A blurred, grayscale silhouette of a person with their hands raised, set against a light background. The person's face is obscured by a large, soft-edged shadow, and their hands are positioned as if they are being held up or restrained.

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Simona Pikálková
Zuzana Podaná

**Abused, Battered,
or Stalked:
Violence in Intimate
Partner Relations
Gendered**

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1. Intimate partner violence as a public issue and its theoretical reflection

Jiří Buriánek, Simona Pikálková

The theme of intimate partner violence is not entirely new to the context of Czech sociology. A limited number of researchers started paying attention to it relatively soon after the 1989 political changes (cf. Vymětalová, 2001, Martinková and Macháčková, 2001). Nonetheless, as a topic it still is a bit unusual: The debate on domestic violence, its causes, roots and consequences still sparks some controversies – i.e. not only among members of the public, but also within the community of sociology experts. On the other hand, these clashes are balanced by the fact that for sociologists, the area represents quite an attractive challenge: It opens paths of genuine discovery as well as opportunities to demystify some rooted myths. The motivation behind this present monograph is exactly that: To look beyond the surface of things and offer more than standard popularizing views of known facts.

At the very outset, however, let us point out that it is the sociological perspective that is the breeding ground of this book. For us this means to study the phenomenon from a wide perspective, i.e. mainly in terms of its occurrence and distribution in society, its consequences for the individual, but also for various social institutions. We pay attention to how it is interlinked with the social status and living conditions of its actors and we follow its reproduction in the socialization process, including both protective and risk-bearing factors. Since – very often in its dramatic and even drastic forms – domestic violence meets the characteristics of a criminal offence, the perspective as presented here fits in with that of criminology. Despite the wide perspective sought in this monograph, obviously, it cannot cover the problem in its entirety.

Our research¹ had to leave aside variables and factors from the field of psychology – thus we will just mention works of importance in the Czech context, e.g., L. Čírtková's publications (2002, 2008). Nor is it possible to enumerate in full the legal aspects of the issue, so let us only recall the text by Voňková and Huňková (2004). Of some more recent sources the manual by Králíčková et al. (2011) is noteworthy and there have been first considerations of the consequences brought about by the new Czech Civil Code (cf. Slavětínský, 2013) in this context. Basic information on the occurrence of domestic violence from the perspective of statistics as well as a detailed study of female victims (in asylum establishments) is also given in the latest study by Martinková, Slavětínský and Vlach (2014). What is inevitably missing from our research results is field-work experience, experience of clinical practice or from the laudable work of helping organisations. However, it is worth mentioning that in the first phase of the project we conducted qualitative interviews with experts and that – in addition to the standard Czech and international conferences – we presented some of the research results in workshops with the participation of those who work with the victims first hand.

The wide-ranging perception of intimate partner violence as a social and sociological issue has changed significantly in the Czech Republic during the past 25 years, as it did in other post-communist countries as well. Domestic violence or intimate partner violence has finally begun to be viewed in the context of breaching the law and of crime. As such, it has also started to be dealt with, whether in the area of the work of the police, the authorities and courts or non-profit organizations. In contemporary Czech society, understanding domestic violence or intimate partner violence as a criminal offence is the standard position, which is, among other things, demonstrated by the fact that this area has been incorporated into criminal law.² After a wide-ranging discussion, the Act No. 135/2006 Coll., amending certain laws in the area of protection

1 The project *Intimate partner violence: follow-up research to IVAWS 2003* was supported by Czech Grant Agency (ref. 404/12/2452).

2 If the police come to the conclusion that what they are dealing with is a case of domestic violence, since January 1, 2007 they are entitled to expel the abuser from the apartment/house. **Expulsion** is a precautionary measure aiming at the protection of the endangered persons. It is applied irrespective of the fact if the perpetrator's actions meet the criteria for criminal proceedings or not. In other words, the police will expel a violent person from the apartment/house in every case where they come to the conclusion that they are dealing with domestic violence. At the same time, the perpetrator's actions can be investigated as criminal offence, if it reaches the relevant severity level. If this is not the case, an infringement procedure is initiated.

against domestic violence was finally approved in 2006 (with effect from January 1, 2007). With the adoption of this law, the Czech Republic is ranking among those states of the European Union whose legislation governs the protection of persons who are directly affected by domestic violence. The network of helping organisations (Bílý kruh bezpečí, intervention centres, etc.) is also expanding.

Domestic violence in the narrower sense, or intimate (partner) violence, is “any threatening behaviour, violence or abuse – both, psychological, physical, sexual, economic and emotional – between adults (irrespective of gender) who are or have been intimate partners or family members” (Voňková and Huňková, 2004: 17). The explanatory memorandum to the Act No. 135/2006 Coll. also favours a broader definition: Domestic violence is **recurrent violent behaviour or threats thereof**, that results in or threatens to result in a dangerous attack against life, health, freedom or human dignity, while this behaviour takes place between **persons in a family or similar relationship, who live together in an apartment or a house**. In the context, both the violent person and the endangered person, against whom the attack is directed, are clearly identifiable (cf. Důvodová, 2006). Therefore, a distinct asymmetry of power is assumed.

Table 1.1 Police statistics on victims of the criminal offence of harassment/abuse of persons living in a common dwelling (Art. 199 of the new Czech Penal Code, Art. 215a PC) – divisions according to the victims’ age and gender (Czech Republic, 2004–2012)

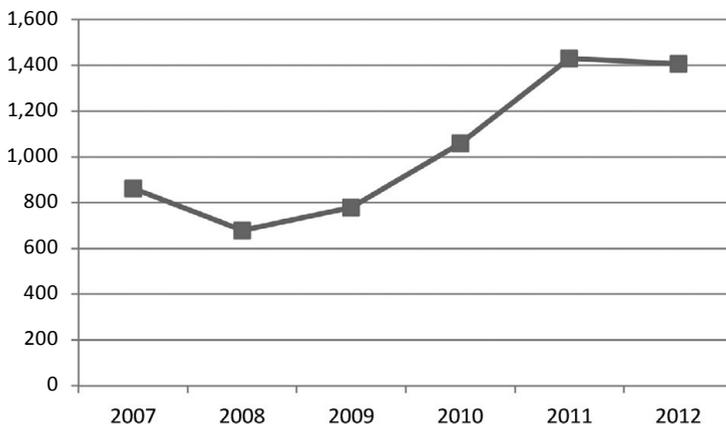
Year	0–17	18–70	70+	Victims of individuals	Men	Women	Groups	Total
2004	5	126	6	137	5	132	58	195
2005	10	406	30	446	25	421	251	697
2006	12	424	22	458	44	414	183	641
2007	15	563	29	607	27	580	207	814
2008	16	417	26	459	18	441	150	609
2009	16	417	20	453	20	433	141	594
2010	12	455	26	493	28	465	180	673
2011	19	534	26	579	25	554	196	775
2012	13	496	37	546	27	519	138	684

Source: Martinková (2014: 15–16)

While the table shows clearly that the adoption of the new Penal Code caused the numbers of recorded cases to soar (in 2007), in the following years, the investigation practice adapted to the new conditions.

However, a decline in the prevalence of domestic violence can hardly be seen. The Figure 1.1 draws on data on the number of persons expelled from home/house and, overall, it indicates higher sensitivity of the system to the phenomenon of domestic violence. The instrument is considered effective and operational in solving the problem, because it allows for flexible responses to individual cases and the police have made good progress in learning how to use it well. In this area, the increasing prevalence is quite evident.

Figure 1.1 The numbers of persons expelled from home



Source: Martinková (2014: 19)

One has to bear in mind, however, that the number of reported cases was considerably higher; only a quarter of the cases results in the offender being expelled from the apartment/house (see Table 1.2). The vast majority of the expelled persons were men.

Table 1.2 2011 expulsion statistics
(Police of the Czech Republic)

Expulsions in 2011	Abs.
No. of records about the incident	5,792
Expelled	1,307
Men	1,280
Citizens of the Czech Republic	1,235
Victims	2,569

Source: Martinková (2014: 20)

According to Martinková et al. (2014: 20), between 2008 and 2012 judicial statistics accounted for about 330–420 finally convicted perpetrators of domestic violence a year. (Of this number, women accounted for roughly 7–10%). Approximately 40% of the convicted were first offenders in the given year; in the majority of cases (around 70%) their punishments were unsuspended sentences.

Research on intimate partner violence and the hypothesis of gender (a)symmetry

Despite the fact that – especially in US and UK sociology – intimate partner violence or domestic violence has been paid relatively great attention over several decades,³ one can observe that the issue is still in the stage of discussing views and opinions. This is obvious both in the realm of hypotheses, and in the area of methodology. At the same time, it has become almost certain that the interest in this topic is bound to persist.

The causes of that unsettled debate are quite easy to gauge. The topic is very specific as regards sociological analysis, i.e. certainly in terms of methodology (high degree of intimacy of the investigated phenomena requires special methodological procedures), but also due to rooted attitudes in a large part of the general and professional public. These determined views can result in mythologizing opinions influencing the whole field. This is, no doubt, nurtured by a fuzzy state of terminology in relation to the definition of (intimate partner) violence as well as frequent issues with defining the research subject (see below).

Internationally, intimate partner violence was not introduced to the public discourse before the early 1970's, i.e. mainly in connection with women's emancipation movements. These developments did not take long to stimulate the interest of researchers on this topic. So, quite quickly, the problem, which had been suppressed for a long time, surfaced with a surprisingly high prevalence in the modern society. Relevant figures showed that the topic cannot be ignored: Dobash and Dobash (2003) on the basis of research from Canada, the USA and the UK estimate that approximately a quarter of all women experienced at least one act of violence by their partner in their lifetime. One-tenth of them were estimated to have suffered such violent behaviour repeatedly.

3 Apart from many others, cf. e.g. works by R. J. Gelles and M. A. Straus, which have been published since the 1970s.

On the theoretical plain, the research community was not prepared to deal with such alarming results. This is evidenced by the fact that the authors of one of the first studies of domestic violence in the USA, *National Family Violence Survey* (NFVS; cf. Straus, Gelles and Steinmetz, 1980) distinguished between “standard” violence and abusive violence. While the former was defined as an “act carried out with an actual or alleged intention to cause physical pain or injury to another person”, the latter “has a high potential to injure the person attacked”. Only the latter type was considered “genuine” domestic violence (Pikálková, 2004).

Early feminism constructed partner violence as one of the manifestations of male domination over women, which allegedly stemmed from patriarchal relations in society (Dobash, Dobash, 1979). This idea was questioned by the aforementioned initial sociological researches, showing that violent behaviour of women against men is quite widespread, although its consequences tend to be less severe. As early as in 1978, Suzanne Steinmetz published a provocative essay entitled *The battered husband syndrome* (Steinmetz, 1978), which – in a way – was a kind of alternative to the battered woman syndrome (Walker, 1979). As member of the team, she made use of the results of Straus and Gelles’ research, which revealed that during the last year, 16% of the couples saw various forms of *recurrent* violence. In half of the cases, the role of aggressor and victim alternated and also in couples with non-shifting roles the proportion of men and women was similar (Čírtková, 2010).

According to the above-mentioned NFVS survey 12.1% of men and 11.6% of women used violence in marital relationship (Straus, Gelles and Steinmetz, 1980). Although, sometimes, such data is considered to support the hypothesis of symmetry of violence between men and women (M. Straus still advocates it today, see for example Straus, 2010), there are substantial objections against the view: On the one hand it does not distinguish cases where violence was used deliberately or in self-defence and on the other, they do not evaluate the severity of violent behaviour (Dobash, Dobash, 2004). Moreover, other studies have shown radically different results: For example, according to the American NCVS research conducted in 1998, women were victims of intimate partner violence in 85 cases out of 100 (Rennison, Welchans, 2000). Obviously, this picture is supported mainly by official statistics based on criminal assessment or on the rate of using the instrument of expelling aggressors from home.

Those studies that were based on the *National Family Violence Survey* data (Straus, Gelles, Steinmetz, 1980; Straus, Gelles, 1986) and that

showed a relatively high proportion of violence against husbands by their wives, were sometimes criticized. This was because they were neither in accordance with results of other research dealing with intimate partner violence, nor with the practice in health and social facilities, nor did they correspond to the experience of everyday life. Johnson (1995) offered some sort of common ground in the literature to explain the differences, when he attempted to introduce the concept of “standard partner violence.” While from the point of view of gender distribution, common intimate partner violence appears to be more balanced, the author interprets it with respect to Western cultural context, which is alleged to be prone to violence. By contrast, domestic violence is based on the traditions of the different power status of men and women, i.e. on the society’s gender structure.

The specific area of research into violence against men has seen quite modest overall findings so far: It is limited to only a few smaller pilot studies (Lenz, 2001, Jungnitz, 2004) or data obtained from victimological investigations that are available (see Heiskanen and Ruuskanen, 2011), in particular in the Scandinavian countries. Despite the fact that most studies of intimate partner violence focus more on men as perpetrators of partner violence, over time it appears that female violence against men is far from exceptional. Moreover, some studies have even found a greater degree of violence perpetrated by women (see the widely cited meta-analysis by J. Archer, 2000).

A social structure, which – as late as in the twentieth century – was reluctant to admit violence against women in the first place, had to cover a long distance before being ready to reflect on violence directed against men in partner relations. Although the idea of a man battered by a woman found its rare expressions in folk culture, it was always more of a very improbable parody and artistic exaggeration. Domestic violence used to be presented as an exceptional and unique phenomenon, one in which only mentally disturbed individuals can engage. Thus, for the victim, to admit violence in their relationship with a partner was stigmatizing to such an extent that keeping it private was often the only plausible option. The situation of men in this respect was not very much different from battered women and their chances of receiving protection were even smaller.

Putting aside fierce ideological opinions, the cause for the ongoing disputes can be the above-mentioned confusion of standard (albeit violent) conflicts among couples vs. domestic violence. The former gets triggered by a conflict; the cause of the latter may be anything that can

serve as a pretext. Domestic violence is rooted in systematic abuse of one partner by the other; so it is characterised by evident, long-term asymmetry within the relationship (Čírtková, 2008). Nonetheless, whenever there is a spontaneous reaction and a situation of shifting roles, it would not be fair to say that the constellation is symmetrical and that damages do not matter. To label a certain type of partner violence “standard” is, of course, admissible in forensic contexts. Still, its monitoring remains a challenge for both research and considerations on the quality of life in a given society.

Defining family violence

As late as in the early 1960’s, violence between intimate partners (hereafter, the broader notion of family violence will be used as well) was considered a marginal phenomenon, perpetrated by mentally disturbed individuals. Only spectacular cases received public attention and generally it was maintained that although family violence is a significant issue, it is not widespread in society (see Gelles, 2003). However, for at least 30 years, researchers have been struggling with the question of what family violence or violence between partners actually is. Often, the following broad definition is accepted: violence involves “any act that is harmful to the victim” and that includes physical attacks, threatened physical attacks, psychological or emotional violence, sexual violence, or threats of sexual violence, neglect of care (in case of children) or behaviour aimed at controlling the other (Gelles, 2003: 838).

In today’s sociology, there is no clear consensus as to how broad the definition of family violence should be. Thus, the point of view, from which a topic is examined or assessed, affects the inclusiveness or exclusiveness of such approaches. The scientific or research-related perspective is often aimed at finding a clear and nominal definition that is reliable and could easily be made operational. This approach usually prefers a rather narrow concept of violence – behaviour, which is conceptually different from the other forms of behaviour inflicting harm or pain on another person. The humanistic perspective takes a broader approach to defining family violence and sees it as a whole range of conduct or acts that cause harm or damage to another person as regards obstructing the development of their personality and potential.

There is also a political or advocacy dimension that examines the field with the instruments of legal terminology. Solution examples have

already been shown at the beginning of this chapter. Feminist definitions tend to involve the term “violence against women” and they emphasize the cultural causes of violent behaviour patterns on the part of men. Apart from that they conceptualize violence as coercive control of men over women in patriarchal society; it can either be physical, sexual or psychological (in more detail see (Gelles, 2003)).

Obviously, partner violence can take many forms. As one of the first to define violence was the United Nations Declaration⁴ of 1993 – this definition has gained international recognition:

The term violence means “any act ... that results in ... physical, sexual or psychological harm or suffering..., including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”

Among the most widespread definitions of intimate partner violence or violence in the family, which it is a part of, is also the following definition as put forward by The National Academy of Sciences in the context of Assessing Family Violence Interventions:

Violence in the family includes violence against children and violence among adults, which arises between family members or adults living in intimate partnership. ... In the case of adults such violence includes acts of physical or mental harm or those that threaten to cause physical harm. Violence between partners may include sexual violence or attacks, physical harm, threats to harm or kill, preventing the execution of normal activities of a free person and the denial of financial resources. (National Research Council, 1998: 19).

The Council of Europe *Convention on preventing and combating violence against women and domestic violence* (known as Istanbul Convention adopted in 2011) follows these definitions in Article 3:

- (a) “*violence against women*” is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;
- (b) “*domestic violence*” shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between

4 The 1993 United Nations Declaration on the Eliminations of Violence Against Women.

former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim. (Council, 2011: 8)

One of the key characteristics of domestic violence is its frequency, repetition in certain cycles that can take the form of a vicious circle. It is typical for the situation that victims are unable to break free from this perpetual process. Also in this context, there is a variety of interpretations as to why the victims are ready to endure so much. It seems likely that in the post-industrial society there still remain traditional values, which emphasise the importance of the role of wife and mother, and make a woman particularly responsible for maintaining a marriage, especially if there are children involved⁵ (Dobash, Dobash, 1979, Walker, 1979, Rose, Campbell, Kub, 2000). In modern society, however, the importance of parental roles is gaining weight for many fathers as well. The reason may be that they – in part by objective developments, in part deliberately – no longer maintain the traditional role of breadwinner. In addition, divorce still is considered (and rightly so!) by many to be a stigmatizing thing.

We aim at focusing our research on intimate partner violence, which concerns exclusively the relationship between intimate partners. In accordance with the gradual evolution of society the initial focus on married couples had to be extended to unwed cohabitation and even homosexual couples⁶. As mentioned above, a certain proportion of violence between partners may be conceived as standard partnership violence: In principle it involves dyadic and mutually violent behaviour, which tends to stem from an actual situation. Our understanding of IPV is one of a continuum involving a set of gradual steps paving the way to cementing an asymmetrical position. The above notion can shift towards a situation, when one of the partners resorts to these strategies

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- 5 Červinková, Linková, Šaldová and Tupá (2004) have shown that it is the children that play an important role in the decision-making process of women, yet this role is ambivalent: For some, children are a motivational factor to stay with the partner and not to deprive them of their father. For others, on the other hand, children are a reason to leave so that they do not become subject of violence. Gelles (1976) inferred that women have the need to protect the children more intensively at their older age, when the risk increases that they will be involved in the violent attacks among parents.
- 6 Our research has not provided sufficient room for an operational definition. Likewise, given the rather limited volume of the sample, results would not be very promising. Survey questions have always referred to partners in general. In identifying the recent form of a partnership cohabitation we have provided a choice entitled “Other”, leaving the option open for respondents to explain or clarify the situation.

programmatically in an attempt to gain control over the other. The motivation does not always have to entail the feeling to dominate the other person or an effort to punish him/her in a gratuitous and vicious way; rather – in our view – such efforts may also show certain elements of instrumentality: For example, involving economic benefits, unfair division of care of the household, the chance to break with the normal behaviour within a partnership (in the sense of “I do what I want” or exclusion of any criticism of the offender’s conduct).

For these reasons, it is appropriate to try to avoid narrowing the perspective down to the topic of intimate partner violence, and to take into account all the alternatives of the theoretical approach to the problem as well as different sources of empirical information.

Limitations of solutions involving criminal liability

Although anchored in the Czech legal order, in the work of the police and the judiciary, **domestic violence as seen from the point of view of criminal law** does not offer the ideal solution to the issue. It has certain limits, resulting from the highly specific nature of violent behaviour taking place within partnerships. As an example, let us point to the fact that criminal law deals with intimate partner violence, when individual “cases” are reported to the police. By contrast, however, domestic violence often occurs in the long term, it gradually develops into a kind of a model or behaviour pattern that is repeated over time and has its own specific rules. Furthermore, when dealing with cases of domestic violence criminal justice is struggling with problems due to the fact that the victim and the perpetrator know one another very well (Cretney, Davis, 1995). Every now and then there is a situation where the victim is facing a complex choice, whether or not to give his/her consent to the continuation of the criminal prosecution of the offender. Often, sociologists point to the contradiction between the emphasis (on the part of the police, courts) on solving individual cases or incidents of domestic violence on the one hand and, on the other hand, on potential harm or negative consequences that such a solution may have on the status of victims, mostly women, in a given relationship (Mills, 2003; Skinner et al., 2005).

Another topic that is discussed frequently is the *effectiveness* of the judiciary in relation to cases of intimate partner violence as regards a long-term reduction in the number of cases. In particular, this topic was researched in the United States as early as in the 1980s. According to