

RULE-MAKING AND ENFORCEMENT,
the violent and controlling tactics
of men who batter,

and

RULE-COMPLIANCE AND RESISTANCE,
The response of battered women

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“If we are to end violence against women, we must profoundly transform the relationship between men and women in this culture. We must engage all justice and human services systems in ending this domestic terrorism.”

Jeremy Travis, Director, National Institute of Justice, July, 1995

Rule-making and enforcement is universally practiced by men who batter their wives and intimate partners. While the scope and detail of the rules vary, the imposition of extensive, egregious rules by batterers on their partners is certain, as is the belief in the inalienable prerogative of batterers to impose and enforce rules. The tactics used to enforce the rules are influenced by the life experience of the abused and the batterer; they always involve coercion, intimidation, degradation, exploitation and violence.

All rules are not equal. Batterers create a hierarchy of rules with a concomitant hierarchy of enforcement measures. The four rules invariably most important to batterers are:

1. You cannot leave this relationship unless I am through with you.
2. You may not tell anyone about my violence or coercive controls.
3. I am entitled to your obedience, service, affection, loyalty, fidelity and undivided attention.
4. I get to decide which of the other rules are critical.

Battered women, criminal justice personnel, advocates and batterer intervention services providers around the country describe detailed lists of rules. Although few write down the rules for the “instruction” of battered women, batterers repeatedly articulate the rules as a reminder of the power of the abuser and the allegiance owed him.

One story is told of a batterer who wrote 13 pages of rules, ranging from prohibitions against contact with anyone without his express permission, directives for sexual services to be performed for him, specifications about how meals were to be prepared and served, guidelines for devotion to him in public, and procedures to mask, from him and others, the hurt and injuries caused by his assaults and degradation.

Another is told of a batterer, incarcerated for his domestic abuse, who provided his partner with a weekly schedule of activities for the family and who persuaded his brother and oldest son to monitor and report on the battered woman’s compliance with

his directives. He also gave instructions for punishing her for noncompliance, which penalties were routinely inflicted by the teen son.

Yet another specified that the battered woman must not touch, bathe, feed or dress their daughter and forbade the mother and child from speaking with each other except in his presence.

Most batterers create rules to assure that their interests are not merely ascendant. Their interests are the only ones to be honored or to which resources should be dedicated. The interests of the battered woman are subordinated to those of the abuser and are typically entertained when they also advance the interests of the batterer.

Although all batterers believe in their right to enforce these rules, they do not necessarily select the same tactics of control. Batterers usually tailor the quantum of enforcement to the seriousness of the infraction; the batterer himself being the sole arbiter of the degree of punishment merited by the breach. This weighing of the import of the rule and the punishment to follow is not, however, rationale or even necessarily predictable. The hierarchy of rules often varies with the batterer's assessment of the centrality of the rule to his power over the abused woman and the amount of rage "provoked" by the violation.

Furthermore, batterers are often strategic about enforcement of these rules. They engage in a cost/benefits analysis in exacting punishment for violation. Men evaluate the risks and likely consequences of controlling and violent enforcement. They take into consideration "the intervention factor," recognizing that violent conduct is much lower risk to them if undertaken in private, either where third parties are not aware of the violence or will not intervene. They take into account "the injury factor," minimizing the amount of injury intentionally inflicted and the visibility of the injuries to reduce the likelihood of adverse consequences. They also utilize "the efficacy factor," employing those enforcers that have proven most reliable.

Beyond this, batterers mitigate risk by engendering profound fear and humiliation in the battered woman to persuade her not to reveal the violent and degrading enforcement techniques used. They socially isolate battered women so that people who might intervene to protect are not aware of the violence and injuries. They cast aspersions on the moral character, parenting and mental health of battered women to discredit them

with those who might intervene. They develop a convincing repertoire of reasons to justify violent and coercive controls, shifting responsibility to battered partners for both the rules and enforcement. They appeal to cultural teachings about the propriety of male dominance and female subservience in marriage and relationship. In doing so, many batterers are highly ingratiating and persuasive.

Rule-making, rule-enforcement and strategies to avoid accountability and to mitigate risk often work for men who batter or at least work for a long time in the life of the marriage or relationship. Success at rule-making and enforcement through violent tactics may be prolonged where a batterer carefully constrains his conduct and the context in which he inflicts violent controls. On the other hand, should the community and the legal system not intervene to stop the violence when it is publicly disclosed, batterers conclude that the risks are minimal and thereafter exercise less caution and inflict escalated, life-imperiling violence, believing that they can continue to act with impunity. In fact, batterers too often find that community institutions will aid and abet them in controlling and intimidating battered women. Batterers apparently learn from the indifference and collusion of family, employers, friends, religious leaders, neighbors, mental health professionals, justice system actors and educators that they can do as they please.

But the picture would be incomplete without understanding the experience of battered women living with rule-making and enforcing batterers. Battered women are actively engaged in stopping the violence and seeking relief from it. Many battered women may initially conclude that full compliance with the directives of the batterer may win his love or respect and stop the violence. However, women soon learn that full compliance is not a safeguard. Violent, degrading and controlling conduct is inflicted by abusers at whim; because the batterer had a difficult experience at work, won a softball game, is mad that his favorite television show has been canceled, has no money for a fishing license, lost in video games with the children, or because the battered woman went to church to teach her Sunday School class, refused to send the children to school when they were sick, baked cookies for the Little League fund-raiser, etc.

As battered women realize that compliance will not achieve safety and as they determine that compliance with unreasonable, immoral, unfair demands diminishes their integrity and jeopardizes the well-being of the children, they begin to engage in strategic rule-resistance. The deliberation process for the battered woman considering whether to comply or resist is complex. She considers some of the following questions: Do I care

enough to resist? Is it safe, practical or important to resist? Is this a rule that must be broken to retain my integrity and self-worth? Is this a demand that will fundamentally endanger my children or myself? Is there a way around the rule? Is it possible to trick the batterer into believing I've complied when I've not? Can I live with this duplicity? Can I negotiate a modification that is less onerous? How can I mitigate the consequences of compliance and of resistance? Which is better in light of all the circumstances of my life and the consequences? Can I resist at a time and in a place where others will support me and prevent the violence? How, then, can I avoid retaliation once these potential intervenors are not around? How can I change my daily routines to avoid contact with the abuser? To protect the children when they have contact with the batterer? How can I improve the other circumstances of my life so that the violence and coercive controls don't defeat me? Who can I enlist as allies in support of me or to intervene with the batterer? What do I want them to do? Is it ethical to ask others to help me? Aren't I betraying the batterer in disclosing his violence and coercion? Is the violence worse than any betrayal from disclosure? Can I stop him myself or do I have to involve others? What can I do or ask others to do to convince this man that he has to change or he will lose this relationship? What will work?

Sometimes the resistance is immediate, not the product of a deliberative process, e.g. when battered women act to defend themselves or their children from physical and sexual violence.

The resistance strategies of battered women work best when supported by a community that is intolerant of the violence, acts to safeguard battered women and children, rejects notions of men's authority over women, intervenes to stop the violence and helps men choose to forsake violent, degrading and coercive practices and the beliefs that rationalize domestic terrorism.

When battered women are confronted with lay and professional persons who act in concert with the batterer, who blame battered women for the violence, or who merely are indifferent, they may begin to despair, sometimes concluding that "shutting down" emotionally and physically or complying, rather than acting to resist or achieve helpful intervention, will enable them to endure and perhaps survive.

As we approach the twenty-first century, it shocks the conscience that entire communities in this country, including the justice, education, religious and human

services systems, remain aligned with batterers in their rule-making, enforcement and terrorism. It is time that communities act consistently to eschew violence, to hold batterers solely responsible for their violent and coercive conduct, to safeguard battered women and children, to compel economic and social restitution by batterers, and to shoulder the responsibility for stopping the violence; tasks that have been born too long and exclusively by battered women.

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Sipe, Beth and Evelyn J. Hall, "Rule Making and Enforcement/Rule Compliance and Resistance." I Am Not Your Victim: Anatomy of Domestic Violence Thousand Oaks: Sage Publications, Inc., 258-263.