



If My Spouse Ever Hit Me, I'd Just Leave!

By Mary M. Lovik

Why doesn't she just leave?

This article addresses that question by leading the reader into the world of coercive control that is battering. By examining batterer behavior, helping professionals can understand survivors' decisions to stay, and more effectively respond to the tactics that entrap survivors in a web of oppression and fear.

Battering occurs along a continuum of violence committed against intimate partners¹ (see sidebar on page 26 for more information). Batterers strategically engage in an ongoing pattern of coercive behaviors to control their partners' lives. Some of the most effective coercive tactics are not criminal. At the outset of a relationship, batterers use strategies short of physical violence to begin to entrap their partners in the relationship, including belittling their partners ("Nobody wants you but me"), isolating their partners from friends and family members, threatening self-harm if the partner leaves, or interfering with their partners' work or educational opportunities to foster economic dependence on the batterer. Eventually, an ever-present threat of physical or sexual violence becomes the ultimate coercive tactic, although such violence may only occur infrequently, if at all. Each batterer's strat-

egies are unique and best understood by the survivor. Other common tactics include intimidation; emotional abuse; financial control; threatening children, other family members, or friends; stalking; harming pets or property; and blaming partners for the abuse. Some batterers harshly enforce strict household rules or closely monitor survivors, restricting their access to telephones, computers, or other means of communication.

Because batterers seek to maintain control over their partners, coercive tactics sometimes increase to serious or lethal levels when a partner makes a decision to leave. Even batterers who have been using low levels of physical violence may kill when their partners try to leave. In some cases, batterers have killed themselves and their children along with a partner who sought to separate from the relationship.

Beyond the tactics just described, batterers exploit their partners' personal vulnerabilities. They may withhold medication or health aids from partners with physical disabilities. If a partner is undocumented, a batterer may threaten to alert immigration authorities if the partner calls the police or others. If a partner has limited ability to understand English, a batterer may misrepresent



the contents of legal documents the couple must sign. Survivors who use illegal drugs may be convinced they will be arrested if they call the police. Batterers in gay or lesbian relationships may threaten to “out” a partner who seeks help. Some batterers manipulate their partners’ religious beliefs, distorting faith principles to justify abuse or to discourage their partners from leaving. Batterers may exploit their partners’ love for them, apologizing profusely after violent incidents and promising to change.

Sometimes batterers control their partners by exploiting justice-system vulnerabilities. For example, Michigan’s criminal “domestic assault” statute, MCL 750.81(2), focuses on single instances of violence without accounting for the perpetrator’s motives or past conduct. Thus, survivors who strike back at perpetrators in self-defense—or in a self-defensive fashion that does not satisfy the legal definition of self-defense—may be arrested and charged with domestic assault. Knowing this, some batterers call the police themselves when a partner has struck back, claiming that the partner is the primary aggressor. Others inflict wounds on themselves before police arrive, and accuse their partners of assaulting them first.²

FAST FACTS:

Batterers use a pattern of coercive tactics to entrap their partners in relationships.

Batterers exploit justice-system vulnerabilities and inconsistencies to maintain control over their partners.

Batterers also exploit the justice system’s complexity, which too often addresses battering in a disjointed patchwork of concurrent separate criminal, domestic relations, personal protection, and child welfare proceedings. Survivors involved in multiple proceedings are often expected to meet conflicting expectations.

For example, the Child Custody Act presumes that a strong relationship with both parents is in the children’s best interests.³ To foster children’s relationships with both parents, courts in custody cases expect parents to cooperate to resolve disputes. Although violent, coercive actions make efforts at cooperation futile and dangerous, many courts do not have effective mechanisms to screen for battering. Batterers exploit this vulnerability by portraying as “unfriendly” or “alienating” those survivors who seek custody arrangements that shield children from exposure to violence. Because courts often view allegations of abuse with skepticism, survivors who fail to cooperate with a battering parent risk being penalized as “unfriendly parents” in custody determinations,⁴ even if their “unfriendliness” is motivated by fear that the other parent will be violent when the parties meet to exchange the children for parenting time. Knowing this dynamic, many survivors remain silent about violence and cooperate with their batterers for fear of losing their children.

In contrast, the child-welfare system often insists that survivors actively protect their children from exposure to battering, citing those who continue to maintain ties with their batterers for “failure to protect.” When the child-welfare and domestic-relations systems do not coordinate their interventions with families in which battering is present, survivors may find themselves subject to conflicting orders. Thus, a survivor with a court order for shared parenting time may simultaneously be required by a child-welfare caseworker to minimize the child’s contact with the batterer. In situations like this, the parties to each legal proceeding are expected to take the initiative to resolve conflicting directives; however, many survivors lack the sophistication or resources to do so. Uncoordinated interventions like these are easily manipulated. Batterers often purposefully initiate proceedings that result in conflicting orders or use conflicting orders to escape accountability for abuse.

When the above tactics are coupled with the everyday complexities of earning a living wage, finding housing, paying bills, and raising children, it is understandable that many survivors cannot muster the resources to leave a batterer. Helping professionals

and agencies can provide some relief by learning about battering and by:

- Instituting screening and risk-assessment mechanisms for use at key decision points.
- Prioritizing survivor and child safety as well as batterers' accountability in their policies and procedures.
- Providing safe opportunities for survivors to talk about abuse while maintaining the confidentiality of information that might trigger retaliatory violence or otherwise place a survivor in danger. If an agency cannot maintain a survivor's confidentiality, it should familiarize itself with other community agencies that can and make a referral. (See the resource tear-out sheet on page 45.)
- Believing survivors' accounts of abuse. It is common for survivors to minimize the violence in their lives because of factors such as shame, self-blame, and the risks associated with disclosing battering.
- Minimizing opportunities for batterers to have access to individuals at risk from violence and coercion.
- Assessing their policies and procedures with an eye toward how they might be exploited by batterers.
- Coordinating efforts with other community agencies to consistently prioritize survivor and child safety, hold batterers accountable, and send a message that battering will not be tolerated. ■

Mary M. Lovik is a staff attorney at the Michigan Domestic Violence Prevention & Treatment Board, where she assists state and local agencies with policy and training initiatives addressing domestic violence. Her published writings include the first and second editions of Domestic Violence: A Guide to Civil & Criminal Proceedings, a judicial benchbook published by the Michigan Judicial Institute.

FOOTNOTES

1. Typologies of intimate-partner violence noted by various practitioners are discussed in a research report by the Canadian Department of Justice: Jaffe, Crooks & Bala, *Making Appropriate Parenting Arrangements in Family Violence Cases: Applying the Literature to Identify Promising Practices*, p 9–13 (2006), available at <http://www.justice.gc.ca/eng/pi/fcy-fea/lib-bib/rep-rap/2006/2005_3/p1.html> (accessed August 9, 2011).
2. Police officers who understand battering tactics will carefully investigate allegations of "mutual combat," inquiring about the history of violence and looking for signs that one partner has been the primary aggressor. When police have probable cause to believe that domestic partners have committed crimes against each other, MCL 776.22(3)(b)(ii) provides that arrest decisions should consider the protection of domestic violence victims, the degree of injury inflicted on each partner, the extent to which each fears physical injury to self or others, and any history of domestic violence, if it can reasonably be ascertained.
3. MCL 722.27a(1).
4. Under MCL 722.23(j), a best-interest factor in child custody determinations is "[t]he willingness and ability of each of the parties to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent or the child and the parents."

What Type of Perpetrator Is This?

There are varying contexts and risk levels of intimate-partner violence, examples of which are noted below. These examples are not bright-line categories; individuals and incidents may have characteristics in common with more than one example.

- **Batterer:** Purposefully engages in an ongoing pattern of coercive control over an intimate partner. Tactics may involve criminal and noncriminal acts beyond physical or sexual assault such as isolation, emotional abuse, intimidation, economic abuse, using children as instruments of control, blaming the survivor, stalking, abusing pets, and property destruction. These tactics may be carried out against the survivor or persons associated with the survivor with the intent of controlling the survivor. Batterers may seem like loving, caring individuals to outsiders.
- **One-time assailant:** Commits an uncharacteristic, one-time act against an intimate partner, such as an assault committed in the heat of passion upon discovering a spouse's infidelity. The motivation to control the assaulted partner is absent here, as are the elements of terrorism and coercion that characterize battering.
- **Person acting in self-defense/resistance:** Strikes back at a partner in legally justified self-defense. Some survivors also seek to regain a measure of control from their batterers by striking back in a manner that does not meet the criteria for legal self-defense. For example, an immigrant survivor whose partner has just destroyed her green card may assault her partner in rage or frustration.
- **Generally violent fighter:** Uses violence frequently—against partners, acquaintances, and strangers. These individuals may use coercive battering tactics against their partners but also behave violently outside the family circle.
- **Person suffering from mental illness or physical injury:** Uses violence under the influence of hallucinations, delusion, or both or with judgment and impulse control impaired by illness or injury. Violence may be directed at persons other than an intimate partner.

Understanding a perpetrator's actions allows for appropriate and safe intervention. Michigan's batterer intervention standards are online at <http://www.biscmi.org>.

