>Race</u>		<u>Employment Status</u>	
Black	112 (49.1%)	Full time	143 (62.7%)
White	85 (37.3%)	Part time	20 (08.8%)
Hispanic	27 (11.8%)	None	62 (27.2%)
Other	4 (01.8%)	Other	3 (01.4%)
<u>Education (highest grade completed)</u>		<u>Age (in years)</u>	
7 <sup>th</sup> grade or less	1 (00.4%)	Minimum = 16	
8 <sup>th</sup> to 11 <sup>th</sup> grade	38 (16.7%)	Maximum = 77	
High school	91 (39.9%)	Mean = 32.10	
Some college	60 (26.3%)		
College graduate	22 (09.6%)	<u>Monthly Income (in dollars)</u>	
Post-graduate	11 (04.8%)	Minimum = 0	
Other (tech./voc.)	5 (02.2%)	Maximum = 6200	
		Mean = 1176.66	
Relationship Dynamics:			
<u>Living Arrangement (at time of PO)</u>		<u>Relationship Duration (in days)</u>	
Living together	115 (50.4%)	Minimum = 51	
Dating but not living together	28 (12.3%)	Maximum = 12,775	
Not dating or living together	75 (32.9%)	Mean = 2636.14	
Other	10 (04.4%)		
		<u>Number of shared children</u>	
		Minimum = 0	
		Maximum = 11	
		Mean = 1.18	
<u>Marital Status (at time of PO)</u>			
Married	56 (24.6%)		
Separated	50 (21.9%)		
Divorced	21 (09.2%)		
Never been married	101 (44.3%)		
Respondent Arrest History:			
<u>Respondent arrested for prior abuse †</u>			
No	76 (29.4%)		
Yes	59 (25.9%)		
DEPENDENT VARIABLE			
<u>Was PO Violated?</u>			
No	161 (70.6%)		
Yes	67 (29.4%)		

† N=135.

## Relationship Dynamics

Women in the sample report a mean relationship duration of 2636 days, or just over seven years. Approximately half of the sample (50.4%) lived with their abusive partner at the time of the PO, and nearly a quarter (24.6%) indicate that they are married to their abusers. However, it is worth noting that one third of the women (32.9) report that they were neither dating nor living with the respondent at the time the PO was obtained. Finally, most couples average one child in common (see Table 2).

## Respondent Arrest History

Nearly thirty percent (29.4%) of the women report that their partners were arrested for an incident involving abuse prior to receipt of the protection order. To ensure an accurate understanding of this variable however, it should be noted that after removal of the 93 missing values, only 135 cases remained for analysis of this variable. Thus, responses are either missing or invalid for an even larger percentage (37.3%) of the sample than had prior arrests (see Table 2).

In an attempt to evaluate whether the women who were excluded from the analysis significantly differ from the remainder of the sample, I separately examined petitioner demographics and relationship dynamics for those 93 cases. Although the “missing” women are nearly identical to the sample as a whole in terms of race, employment status, number of children, and so on, two variables produce seemingly important differences. First, whereas in the entire sample, approximately 44% of women had never been married, for the 93 missing cases the percentage of never-married women jumps to 58%. Second, the average relationship length for the entire sample is 2636 days (7.2 years), nearly two years longer (1946 days/5.3 years) than the average relationship

for the missing group. Thus, it appears that women who had missing or invalid responses to the question “has your partner ever been arrested for abuse prior to the PO?” have shorter relationships and are less likely to be married than the remaining women in the sample.

## LIMITATIONS

First, with only 228 valid responses, the size of this sample is undesirably small. Particularly problematic is the independent variable “was respondent arrested for prior abuse?”, which has nearly 38% of its values missing, leaving a paltry 135 valid cases for analysis. Unfortunately, with a sample that contains a limited number of cases comes a decreased ability to generalize findings to the population with confidence, thus it is important to use caution when extrapolating the results.

Second, the dependent variable measuring violation of protection orders was not assessed through court files or official documentation of violations, but rather via petitioners’ self-disclosure. It is possible that a woman’s response to the question “has your partner violated your PO?” may have been influenced by the type of relationship violence she experiences, thus jeopardizing the true independence of these two variables.

Third, while numerous items were included that gathered specific information about petitioners, hardly any data were available that targeted similar information about respondents, resulting in the inclusion of only one such variable (prior arrest history) in this study. Because the theoretical framework upon which this study is based considers severity of abuse via offenders’ behavior, it is especially perplexing that demographic information from respondents is not available for analysis.

Finally, variable selection in this analysis posed particular problems. Unfortunately, the original data collection instrument contained no questions concerning mild or mutual violence, thus the Relationship Violence Scale was created using only variables that identify serious forms of abuse, such as forced sex and use of weapons. Certainly, inclusion of variables representing mild abuse as well as severe abuse would have resulted in a more accurate measure of relationship violence.

## ANALYSIS

For the bivariate analysis, ANOVA was performed to assess the direct relationship between the key independent variable, type of relationship violence, and the dependent variable, protection order violation. (The dependent variable is dummy coded, thus making it possible to find the mean percentage of PO violation). Based on the group means, women with a score of two on the Relationship Violence Scale had the highest percentage of PO violations (34.7%), while women who scored zero had the lowest percentage (9.5%) (see Table 3). Unfortunately, a significance value of 0.209 reveals no statistically meaningful differences between the group means for type of relationship violence.

Table 3. Mean Percentage of Protection Order Violations by Group (N=228)

<u>Variable</u>	<u>Mean Percentage of PO Violation:</u>
Relationship Violence Scale:	
0	09.5
1	29.6
2	34.7
3	33.3
4	29.4
Race:	
Black	23.2*
Non-Black	35.3
Age in years:	
16-25	38.3
26-31	26.6
32-37	27.5
38+	24.5
Education:	
Less than high school	31.8
High school graduate	28.8
Petitioner's employment status:	
Employed	24.5*
Unemployed	41.5
Petitioner's monthly income in dollars:	
0-580	31.6
581-1000	23.4
1001-1600	40.7
1601+	20.8
Relationship duration (in days):	
1-910	27.6
911-1825	33.9
1126-3650	29.5
3651+	26.0
Living arrangement:	
Living together	23.5*
Not living together	35.4
Marital status:	
Married	19.6*
Separated/Divorced	40.9
Never Married	26.7
Number of shared children:	
Zero	29.6
One or more	29.3
Respondent arrested for prior abuse: †	
No	30.3
Yes	35.6

\* Denotes significance <0.05.

† N=135.

Still, several of the secondary independent variables yielded significant results as expected. First, approximately 40% of unemployed petitioners reported PO violations, far greater than the 24.5% of employed women (sig.=0.11). Additionally, women who live with their abusers reported a mean PO violation of 23.5%, nearly 12% less than women who do not reside with the respondent (35.4%) (sig.=0.48). Marital status also appears to bear a significant relationship with PO violation. Forty percent of women who are separated or divorced from their partners experienced a violation of their PO, as opposed to 26.7% of non-married women and 19.6% of women who are married to the respondent (sig.=0.24). Therefore, petitioners' employment status, living arrangement, and marital status appear to be negatively correlated with protection order violation, in accordance with recent domestic violence research.

However, the mean percentage of PO violation for non-Black women is 35%, compared to only 23% for Black women (sig.=0.007) (see Table 3). This finding is particularly interesting in light of research which suggests that Black women typically experience higher levels of domestic violence than their non-Black counterparts. This unexpected reverse in mean percentage of violation based on petitioners' race appears to be in contrast to the contemporary literature, perhaps due to multicollinearity between race and another variable, such as age or employment status.

Although the bivariate analysis indicates that type of relationship violence and protection order violation are not significantly related, a multivariate analysis was performed to determine whether the addition of secondary independent variables would allow any latent relationship between the key independent variable and the dependent variable to surface. For the multivariate analysis, ordinary least squares regression could



not be performed because the dependent variable is dummy coded. Thus, logistic regression, which allows the use of a dummy dependent variable, was used instead. Besides type of relationship violence, other independent variables examined in the regression (as in the ANOVA) include petitioner demographics, relationship dynamics, and respondent arrest history.

Logistic regression was first performed without including respondents' arrest history, and the results indicate that type of relationship violence is not significant when controlling for all other independent variables in the model (see Table 4). In other words, the probability of protection order violation does not differ significantly for women based on their score on the Relationship Violence Scale. In addition, the significance of petitioners' living arrangement and marital status that exists in the ANOVA disappears during the regression, perhaps because the statistical relationship was not robust enough to survive a more comprehensive analysis. However, two factors do appear to bear a significant relationship with probability of violation: petitioners' race and employment status. The regression coefficients for these two variables indicate that Black women and women who are employed are less likely to experience a violation of their protection order than non-Black women and unemployed women, respectively. Here again, as with the ANOVA, petitioners' race reveals the effect opposite of what was predicted, while employment status bears an expected relationship based on the relevant literature. Finally, both the Cox & Snell and Naglekerke measures of  $R^2$  are extremely low for this portion of the analysis, indicating that between 8 and 11 percent of the variation in the dependent variable can be explained by the full model.

Table 4. Probability of Protection Order Violation Using Logistic Regression

Key Independent Variable	FULL MODEL <sup>2</sup> (N=228)			MODEL WITH RESPONDENT ARREST HISTORY (N=135)		
	<u>B</u>	<u>S.E.</u>	<u>Exp (B)</u>	<u>B</u>	<u>S.E.</u>	<u>Exp (B)</u>
Type of Relationship Violence	0.10	0.14	1.10	0.09	0.19	1.10
Petitioner Demographics						
Petitioner is Black	-0.70	0.32*	0.50	-0.78	0.41	0.46
Petitioner's age	-0.00	0.02	1.00	0.01	0.03	1.00
Petitioner is HS graduate	0.15	0.40	1.16	0.25	0.49	1.28
Petitioner is employed	-0.80	0.34*	0.45	-0.74	0.43	0.48
Petitioner's income	-0.00	0.00	1.00	-0.00	0.00	1.00
Relationship Dynamics						
Relationship duration	-0.00	0.00	1.00	-0.00	0.00	1.00
Couple lives together	-0.51	0.32	0.60	-0.58	0.43	0.56
Couple is married	-0.60	0.41	0.55	-0.43	0.48	0.65
One or more shared children	0.03	0.15	1.03	0.07	0.19	1.07
Respondent Arrest History						
Respondent arrested for prior abuse	--	--	--	0.42	0.41	1.52
Cox & Snell R <sup>2</sup>		0.08				0.11
Naglerkerke R <sup>2</sup>		0.11				0.16

\* Denotes significance <0.05.

<sup>2</sup> The logistic regression coefficient is followed by the standard error and the odds ratio.

When respondents' arrest history is included in the analysis, though, the regression yields somewhat different results. To begin with, nearly all of the non-significant findings remain the same, including petitioners' age, education, income, relationship duration, marital status, living arrangement, and number of children shared with the respondent. This time, however, petitioners' race and employment status *also* lack significance, while type of relationship violence remains non-significant as well. Although the measures of  $R^2$  fare slightly better here - 11 and 16 percent, respectively, the absence of significant results negates the improvement in the PRE statistics.

Due to the limited number of cases in the sample, and in an effort to confirm that probability of protection order violation is equal whether a woman experiences common couple violence or patriarchal terrorism, I ran a series of regressions pairing each of the secondary independent variables individually with type of relationship violence. In spite of their effect, the results of these regressions indicate that controlling for petitioners' race and employment status does not affect the non-significance of the key independent variable, type of relationship violence. Meanwhile, each of the independent variables that previously appeared to be non-significant remained so even after the serial regressions were conducted.

## CHAPTER FOUR: DISCUSSION AND CONCLUSION

The results of this analysis indicate that type of relationship violence, that is, whether a woman experiences common couple violence or patriarchal terrorism, is not a good predictor of whether her protection order will be violated. Specifically, petitioners' score on the Relationship Violence Scale proved to be a non-significant part of the model in both the bivariate and multivariate analyses. However, several secondary independent variables were found to be significant, including petitioners' race and employment status (in both the ANOVA and the logistic regression), as well as petitioners' income, living arrangement at the time of the PO, and marital status (in the ANOVA only).

In light of both empirical and anecdotal support for Johnson's theory in the contemporary literature, the results of this study are somewhat disheartening. However, construction of this analysis met with several obstacles, each of which may have contributed heavily to the non-significant findings. It is important to cautiously consider the results of any study, especially one in which substantial limitations and challenges present themselves.

First, the relevance of a diminished sample size cannot be emphasized enough. To begin with 228 valid cases, only to reduce that number to 135 when incorporating respondents' arrest history, creates a shaky foundation for building any analysis. However, behind the obvious restrictions placed on the generalizability of the findings lurks a more clandestine problem. Recall that at the time of the original data collection, the sample consisted of 285 women who had obtained *either* a temporary or a permanent restraining order. However, research indicates that many women who complete the first phase of the PO process by obtaining a temporary order choose not to seek a permanent

order. For example, at least two studies have reported that nearly forty percent of petitioners who obtained a temporary order failed to follow through with a permanent order (Harrell & Smith, 1996; Kaci, 1992). Sadly, many of these women offered explanations for their decisions that reflect the control tactics and manipulation typical of patriarchal terrorism, including being talked out of it by the respondent, fear of retaliation, verbal threats, or simply because the respondent forced his way back (Harrell & Smith, 1996). Thus, it is important to bear in mind not only the immediate concerns that accompany a small sample size, but also what factors may be at work on a larger scale to produce such limited numbers.

Next, the method by which violation information was gathered presents concerns about the integrity of the responses. Aside from petitioner interviews, the original data collection also involved examination of court files, including both the civil protection order case as well as any criminal files available for respondents. Despite the availability of these data, PO violations were assessed by asking women in the sample whether their partners had ever violated their protection orders, not by checking for documentation of a violation in the court files. If, as Johnson argues, one potential component of patriarchal terrorism is “victim deference” (p. 292), it is certainly possible that women who experience this form of violence might in fact “defer” to their partners by indicating that no violation of their protection order has occurred. This scenario raises important questions about the peace-keeping strategies employed by battered women, and how those techniques may impede truth-telling during the protection order process. While deceptive statements to court personnel or other service providers about the severity of

abuse a woman experiences may interfere with her ability to obtain a protection order, for her it may also mean the difference between safety and repeated victimization.

Further, this data set included very little information from the respondents' criminal files. Researchers who study domestic violence frequently suggest that research designs control for batterers' history of arrest and prior criminality, particularly when studying the efficacy of protection orders (see Carlson et al., 1999; Chaudhuri & Daly, 1992; Harrell & Smith, 1996; Keilitz et al., 1998; Klein, 1996). Unfortunately, while this analysis allowed for inclusion of respondents' prior arrest history, the extremely small number of valid responses calls for strong caution to be used when interpreting the results. Even more perplexing are the variables that are not included in this data set at all. Thinking about Johnson's theory and his emphasis on batterers' behavior, demographic information about respondents would have been particularly insightful in this analysis. From a practical perspective, knowledge of socioeconomic conditions, employment stability, education level, and other important quality-of-life characteristics could prove extremely valuable in the context of understanding batterers' use of violence, as well as their response to orders of protection.

Finally, and perhaps most importantly, the difficulty in creating an accurate, robust measure of relationship violence must be addressed. According to Johnson:

...some, if not all, of the causal factors involved in patriarchal terrorism may also be involved in common couple violence and vice versa...[and] many of these factors are best conceptualized as continuous variables...All [factors] could conceivably be involved in the generation of particular cases of either patriarchal terrorism or common couple violence... (p. 292-293).

Ideally, interviews with petitioners would include questions that assess not only serious abuse, but also more mild behaviors, including whether the women had ever used physical force against their partners, whether physical violence was typically minor (such as slapping or pushing), or perhaps whether altercations escalated to the point of violence only on occasion. As alluded to previously, the absence of such items rendered it impossible to create a truly continuous measure of violence spanning both ends of the spectrum.

A similarly desirable (and equally absent) consideration is a measure of the frequency with which abusive behaviors of any magnitude occur during the relationship. Obviously, an understanding of how often disputes erupt into violence is as important as knowing what kinds of behaviors are involved in the abuse. Unfortunately, although a frequency of abuse item was included in the original data set, the overwhelming number of missing or invalid responses rendered it useless for this analysis. Thus, the creation of a robust and fully functional measure of violence was hindered even further.

The lack of an all-encompassing measure of relationship violence is particularly disturbing in light of the theoretical framework of this analysis. Indeed, the belief that battered women who seek protection orders can experience dissimilar, non-overlapping types of violence is the cornerstone of this analysis, making the handicap created by an inadequate measure of relationship violence all the more disabling.

It would seem that I am not alone in my desire to accurately identify and measure the various types of violence in domestic relationships. In an apparent rethinking of his original theory, Johnson recently expanded and revised his dichotomous model into one that includes four types of intimate partner violence (Johnson & Ferraro, 2000). This

newest incarnation of Johnson's theory identifies the following types of domestic violence: (1) the familiar "common couple violence", which remains essentially unchanged; (2) "violent resistance", a term that is preferred over "self-defense"; (3) "intimate terrorism", which is essentially a gender-neutral version of patriarchal terrorism; and (4) "mutual violent control", a little-understood phenomenon in which both partners engage in controlling, violent behavior (Johnson & Ferraro, 2000).

Johnson's revised model is important to domestic violence research on many levels, yet deserves particular attention here based on the inherence of the original theory to this analysis. Johnson and Ferraro (2000) make it clear that recognizing the various types of violence that can exist in intimate relationships is paramount to producing relevant research and to creating effective public policy. While few would disagree, the transformation of Johnson's theory is sure to elicit responses from both critics and supporters alike.

First, Johnson's revisions may provoke criticism from feminists for his apparent desertion of the "patriarchal" element of his original theory. Although undoubtedly an attempt to create a more inclusive theory, Johnson may in fact alienate members of the feminist community by eliminating a concrete identification of serious, systematic male-perpetrated violence against women. However, many anti-domestic violence advocates, including those who are active in the feminist movement, may herald Johnson's switch from "patriarchal terrorism" to "intimate terrorism" as a step toward the recognition and legitimization of violence within the gay and lesbian communities. Although Johnson and Ferraro (2000) state that intimate terrorism is predominately perpetrated by men against women, the gender-neutral terminology of the revised theory may prove



particularly applicable to the study of same-sex domestic violence. Further, the inclusion of “violent resistance”, or the acknowledgement that victims often resort to physical violence as a means of protection, is sure to elicit praise from victims’ rights advocates while perhaps frustrating loyalists of the family violence philosophy who strongly believe in the gender-symmetry of domestic violence.

Whether employing Johnson’s theory or not, the idea of making distinctions between the various forms of domestic violence has important implications for future research as well as for public policy strategies. Specifically, a richer understanding of the disparity between battered women’s experiences with violent relationships bears a direct influence on the protection order process. Future objectives in both the public sector as well as within the academic community should include:

*Providing tailored services for both petitioners and respondents.* Service providers who are cognizant of the specific circumstances and particular needs of each client stand a better chance of successfully helping their clients than providers who aggregate all abusive relationships into one category. For counselors who work with batterers, this means identifying the kinds of behaviors involved in violations of their partners’ protection orders. For instance, a man who denies his wife access to money, clothes, or even their children to coerce her into rescinding her protection order will likely benefit from different intervention strategies than, say, another man who uses physical force against his partner but who does not engage in financial manipulation. Certainly, this example is not meant to imply that one form of domestic violence is more or less severe than another, but rather emphasizes that awareness of the particular

manner in which batterers victimize their partners gives the shrewd practitioner an upper hand in providing effective treatment.

Similarly, advocates for battered women who work within the court system should become familiar with the behaviors each client experiences in her abusive relationship. For example, imagine a woman whose partner is moderately abusive, both physically and mentally, but who has not exhibited any of what are often referred to as “lethality indicators” (i.e. threats to kill either the woman or himself, or comments such as, “If I can’t have you, no one will”). For this client, recommending a protection order may be an appropriate action, perhaps in addition to professional counseling or other legal services. Conversely, a woman appearing in court to request a protection order whose husband has recently exhibited many of the aforementioned lethality indicators requires dramatically different services. Before the paperwork for a protection order is started, safety-planning must begin immediately, and the practitioner should discuss the option of shelter for both the client and her children.

Thus, we see that by differentiating between the various forms of abuse in intimate relationships, practitioners involved in all aspects of the protection order process can effectively render appropriate services on an individualized basis for each client. Hopefully this will mean that women who seek personal protection orders as a means of ending their abusive relationships, as well as their partners who receive counseling and batterers’ intervention therapy, can obtain the individualized attention they require to put an end to the abuse.

*Directing resources toward individuals who have the greatest need.* There are many examples within the protection order process of individuals who demonstrate

particular needs that warrant assistance over and above what may be required by other clients. For example, research indicates that women who are unemployed or who are financially dependent upon their abusive partners may tend to withdraw from the protection order process more frequently than other women. Similarly, this analysis reveals that employed women are less likely than their unemployed counterparts to experience a violation of their PO. Given this information, court advocates working with unemployed or financially dependent women can address the temptation to terminate their protection orders honestly and earnestly. To offer appropriate assistance, advocates might place their clients in contact with local agencies such as the Family Independence Agency or the Welfare Department in order to help them establish financial independence. Or, a practitioner may simply recognize a woman's perceived need to return to her relationship to regain economic stability, and help her to identify an alternative course of action. Awareness of the particular difficulties faced by women who remain financially bound to their partners even after obtaining a protection order allows for more directed access to particular resources for each individual client.

Alternatively, judges can utilize research that emphasizes the strong emotional attachments formed to partners with whom victims share children to identify women who may be at particular risk of having their protection orders violated. For example, the results of this analysis indicate that women who live with or are married to their abusive partners are more likely than other women to experience violations of their protection orders. Thus, judges who preside over cases involving couples who are married, live together, or share children together can incorporate awareness of these emotional issues into their decisions, perhaps forbidding contact between the respondent and the petitioner

during exchange of the children or refusing to allow the respondent access to his partner's residence. In addition, judges may impose stiffer sentences for protection order violations in situations involving children. As with advocates who deal directly with women during the early stages of the protection order process, judges have the ability to empower women to complete the protection order process by exhibiting support and making petitioners aware of their rights throughout the court proceedings.

Undoubtedly, women involved in every step of the protection order process can benefit from resources that are specifically directed to meet their needs. Application of information gathered from contemporary research regarding domestic violence, protection orders, and the complexities that exist in abusive relationships is essential to coordinating the direction of resources toward those who are in the greatest need of assistance.

*Continuing research endeavors that build upon our existing body of knowledge.*

As crucial as practical interventions are to affecting change for battered women, research is equally important, for it is where the cultivation of information used to shape public policy occurs. Certainly, as Johnson and Ferraro (2000) suggest, researchers in the coming years must recognize that victims of domestic violence do not share identical experiences with their abusive relationships. Of course, dissimilarities between types of relationship violence exist not only in terms of common couple violence and patriarchal terrorism. For example, Johnson's revised theory provides a foundation for researching various types of domestic violence beyond the dichotomy of patriarchal terrorism and common couple violence. Indeed, the mutual use of control tactics by both partners as well as the frequency with which women engage in violent resistance are both subject

areas that are ripe for exploration within the academic literature. Additionally, as violence in lesbian and gay relationships receives more public attention, so should current research explore the nature of violence within same-sex relationships. Further, as the racial and ethnic fabric of our nation becomes increasingly more intricate, opportunities abound for studies that seek to understand more fully the perpetration of intimate abuse within various cultures and ethnic groups. Finally, the inability of this analysis to accurately examine the efficacy of protection orders based on type of relationship violence may serve as a challenge for future studies to construct a more robust research design in which to incorporate the concepts proposed by Johnson.

Indeed, it is my hope that issues surrounding the efficacy of protection orders will receive particular attention in future research. As indicated previously, studies examining the utility of protection orders for victims of domestic violence have been relatively scarce until recently. Although a great deal of time and effort have been spent studying the causes and effects of domestic violence, investigation into the effectiveness of protection orders leaves much to be desired. Furthering our understanding of how victims experience the PO process, how and why police officers make decisions about enforcing protection orders, what behaviors serve as risk factors for re-abuse, and so on will undoubtedly aid battered women in ending their victimization. To be sure, the commitment of those who work daily to eradicate domestic violence deserves equivalent effort within the academic community to produce research that provides more detailed insight into the phenomenon of domestic violence.

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