

In Her Own Words: Women Describe Their Use of Force Resulting in Court-Ordered Intervention

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Abstract

Although researchers and practitioners have established that men and women use force in their intimate heterosexual relationships for very different reasons, there is a dearth of information regarding the events that surrounds women's arrests and subsequent court orders to anti-violence intervention programming. This information is fundamental to improving Criminal Legal System (CLS) and community-partner understanding of and response to intimate partner violence (IPV). The authors meet this need by analyzing 208 women's descriptions of their arrests and subsequent court order to intervention programs for using force. From these, the authors frame nine categorical descriptions of women's actions. The descriptions and categories highlight areas for CLS and community-partners' growing understanding of this complex issue.

Keywords

domestic violence, women's use of force

Introduction

Women can and do use violence: Globally and domestically, they have been leaders and participants in political revolutions, protests against the state, acts of terrorism, and gang violence. Women have committed acts of abuse against children, the elderly, their male partners in heterosexual relationships, and their female partners in lesbian relationships (Dasgupta, 2002; Miller, 2005; Pence, 2012). Thus, there is not a

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question of whether or not women are capable of general and interpersonal acts of violence. Researchers and practitioners have well established that men and women use force in their intimate heterosexual relationships, but for very different reasons (Dasgupta, 2002; Larance, 2006, 2007; Larance & Miller, 2015; Saunders, 2002; Swan & Snow, 2002).

In this article, the authors take a closer look at 208 women's reasons for their use of force through the women's descriptions of events surrounding their arrests and subsequent court orders and other mandates¹ to anti-violence intervention programming. This information, from the words of women enrolled in violence intervention programs, is missing from the literature, yet fundamental to the evolving Criminal Legal System (CLS)² and community-partner understanding of and response to IPV. It is also a cornerstone of nuanced contextual research and ongoing innovations to community-based anti-violence programming. The women's answers to the query, "Please describe the actions that brought you to programming," were gathered from intervention program intake interview documentation and hand-written questionnaires. From the women's descriptions of the events surrounding their arrest, court order and/or mandate to programming, the authors' frame nine inductive and deductive categorical descriptions of their actions. The women's descriptions, and resulting categories, highlight areas for CLS and community-partners' growing understanding of and improved responses to this complex issue, as well as opportunities for further research and anti-violence as well as survivor support program innovation.

Background

Current criminal justice polices across the United States, designed to take IPV more seriously and stop treating offenders with impunity, have resulted in the increased arrest of women who are domestic and sexual violence survivors (Chesney-Lind, 2002; Goodmark, 2008). This unintentional turn of events is one in which police and prosecutors were especially under pressure to treat IPV as a crime deserving of attention; on the cultural front, the emphasis for change was to communicate that using violence to control, intimidate, or over-power one's partner would no longer be tolerated (Schechter, 1982). Following successful civil suits launched against police departments that failed to arrest IPV offenders was research reinforcing this action, particularly a study conducted in Minneapolis that demonstrated police arrest was a stronger deterrent to future IPV than traditional mediation or separation practices (Sherman & Berk, 1984).

Buoyed by this success, and prior to the dissemination of other domestic violence (DV)³ arrest replication studies funded by the National Institute of Justice that failed to replicate the Minneapolis findings (Dunford, Huizinga, & Elliott, 1989; Hirschel, Hutchinson, Dean, Kelley, & Pesackie, 1990; Pate, Hamilton, & Annan, 1991; see generally Sherman, 1992), mandatory and pro-arrest policies became commonplace across the country. There was concern from the beginning that women from minority and economically disadvantaged communities would especially bear the brunt of this policy change (Miller, 1989; Richie, 2000). Concomitantly, although more male

offenders were arrested, women with survivorship histories were also swept up in the increased arrests (Haviland, Frye, Rajah, Thukral, & Trinity, 2001; Henning & Feder, 2004; Rajan & McCloskey, 2007).

This net widening reflects the consequence of a gender-neutral arrest policy for IPV that ignores context: specifically, motivation, consequences, and injury involved. Work transpiring since new arrest policies became institutionalized and commonplace has unequivocally demonstrated that vast differences exist vis-à-vis the reasons men and women use force in relationships (Dasgupta, 2002), and that the incident-driven CLS largely does not consider the complexities of women's use of force in intimate relationships, thus criminalizing victimization (Miller, 2001; Klein, 2004). As McMahan and Pence (2003) point out, ". . . the arrests of women for domestic violence tell us more about the complexities of criminalizing domestic violence than they do about women's use of violence" (p. 63).

Barring an understanding of women's use of force, police have arrested women with long victimization histories who use force in self-defense against their abusers (O'Dell, 2009). Trained to respond to criminal violations, police arrest and often assume any issues will be resolved at the prosecutorial charging stage, as indicated by police officers during a ride-along component of research reported in Miller's (2005) work: "I don't go there to figure out what happened. I don't care what happened. My job is to decide whether or not a criminal act occurred and if so, what criminal act and who committed it" and "I don't look at it that deeply. They teach us to just look at the surface. What do you see here and how and who. I can't go into that other life stuff with them. We are just a Band-Aid" (pp. 75-76). By the time this happens, however, even if prosecutors recognize the women arrested were victims responding in self-defense, the effects of arrest are already consequential.

Following their arrest, women typically find themselves in a court system where their tendency to detail every aspect of their "wrong-doing" only contributes to the punitive measures taken against them (Larance, 2007; Miller, 2005). Women who have survivorship histories—mystified about their arrest, frightened of going to jail, and not knowing what would happen to their children—often take "a deal" (i.e., plead guilty in exchange for a mandated treatment program and not having to stay in jail overnight; Miller, 2005) they interpret as setting them free to care for their children and also untethering them from a trial system that would cost them money they do not have.⁴ The result has been and continues to be that many women who fought back against their abusive partners now have a violent criminal record that directly affects future child custody, employment, immigration status, native women's right to be on tribal land, and housing prospects.

After arrest and a guilty plea, women in many jurisdictions are then court ordered to intervention as a condition of their probation (Larance & Rousson, 2016; Miller, 2005; Osthoff, 2002; Worcester, 2002). Ironically, it is Batterer Intervention Program (BIP) facilitators, skilled in providing services for men who abuse their partners, who have been tasked with accommodating the influx of women with survivorship histories now court ordered to intervention (Larance, 2006; Pence & Dasgupta, 2006). In short, they are expected to "add women and stir" (Chesney-Lind, 1988).

Court-ordering women with survivorship histories to BIP's—programs designed to address male battering behavior—has challenged advocate-BIP facilitator relationships across communities. Although there is a mutual desire to “do-no-harm” while reducing IPV, there are conflicting ideas about how court-ordered programming can accomplish that goal (Dasgupta, 2002; Gardner, 2007; Larance & Rousson, 2016; Worcester, 2002). But given that force has been used, regardless of the motivation, support and intervention are needed. Innovative services grounded in a “healing place” philosophy—distinctly different from BIPs—that encourage accountability and non-violent options are promising (Covington, 2014; Dieten, Jones, & Rondon, 2014; Larance, 2006; Larance, Hoffman-Ruzicka, & Shivas, 2009; Pence, Connelly, & Scaia, 2011).

At the Intersection

Culture (Bui & Morash, 1999; Yoshihama, 1999), economics (Brush, 2011), and the diversity of women's experiences shape institutional responses to their behavior. For marginalized women, these intersecting realities (Crenshaw, 1991) often dramatically increase the likelihood that they will be criminalized for their use of force against abusive partners. Women of color are particularly at risk of arrest (Potter, 2008; Richie, 1996, 2012; Sokoloff, 2005; West, 2002, 2009), as are South Asian immigrant women (Dasgupta, 1999, 2002; Roy, 2012), those who are physically disabled (Ballan & Freyer, 2012), and women who identify as lesbian (Ristock, 2002). Likewise, women consuming alcohol at the time of a violent incident are more likely than their intoxicated male partners to be identified by police as the primary perpetrators (Hester, 2012). Bringing attention to this “gendered injustice” (Renzetti, 1999) is a fundamental aspect of understanding and effectively addressing women's use of force.

Intervention

As an arrested violence-involved woman makes her way through the CLS labyrinth, she often finds that her survivorship history is not considered relevant to her situation (Goodmark, 2008; Richie, 2015). For African American women, there is the added dimension of being placed within the framework of White middle-class women's experiences; in short, “add women of color and stir” (Potter, 2008). In other words, knowledge of a woman's relationship history and cultural considerations are essential to providing effective, gender-responsive, trauma-informed (Bloom, Owen, & Covington, 2004; Gilfus, 1999) services that are culturally competent and, therefore, tailored to women's diverse needs (Larance, 2006; Larance & Rousson, 2016). However, many intervention providers struggle with the ethical implications of providing court-ordered services to women who are often abused themselves (Gardner, 2007). Others may also be unaware of how to provide gender-informed intervention services to these women in a manner that encourages accountability for the actions used, addresses possible trauma histories, and emphasizes non-forceful alternatives to navigating their relationships.

Intervention providers and the court-ordered women find themselves in a catch-22 situation: Programming provides anti-violence information and alternatives to court-ordered women but women must attend the groups or they will be in violation of probation. Therefore, it is imperative that programming be designed with a clear understanding of the complex dynamics of women's use of force in terms of how the motivation, intent, and impact largely differs from that of men who use violence against women. It is that understanding that provides the space where women can receive the information, integrate it into their daily lives, and increase their violence-free interactions (Larance & Rousson, 2016). Understanding how women identify the situation that brought them to programming is central to improving CLS response, intervention, and research in this area.

Words Matter

Language defines how we see ourselves and often how others see us. For women who have experienced domestic abuse and violence at the hands of their intimate partners, and then used force against those or subsequent partners, language presents multiple challenges at arrest, in the courtroom, when seeking services, and during intervention. At the time of arrest, women are more likely than men to detail what they have done, than what has been done to them. This contributes to the likelihood that they will be arrested instead of or in addition to the men who have abused them. Goodmark (2008) points out that in the courtroom, there is an expected narrative and presentation to which women must conform if they want to achieve a just outcome. In the Duluth coordinated community approach to achieving justice, Asmus (2004) offers the rationale for prosecutorial differences in treatment of criminal charges for assault against a batterer and for assault charges against a battered woman: They are inappropriate when viewed within the larger cultural context which recognizes the different reasons and consequences of the use of force.

Similarly, battered women's shelter help-line volunteers, the frontline gatekeepers for services, often refuse entry to women seeking shelter because the women neither embrace "victim" language nor do they identify as fearing their partners (Larance, 2015). Some women's advocates do not see it as their role to work with women who have used force (Dichter, 2013; McMahon & Pence, 2003), whereas others struggle with the reality that "someone's abuse is not the central meaning-making incident in their lives" (Lamb, 1999, p. 113). As Lamb (1999) points out, women with survivorship histories who have used force often do not identify with a "victim" category because that category is "too lofty"; it suggests they have survived against all odds, when many women perceive themselves as simply trying to get through their day (Larance, 2012). This rejection is also due to socio-cultural messages harnessing women's belief that because they have endured the abuse, they have been weak, and weakness is shameful.⁵

By the time a woman meets with a court-ordered intervention provider, she has learned that her use of force, often in the midst of her abuse, is what now defines her above all else. Thus, language becomes a critical tool in allowing her to author her

own experience and move forward. To this end, the term “use of force” is used among feminist, context-based practitioners and researchers to emphasize that her actions were used as an attempt to gain short-term control of chaotic, abusive relationship dynamics (Dasgupta, 2002). Whereas “battering” indicates the ability to establish and maintain power and control throughout the course of the relationship (Schechter, 1982; Stark, 2007), the establishment and maintenance of which are often independent of any violence. Coercive control, rather than violence, is what gives one individual battering another the ability to gradually erode an individual’s personhood (Stark, 2007), without ever breaking the law. This ability, Anderson (2009) points out, is fundamentally gendered given the entitlement culturally, historically, and systematically possessed by men. West (2009) expands upon this from a cultural perspective explaining, “Black women’s use of force occurs within the context of gender inequality in which their aggression lacks the same meaning and impact as their male partner’s violence” (p. 93). Swan and Snow’s (2003) work found that Black women who had assaulted their partners, sometimes severely enough to cause injuries, had mental health problems as a result of the abuse, and generally lacked the power to use coercive control to terrorize and/or subjugate their male partners. This kind of power is not something women typically have access to, according to Pence and Dasgupta (2006):

While it is not unusual for a woman to use violence in her intimate relationship, it is exceptional for her to achieve the kind of dominance over her male partner that characterizes battering. Social conditions, which do not condone women’s use of violence, patterns of socialization, as well as the typical physical disparities between the male and female of the species, make the woman “batterer” an anomaly. (p. 6)

Women participating in group support and intervention programming often point out that when they have tried to establish control by over-turning furniture or throwing objects, for example, their abusive partners have simply laughed at them and then escalated the violence against them.⁶ Similarly, Swan, Gambone, Lee Van Horn, Snow, and Sullivan’s (2012) findings of women who used physical aggression against their male partners, reported greater victimization of the women. Their work points out that gender differences in physical strength interact with women’s victimization and use of force against their intimate partners.

Gendered Actions

The issue of women’s use of force in intimate heterosexual relationships has been explored from the perspective of whether or not women’s use of force is equivalent to men’s in terms of blow-for-blow actions. Despite extensive contextually based research demonstrating that women’s use of force is not equivalent to men’s battering tactics (see Hamby, 2014) and the types of threats differ greatly (Goetting, 1999), critics utilizing quantitative surveys and/or large samples using checklists void of context continue to assert otherwise (Archer, 2000; Straus, 2014). However, that conversation will not be replicated in this article, as this work utilizes qualitative data rather than quantitative checklists.

Several earlier efforts to better comprehend and understand women's use of force have guided our own conceptualizations of categorical development. Pence and Dasgupta (2002) theorize five possible categories for violence perpetrated against intimate partners: battering, resistive/reactive violence, situational violence, pathological violence, and anti-social violence. Within the resistive/reactive category, the authors explain that the major goals for survivors are to (a) escape and/or stop the violence and (b) establish parity in the relationship. Using interview data with a community sample of 108 women⁷ mostly recruited from an inner-city health clinic, who used physical violence against a male intimate partner, Swan and Snow (2002) develop four typologies of women's violence: 34% of the women were classified as victims (with 19% of these designated as "Type A victims, in which the partner committed more of all types of violence than the woman committed against him, including moderate violence and/or emotional abuse [19% of the sample]; and Type B victims, in which the partner committed greater levels of severe violence and coercion, but the women committed more moderate violence and/or emotional abuse [15%]); and only 12% of the women were classified as aggressors" (pp. 301-302). Johnson (2005) conducts secondary analyses of Frieze's (1983) data from married couples in Pittsburgh in the 1970s and develops four general types of violence: intimate terrorism, violent resistance, mutual violent control, and situational couple violence; women are more likely to be victims of intimate terrorism (husbands engage in this 97% of time compared with wives' 3%) but wives fit into the violent resistance category when using force against their abusive partners (96% of wives use violent resistance compared with 4% of husbands; see also Johnson & Leone's, 2005, study using data from the National Violence Against Women Survey; Johnson, et al., 2014). Miller (2005), using primary data collected from 95 women in one state's intervention program developed specifically for women who use force in relationships, finds three categories that best capture the women's actions: (a) generalized violence (5%)—women violent with strangers, neighbors, partners, and so forth; (b) defensive violence (65%)—women who used violence defensively, trying to get away during a violent incident or trying to leave to avoid violence. Typically, male partners were first to use violence. When women perceived their children were in danger because of men's violence, they acted aggressively to make their partners stop—so force used by women was in response to either an initial harm or a threat to them or their children; (c) frustration response ("end-of-her-rope"; 30%)—women who did not initiate the use of force, but responded aggressively when nothing else seemed to stop their partners' behavior; many had known histories of violence.

Finally, Valli's (2007) work on resistance, called "edgework," highlights some women's intentional behavior "behind the scenes" of the relationship, which is strategically meant to "set the record straight" between her and her abusive partner. He has physically abused her in the past and she has learned that responding outright with force puts her in greater danger in this relationship. Therefore, by engaging in "behind the scenes" actions against him—such as purposely wrinkling his freshly dry-cleaned shirts that he believes are ready to be worn to the next morning's board meeting—she is able to maintain some measure of control of the relationship, if only from her perspective. The edgework is intended to inadvertently aid in damaging him, his work, his

image, his belongings, his extended relationships, but if confronted by him, she can easily attribute the damage to something other than herself.

With this in mind, our challenge was to explore women's narratives that explained what actions resulted in their arrest, brought them to group support and intervention programming, and to then determine whether or not the deductive categories in the research adequately encompass the range of women's experiences using force, using a larger and more racially/ethnically diverse sample.

Method and Analysis

Because women's use of force is particularly complex given relationship dynamics, motivation, intent, and impact of the actions used, we begin with a case study: RyAnn's⁸ story.

RyAnn attended one of the intervention programs in this study and is included in the 208 women's descriptions that were analyzed. Her description of the events that brought her to programming illustrates the complexity of this issue as well as the need for informed intervention. When RyAnn, an African American woman, was a member of the military she was arrested for beating her husband, Jerome, in their apartment. She had purposefully boobie-trapped their home to prevent Jerome from escaping. Once ordered to services, the intervention provider saw this as a "unique" situation and encouraged RyAnn and Jerome to meet together for counseling.⁹ She then explained to RyAnn, in front of Jerome, that RyAnn was the "batterer" in the relationship. How? By using the Power and Control Wheel (Pence & Paymar, 1993) to point out that the actions RyAnn used against Jerome are shown on this tool as battering tactics. The intervention provider did not convey the message that the Power and Control Wheel was developed by battered women to detail abuse perpetrated against them by their male partners, and lacks the necessary context to be useful when confronting women with their use of force. The intervention provider's actions are also problematic because she did not probe further about RyAnn's relationship history. If she had, RyAnn would have had the opportunity to explain that since their marriage, Jerome had drug RyAnn behind their car, beaten her with a metal pole until she was partially deaf, and countless other incidents in an effort to "remind" her who was in control and what would happen if she did not submit to that control. Days before the presenting incident, RyAnn asked Jerome, "Does the fact that I fight back let you know that I'm not gonna take it?" Jerome replied, "You're just like an untamed animal. I'm gonna tame you." These details do not excuse RyAnn's use of force. They do, however, dramatically inform the course of intervention.

The night before the incident RyAnn learned that Jerome was having an affair. She saw no other option but to challenge his coercive control and infidelity by boobie-trapping the apartment and then, when confronted by him, attempting to beat Jerome. RyAnn later explained, in a different intervention setting, that she had "lived through all of the hell" in the relationship and was not going to passively stand by while another woman was getting what RyAnn felt she deserved after all of the abuse: harmony and love. RyAnn needed to learn alternative ways of expressing herself that did not include

violence. But is RyAnn a batterer in need of batterer's intervention? What happened during and after the incident is instructive. Jerome grabbed RyAnn and beat her until a neighbor called for an ambulance. "When the police were there," RyAnn remembers, "I felt I had to fill in the gaps but it turned into them thinking I was telling on myself. The police didn't care." The police arrested RyAnn due to her voluntary admission that she boobie-trapped the house and hit him first this time. It is important to note that at the time of arrest, the officers have the opportunity to decide whether a woman who has used force is a batterer (often defined as a primary aggressor) who uses violence as one of many power and control tactics over her partner and, therefore, should be arrested; someone who is engaged in self-defensive actions and should not be arrested; or an individual occupying a space where further distinctions need to be made, which may or may not result in arrest.

This "space for distinction" is largely comprised of women like RyAnn who use non-self-defensive force to navigate their partner's abusive behavior. After hospitalization, Jerome began stalking her and threatening RyAnn's life. Because Jerome would not stop stalking and threatening her, even when surrounded by his superior officers who were cognizant of his violence at home, RyAnn fled to another state. Despite the intensity and breadth of RyAnn's experiences with this man, RyAnn believed the intervention worker who labeled RyAnn as a "batterer" because she indeed had used force. RyAnn acknowledges that she broke the law and physically hurt Jerome. Her actions, however, did not put Jerome in fear or her in control of the relationship. Instead, her aggression escalated Jerome's violence against her. In RyAnn's words, "I made it harder on myself by fighting back because he just beat me more." RyAnn's actions were motivated by her desire to restore her dignity while hoping to establish her own autonomy. She wanted the violence and infidelity to stop and chose force as a last resort. Ideally, intervention would provide RyAnn the opportunity to explore her relationship history as she addressed the shame she felt for using force, while also exploring non-forceful options to assert her dignity. The next section details our analysis using the women's narratives.

Women's words and daily life experiences are important for both contextual understanding and because they occur and are interpreted within a gendered, patriarchal context that often trivializes or disregards diversity of experience. In using their narratives, we follow Smith's (1989) feminist standpoint theory in that the women themselves can best see and understand their world, particularly given their position of marginalization by the CLS and in relation to dominant positions of White, male privilege (Harding, 1987).

The authors' professional positions provided opportunities to connect with service providers conducting work with women court ordered to IPV treatment programs in two states. As part of the service providers' program, trained social workers coordinated the intake materials and case notes for the program participants. The data set used in this present study was constructed by using these summaries, which were either transcribed verbatim during intake assessments or copied from women's written summaries. Specifically, the program participants were asked to respond verbally or in writing to the query, "Please describe the actions that brought you to programming."

Table 1. Categories.

| | Asserting Dignity | Self- Defense | Aggressive Use of Force | Anticipatory | Both Use Force | Edgework | False Accusations | Partner Self- Inflicts | Horizontal Hostility | Grand total |
|----------------|----------------------|------------------|-------------------------------|--------------|----------------------|----------|----------------------|------------------------------|-------------------------|----------------|
| Grand total | 79 | 61 | 2 | 8 | 1 | 4 | 32 | 4 | 17 | 208 |

Over a period of 6 months, data from 288 women were compiled, representing two different regions (the Midwest and East Coast) from two separate intervention programs. However, 208 women’s cases were finally analyzed given that they fit the criteria for having been court ordered to intervention. Although it is beyond the scope of this article to examine women’s victimization experiences across their life course, more than 75% of the women identified survivorship histories that involved their current or past partner. We began by sorting the women’s descriptions, both from practitioner case notes and the women’s written summaries, about the actions that resulted in their arrest and then referral to programming to deduce categories present in the existing literature and mentioned earlier in this article. After we separately coded 40 cases from Sites A and B, we compared results and refined categories, adding new categories when at least three case descriptions did not “fit” into existing categories, and expanding definitions when there were subtleties exposed that provided more information but not enough of a difference to create a new category. This began an iterative process in which we went back to the original 40 cases and re-coded, based on the refined categories. Approximately, 53% of the sample fit neatly into those categories but did not fit with other women’s narratives. Five new themes emerged that more clearly captured the women’s experiences and four themes confirmed categories used in previous work; in total, nine deductively and inductively derived categories (Table 1), with 208 women, convey¹⁰ the range of women’s experiences. The deductive categories are derived from extant research that designates women’s use of force using similar categories.¹¹ They include Aggressive Use of Force, Anticipatory, Both Use Force, and Self-Defense. The inductive categories include Asserting Dignity, Edgework, False Accusations, Partner Self-Inflicts Injuries, and Horizontal Hostility. We then added three additional coders who went back to code the 40 cases and then expand to code the full sample. One of the additional coders was a graduate intern in an IPV intervention program, whereas the other two members of the research team were university honors students trained in this methodology. All five coders independently assessed and coded each woman’s descriptions using the emergent categories. When there was disagreement, discussion ensued until a resolution was reached; sometimes this entailed looking at the case file for additional information. Ultimately, 96% interrater reliability was achieved between the five coders. The total sample (Table 2) is very diverse in terms of race, ethnicity,¹² and age. The youngest woman was 17,¹³ whereas the oldest woman was 66 years old; 84% of the women indicated having children.

As stated, the initial analysis of 288 women’s responses to “Please describe the actions that brought you to programming,” yielded 13 categories. However, four of the

Table 2. Data Set by Racial Breakdown.

| | Asserting Dignity | Self-Defense | Aggressive Use of Force | Anticipatory | Both Use Force | Edgework | False Accusations | Partner Self-Inflicts | Horizontal Hostility | Grand total |
|----------------------|-------------------|--------------|-------------------------|--------------|----------------|----------|-------------------|-----------------------|----------------------|-------------|
| African American | 27 | 26 | | 2 | | 2 | 6 | | 8 | 71 |
| Caucasian | 45 | 33 | 2 | 4 | 1 | 2 | 22 | 4 | 9 | 122 |
| Other women of color | 7 | 2 | | 2 | | | 4 | | | 15 |
| Grand total | 79 | 61 | 2 | 8 | 1 | 4 | 32 | 4 | 17 | 208 |

categories (using force against someone other than an intimate partner [59], using force against a lesbian partner [16], referred by someone other than the CLS [four], and voluntarily enrolled [one]) were beyond the scope of this article. Therefore, the final analysis included 208 women comprising nine substantive categories including (Table 1) Asserting Dignity, Self-Defense, Aggressive Use of Force, Anticipatory, Both Using Force, Edgework, False Accusations, Partner Self-Inflicts Injuries, and Horizontal Hostility. Table 2 displays categories by race.

Findings

To illustrate the nine categories detailing the experiences of 208 women, we provide a description of each category followed by an example in the women's words. Seventy-nine of the women's descriptions of their incident are defined as "Asserting Dignity." Practitioners have observed that women describe using "self-defense," during intake assessments and group sessions in multiple ways that do not meet the legal criteria for "self-defense." Therefore, the term "defense of self" is used during some intervention groups to denote women's attempts to protect the essence of who they are rather than be confused with the legal terminology of self-defense (Larance & Rousson, 2016). The term "Asserting Dignity" builds upon these observations. Asserting Dignity is defined here as women seeking autonomy by using non-self-defensive force in the midst of batterers' ongoing demonstrations of coercive control. By doing so, women are resorting to actions, typically against the law, meant to show their partners, "Stop! I have had enough!" His actions that precipitated her use of force, however, may be coercively controlling (Stark, 2007) and, therefore, not punishable as a crime. This category captures the women's stated desires and subsequent actions to regain self-respect. Women in this category take action because they feel a level of disrespect that violates the essence of who they are as people. For example, Donna explains,

My ex-partner had been harassing me and down my back for some time, in front of my daughter, while I was dropping her off for a Wednesday night visit. So as he was down my back calling me terrible names I turned around and threw my keys at his face as a "stop" method. He called the cops on me and I was arrested an hour later. Lesson: Never let a man get you out of character!!

When faced with being ridiculed and actions meant to gradually erode the essence of who they are, the women choose to assert their dignity by resorting to force. Denise explains,

We had been drinking and then started arguing, I don't even remember about what. But then he called me a bitch and a whore and other stuff he calls me when he wants to hurt me so I punched him. I take complete responsibility for it. He called the police and I got arrested.

Sixty-one of the women utilized "Self-Defense," physically defending themselves or fighting back to protect themselves and/or their children when they perceived imminent abuse, or their partner was physically attempting and/or actively assaulting them. Rhonda details her experience:

He wouldn't let me leave and was trying to rape me. I grabbed three large kitchen knives and held them all up with my back up against the front door. His mother tried to get in the middle after he took a bat out. I tried to run but he called the cops and I got arrested for threatening him with knives.

According to Taneisha,

We dated for 7 months before he was incarcerated. He was incarcerated for 5 years and we got right back together. The night this happened he promised he would be at my house at a certain time. He was late so I went looking for him and he was at his mother's house. He told me I couldn't come in because he was selling crack to a customer inside. I refused to stay outside. I told him I was going inside to see who the customer was because I just knew he was cheating on me with whoever was inside that house. So I went in the house and found a woman with a crack pipe sitting in the guest bedroom. I told him I wanted to see that woman smoke the crack pipe to prove he wasn't having sex with her. This made him mad. He grabbed me and started punching me and I ran into the living room and grabbed a knife. He tried to get the knife from me and I cut both of us. I got free and called 911. I ended up getting arrested but I was the one who had bite marks from him.

The circumstances of Taneisha's situation illustrate how women's self-defensive actions in particularly complex settings may be overshadowed by the events surrounding them. In Taneisha's case, for example, CLS personnel and intervention providers perceived Taneisha as "deserving arrest" because she knowingly witnessed a drug transaction.

Two of the women's actions were categorized as Aggressive Use of Force. Aggressive Use of Force is defined as her use of force in the presenting situation (which led to her arrest) and not mentioning, or giving any indication during the intake assessment or throughout programming, a history of abuse by a past and/or present partner. For example, Sarah did not identify a history of being abused by her partner or anyone else but she did explain that she was tired of him:

We were at a [college] football game. He is my first real boyfriend. We have been together since high school and my parents like him. While we were watching the game I left to call another guy, someone I like. When I went back to sit with him I told him and we started to fight. We kept fighting and when we were leaving I fell down and when he tried to help me up, in front of campus police, I hit him. I didn't want him to touch me.

Sarah's stated lack of a survivorship history and explanation that she was "tired" of her boyfriend suggest that her Aggressive Use of Force was motivated by the desire to end the relationship and physically, as well as emotionally, hurt her partner. Similarly, Claudia did not identify a past or present survivorship history and explains,

I was told I have to be here by my housing support counselor. I frequently lose it with my boyfriend who lives in the apartment above me. The police were called a few times when we had a fight in the front yard but nothing happened.

Anticipatory is a category shared by eight women. This category is defined by her use of force as a result of historical substantive harm from her current and/or past partners. However, she did not respond with force against the previous abuse. Although she is not currently being abused, she believes abuse is inevitable. Breanna explains,

Four years ago we had a big fight about another woman he had a relationship with. When we were arguing he threw me down on the bed and held me down so hard that he broke my arm and collarbone. I had to be in the hospital for a while. He agreed to be in your [BIP] but I still never recovered from what he did. After [our] baby was born I have been more aggressive and hit him more than once. I know it's not an excuse but it feels like I never recovered from what he did to me.

One woman's description of her situation was categorized as "Both Use Force." This category is defined as neither partner appearing to be the primary aggressor but both partners using force. During the woman's description of the incident, she did not distinguish who was the "victim" or "offender" in the relationship and did not provide further details of the situation. Tina explains,

We got into a physical altercation. A huge fight after a night of drinking. There was physical and verbal abuse. Oh yeah and a gun. The gun was never aimed at anyone, just grabbed to be put away out of fear.

Women (4) who intentionally engaged in behavior behind the scenes of the relationship, with the goal of strategically setting the record straight between them and their abusive partners, were utilizing "Edgework." Alexandra details her experience with "edgework" as follows:

First let me tell you this is not like me. I am a student [. . .] I had never done something like this. Even though [my boyfriend] and I were in a cycle of hooking up-fighting-making up I was really hurt when I saw another girl's name on his computer. Anyway, he loaned me his laptop. I opened it up and I saw an icon on the desktop that said "[woman's name]'s Password." I think he wanted me to see this. I opened the icon and over the next 4 to 6 weeks forwarded her emails to her family, friends, ex-boyfriends. . . . One of those emails I forwarded was an email from [the other woman] to my boyfriend saying she had missed her period and thought she was pregnant. I intentionally forwarded that email to [the other woman's] mom.

Alexandra¹⁴ later learned that her boyfriend, in fact, had intended for her to see his new girlfriend's password, hoping to hurt her and end the relationship. This, however, does not make her actions any less harmful or excuse what she did. But by understanding the components of Alexandra's actions as Edgework, intervention providers are better able to tailor effective services.

"False Accusations" were experienced by 32 women. This is defined as her partner embellishing events from the incident to leverage law enforcement against her and subsequently have her arrested. Laura explains,

I was moving out and he got abusive with me. I was loading my stuff into my car because I was done and was leaving him. He tried to take my Xbox and I slapped him. He called the police and told them I “bear hugged” him, pushed him to the ground and beat him. Come on. He is 6’2” and 250 pounds and I am 5’3” and a 100 pounds but they believed him. He didn’t have a scratch on him. The officer said that someone had to be arrested and taken off the property. I voluntarily told the police that I slapped him so I was arrested. Now I can’t use my degree in early childhood education.

Thus, despite the obvious physical disparity, Laura’s inclination to take responsibility for her actions resulted in her arrest and subsequent collateral consequences of court fines, probation, and an intervention mandate.

Seventeen of the women utilized Horizontal Hostility in their situations. This is understood as when a woman’s use of force, commonly orchestrated by him, is against a third party. Although the third party is also female, she is not in an intimate relationship with the woman. Instead, the third party is usually a past or current girlfriend of his. This “other woman” becomes the target of her aggression. According to Xena’s experience,

I thought we had a good, healthy marriage so I was shocked when he told me he wanted a divorce. I was so upset I couldn’t work. I couldn’t do anything. I was very depressed. So we split up and I moved in with my grandma. The day before the incident [he] kept calling me at work and telling me to come and get my mail at the house. The next morning I went over there to get the mail, around the time he has usually already left for work. I saw another car in the driveway that I didn’t recognize so I was a little bit curious. I got in there and found [him] having sex with another woman. I went crazy. He pinned me to the ground but I got free and started attacking that woman. Then I hit and punched him and I ran outside and started smashing her car windows out. [He] called his best friend who is a police officer and I was, obviously, arrested. I know he set me up for all of this. All of it.

The “Partner Self-Inflicts Injuries” category was experienced by four women. It is defined as the woman’s partner self-inflicting scratches or other physical wounds on his face, abdomen, arms, or elsewhere, typically after the abused partner has withdrawn and before the arrival of law enforcement. For example, Terri explains,

The evening it happened I called my husband to ask him to come home to help with our son who was sick. When he answered the phone I realized he was out with his mistress again, he promised no more extra marital affairs. He came home when I was getting into bed and he got into bed too, even though I asked him not to. He denied being with her so I grabbed for his wallet to look for proof of a dinner receipt or something. He grabbed my hand and laid on me. I tried to get free and accidentally scratched his belly so he called the police. While the police were on their way over he locked himself in the bathroom and scratched himself all over the abdomen, chest, arms. When the police arrived he said I had scratched him over his entire body and then squeezed his testicles until he almost passed out. The police arrested me. You couldn’t see the bruises on my arms yet.

Discussion

The substantial number of women (79)—of many backgrounds—within the “Asserting Dignity” category brings attention to the critical importance of understanding context, “who is doing what to whom and with what impact” (Pence, n.d., p. 2). It is that which occupies, what we earlier introduced, as the space where distinctions must be made. According to McMahon and Pence (2003),

... a woman’s use of violence must also be understood in the context of the whole relationship, rather than in the context of the specific incident that occasions criminal justice intervention. A woman may or may not hit back at the moment when she is being beaten or abused—many women will not, as they realistically fear that any display of defiance will result in an even more brutal beating. Rather than simply “taking it,” however, some women will choose a safer and more strategic moment to “hit back”—to symbolically assert their dignity as persons and signal to themselves and their partners that they will not simply take it. Other women, in fact, hit back when they are being beaten. In doing so, they might protect their bodies and their lives, or their attacker may end up using even more brutality. But some women reach a point when they no longer care about an abuser’s reactions to their acts of self-protection, when protecting fragments of self-worth is more important than stopping the fragmentation of flesh and bones. (p. 51)

Caucasian (45), African American (27), and other women of color (7) predominantly fall into this category. For the African American and other women of color, this may be the result of the “angry black woman” (Potter, 2008, p. 6) stereotype contributing to the arrests of women who are simply refusing to put up with the degradation and abuse any longer. By symbolically asserting their dignity these women, brought to the attention of the CLS, unexpectedly become criminals. This is a human rights and social justice issue that demands nuanced intervention from all community partners (Pence, 2012). Re-thinking the reliance on the CLS must also be part of future solutions. Of course, women survivors are held accountable for their use of force, both by themselves and by the CLS, but failing to understand the context of their actions treats all acts of violence as equivalent regardless of motivation, intent, or impact. The extensive number of women whose depictions of the arrest incident fell within the Self-Defense category also clearly indicates that more work must be done to educate law enforcement as well as be proactive about addressing DV among its primary perpetrators: men who abuse women. This category suggests that the only difference between a woman’s court order to intervention and encouragement for her to seek voluntary survivor support services may be the extent of the responding officer’s investigation. Furthermore, particular attention needs to be paid to how police responders may be influenced to arrest, or not arrest, given the circumstances of the situation. In Taneisha’s case, her use of force took place during a drug purchase. Primary aggressor training, common in many police departments across the country, help officers differentiate between what may appear to be one way on its surface but is actually very different once the full details emerge, and could be extended to explore how a victim could be in a dangerous situation. Training

for police and intervention providers must also address the role personal discretion plays in determining “deserving” versus “undeserving” survivors based on situational circumstances (Chesney-Lind & Irwin, 2008).

Only two women fell within the “Aggressive Use of Force” category and one of 208 women was identified in the category of “Both” her and her partner using force against one another, rather than one being the dominant or primary aggressor. These numbers strongly suggest that the trend of either arresting women as dominant aggressors or mutual combatants is misguided (Dichter, 2013). When the scene is chaotic and stories conflicting, law enforcement officers may arrest both people, “so the courts can figure it out.” A police officer in Miller’s (2005) study pointed out,

We see cross-charging quite a bit, where the police can’t determine who the aggressor is: you know, he says that she scratched him and she says, well, he hit me first and that’s why I scratched him. And the police may cross-charge because they can’t make a determination, which is real difficult for our office because then we have to mesh out who was the aggressor. And to tell you the truth, we can’t always tell. (p. 85)

Once the arrest happens, it is too late to extract survivors from the CLS. A possible solution to this situation may be seen in the city of Duluth’s Crossroads Program (Asmus, 2004). In 1999, the City Attorney’s office adopted a policy in which prosecution of offenders, for minor resistive violence, is not automatic. Concurrently, the Duluth police department agreed to not arrest victims of ongoing abuse who have retaliated with minor violence. “By not treating victims of battering as batterers the Duluth community has not found women’s use of violence to rise, but rather to fall” (Pence & Dasgupta, 2006, p. 16).

The categories “False Accusations” and “Partner Self-Inflicts Injuries” upon himself demonstrate what battered women’s advocates have known for years: Men who batter women manipulate the CLS (Dichter, 2013). As a shelter worker revealed,

We’ve had guys wound themselves, cut themselves, and say “She did it!” and know that she is going to get in trouble, and often these are guys who have been perpetrators for some time. And they’ve learned to do that through their experience with the system. (Miller, 2005, p. 81)

Their manipulation is another demonstration of their societal and institutional entitlement, which so often makes men’s violence against women the precursor to women’s use of force.

Seventeen women’s experiences with “Horizontal Hostility” suggest that a closer look must always be taken to better understand who orchestrated the events that led to the presenting incident. This is particularly important in the course of intervention programming not because it excuses her use of force, but because it allows for a full spectrum of information that enables effective intervention. By breaking the law for use of force against a third party, her actions may be overlooked as “stranger” violence rather than motivated by IPV. Such distinctions are critical to effectively addressing possible survivorship issues that may otherwise go unnoticed.

Conclusion

By amplifying the voices of arrested women court ordered to intervention, our work constructs a typology of how women describe the incidents that brought them to services. These categories should be understood as overlapping and evolving rather than mutually exclusive and static. The women's words begin the process of creating a language for first responders to better understand the complexity of women's actions, practitioners to improve interventions, and researchers to further investigate the nuances of women's forceful actions. This work is intended to explain how the women view their use of force to contribute to the conversation regarding appropriate community-wide responses. To reduce violence and increase family safety, women who have used non-self-defensive force against their partners, be they survivors or not, need an appropriate response to their actions. But holding survivors accountable, particularly those who are survivors in their current relationships, is a nuanced, community-wide challenge demanding innovation. Such innovation must be founded upon the recognition that many of these women, as RyAnn's story details, perceive themselves with limited alternatives. With limited options they resort to using force, which puts them and their loved ones in greater danger, often brings them tremendous personal shame, and introduces a constellation of collateral consequences.

The women's descriptions emphasize that coordinated community response partners must be tireless in their efforts to train first responders, encourage police to look for the "space for distinction" at the time of arrest, innovate with sentencing practices, utilize gender-responsive probation monitoring (Morash, 2010), cultivate advocates' efforts to more deeply understand and effectively intervene in the lives of women, create intervention tools that speak to women's gendered experiences with violence perpetration, and think well beyond BIP programming as a viable intervention option for women who have used force. Programming practices must be intentional as well as flexible enough to respond to this issue in a gender-responsive, trauma-informed, culturally competent manner. Such efforts are crucial to the safety of women and their families.

A limitation of this work is the need for additional context regarding women's descriptions of events that resulted in their court order to intervention. This limitation could be addressed by future qualitative interviews and focus groups with women court ordered to intervention for their use of force. An additional limitation is that only two geographical areas of the United States were represented. Therefore, a larger sample drawn from additional sites, with continued attention to cultural diversity, detailing women's descriptions of the incidents that brought them to the attention of the CLS and then intervention providers would be especially instructive. Such work done from a qualitative, contextual approach would continue to amplify the voices of those often silenced by their circumstances. In addition, future work investigating the descriptions and experiences of women arrested for using force against their intimate partners who have (a) been arrested and not court ordered to intervention and (b) have had contact with intervention programming and are no longer on probation would expand our growing understanding of this complex issue.

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Notes

1. "Court ordered" applies to the 207 of the 208 women in this analysis but also includes a woman, Claudia, mandated to the program by the supervisor of her housing complex where her use of force against her partner placed her continued residence in jeopardy. If she did not attend programming, she would be evicted. For the purpose of this article, court order will represent both instances.
2. Women often do not experience it as a "justice" system; therefore, we use the term Criminal Legal System.
3. "Domestic violence is a catchall term for any act of illegal abuse by one partner against another. As such it provides an institutional category for case processing that frequently groups very dissimilar behaviors together and treats them as one thing. This is exactly what was happening when victims of ongoing abuse were arrested for hitting back, then charged with the same crime their abuser was committing, convicted of that crime, and sent to a similar rehabilitation group" (Pence, n.d., p. 113).
4. Attorneys often discourage women from taking a case to trial by reminding the women they do not have the economic resources to do so (Larance, 2007).
5. Dichter (2013) found that women's arrest contributed to their feelings of shame and stigma.
6. Communication with group support and intervention participants.
7. In the overall sample, 75% of the women had been arrested at some time, with 85% of the arrests within the previous 6 months for intimate partner violence (IPV)-related charges and 58% of these were dual arrests (Swan & Snow, 2002).
8. All women are identified by pseudonyms to protect their identity.
9. Couples counseling is strongly discouraged in relationships where IPV exists. Refer to The Hotline: <http://www.thehotline.org/2014/08/why-we-dont-recommend-couples-counseling-for-abusive-relationships/>; FaithTrust Institute: <http://www.faithtrustinstitute.org/resources/articles/Policy-Statement-on-DV-Couples-Counseling.pdf>
10. Because the focus of this article is on heterosexual IPV, the lesbian cases were excluded from our analysis.
11. Although sometimes using different labels, Johnson (2006) described Aggressive Violence, Both Use Violence, and Self-Defense in his research, and Miller (2005) described categories similar to Aggressive Violence, Anticipatory, and Self-Defense in her work.

12. Women self-identified and we compiled the categories that included 150 Caucasian women, 116 African American women, and 22 other women of color (which included Congolese, Filipino, German, Hispanic, Honduran, Lebanese, Liberian, Mexican, Middle Eastern, Native American, Palestinian, Romanian, Ukrainian, African American/Caucasian, African American/Hispanic, American Indian, American Indian/African American/Caucasian, American Indian/Caucasian, American Indian/Hispanic Women).
13. This woman was weeks from her 18th birthday and entered the program with written parental consent.
14. Alexandra was charged with malicious use of a telecommunications device.

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Author Biographies

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