

# WHEN INTIMATE PARTNER VIOLENCE RESULT IN WOMEN OPTING FOR RETALIATION

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## ABSTRACT

This article seeks to find an explanation of the apparent recent increase of «violent women» in intimate relationships. It critically examines literature arguing that women's involvement in Intimate Partner Violence may only be partially explained by an assumption of gender symmetry. The paper argues that retaliation must be understood against the background of inadequate police responses. It cites research suggesting police officials' behaviours on-site reflect ambivalence towards women seeking help, which often leads to secondary victimisation by professionals due to misconceptions. Because of the critical role the police play in intervening appropriately in cases of such violence, women may feel they are left to negotiate safety and protection by means of retaliation rather than involving the criminal justice system.

KEY WORDS: Intimate partner violence, victimisation, criminal justice system, gender, violent women, police.

## RESUMEN

Este estudio pretende buscar una explicación al reciente incremento de la «violencia de las mujeres» en las relaciones de pareja. Examina la literatura que esgrime el argumento de que dicha violencia sólo se puede explicar sobre la asunción de la simetría de género, para sostener que el análisis de esta reacción femenina debe contemplar el papel de la inadecuada respuesta policial en casos de denuncias de mujeres. Se analizan los escritos a partir de los cuales se observa no sólo cierta ambivalencia en la actitud policial en momentos en que las mujeres piden ayuda, sino una auténtica victimización secundaria para con ellas debido a prejuicios. Todo ello hace que las mujeres hayan de negociar y buscar su seguridad por medio de la reacción violenta, antes que por la vía policial y del sistema judicial.

PALABRAS CLAVE: violencia machista, victimización, sistema judicial, género, mujeres violentas, policía.



## INTRODUCTION

Intimate Partner Violence (IPV) is a global phenomenon that has persisted despite nearly 40 years of work in this area<sup>1</sup>. It is recognised as a serious challenge not only for the criminal justice system but also social welfare and health agencies. Empirical literature demonstrates that IPV occurs in different ethnic and cultural groups in Western societies suggesting the family home is one of the most dangerous places particularly for women and children<sup>2</sup>. It is commonly accepted that interpersonal violence occurring in the privacy of a family home has a particularly negative impact on victimised individuals<sup>3</sup>, relatives often witnessing the violence, as well as the wider community in general<sup>4</sup>.

While the past decades have seen a dramatic improvement in responding to IPV victimisation in some countries by the criminal justice system as well as social service and health organisations<sup>5</sup>, even there it is observable, that IPV victimisation remains a hidden problem, which is often unnoticed by the public<sup>6</sup>. Nevertheless, a positive development has taken place and importantly, IPV has become recognised as a public issue largely due to feminist advocacy. In addition, the recognition that many acts of IPV are now considered a criminal offence has pushed this form of interpersonal violence into the public realm<sup>7</sup>. However, it should be recognised that often it may be difficult to adequately respond to victimisation, because generally, violent incidents are less likely to be reported when the perpetrator is known to the victim. For example, the latest national Australian survey on interpersonal violence, the Personal Safety Survey, revealed that nine out of ten women subjected to physical forms of IPV recognised as a criminal offence did not report their victimisation to the police. If sexual violence was involved, none of the incidents came to the attention of the police due to women's reluctance to make an official report<sup>8</sup>. An additional difficulty in adequate responses has been noted by some investigators.

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<sup>1</sup> C. FISHER, L. HUNT, R. ADAMSAM, & W.E. THURSTON, «'Health's a difficult beast': The interrelationship between domestic violence, women's health and the health sector, an Australian case study». *Social Science and Medicine*, vol. 65, núm. 8 (2007), pp. 1.730-1.741.

<sup>2</sup> M. GUGGISBERG, Intimate Partner Violence: A Significant Risk Factor for Female Suicide». *Women against Violence: An Australian feminist journal*, vol. 20 (2008), pp. 9-17.

<sup>3</sup> FISHER *et al*, *op. cit.*

<sup>4</sup> Access Economics, *The Cost of Domestic Violence to the Australian Economy*. Canberra, Office of the Status of Women, Commonwealth of Australia, 2004.

<sup>5</sup> C. TERRANCE, K. PLUMM, & B. LITTLE, «Maternal blame: Battered women and abused children», *Violence against Women*, vol. 14, núm.8 (2008), pp. 870-885.

<sup>6</sup> GUGGISBERG, *op. cit.*

<sup>7</sup> G. GARCÍA-MORENO, H.A.F.M. JANSEN, M. ELLSBERG, L. HEISE, & C. WATTS, *Multi-Country Study on Women's Health and Domestic Violence against Women: Initial Results on Prevalence, Health Outcomes and Women's Responses*. Ginebra, World Health Organisation, 2005.

<sup>8</sup> Australian Bureau of Statistics, *2005 Personal Safety Survey*. Canberra, Australian Bureau of Statistics, 2006.

IPV is subject to police discretion<sup>9</sup> inevitably making it vulnerable to the subjective beliefs and attitudes of attending police officers at the scene as well as other criminal justice officials in the process of an investigation. Police officers, judges, and other court personnel may regard IPV as a private issue or mistakenly believe its effects are less serious because of the victimised person's relationship to the offender. The private setting of the home appears to pose an important obstacle for appropriate responses.

## 1. IPV REMAINS A HIDDEN PROBLEM...

Clearly, the feminist perspective challenges the notion that IPV is a private matter<sup>10</sup> and dramatic improvements in the ways the criminal justice system responds to IPV victimisation have taken place, largely due to feminist advocacy<sup>11</sup>. IPV victimisation remains a hidden crime as the majority of offences are not reported to the police<sup>12</sup> despite many years of awareness raising and public education attempts. Examining the most recent nationally representative survey on interpersonal violence in Australia, the Personal Safety Survey, it becomes evident that women, while most likely to be subjected to violence by a trusted and known individual such as an intimate partner, are generally reluctant to report their victimisation to the police<sup>13</sup>. This is problematic as the police are often the first point of contact for women subjected to IPV.

## 2. ...MAKING THE POLICE A CRITICAL SOURCE OF HELP

IPV, by becoming a criminal offence in many countries all over the world, makes the criminal justice system a critical source of help for abused women. Some researchers eloquently argue that the police are to be seen as «the cornerstone of responses to domestic violence in many western countries... [because] the role of the health sector remains underdeveloped»<sup>14</sup>. It is important to recognise the crucial role of the police due to a lack of alternative avenues abused women can pursue. In this regard, Gaby Marcus, the Director of the Australian Domestic and Family

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<sup>9</sup> E. GRACIA, F. GARCÍA, & M. LILA, «Police involvement in cases of intimate partner violence against women». *Violence against Women*, vol. 14, núm. 6 (2008), pp. 697-714.

<sup>10</sup> B.A. MCPHAIL, N.B. BUSH, S. KULKARNI, & G. RICE, «An integrative feminist model: The evolving feminist perspective on intimate partner violence». *Violence against Women*, vol. 13, núm. 8 (2007), pp. 817-841.

<sup>11</sup> TERRANCE *et al*, *op. cit.*

<sup>12</sup> GUGGISBERG, *op. cit.*

<sup>13</sup> Australian Bureau of Statistics, *op. cit.*

<sup>14</sup> FISHER *et al*, *op. cit.*, p. 1.731.



Violence Clearinghouse, observed that «it is critical for police and the wider response system to constantly question their approaches... in order to best serve those affected by violence and address perpetrators' abuse»<sup>15</sup>. As can be observed, the critical role of the police in regards to IPV has been recognised, which is important as women's decisions to seek help with the police and consequently leave an abusive relationship are dependent on their perception of police responses. While it may be assumed that generally police officers are sympathetic and willing to assist women in need, this is not necessarily the case as will be discussed below. If victimised women (perhaps out of previous experiences) fear the police officer may take the side of the perpetrator, it is clear that they are less likely to report an incident to the police. What may be some explanations of police officers' reluctance to intervene in a desired approach that provides re-assurance and enhances victimised women's confidence to reach out to police?

### 3. THE PRIVATE/PUBLIC PROBLEM

Because IPV commonly takes place behind closed doors, someone, usually the victim, is required to take action. Many women do not feel comfortable to seek help as they perceive IPV as a private matter. Therefore, even victimised women's calls for help appear to reflect this private/public problem. There is much evidence suggesting that incidents involving strangers are much more likely to be reported to the police compared to criminal offences where the perpetrator is an intimate partner<sup>16</sup>. The fact that the perpetrator is a known and often trusted person may not only increase abused women's confusion and suffering about the incident, but interfere with police responses. On the one hand, women may be reluctant to seek help due to the close relationship to the perpetrator, but on the other hand, expectancies of assistance and support may not be met, which increase hesitance to seek help. As can be seen, the victim-offender relationship must be recognised when considering IPV, which is one critical factor. However, another, at least equally important issue is the treatment women receive if they decide to report the incident to the police.

Police sometimes misinterpret and judge women's behaviours inappropriately. For example, being unwilling to report an incident to the police may not always be an inadequate decision. Women may take this precaution and refrain from reporting or even return to an abusive and or violent partner, which, in their view is absolutely justified and reasonable in order to minimise further and more severe violence. It is argued here that women are best able to assess their level of

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<sup>15</sup> G. MARCUS, *Better Policing, Better Outcomes: Changing Police Culture to Prevent Domestic Violence and Homicide (Issues Paper 18)*. Sidney, Australian Domestic & Family Violence Clearinghouse, The University of New South Wales, 2009, p. 2.

<sup>16</sup> GARCÍA-MORENO *et al*, *op. cit.*

threat to their own or another individual's life. Being seemingly «uncooperative» may have a justification and well be a sensible response to a serious threat. It is generally acknowledged that abused women are at a great risk of homicide by their intimate partners, especially after separation or divorce<sup>17</sup> or maybe even when reaching out to the police. Responding officers may struggle with the challenge of protecting women (and children) from IPV victimisation due to their beliefs in myths about IPV such as suspicion about women's truthfulness, prevalence and negative impact of this crime, and the assumption of gender symmetry. Popular beliefs based on myths rather than empirical evidence may disadvantage women subjected to IPV when in contact with the police or other statutory agencies.

#### 4. PERSISTENT MYTHS

Regardless of several decades of awareness raising and public education attempts, it is evident that not only the public, but even professionals working in the areas of civil and criminal justice, welfare and child protection hold beliefs reflecting myths about IPV. These beliefs will inevitably be reflected in their responses and most likely negatively influence intervention when dealing with victimised women (and their children). Feldberg and Behrens listed a number of myths that too many professionals in the legal system appear to continuously accept as facts despite empirical evidence contesting these assumptions. Some of these myths are that a) IPV occurs as an isolated event; b) IPV rarely occurs; c) women generally exaggerate or invent experiences of IPV; d) women are to be blamed for provoking the abusive behaviour; and e) abused women generally have mental health problems<sup>18</sup>.

Feldberg and Behrens emphasised that much empirical evidence contradicts these beliefs and expressed their frustration about questionable outcomes for women (and their children) resulting from assumptions that are based on myths rather than evidence, including in the legal arena. They observed «the research provides compelling evidence of an overall system failure that results in continuing abuse...women find the system difficult to use and potentially unsympathetic»<sup>19</sup>. If statutory services employ individuals holding misconceptions about victimised women, they will be likely to fail supporting these women appropriately. As a result, the women may experience further victimisation, this time by the very system supposedly assisting them (and their children). Unsurprisingly, women may feel as if they are left to negotiate their safety and protection themselves. In this regard, it

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<sup>17</sup> J.C. CAMPBELL, N. GLASS, P.W. SHARPS, K. LAUGHON, & T. BLOOM, «Intimate partner homicide: Review and implications of research and policy». *Trauma, Violence and Abuse*, vol. 8, núm.3 (2007), pp. 246-269.

<sup>18</sup> B. FEHLBERG & J. BEHRENS, *Australian Family Law: The Contemporary Context*. Melbourne, Oxford University Press.

<sup>19</sup> *Ibidem*, p. 218.



should be noted that women subjected to IPV not always feel helpless. Even if they experience re-victimisation as abusive and violent men's control over them is reinforced by professionals, some women are utilising strategies to resist their victimisation. However, as they may become convinced that they need to act on their (and their children's) behalf as no help can be expected from statutory agencies including the criminal justice system, these women are likely to take things into their own hand. Therefore, in order to understand why victimised women may feel the need to retaliate, it is imperative to scrutinise police responses to their help-seeking behaviours.

## 5. THE POLICE UNDER SCRUTINY

In the general community, it is assumed that the criminal justice system is a source of help. However, it is firmly established in the literature that often victimised women experience additional victimisation when police and court officials are involved in IPV<sup>20</sup>. For example, police have been criticised for inadequate and insensitive intervention producing empirical evidence suggesting that IPV victimisation is often characterised by ignorance or even victim-blaming attitudes with police officers<sup>21</sup>. Furthermore, it appears they continue to view IPV as a private rather than a public issue. In this regard, it is important to stress once more that the way police respond to incidents of IPV is critical not only in terms of protecting individuals from an immediate threat but also as a measure of social tolerance reflecting society's attitudes towards certain problems<sup>22</sup>, as «the type of police response to incidents of IPV against women... represents the level of social tolerance to and the threshold from which a conduct is considered criminal or not»<sup>23</sup>. It is disturbing to observe that recent research found professionals tended to view IPV as less important than crimes perpetrated by strangers and as a private rather than a public matter<sup>24</sup>, which influences police responses.

Evidence for this was found in a recent European study suggesting that police officers were less likely to intervene in incidents of violence when the perpetrator was an intimate partner compared to stranger violence<sup>25</sup>, which illustrates common misperceptions that IPV is less serious than violence victimisation by a stranger. Disturbingly, Gracia and Herrero also found that some police officers per-

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<sup>20</sup> GRACIA *et al.*, *op. cit.*

<sup>21</sup> I.M. JOHNSON, «Victims' Perceptions of Police Responses to Domestic Violence Incidents». *Journal of Criminal Justice*, vol. 35 (2007), pp. 498-510.

<sup>22</sup> *Ibidem.*

<sup>23</sup> *Ibidem.*, p. 698.

<sup>24</sup> A. RUTHERFORD, A.B. ZWI, N.J. GROVE, & A. BUTCHART, «Violence: A priority for Public Health?». *Journal of Epidemiological Community Health*, vol. 61 (2007), pp. 764-770.

<sup>25</sup> GRACIA *et al.*, *op. cit.*



ceived certain amounts of physical violence, perpetrated by a male partner towards a woman, to be acceptable<sup>26</sup>. These researchers argued that in some European countries IPV is still socially accepted and victim-blaming attitudes are widespread in the community. Evidence for this was found in a study examining beliefs of 143 police officers about IPV and how these attitudes were reflected in responses to females. Results suggested that generally police officers viewed IPV victimisation as a criminal justice issue warranting high police involvement. The researchers pointed out that this finding was interesting in that it did not seem to be reflected «in the field»<sup>27</sup>. In addition, the researchers noted «individual differences in perceived severity and personal responsibility influence police responses»<sup>28</sup>. It was concluded that some police officers tend to omit appropriate appraisal of female IPV victimisation as a serious matter due to its private context.

A study in Canada found that women experienced disbelief and even rudeness from police officers<sup>29</sup>. One participant in this study noted she would «not even bother going to the police because that's a whole additional assault»<sup>30</sup>, an experience that was shared with another respondent who sought help after her male partner had sexually assaulted her. The researchers reported one case of a respondent having «flagged down the police car to request help and the police response was to inquire whether she was drunk»<sup>31</sup>. Obviously, officers did not take her seriously and failed to provide assistance in this case. The study provided strong evidence that women experienced police responses as inadequate and even as «additional assault» rather than helpful and re-assuring that their human rights have been violated and their dignity had been attacked. Such evidence was corroborated by Jordan who found that when women were raped by their intimate partner, police did not arrest the men<sup>32</sup>. Considering police responses to women's help seeking behaviours, it is not surprising that many seem to resort to using violence themselves instead of relying on a system that does not appear to take their victimisation seriously or even sides with the perpetrator. However, engaging in violent behaviour themselves, abused women may come in conflict with the very system that fails to protect them from violence and abuse.

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<sup>26</sup> E. GRACIA & J. HERRERO, «Acceptability of domestic violence against women in the European Union: A multilevel analysis». *Journal of Epidemiological Community Health*, vol. 60 (2006), pp. 123-129.

<sup>27</sup> GRACIA *et al.*, *op. cit.*

<sup>28</sup> *Ibidem*, p. 709.

<sup>29</sup> A. DYLAN, C. REGEHR, & R. ALAGGIA, «Aboriginal victims of sexual violence». *Violence against Women*, vol. 14, núm. 6 (2008), pp. 678-696.

<sup>30</sup> *Ibidem*, p. 684.

<sup>31</sup> *Ibidem*, p. 690.

<sup>32</sup> C.E. JORDAN, «Intimate partner violence and the justice system: An examination of the interface». *Journal of Interpersonal Violence*, vol. 19, núm. 12 (2004), pp. 1412-1434.

## 6. RETALIATING WOMEN... HOW COME?

Anti-feminist scholars have long argued that IPV is not gendered and women are at least equally as violent as men, even going as far as claiming that feminist researchers «promote hatred of and bias against men»<sup>33</sup> and contending that feminist researchers falsely frame IPV victimisation as a women's issue and even accuse them to intentionally distorting evidence and exaggerating the negative consequences abused women suffer<sup>34</sup>.

Clearly, IPV has become de-gendered in recent years, thus strengthening the assumption of many that it is in fact an equal problem for both men and women. Consequences of this assumption can be seen, for example, in reduced funding of female support agencies as well as changes in public and professional perceptions. Public awareness in Australia about IPV began to increase almost 40 years ago due to feminist activism and has resulted in legislative changes and the establishment of women's refuges<sup>35</sup>. Here as elsewhere, an international anti-feminist backlash has been noted<sup>36</sup>. This can be seen examining national crime victimisation surveys. For example, in Australia, a national victimisation survey called the «Women's Safety Survey» was conducted in 1995 as a response to an awareness of female IPV victimisation by male partners in the hidden sphere of the home. However, following strong advocacy by men's rights groups in recent years, a global tendency can be observed in a shift of public attitudes on issues such as IPV affecting political decisions such as funding for projects, and even research. Ten years after the Women's Safety Survey was conducted in Australia, the «Personal Safety Survey» collected data, this time not only on women's but also men's experiences in regards to violence by an intimate partner. Analyses of the survey suggested that women continued to be victimised more often and more severely than men<sup>37</sup>. While, it cannot be denied that some men are also victimised by their female intimate partners, the nature, form and circumstances in which women are involved in the violence, as well as their motivation to utilise violent behaviours need to be acknowledged<sup>38</sup>.

Research suggests that the context in which women use violence is different when compared to men's use of violence as women are less likely to use this behaviour

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<sup>33</sup> J. MANN, «Men's rights and feminist advocacy in Canadian domestic violence policy arenas: Contexts, dynamics, and outcomes of antifeminist backlash». *Feminist Criminology*, vol. 3, núm. 1 (2008), pp. 44-75, p. 45.

<sup>34</sup> M.A. STRAUS, «Future research on gender symmetry in physical assault on partners». *Violence against Women*, vol. 12 (2006), pp. 1086-1097.

<sup>35</sup> FEHLBERG & J. BEHRENS, *op. cit.*

<sup>36</sup> K.J. LAIDER, and R.M. MANN, «Anti-feminist backlash and gender-relevant crime initiatives in the global context». *Feminist Criminology*, vol. 3, núm. 2 (2008), pp. 79-81.

<sup>37</sup> Australian Bureau of Statistics, 2006, *op. cit.*

<sup>38</sup> M. GUGGISBERG, *Enough is Enough: Why Women Become Engaged in Intimate Partner Violence*. Oxford, Interdisciplinary.Net, forthcoming.

in order to establish and or maintain power over their male partners<sup>39</sup>. Understanding why suddenly women appear to be violent and engage in IPV requires investigation of women's lived experiences, their victimisations by a violent partner as well as a system that continues to fail in providing safety and protection. It may instead even appear to condone the violence and further isolate victimised women. If empirical evidence is considered rather than myths, a clear distinction appears between the use of violence by women and men. The interested reader is referred to an excellent study on this issue by Dobash and Dobash<sup>40</sup>. It appears then that female violence is likely to be used for protection or in order to retaliate, maybe out of fear of further and more severe violence by the male perpetrator, rather than to establish power over another individual. In addition, some women may decide to retaliate themselves rather than seek help with the criminal justice system due to warranted concerns of becoming re-victimised by the authorities. These contextual issues regarding female engagement in IPV require recognition and acknowledgement by professionals dealing with victims as well as perpetrators.

## CONCLUSION

The purpose of this paper was to discuss the phenomenon of IPV victimisation as well as often inappropriate professional responses. While the difficulty to provide adequate intervention to IPV, as it is on the interface between the private and the public and often remains hidden, professionals appear to lack empirical knowledge and basic understanding of this issue. IPV has become a public problem requiring attention by statutory agencies as it is recognised as unacceptable behaviour in contemporary society. Nevertheless, relationship violence victimisation, this paper observed, continues to be regarded by some professionals as less serious or a private issue, resulting in different responses to other violent incidents. Current police responses to IPV often depend directly on personal beliefs and attitudes of attending officers who appear to hold misconceptions far too often.

From the above evidence it may be understandable why some abused women feel ambivalent about involving the police and instead opt to respond in using violence themselves. It has been argued that when abused women find criminal justice responses unhelpful they will be reluctant to involve the police. Unfortunately, it may be perceived that women appear to be increasingly engaged in IPV, which seemingly corroborates the gender-symmetry assumption of IPV. However, if the causes of women's engagement in violence against their intimate partners are examined, problematic re-victimisation is often observed. It becomes evident that the police and the public continue to hold misconceptions about this form of vio-

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<sup>39</sup> R.P. DOBASH & R.E. DOBASH, «Women's violence to men in intimate relationships». *The British Journal of Criminology*, vol. 44, núm. 3 (2004), pp. 324-349.

<sup>40</sup> *Ibidem*.

lence, which may contribute to women's decisions to retaliate rather than seeking help with statutory support agencies.

It is imperative for professionals working with women and children subjected to violence and abuse in the home to receive education and training. This will assist them to better understand the nature and motivations of women for using violence and its diverse impacts on the abused, which hopefully will result in less secondary victimisation. Unless a change in attitudes and beliefs towards abused women is achieved, they may —rightfully so— choose to «take things into their own hands» instead of reaching out for support.

