

# Section I: Family Dynamics and Domestic Violence

## The Gender Paradigm and Custody Disputes

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*Abstract.* In 2008, two important sources of information were made available to professionals engaged in child custody assessments. One was the website of the American Bar Association that listed ten "myths" about domestic violence and set the record straight (or so it claimed) by citing empirical studies. The other was the Wingspread Conference on Domestic Violence and Family Courts held in Wisconsin in 2007, which issued the Wingspread Report published in 2008 in a special issue of the Family Court Review on child custody. Both of these important sources used the gender paradigm as their heuristic for family violence. In this paper, I show how empirical support for the gender paradigm does not exist. To the contrary, many large scale studies of domestic violence contradict the gender paradigm and show very different patterns of intimate partner violence (IPV). Assessment in custody disputes has to be recalibrated to eliminate this source of generic bias against males and to allow family courts to operate fairly.

### Gender Paradigm

The "gender paradigm" (Dutton & Corvo, 2007; Dutton & Nicholls 2005, 2006), views IPV (intimate partner violence) as primarily male-perpetrated against female victims. Men are presented as intentionally perpetrating domestic violence, in order to maintain power and control in family relationships. In contrast, female violence is rationalized as a result of external circumstances, primarily as a reaction to male oppression. Various empirically demonstrated etiological contributions to IPV (e.g., learning, attachment, and personality) are ignored, as are correlates of IPV perpetration, such as alcohol abuse, depression, reported interpersonal dominance between partners (regardless of gender), and dyadic communication skill deficits.

IPV is portrayed as operating according to a distinct set of factors that specifically generate male power and control. Within this paradigm, male IPV is qualitatively different from female IPV (e.g., Dasgupta, 2001; Swan et al., 2008), *Male-on-female assault* is defined as individual criminal activity, for which the perpetrator is solely and fully accountable. In contrast, responsibility for *female-on-male assault* is assigned to external "situational" or "contextual" factors. Hence, within contexts of past male-inflicted injury, its traumatic sequelae, and a fearfully anticipated, omnipresent danger of physical and emotional re-assault ("battering"), female perpetration is variously justified as pre-emptive, preventive, self-defensive, or child-protective (see Corvo & Johnson, 2003). The most prominent examples are Walker's (1984) Battered Women's Syndrome and Johnson's (2008) "violent resistance" (VR), both of which are precipitated by a "pattern" of male-perpetrated "intimate terrorism" (IT) or "coercive controlling violence" (CCV). In short, IPV is seen as originating with men and "male entitlement," to enforce an acculturated "patriarchy" of male dominance (see Dutton & Corvo 2006, 2007; Dutton, 2006; Dutton & Nicholls, 2005). Rooted in Marxist-feminist theory and victim

advocacy (MacKinnon, 1989), this narrow window on the world both distorts the current state of IPV research and compromises IPV-related family court practice (see Dutton, & Corvo 2006, 2007; Dutton, 2006; Dutton & Nicholls, 2005). This familiar stereotype conflates gender and intimate relationship role and compresses the actual heterogeneity and variance of perpetration and victimization risk within each gender. Gender paradigm proponents ignore and discount the incidence of female violence and male victimization in the population at large (i.e., according to rates repeatedly found in non-shelter samples) because such data are incompatible with current axioms and dogma. By definition, the victims of IPV are “women and children,” creating the cognitive frame that, in order to protect children during custody assessments, the male (but not the female) must be assessed for risk. As we will show, a full consideration of the evidence does not support these dichotomous, double-standard explanations or procedures.

The gender paradigm is the current dominant ideological view of family violence. Research studies document this gender paradigm “mind-set” (Dutton, 2006) among mental health professionals (Follingstad, DeHart et al., 2004); domestic violence intervention providers and advocacy organizations (Hamel, Desmarais et al., 2007); family court professionals, lawyers, and judges (Hamel, Desmarais et al., in press); and the American Bar Association Commission on Domestic Violence (see Dutton, Corvo et al., 2009). This bias similarly frames the American Psychological Association’s “Resolution on Male Violence Against Women” ([www.apa.org](http://www.apa.org)).

Perhaps of greater practical importance, the gender paradigm seems firmly established in IPV-related law and social work school curricula, and in continuing education programs for the judiciary, family law attorneys, and mental health professionals (Daugherty-Leiter, 2006), and co-exists with the purported gender-neutrality of statutory family law (Austin & Kirkpatrick, 2004; Kelly, 2003).

Dutton, Corvo, and Hamel (2009) reviewed the impact of the gender paradigm on the American Bar Association website which purported to refute ten myths about family violence. All of the refutations led to conclusions consistent with the gender paradigm, but none of the refutations was empirically supported. The evidence provided by the ABA was either from a government publication with no empirical data or from empirical studies that either confused allegations of abuse or unsubstantiated claims of abuse with real abuse incidence. The difference is important. A study by Bala and Schuman (1999) found that only 23% of allegations by mothers of sexual or physical abuse of children by fathers were substantiated by a judicial decision. Similarly, Johnson, Saccuzon, and Koen (2005) found, in a study of custody disputes in California, that allegations of sexual abuse of children were made against fathers in 23% of cases but substantiated in only 6%. Hence, claims of abuse and verified abuse are different. In large scale incidence studies of child abuse, mothers are more likely to abuse children than fathers (Gaudioisi, 2006; Trocme et al., 2001, 2004). In the former study, the sample size was 718,948 and 57% of physical child abuse perpetrators were mothers. Mothers were involved in 51% of child fatalities; fathers in 38.6%. Large sample studies without a gender-political agenda paint a very different picture than the small sample of cherry-picked results available on the ABA website.

## **Gender Paradigm: Official Doctrine and the Problem of Professional Judgment**

Family court professionals', commissioners', and judges' fuller understanding and sound determination of what constitutes domestic abuse and violence and how it relates to children's best interests are jeopardized by continuing legal and judicial "education" (e.g. indoctrination) that promotes a mind-set primed by gender paradigm advocacy, in which an identical action (with the same context and consequences) performed by a man is more likely to be seen as abusive and requiring criminal action than if performed by a woman. This finding was obtained in a community sample in Los Angeles (Sorenson & Taylor, 2005), and with professional psychologists (Follingstad, DeHart et al., 2004). As Follingstad et al. (2004) showed, every aspect of a psychologist's judgment about what constitutes abusiveness is influenced by experimental manipulation of the gender of the perpetrator. The same actions such as inquiring about a partner's whereabouts are judged as abusive when performed by males but not when performed by females.

This same perceptual set is a cornerstone of Jaffe, Johnson, Crooks and Bala's (2008) "PPP screen", which purports to move assessors away from "overt acts" to "patterns of coercive control long hidden from public scrutiny" (p. 503). Effectively, this elevates uncorroborated reports of vague issues, e.g., of "fear," "power and control," to evidence of a "pattern of abuse." Given the high risk of unsubstantiated accusations in custody litigation cases, as shown above, no uncorroborated data should be considered "evidence." Furthermore, whether a parent abused his or her spouse in the past may or may not be relevant to the child's current or future best interests. When men who have committed abuse in a prior relationship form a new relationship with a different partner, abuse recidivism becomes unlikely (Shortt et al., in press). Whether the alleged parent-perpetrator has a narcissistic, unstable or sadistic personality that would manifest itself in child rearing and sustain itself over time is a more essential question. Several excellent assessment strategies for making these determinations exist, such as Ackerman's (2006) or Gould's (1998) techniques, which test parenting knowledge and awareness and do not rely on uncorroborated accusations.

## **Paradigm Preservation: Johnson's Typology**

In general, *female IPV victims suffer a greater share of serious injuries* than male victims, and are *more likely to express fear of physical harm* (Hamel, 2007). However, Archer (2000) found, in a meta-analysis, that the greater incidence of injury for females was only 0.6 of a standard deviation greater than those of males and more than three decades of behavioral science research on IPV in the general population has consistently found female perpetration at least as commonplace as male perpetration (e.g., Archer, 2000; McDonald et al., 2006; Stets & Straus, 1989; Whittaker, Haileyesus et al., 2007). Unfortunately for probative application in family court evaluation and litigation, gender similarities in rates and types of partner assault and greater rates of female violence to children (input) have been obscured by disproportionate emphasis on the severity of resulting injury (outcome).

By thus omitting significant similarities in the actual incidence of male and female-perpetrated domestic violence within the general population, victim advocates and allied researchers present truncated, empirically skewed and data-poor, emotionally-charged, stereotypic visions of severe IPV – typically called, “wife battering” – as a crude form of patriarchal domination, against which sometimes desperate female victims’ only option is “violent resistance.” Stereotypic “wife battering” only constitutes a small minority of reports of domestic violence (Dutton, 2012). Nor, as we shall see below, is “wife assault” predictive of child abuse, especially if the wife assault was part of a bilateral pattern of IPV.

## **Not What but Who: Confounding Type of IPV and Perpetrator Gender**

For the most part, Johnson relegates female IPV to the category “situational couple violence” (SCV), formerly termed “common couple violence” (Jaffe, Johnson et al., 2008; Johnson 2006; Kelly & Johnson, 2008).

Jaffe et al (2008) subdivide SCV into “conflict-instigated violence” by either gender (CIV) and female-only “violent resistance” (VR). However, according to them, even within SCV’s conflict-instigated scenario, not all equals are equal. Because of undisputed gender differentials – men’s greater physical size, upper body strength, and capacity to physically injure, and women’s concomitant, disproportionate trauma and induced fear – female-instigated, conflict-engendered SCV is cast as an understandable reaction to male SCV, rather than as a serious problem in its own right (Stets & Straus, 1989; Whittaker, Haileyesus et al., 2007). Violent Resistance (VR), a subset of female situational couple violence (SCV), is also reactive, but to the much more dangerous and consequential male-perpetrated “coercive controlling violence” (CCV): formerly called “intimate terrorism” (IT), “patriarchal terrorism,” and “classic battering”. In addition, the more serious, exclusively male Coercive Controlling Violence (CCV) category is “patterned,” sometimes involving chronic instrumental violence, intended to severely limit the female partner’s autonomy by blatant and manipulative uses of physical and emotional “power and control.” However, yet another CCV pattern is said to involve perhaps only a single instance of overt violence, backed by subsequent manipulative and uncloaked displays of “male privilege:” tacit and explicit threats, intimidation, economic control, isolation, child hostage-taking, punishment, emotional abuse, and sexual control. In these writings, female intimate violence always has an external cause, originating in male violence and oppression.

As Johnson occasionally acknowledges (Johnson, 2006, footnote 2) *most but not all* severe IPV is perpetrated by men. Thus, in his typology, patriarchal violence was renamed Intimate Terrorism and, subsequently, Coercive Controlling Violence (Kelly & Johnson, 2008). Despite changes in nomenclature, male violence is internally caused by the conscious intent to dominate women. Based exclusively on reports of female victims in shelter, Jaffe et al. (2008, p. 501) declare that “*men are the offenders and women the victims in most cases of this [CCV] type.*” The difference between Coercive Controlling Violence and Violent Resistance is gender-related “*context*” and *motivation*: when perpetrated by men severe IPV is depicted as instrumental and oppressive CCV, when perpetrated by women as expressive and liberating VR. At the same time, contextual

facts and explanations of bilateral, reciprocal Situational Couple Violence are readily overlooked or dismissed (Austin & Kirkpatrick, 2004), when the woman's greater SCV-related injury or expressed fear results in the male partner being designated the "primary aggressor" (for all practical purposes, the sole perpetrator) in an episode of mutual aggression. Capaldi et al. (2009) found that couples using bilateral IPV and whose violence escalated called police and the man was arrested. As Austin and Kirkpatrick (2004) put it, custody/access evaluators should "carefully investigate the arrest and conviction...to help uncover information that goes beyond the court record of conviction...so the court can understand the context of the violence" (italics added).

## **A Reality Check for the Gender Paradigm**

The gender paradigm holds that, in North American, Western European, as well as in other, non-first world patriarchal societies, men use violence and its implicit threat to dominate and exploit female intimate partners. However, US National Survey data show that, in these relationships, women are as controlling as men (Felson & Outlaw, 2007; Stets & Hammons, 2002), dominate relationships as much as men – although the modal distribution of power in North American relationships is egalitarian (Coleman & Straus, 1992) – and initiate IPV as much or more than men (Archer, 2000). The latter finding is partially based on a meta-analytic compilation of over eighty studies of gender and IPV incidence (a combined sample size of more than 120,000 respondents). Further refuting the gender paradigm claim that wife assault is normative, only 2% of a national sample of North American men believes that it is acceptable to hit their wife in order to "keep her in line" (Simon, Anderson et al., 2001). These results, all based on large samples (none of which are reviewed by either Kelly & Johnson (2008) or Jaffe et al. (2008)) disconfirm the assertions made throughout their papers.

Citing Kelly & Johnson as their authority, Jaffe et al. repeat a "scholarly rumor", that serious IPV (CCV, per Johnson's definition) is all but exclusively male perpetrated: again, "men are the offenders and women are victims in most cases of this type." Kelly and Johnson, in turn, rely on Johnson's (2008) book and misinterpretation of Graham-Kevan and Archer's (2003) research (see below). To date, the only empirical *survey* that assessed CCV/IT in the general population is Laroche's (2005) analysis of the 2004 Canadian Social Survey data (n = 25,876). Laroche (2005) operationalized "intimate terrorism" (use of violence for control) with Johnson's control scale. In a non-selective sample of male and female respondents, Laroche (2005) found that IT was committed by 4.2% of male perpetrators (based on female reports) and 2.6% of female perpetrators (based on male reports). This approximate 1.6 to 1.0 male-to-female ratio is not the "male perpetrated pattern" cited by Jaffe et al. (2008). Also, since they are based on reports by IPV victims, these data circumvent Johnson's complaint that surveys preclude self-reports by IT perpetrators.

Johnson's disregarding the evidence of gender inclusive IPV in the general population results in an *inaccurate triptych of IPV*, representing predominantly male-perpetrated coercive controlling violence (CCV); male-and-female, reciprocal but unequally consequential situational couple violence (SCV); and female-perpetrated

violent resistance (VR) –again, defined as a reaction to male-perpetrated CCV (Graham-Kevan & Archer, 2003; Johnson & Leone, 2005).

However, survey data indicates instead that: 15% (or less) male assault of non violent (i.e., non reciprocating and non-retaliating) females; 50% bilateral, reciprocal male-and-female perpetration *and* victimization; and 32% (or more) female assault of non-violent males (Caetano, Vaeth et al., 2008; Morse, 1995; Stets & Straus, 1989; Williams & Frieze 2006; Whittaker, Haileyesus et al., 2007). We would argue that the balanced representation of IPV in the general population, rather than shelter house samples, best forecasts the distribution of IPV among family court litigants.

### **Obscuring Real Differences in Data under the Myth of Equivalent Methodological Bias**

The data from which Johnson derived his typology are self-reports of victimization obtained from female victim shelter residents. Johnson equates this selective sampling to a “bias” he attributes to representative sample surveys of broader populations, which he calls “so-called representative surveys” (Johnson, 2006, p. 1004). In this regard, it is plausible for Johnson to propose that criminally culpable CCV men and female partners fearing retaliation would refrain from participating in IPV survey research. However, the "refusal rate problem" is unsupported by data. Survey research finds perpetrators and victims of both genders willing to report their experience of severe IPV (Laroche, 2005).

### **Shelter - To General Population Extrapolation**

Although Johnson based his typology solely on self-reports from samples of women in shelters, he erroneously generalized his findings to the distribution of IPV in the broader community. Dutton (Dutton, 2005; Dutton & Corvo, 2007; Dutton, Corvo et al., 2009; Dutton & Nicholls, 2005) and Graham-Kevan (2007) have criticized this extrapolation as unwarranted, given the unique and self-selected aspects of research using shelter house samples. This problem of overgeneralization from these biased samples is imbedded throughout the articles by Kelly and Johnson (2008) and Jaffe et al. (2008).

Based on this shelter-to-community generalization error, Johnson would have family court professionals evaluate IPV-affected disputes about children’s best interest within the parameters of his biased typology. Moreover, most states’ statutes institutionalize the gender paradigm mind-set by mandating only the accused and adjudicated (presumably, singularly responsible) perpetrator or primary aggressor (Austin & Kirkpatrick, 2004) to certified batterer intervention programming (BIP) – if he wishes to rebut the presumption that, otherwise, he is unfit for access or custodial rights and responsibilities for his children (Austin & Kirkpatrick, 2004). Austin and Kirkpatrick (2004) comment: “Legal presumptions can act as structural barricades to courts having access to...data, or as Justice Byron White stated... ‘Procedure by presumption is always easier and cheaper than individualized determinations’” (pg. 41).

Johnson (2006, 2008) argues that community sample methodology yields data as selective and biased as that collected from shelter houses. However, most shelters neither allow residence to males or allow researchers to ask questions about female use of violence (dismissed as “victim blaming”), and they create a political context in which the possibility of female violence is ignored, excused, denied and goes unmeasured. Hence, the most common forms of violence (bi-lateral, reciprocal violence and female-only perpetration) cannot be documented by studying shelter samples.

A recent study of controlling and violent behaviors used by and against as well as male and female respondents in four different samples (n = 1339), Graham-Kevan and Archer (2007) avoided the sample bias issue inherent in Johnson’s research. Using victim and perpetrator reports, Graham-Kevan and Archer (2007) isolated an IT subsample that used more physical aggression and controlling behaviors and inflicted more injuries relative to their partners. In addition, they conclude: “*the present [sub]sample...contrary to Johnson’s predictions...contained similar proportions of men and women [as well as of] nonviolent victims.*”

Graham-Kevan and Archer (2007) also conclude:

*Johnson’s typologies may need to be redefined to encompass the failure to find that IT is more likely to be one-sided than SCV in non-selected (i.e. non-shelter) samples. It may be that mutuality differs by sample, with one-sided IT aggression being the norm in selected samples, and mutual aggression in non-selected (representative) samples. An alternative explanation (to Johnson’s) is that women identified as victims of partner violence are not asked about their own use of aggression due to assumptions of passivity and stereotypes about “domestic violence”. Indeed, when both partners are asked about the use of physical aggression in their relationship near mutuality is evident. (p. 18).*

This result replicates survey data findings by Stets and Straus (1989). In non-selected (i.e., non shelter samples), IT (which they defined as repeat, severe violence against a non-violent intimate) is symmetrical by gender. The asymmetrical findings from shelters result from sample selection (only severely victimized women present to shelters) and the exclusion from most shelter research of questions about female perpetration.

In not pointing out that Graham-Kevan and Archer found *gender asymmetrical CCV typical of only one of their four sample groups (the shelter sample)*, Kelly and Johnson (2008) cherry-pick and distort the data in a fashion that makes Graham-Kevan and Archer’s data appear to support rather than disconfirm Johnson’s typology. Actually, since all other groups, including a group of men court-mandated for spouse assault treatment, exhibited gender symmetry in incidence of CCV/IT, the Graham-Kevan and Archer (2003) findings are evidence of the limited heuristic and explanatory usefulness of a typology based exclusively on shelter sample data. Graham-Kevan and Archer write: “in this study, 70% of all IT [intimate terrorists] were found in [i.e. reported by] the shelter sample, 13% were found in the male prisoner sample, 17% were found in the student sample, and, perhaps surprisingly, none were found in the male treatment program sample” (p. 1259). Given Graham-Kevan and Archer’s (2003) findings, shelter sample data are clearly unique, not indicative of general population sample data. The

absence of equally sampled shelters for men makes extrapolation of gender asymmetrical CCV from shelter samples to the general population scientifically unsupportable. Even when male reports of CCV victimization are available, Johnson ignores them, analyzing only female victimization reports (Johnson & Leone, 2005). Hence, all of Johnson's research on gender differences in CCV/IT confounds (1) sample selectivity, and biases in reporting one's own violence versus partner violence with (2) gender differences in incidence of CCV (Archer, 1999; Dutton & Hemphill, 1992). This major interpretative error permeates Johnson's work, and is seized upon by Jaffe and others who would preserve the gender paradigm and apply it to sensitive court determinations, despite the evidence.

On the rare occasion when shelter samples are asked about their own use of violence, a very different picture than Johnson's "intimate terrorism" exists. One is a report by the founder of the battered women's shelter movement (Pizzey, 1982), who identified about half of the first 100 women in her shelter as "violence prone," co-perpetrators with a propensity to physically abuse their husbands and/or their children. Ms Pizzey was ostracized from the "movement" for her efforts. Another exception is McDonald, Jouriles, Tart and Minze (2006) who studied "children's adjustment in families with severe violence toward the mother". Contrary to paradigm expectation, when asked, this sample of female shelter residents reported that, in their relationships, "96% of the men and 67% of the women (i.e. themselves) had engaged in severe violence toward the partner..." No other shelter based research that we could find has inquired about female use of violence. Female shelter samples are not asked to report exposures of their children to their own violence. However, a recent national survey of 1615 dual-parent households found that the risk of children's exposure to violence by mothers was 2.5 times that of exposure to violence by fathers (McDonald, Jouriles et al., 2009).

### **The Forest in the Trees: A Focused View of the Relevant Research Non-selective Sample Studies**

In short, when male as well as female victims and perpetrators are sampled, a very different picture emerges (Archer, 2000; Dutton, 2006; McDonald, Jouriles et al., 2006; Whittaker, Hailey et al., 2007). Also, well-designed empirical dating studies using comparison groups and finding comparable rates of emotionally abusive and controlling behaviors across gender have been published since the 1980s (Douglas & Straus, 2006; Kasian & Painter, 1992; Rouse, 1988; Stets, 1991). Strong correlations across gender have been found between dominant personality, need to control one's partner and physical violence perpetration in married couples (Riggs, O'Leary et al., 1990; Straus, 2006). Males and females are equally likely to combine the use of physical violence with emotionally abusive and controlling behaviors, the core dynamic of CCV (Cano, Avery-Leaf et al., 1998; Hines & Saudino, 2003). In their comprehensive study of 13,601 dating university students in 32 countries, Douglas and Straus (2006) reported that dominance scores are roughly equal across gender, and that dominance behavior by females increases the risk of severe female-only and mutual IPV more so than does male dominance. Similar findings have been found in clinical populations. Studies by Stacey, Hazelwood and Shupe (1994), on men arrested for domestic violence and mandated to a

batterer intervention program, one-third of the physical violence was perpetrated by the female partner (legally deemed the “victim”), and rates of male-perpetrated emotional abuse and control were significantly higher than female partner rates in only about half of the thirteen categories. More recently, Feder and Henning (2005) reported equivalent rates of injury-causing physical violence among couples dually arrested for domestic violence, with men somewhat more likely to engage in isolation behaviors and women somewhat more likely to engage in verbal abuse. In his study of factors predicting recidivism by men in court mandated treatment groups (who had been arrested and convicted of wife assault), Gondolf (2000) noted that 40% of the female partners of the men said that they (the females) struck the first blow. None of these findings are cited by Kelly and Johnson (2008), and they are absent from Johnson’s other work.

## **The Problem of Controlling Behaviors**

An analysis of data originally obtained through the National Violence Against Women Survey (NVAWS) with a sample of over 15,000 currently married or formerly married adults (Felson & Outlaw, 2007) found that: (1) men and women are equally controlling and jealous towards their partners; (2) the relationship between use of control/jealousy and physical violence exists equally for both male and female respondents; and (3) “intimate terrorists” can be either male or female. Regarding the extent to which men and women engage in “intimate terrorism,” Felson and Outlaw (2007) conclude that both husbands and wives who are controlling are more likely to produce injury and engage in repeated violence and that “in troubled marriages, men and women differ in their methods of control rather than their overall desire to control.” (p. 404).

Similar effects are observed for jealousy, although not all are statistically significant. “*The seriousness of the violence is apparently associated with motive, although the relationship does not depend on gender*” (p. 404). It should be pointed out that the NVAWS was designed, conducted and analyzed by feminist researchers, who sought to prove that violence against female intimate partners is much more serious than violence against male intimate partners.

In the 2004 Canadian General Social Survey (CSS: Laroche 2005), the 25,876 respondents, equally split by gender, were asked about “perceptions of crime” and violence in the home. That is, male and female respondents were asked about instrumental controlling behaviors used against them by their partners (Laroche, 2005). Equivalent rates of severe instrumental abuse were found, with 8% of women and 7% of men reporting victimization in the past five years. Victimization by repeat, severe, fear inducing, instrumental violence (IT/CCV) was reported by 2.6% of men and 4.2% of women. Equivalent injuries, use of medical services and fear of the abuser were also discovered in cases where the abuser used repeated instrumental abuse (Intimate Terrorism). Among male respondents who reported abuse victimization, 79% reported fearing for their life when their female partner used intimate terrorism (compared to 72% of women victims of male IT). Of these men, 65% reported having been injured (compared to 67% of female victims). Thus, contrary to Johnson’s formulation, coercive terroristic abuse victimization was reported by comparable numbers of women and men

in the general population. Jaffe et al.'s assertion of an "emerging consensus" that rules out instrumental violence by females is contradicted by this research.

## **Violence Perpetration Revisited**

Furthermore, based on a US National survey, Stets and Straus (1989, 1992) reported that violence by women against either non-violent or less violent men (i.e., husband beating), was double the prevalence of the reverse pattern (wife beating). In the US National survey (n = 5331), 825 respondents reported experiencing one or more assaults. In this victim subsample, couples reported incidents of reciprocal violence (matched for level of severity) in 39% of the cases; 8% of the cases reported a wife battering pattern (male severe violence against a non-violent or minimally violent female); and 16% reported husband battering (female severe violence against a non-violent or minimally violent male). Repeat, severe violence is perpetrated more or less equally across gender, as found in Grandin and Lupri's (1997) analysis of the 1985 U.S. National Family Violence Survey (n = 4,032 men and women), and the Canadian National Family Life Survey (n = 1,123 men and women). These results disconfirm the depiction of all female violence as reactive - an inconvenient result for the gender paradigm mind-set.

The greater relative frequency of female-to-male severe IPV perpetration is even more pronounced in cohabiting heterosexual couples (20% vs. 8.5%) and in dating couples (26% vs. 5%). These data, first published in 1989 by Stets and Straus, are not mentioned by Kelly and Johnson or by Jaffe et al. Two decades later, this pattern was replicated in Whittaker, Hailey et al. (2007), which found reciprocal violence (SCV) to be most common (50%), followed by unilateral female violence (32%), followed by unilateral male violence (15%). That is, both surveys found women to be frequently violent, even when their male partner was non-violent (i.e., neither reciprocating at the time nor retaliating later). In fact, several such surveys (see Figure 1) all find bilateral IPV to be most common, followed by female IPV and then male IPV. Thus, the IPV profiled in these surveys involves significant female-perpetrated "abusive-controlling" violence (CCV), not only the reactive forms allowed by Kelly and Johnson (2008) or by Jaffe et al. (2008); female violence in the general population is not, as they suggest, confined to reactive sub-categories of IPV. This evidence further refutes Jaffe et al.'s "emerging consensus." Female coercive violence (CCV) is no longer, as they claim, merely a possibility "that merits further attention." Minimization and denial of substantial data sets of female violence, as we shall see, have important implications for custody assessments that hold the best interests of the child as paramount.

## **The Impact of Emotional Abuse and Control**

Kelly and Johnson (2008) argue that coercive controlling violence (CCV) "does not necessarily manifest itself in high levels of violence," and state a concern for what they term "incipient CCV," in which there is a "clear pattern of power and control but not yet any physical violence" (pp. 481-482). In this definition, the essence of CCV is non-

physical abuse which, according to the authors, is primarily male-perpetrated. However, several large sample studies also contradict this claim (Felson & Outlaw, 2007; Stets, 1991; Stets & Straus, 1989; Whittaker, Haileyesus et al., 2007), finding equal rates of non-physical abuse perpetration across gender. Kelly and Johnson's expanded ("incipient") definition of CCV would seem to contradict the paradigmatic argument that serious partner abuse must be based on male physical size and capacity to inflict more frequent and severe physical injury. In requiring merely the possibility (the "victim's" subjective expectation) – not necessarily any prior episode – of physical abuse or injury, the empirical meaning of behind-closed-doors CCV (coercive battering) becomes even less possible to corroborate and the evaluator's fact-finding more elusive. Within such subjective framing, is it possible to find CCV has *not* occurred? If empirical disproof is not an option, the evaluator's assessment is reduced to relying on the forensic instrument most vulnerable to a wide spectrum of cognitive and substantive bias – clinical judgment (Austin & Kirkpatrick, 2004; Gould, 2004; Martindale, 2005).

Others have questioned a rigid distinction between situational (SCV) and controlling (CCV) violence. In their study of 273 couples seeking marital counselling, Simpson, Doss, Wheeler and Christensen (2007) identified a two-category typology, akin to Johnson's CCV and SCV types. One category consisted of couples with low-level violence and minor physical injury to partners and the other of couples with moderate-to-severe violence and physical injury. Contrary to expectation, in the *low-level IPV group*, Simpson et al. (2007) found *several highly emotionally abusive couples* who they believed better fit a batterer/CCV profile. Likewise, in the *moderate-to-severe violence group* many couples who had *rarely engaged in emotional abuse* appeared more characteristic of SCV.

As noted, because of physical disparities between genders, women generally suffer greater consequences of all but female-only IPV. However, the victimization literature is replete with battered women's accounts describing emotional abuse and control as more psychologically distressing than physical abuse, even when compared to severe physical beatings (Walker, Ballinger et al., 1984). Indeed, on a variety of clinical measures comparing IPV impact, battered women fare significantly worse from exposure to emotional abuse and control than they do to physical assault, e.g., in lowered-self esteem (Follingstad, Rutledge et al., 1990) and PTSD (Arias & Pape, 1999). Less widely acknowledged and discussed are similar accounts from battered men (Pearson, 1998; Hines, Brown et al., 2007). Emotionally abused men evidence symptoms of PTSD and problem drinking (Hines & Malley-Morrison, 2001), and depression (Simonelli & Ingram, 1998). Furthermore, there is evidence that non-physical forms of abuse impact men and women to roughly the same degree. In Vivian and Langhinrichsen-Rohling's (1994) sample of couples seeking marital therapy, male and female victims reported equally high levels of depression following psychological abuse.

In the large sample National Comorbidity Study of gender differences in patterns and reactions to IPV (n = 3,519), Williams and Frieze (2005) found violence patterns, including mild and severe perpetration by both heterosexual partners. Women's victimization was more strongly related to debilitating psychosocial outcomes when violence was one-sided. However, male and female respondents suffered similar social and emotional effects as a result of the most common pattern of IPV in the data – mutual violence.

As with the rest of Johnson's typology, if an "incipient CCV" hypothesis is to be fairly understood and usefully applied in specific family court cases, it should accommodate most relevant facts, not only a selected subset consistent with the gender paradigm. We agree that tacit threats and a clear and present danger of severe violence can intimidate intimate partners' compliance with oppressive conditions having serious consequences, including for exposed children. Evaluations of power and control and potential for abuse to children should be applied to both parents, not unilaterally.

## **Developmental Trajectory Studies**

Another branch of research that contradicts the gender paradigm stereotype of exclusively reactive female violence is the longitudinal study of *female aggression development*. Far from being reactive to current relationship dynamics, female aggression has been assessed as early as kindergarten (Serbin, Stack et al., 2004). Serbin and others' longitudinal studies (Capaldi, 2004; Ehrensaft, Moffitt et al., 2004; Moffitt, 2001) found that adult women who had been classified as aggressive in kindergarten became aggressive mothers whose children made more visits to the emergency ward. These women were also more likely to use IPV and to choose men who also used IPV. This "assortative (birds of a feather) mating" was also found by Capaldi et al. (2004). For both genders, this indicates a long developing set of antisocial tendencies, including the selection of mates with similar antisocial tendencies. Adult female child abuse, no less than the male partner's instrumental and unilateral abuse and violence, is predictable from long-term developmental (Serbin et al., 2004, Moffitt et al., 2001) and psychopathological features (Ehrensaft et al., 2006).

## **The Risks to Children from Abusive Parents**

The evidence about female caregiver risk to children is similarly clear, and highlights the problem of underestimating female violence in child custody assessments. Despite recent trends toward increased, meaningful paternal participation in day-to-day parenting, mothers are still likely to spend more time, have more contact, and to be primary caretakers of children within the family. This disproportionate responsibility in childrearing may partially explain the results of the two largest studies of child abuse and neglect ever to be conducted. Still, this research is particularly noteworthy, and paints a very different picture than that presented by Jaffe et al. (2008) and Kelly and Johnson's (2008) attribution of men's greater propensity to family violence. One is a study of 135,573 child maltreatment investigations conducted by Health Canada, and published by the National Clearing House on Family Violence (Trocme et al., 2001). This study examined physical abuse, sexual abuse, neglect, emotional maltreatment and "multiple categories" within the general population. Cases of alleged abuse are further divided into substantiated, suspected, and unsubstantiated categories. Substantiation rates do not, in general, vary by gender of perpetrator and run from 52% to 58%. Compared to biological fathers, biological mothers were found more likely to perpetrate child physical abuse (47% vs. 42%), neglect their children (86% vs. 33%), engage in emotional maltreatment

(61% vs. 55%), and contribute to multiple categories (66% vs. 36%). Biological fathers are more likely perpetrators of child sexual abuse (15% vs. 5%).

The second study, using an even larger sample of 718,948 reported cases of child abuse, was conducted by the United States Administration for Children and Families (Gaudioisi, 2006) and reported that, in 2005, women (58% of the child abuse perpetrators) were upwards of 1.3 times more likely to abuse their children than were men. When acting alone, biological mothers were twice as likely to abuse their children as were biological fathers, and biological mothers were the main perpetrators of child homicide. Also, as described above, McDonald, Jouriles et al. (2006) found that risks of child exposure to violence were 2.5 times higher for female (mother)-perpetrated violence than male (father) violence. Thus, again, the best research data, from the largest and most rigorous studies tell a very different story from that related by Jaffe et al. and Kelly and Johnson. Again, contrary to gender paradigm lore, but in line with the best available research data, family court personnel considering risks to family function and safety, will serve their clientele better with an open, balanced, impartial attitude toward specific evidence presented in each evaluation and hearing, rather than relying on preconceptions about the patriarchal nature of family violence and its effects on children thus exposed or targeted.

### **The Jaffe Assessment Bias**

As detailed above, within Johnson's gender paradigm typology female violence is effectively contained within situational (SCV) and reactive (VR) categories, and, by definition, is excluded from the terrorizing/CCV/"classic battering" category. Likewise, Jaffe, Lemon, & Poisson (2003) previously argued that – because of self-defensive or another reactive "context" – female perpetrated IPV, if not fully justifiable, is more understandable and tolerable, that is, not in the same criminal class as male perpetration. Instead, Jaffe and his colleagues primed custody assessors to regard men as the only true IPV perpetrators, and to suspect male family court litigants' denials of abuse (Martindale, 2005). Contrary to exonerating the accused, such denial may confirm his culpability, because highly abusive men also deny abuse. In contrast, a female "victim's" allegation often deserves the benefit of the doubt; that is, when investigation fails to confirm or disconfirm the occurrence of alleged "behind-closed-doors" incidents, prudence requires "err[ing] on the side of safety" (Johnson & Leone, 2005). Rather than valuing skepticism and independent judgment in forensic practice, this caveat invites family court professionals to depart from the usual expectation that disputant-supplied information will be "biased, distorted, incomplete, or untrue" (Austin & Kirkpatrick, 2004). Instead, evaluators are invited to rely on preconceptions of what "everyone knows" to be true about domestic violence, *a priori*.

## The Witch Hunt Model

Jaffe, Lemon, and Poisson (2003) tell evaluators to “review allegations with each party and give each side an opportunity to explain what happened” (p. 47), and to “have the alleged perpetrator complete a standard inventory about the abuse and to engage him in a discussion about what transpired during the course of the relationship”. However, this instruction is provided to readers who have been primed to believe that men are perpetrators and that perpetrators lie. Therefore, it is reasonable to ask: are family court professionals being instructed to genuinely assess mothers for evidence of perpetration and fathers for evidence of victimization and to weigh each parent’s risk to the child, or are they being primed to focus only on one gender as both a risk and as a potential liar? Essentially, we understand Jaffe et al. (2003) to be encouraging child custody evaluators to distrust male accounts of alleged IPV incidents, and to use clinical pre-judgment to believe the alleged victim. This departure of practice from principle is implicit in the concluding (“primary perpetrator”) section of the Jaffe et al. (2008) PPP protocol. Such procedure is in direct contravention of the Ethical Standards for Forensic Assessment (Weissman & DeBow, 2003) which require a neutral evaluative frame of mind and a weighing of contradictory hypotheses about a case. As shown above, there is solid, empirically grounded reason to maintain a gender-neutral framework in forensic assessment of IPV-affected child custody disputes. In contrast, cognitive frameworks, such as the gender paradigm, alter fundamental aspects of sound forensic evaluation come with dramatic consequences for decision making (Kahneman & Tversky, 1973).

When allegations of child abuse are made in child custody cases, the cognitive framework is laid for a witch hunt (Kadri, 2005), in which protestations of innocence are twisted into proof of guilt. In his brilliant history of the trial, Kadri shows how the “Satanic Cult” abuse cases (e.g., the infamous McMartin daycare investigation and prosecution in Los Angeles) were direct extensions of the mindset of the witch hunt (including a panic or hysteria that overestimates incidence and has an unjustified “certainty” of the accused’s lying and guilt). Jaffe et al. (2003) is a primer for infusing similarly illogical and irrational beliefs in family court processes. Shear’s (2004) review describes it as “a work of advocacy focusing on the plight of battered women and their children, rather than an authoritative text on the assessment and management of cases involving domestic abuse allegations in family courts.”

Having misled custody assessors about the frequency of female IPV, Jaffe et al. (2008) instruct them about ways batterers use custody disputes and litigation to extend their own needs for “power and control” *after* mothers and children achieve physical separation from their abusers. Jaffe et al. (2008) cite Jaffe et al. (2003) as their authority, as though the earlier work had been solidly researched. But this is not so. Instead, Jaffe et al. (2003), proffer the following “evidence”:

*One California child custody researcher found her assistants could always identify which court files involved domestic violence; those files were significantly thicker than the non-abuse files, indicating that the parties had undergone much more litigation. Similarly, a formerly battered woman in Berkeley, California told one of the authors that her ex-partner had dragged her into court 42 times in the previous year, arguing over custody and visitation issues. (p. 61)*

Hence, the claim that male perpetrators abuse the court system is based on two uncorroborated second hand reports. The injudiciousness of family court professionals basing crucial decisions on such flimsy “evidence” should go without saying.

It is feasible to hypothesize that controlling personalities of either gender would be motivated to subvert court processes. *Empirically*, however, it has not been established that abusive males do this disproportionately, as Jaffe et al. (2008) claim. In fact, some evidence suggests that fathers report significantly higher rates of acquiescence to mothers’ child rearing preferences (Newmark, Harrell et al., 1995) and that many women feel entitled to dominate in the home and to engage in “maternal gatekeeping” (Allen & Hawkins, 1999; Straus, 1999; Vogel, Murphy et al., 2007).

## **The Unfounded Allegation Problem**

Jaffe et al. (2008) state both that “there is virtually no research on the extent to which abuse allegations are clearly false and maliciously fabricated” (p. 508), and then that “it is critical to emphasize that the making of false allegations of spousal abuse is much less common than the problem of genuine victims who fail to report abuse” (p. 508). If there is no research on the extent of false allegations, how could they know these are less frequent than unreported actual assault? In fact, the studies often cited as “evidence” for low rates of false allegations are not designed to assess or detect them (see Dutton et al., 2009).

For example, a study by Trocme and Bala (2005) simply asks custody/access investigators to judge – i.e., to give their clinical impressions – of whether unsubstantiated allegations were made falsely or in “good faith.” These court investigators constitute another selective sample: by prior training about the veracity of female victims and the untrustworthiness of “their abusers,” family court evaluators are already likely to share the researchers’ gender paradigm perspective. Proving false allegations, instead, would require in-depth examination of the “victim’s” motives, and most investigations stop short of that, by declaring allegations “unsubstantiated.” In a recent review of this outcome, Dutton et al. (2009) could find only one study of abuse allegations in custody cases (Johnston et al., 2005, see below) where an acceptable criterion was used (a judges’ decision) to declare an allegation unsubstantiated.

Johnston and her colleagues (Johnston, Lee et al., 2005) conducted a large sample study of allegations and substantiations of abuse in custody-disputing families in California. Substantiations in this study were defined as *any* corroborating evidence of abuse to back up allegations that “had not been dismissed as *entirely* unfounded” (italics added). Johnston et al. (2005) found allegations of child sexual abuse to be made against fathers in 23% of cases studied (and against mothers in another 6%). For any kind of abuse, the numbers were 51% (against fathers) and 38% (against mothers). For any type of abuse, the substantiation rates were 15% (against fathers) and 17% (against mothers). The substantiation rate against fathers for CSA, for example, when actual evidence is used is 6%. Compare this to the 50% substantiation rate found in the national child abuse survey (Trocme et al., 2001) described above. When child custody litigation is the context of the child abuse investigation, the substantiation rates are far lower than when it

is not. While this does not prove false allegations, it does suggest their substantiation in the custody context requires independent corroboration.

### **Does Spouse Abuse Inevitably Predict Child Abuse?**

One issue that permeates the subject of spouse abuse and child custody is the suggestion that men who abuse spouses will also abuse their children. Basing their estimate on shelter samples, Jaffe et al. (2003) put the overlap (both wife and child victims) at 30-60% (p. 30). Appel, Holden et al. (1996) reviewed 31 studies to examine this issue, also finding an average overlap of 40% when the sample was drawn from women's shelters or abused children. However, in "representative community samples" the overlap was 6%. In all studies reviewed, the reporter was the mother. Even with this bias in the data, the confirmatory distortion and the advocacy perspective in Jaffe's estimate is clear. In community samples, the risk of child abuse, given that spouse abuse is proven, is much lower than Jaffe et al. suggest. Furthermore, to the extent that overlap does exist, it typically involves less serious forms of abuse, such as slapping (Appel & Holden, 1998; Slep & O'Leary, 2005). For example, in a representative sample study of 453 couples with young children in New York, Slep and O'Leary (2005) found 51% of couples to engage in both partner and child abuse, but only 2% of these families involved severe violence unilaterally perpetrated by fathers against non-reciprocating and non-retaliating mothers, with one or both parents physically abusing the child. While a gender paradigm has developed that creates a "representative heuristic" (Kahneman, Slovic et al., 1982) containing images of abusive men and victimized women, the research data say something quite different. Relying on samples drawn from a criminal justice system primed to arrest men as IPV perpetrators or from shelter houses available only to women, gender paradigm research has created a false view of IPV, a view compatible with the sociological dualism from whence it derives. The result has been a focused assessment on fathers for potential future abuse in custody litigation. This focus is not supported by the overall incidence of IPV perpetration by gender, the weak relationship between spouse and child abuse, nor the higher likelihood of mothers to perpetrate child abuse.

## References

- Ackerman, M. C. (2006). *Clinician's guide to child custody evaluations (Third Edition)*. New York: John Wiley and Sons.
- Allen, S., & Hawkins, A. (1999). "Maternal gatekeeping: Mothers' beliefs and behaviours that inhibit father involvement in family work." *Journal of Marriage and Family* 61(1): 199-212.
- Appel, Holden, et al. (1996). "Risk of physical abuse to children of spouse abusing parents." *Child Abuse and Neglect* 20(7): 589 -598.
- Appel, A. E., & Holden, G. W. (1998). "The co-occurrence of spouse abuse and physical child abuse: A review and appraisal." *Journal of Family Violence* 12(4): 578 -599.
- Archer, J. (1999). "Assessment of the reliability of the Conflict Tactics Scale: A meta-analytic review." *Journal of Interpersonal Violence* 14: 1263-1289.
- Archer, J. (2000). "Sex differences in aggression between heterosexual partners: A meta-analytic review." *Psychological Bulletin* 126(5): 651-680.
- Archer, J. (2000). "Sex Differences in Physical Aggression to Partners: A Reply to Frieze (2000), O'Leary (2000), and White, Smith, Koss, and Figueredo (2000)." *Psychological Bulletin* 126(5): 697-702.
- Arias, I., & Pape, K. T. (1999). "Psychological abuse: Implications for adjustment and commitment to leave violent partners." *Violence and Victims* 14(1): 55-67.
- Austin, W. G., & Kirkpatrick, H. D. (2004). "The investigation component in forensic mental health evaluations: considerations for parenting time assessments." *Journal of Child Custody* 1(2): 23-46.
- Bala, N., & Schuman, J. (1999). "Allegations of sexual abuse when parents have separated." *Canadian Family Law Quarterly* 17: 191 -243.
- Caetano, R., P. A. C. Vaeth, et al. (2008). "Intimate partner violence victim and perpetrator characteristics among couples in the United States." *Journal of Family Violence* 23: 507 -518.
- Cano, A., S. Avery-Leaf, et al. (1998). "Dating violence in two high school samples: Discriminating variables." *The Journal of Primary Prevention* 18(4): 431-446.
- Capaldi, D. M., Kim, H. K., & Shortt, J. W. (2004). Women's involvement in aggression in young adult romantic relationships. *Aggression, Antisocial Behavior and Violence Among Girls*. M. P. K. L. Bierman. New York, Guildford: 223-241.
- Capaldi, D. M., J. Wu Shortt, et al. (2009). "Official incidents of domestic violence: Types, injury and associations with nonofficial couple aggression." *Violence and Victims* 24(4): 502 -519.
- Coleman, D. H., & Straus, M. A. (1992). Marital power, conflict and violence in a nationally representative sample of American couples. *Physical violence in American families*. M. A. Straus and R. J. Gelles. New Brunswick, Transaction: 287-300.
- Corvo, K., & Johnson, P. J. (2003). "Vilification of the 'batterer': How blame shapes domestic violence policy and interventions." *Aggression and Violent Behavior* 8(3): 259-282.
- Dasgupta, S. D. (2001). Towards an understanding of women's use of non-lethal violence in intimate heterosexual relationships. *Applied Research Forum*, February, 1-13.

- Daugherty-Leiter, A. (2006). The dynamics of domestic violence. *The GAL 2006: Child Custody and Family Law*. Wisconsin State Bar of Wisconsin CLE Seminars.
- Douglas, E., & Straus, M. A. (2006). "Assault and injury of dating partners by university students in 19 countries and its relation to corporal punishment experienced as a child." *European Journal of Criminology* 3(3): 293 -318.
- Dutton, D. G. (2005). "The domestic abuse paradigm in child custody assessments." *Journal of Child Custody* 2(4): 23- 42.
- Dutton, D. G. (2006). *Rethinking domestic violence*. Vancouver, BC, UBC Press.
- Dutton, D. G. (2010). "The gender paradigm and the architecture of anti-science." *Partner Abuse* 1(1): 5 -25.
- Dutton, D. G. (2012) The case against the role of gender in intimate partner violence. *Aggression and Violent Behavior*, 17 (1), 99 -104.
- Dutton, D. G., & Corvo, K. (2006). "Transforming a flawed policy: A call to revive psychology and science in domestic violence research and practice." *Aggression & Violent Behavior* 11(5): 457-483.
- Dutton, D. G., & Corvo, K. (2007). "The Duluth model: A data-impervious paradigm and a failed strategy." *Aggression & Violent Behavior* 12(6): 658-667.
- Dutton, D. G., K. N. Corvo, et al. (2009). "The gender paradigm in domestic research and practice: Part 11: The information website of the American Bar Association." *Aggression and Violent Behavior* 13: 159 -177.
- Dutton, D. G., J. Hamel, et al. (2010). "The gender paradigm in Family Court processes: Re-balancing the scales of justice from biased social science." *Journal of Child Custody* 7: 1-31.
- Dutton, D. G., & Hemphill, K. J. (1992). "Patterns of socially desirable responding among perpetrators and victims of wife assault." *Violence and Victims* 7(1): 29-40.
- Dutton, D. G. and T. L. Nicholls (2005). "The gender paradigm in domestic violence research and theory: Part 1- The conflict of theory and data." *Aggression and Violent Behavior* 10(6): 680 - 714.
- Ehrensaft, M., P. Cohen, et al. (2006). "Development of personality disorder symptoms and the risk for partner violence." *Journal of Abnormal Psychology* 115(3): 474-483.
- Ehrensaft, M., T. Moffit, et al. (2004). "Clinically abusive relationships in an unselected birth cohort: men's and women's participation and developmental antecedents." *Journal of Abnormal Psychology* 113(2): 258-270.
- Feder, L., & Henning, K. (2005). "Dually arrested domestic violence offenders." *Violence and Victims* 20(2): 153 - 171.
- Felson, R. B., & Outlaw, M. C. (2007). "The control motive and marital violence." *Violence and Victims* 22(4): 387-407.
- Follingstad, D., L. Rutledge, et al. (1990). "The role of emotional abuse in physically abuse relationships " *Journal of Family Violence* 5(2): 107-120.
- Follingstad, D. R., D. D. DeHart, et al. (2004). "Psychologists' judgments of psychologically aggressive actions when perpetrated by a husband versus a wife." *Violence and Victims* 19(4): 435-452.
- Gaudioisi, J. A. (2006). "Child maltreatment 2004." *Administration for Children and Families*. U.S. Department of Health and Human Services. Gondolf, E. (2000).

- "How batterer program participants avoid reassault " *Violence Against Women* 6(11): 1204-1222.
- Gould, J. W. (1998). *Conducting scientifically crafted child custody evaluations*. Thousand Oaks, CA: Sage.
- Gould, K. (2004). "Nature's Swiss army knife: the diverse protective roles of anthocyanins in leaves." *Journal of Biomedicine and Biotechnology* 314-320.
- Graham- Kevan, N., & Archer, J. (2003). "Intimate terrorism and common couple violence: A test of Johnson's predictions in four British samples." *J Interpers Violence* 18(11): 1247-1270.
- Graham- Kevan, N., & Archer, J. (2007). *Using Johnson's domestic violence typology to classify men and women: Victim and perpetrator reports*. International Family Violence Conference, Durham. New Hampshire.
- Grandin, E., & Lupri, E. (1997). "Intimate Violence in Canada and the United States: A Cross-National Comparison." *Journal of Family Violence* 12(4): 417-443.
- Hamel, J. (2007). Domestic Violence: A gender inclusive conception. *Family interventions in domestic violence*. J. Hamel and T. Nicholls. New York, Springer: 3 -26.
- Hamel, J., S. L. Desmarais, et al. (2007). "Perceptions of motives of intimate partner violence: Expressive vs. coercive violence." *Violence and Victims* 22: 563 -576.
- Hamel, J., S. L. Desmarais, et al. (in press). "Domestic violence and child custody: Are family court professionals' decisions based on erroneous beliefs?".
- Hines, D. (2009). *Can male victims of domestic violence get the help they need? From Ideology to Inclusion*, Los Angeles, California Alliance for Families and Children.
- Hines, D., J. Brown, et al. (2007). "Characteristics of callers to the domestic abuse helpline for men." *Journal of Family Violence* 22(2): 63-72.
- Hines, D., & Malley-Morrison, K. (2001). "Psychological effects of partner abuse against men: a neglected resaearch area." *Psychology of Mean & Masculinity* 2(2): 75-85.
- Hines, D., & Saudino, K. (2003). "Gender differences in psychological, physical and sexual aggression among college students using the revised conflict tactics scales." *Violence and Victims* 18(2): 197-217.
- Jaffe, P., N. Lemon, et al. (2003). *Child custody & domestic violence: A call for safety and accountability*. Thousand Oaks, Sage.
- Jaffe, P. G., J. R. Johnston, et al. (2008). "Toward a differentiated view of parenting plans." *Family Court Review* 46(July).
- Jaffe, P. G., J. R. Johnston, et al. (2008). "Custody disputes involving allegations of domestic violence: Toward a differentiated approach to parenting plans." *Family Court Review* 46(3): 500-522.
- Johnson, M. P. (1995). "Patriarchal terrorism and common couple violence: Two forms of violence against women." *Journal of Marriage and the Family* 57: 283-294.
- Johnson, M. P. (2006). "Conflict and control: gender symmetry and asymmetry in domestic violence." *Violence Against Women* 12(11): 1003 -1018.
- Johnson, M. P., Ed. (2008). *Intimate terrorism, violent resistance and situational couple violence*. Hanover, Northeastern University Press.

- Johnson, M. P., & Leone, J. M. (2005). "The differential effects of intimate terrorism and situational couple violence: Findings from the National Violence Against Women Survey." *Journal of Family Issues* 26(3): 322-349.
- Johnson, N., D. Saccuzon, et al. (2005). "Child custody mediation in cases of domestic violence: Empirical evidence of a failure to protect." *Violence Against Women* 11(8): 1022- 1053.
- Johnston, J. R., S. Lee, et al. (2005). "Allegations and substantiations of abuse in custody-disputing families." *Family Court Review* 43(2): 283 -294.
- Kadri, S. (2005). *The trial: A history, from Socrates to O.J. Simpson*. New York: Random House.
- Kahneman, D., P. Slovic, et al. (1982). *Judgment under uncertainty: Heuristics and biases*. London: Cambridge University Press.
- Kahneman, D. S. and A. Tversky (1973). "On the psychology of prediction." *Psychological Review* 80: 237-251.
- Kasian, M., & Painter, S. L. (1992). "Frequency and severity of psychological abuse in a dating population." *Journal of Interpersonal Violence* 7(3): 350-364.
- Kelly, J., & Johnson, M. P. (2008). "Differentiation among types of intimate partner violence: Research update and implications for interventions." *Family Court Review* 46(3): 476-499.
- Kelly, K. A. (2003). *Domestic violence and the politics of privacy*. Ithaca, NY: Cornell University Press.
- Laroche, D. (2005). *Aspects of the context and consequences of domestic violence- Situational couple violence and intimate terrorism in Canada in 1999*. Quebec City, Government of Quebec.
- MacKinnon, C. (1989). *Toward a feminist theory of state*. Cambridge, Mass.: Harvard University Press.
- Martindale, M. (2005). "The evolution of metazoan axial properties." *Nature Reviews Genetics* 6: 917-927.
- McDonald, R., E. N. Jouriles, et al. (2006). "Estimating the number of American children living in partner-violent families." *Journal of Family Psychology* 20(1): 137-142.
- McDonald, R., E. N. Jouriles, et al. (2009). "Children's adjustment problems in families characterized by men's severe violence towards women: Does other family violence matter?" *Child Abuse & Neglect* 33: 94 -101.
- Moffit, T., Caspi, A., Rutter, M., & Silva, P.A. (2001). *Sex differences in antisocial behaviour: Conduct disorder, delinquency, and violence in the Dunedin longitudinal study*. Cambridge, Cambridge University Press.
- Morse, B. (1995). "Beyond the Conflict Tactics Scale: Assessing gender differences in partner violence." *Violence and Victims* 10(4): 251 -272.
- Newmark, L., A. Harrell, et al. (1995). "Domestic violence and empowerment in custody and visitation cases." *Family Court Review*, 33(1): 30-62.
- Pearson, P. (1998). *When she was bad: How and why women get away with murder*. Middlesex, England: Penguin.
- Pizzey, E. (1982). *Prone to violence*. London: Hamlyn Press.
- Riggs, D. S., K. D. O'Leary, et al. (1990). "Multiple correlates of physical aggression in dating couples." *Journal of Interpersonal Violence* 5(1): 61-73.

- Rouse, L. P., Breen, R., & Howell, M. (1988). "Abuse in intimate relationships: A comparison of married and dating college students." *Journal of Interpersonal Violence* 3(4): 414-429.
- Serbin, L., D. Stack, et al. (2004). When aggressive girls become mothers. *Aggression, antisocial behavior and violence among girls*. M. Putallaz and K. L. Bierman. New York, The Guilford Press.: 262-285.
- Shear, L. (2004). "Child custody and domestic violence: The tangled roles of inquiry and advocacy in improving the family justice system's response to complex challenges." *Journal of Child Custody* 1(3): 107-115.
- Shortt, J. W., D. M. Capaldi, et al. (in press). "Stability of intimate partner violence by men across 12 years in young adulthood: Effects of relationship transitions." *Prevention Science*.
- Simon, T. R., M. Anderson, et al. (2001). "Attitudinal acceptance of intimate partner violence among U.S. adults." *Violence and Victims* 16(2): 115-126.
- Simonelli, C., & Ingram, K. (1998). "Psychological distress among men experiencing physical and emotional abuse in heterosexual dating relationships." *Journal of Interpersonal Violence* 13(6): 667-681.
- Simpson, L. E., B. D. Doss, et al. (2007). "Relationship Violence Among Couples Seeking Therapy: Common Couple Violence or Battering?" *Journal of Marital & Family Therapy* 33(2): 270-283.
- Slep, A. M. S., & O'Leary, S. G. (2005). "Parent and partner violence in families with young children: rates, patterns, and connections." *2005* 73(3): 435-444.
- Sorenson, S. B., & Taylor, C. A. (2005). "Female aggression toward male intimate partners: An examination of social norms in a community-based sample." *Psychology of Women Quarterly* 29: 79-96.
- Stacey, W., L. Hazelwood, et al. (1994). *The violent couple*. Westport, CT, Praeger.
- Stets, J. (1991). "Cohabiting and Marital Aggression: The Role of Social Isolation." *Journal of Marriage & Family* 53(3): 669-680.
- Stets, J. (1991). "Psychological aggression in dating relationships: The role of interpersonal control." *Journal of Family Violence* 6(1): 97-114.
- Stets, J., & Hammons, S. A. (2002). "Gender, control and marital commitment." *Journal of Family Issues* 23: 3-25.
- Stets, J., & Straus, M. A. (1989). "The marriage license as a hitting license: A comparison of dating, cohabiting and married couples." *Journal of Family Violence* 4(1): 37-54.
- Stets, J., & Straus, M. A. (1989). Gender differences in reporting marital violence and its medical and psychological consequences. *Physical Violence in American Families: Risk Factors and Adaptations to Violence in 8,145 Families*. A. M. G. Straus, R. J. New Brunswick, NJ, Transaction Press.
- Stets, J., & Straus, M. A. (1992). Gender differences in reporting marital violence. *Physical violence in American families*. New Brunswick, N.J., Transaction Publishers: 151-166.
- Straus, M. A. (1999). The controversy over domestic violence by women: A methodological, theoretical and sociology of science analysis. *Violence in intimate relationships*. X. Arriaga and S. Oskamp. Thousand Oaks, Sage.

- Straus, M. A. (2006). "Future research on gender symmetry in physical assaults on partners." *Violence Against Women* 12(11): 1086 -1097.
- Swan, S. C., L. J. Gambone, et al. (2008). "A review of research on women's use of violence with male intimate partners." *Violence and Victims* 23(3): 301-314.
- Trocme, N. et. al. (2001). Canadian incidence study of reported child abuse and neglect. Ottawa, Health Canada: 1-179.
- Trocme, N., & Bala, N. (2005). "False allegations of abuse and neglect when parents separate." *Child Abuse and Neglect* 29: 1333-1345.
- Trocme, N., B. MacLaurin, et al. (2001). Canadian incidence study of reported child abuse and neglect. Ottawa, Health Canada: 1-179.
- Vivian, D., & Langhinrichsen-Rohling, J. (1994). "Are bi-directionally violent couples mutually victimized? A gender-sensitive comparisons." *Violence and Victims* 9: 107-124.
- Vogel, D., M. Murphy, et al. (2007). "Sex differences in the use of demand and withdraw behaviour in marriage: examining the social structure hypothesis." *Journal in Counselling Psychology* 54(2): 165-177.
- Walker, L. E., C. B. Ballinger, et al. (1984). *The battered woman syndrome*.
- Weissman, H. N., & DeBow, D. M. (2003). Ethical principles and professional competencies. *Handbook of Psychology: Forensic Psychology*. A. M. Goldstein. Hoboken, N.J., John Wiley and Sons, Inc.
- Whitaker, D. J., T. Haileyesus, et al. (2007). "Differences in frequency of violence and reported injury between relationships with reciprocal and non-reciprocal intimate partner violence." *American Journal of Public Health* 97(5): 941-947.
- Williams, S. L., & Frieze, I. (2005). "Patterns of violent relationships, psychological distress, and marital satisfaction in a national sample of men and women." *Sex Roles* 52(11/12): 771-784.

# Appendix

Figure 1 Incidence Surveys of IPV

Table 1 Incidence of Intimate Partner Violence in Surveys					
		% of IPV Reports <sup>1</sup>	Male <sup>2</sup>	Female <sup>3</sup>	Bilateral
Stets & Straus, 1989 National FV Survey (n=5,242)	Married	15%	15.6%	35.6%	38.8%
	Cohabiting	35%	14.3%	34.9%	45.2%
Whittaker, et al. 2007 National Longitudinal Study on Adolescent (18-28) Health (n=11,370)		24%	28.7%	71.3%	49.2%
Williams & Frieze, 2005 National Comorbidity Study (n=3,519)		18.4%	21.6%	28.7%	49%
Caetano, et al., 2008 National Survey of Couples (n=1,635)		13%	14.6%	25.6%	59.7%
Morse, 1995 National Youth Survey 1992 (n=1,340)		32.4%	16%	30%	47.4%
<sup>1</sup> The percentage of IPV reports from the total population examined in the survey. <sup>2</sup> Males engaged in more severe acts of violence (eg. male minor, female none; male severe, female none; male severe, female minor) <sup>3</sup> Females engaged in more severe acts of violence (eg. female minor, male none; female severe, male none; female severe, male minor)					