

DOMESTIC VIOLENCE AND CULTURE:

MOVING TOWARD MORE SOPHISTICATED ENCOUNTERS

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CLASSIC PROBLEMS

The encounter between the criminal justice system and people of color with respect to domestic violence is complex and conflicted. In this brief review of some of the problems that arise, we will focus on two areas that will serve as the starting point of our discussion:

- I. **CULTURAL FILTERS AND MISUNDERSTANDINGS.**
- II. **BARRIERS THAT PEOPLE OF COLOR ENCOUNTER IN THE JUDICIAL SYSTEM AND THE NEED FOR CULTURALLY COMPETENT SERVICES AND APPROACHES.**

As we address each of these areas, we will outline common problems and dilemmas, explore why these questions surface so often and suggest practical ways of addressing them in the judicial system. This is meant to be an initial discussion of these issues-- it is intended to present some ideas that may be useful in your work and to suggest avenues for further study in the future. Furthermore, since it is difficult to talk about "culture" or specific cultures without making generalizations that are too broad, it makes sense to carefully weigh all the material in light of your experience.

I. **CULTURAL FILTERS AND MISUNDERSTANDINGS.**

Part A will address concerns with men of color; B will address concerns that arise with women of color.

A. **TYPICAL SITUATIONS THAT ARISE WITH MEN OF COLOR:**

- Men of color who are physically abusive frequently use their native culture as an excuse: "Where I come from everybody does it." "It's just about being a man. This is normal." "All men from (back home) beat their wives." Instead of denying their behavior, they say that their partner was disrespectful, that she argued or yelled or that she refused to do what he told her to do. This is very different from the way European American offenders explain their behavior: they usually deny or minimize their violence or blame the victim: "She pushed me into it." "If you knew what she was like, you'd do the same thing. You don't know what she's like!" Faced with these different "scripts" European Americans often feel hopeless: What can you do with people who think it is acceptable to be violent? They also end up feeling that men of color who use these "scripts" are more violent or pathological and have less hope of changing. **This causes people in the judicial system either to have lower expectations with men of color-- people often back off (why bother?)-- or they throw the book at these men.**

WHAT IS HAPPENING IN THESE ENCOUNTERS? TWO FACTORS TO THINK ABOUT:

1. **There is a universal tendency to think that "Other people are more violent-- it's in their blood or their culture." When this is applied to physically abusive men, it translates into, "Our batterers are deviants, theirs are in their cultural mainstream."** In reality, all cultures have ways of giving people permission to be violent. In fact, there are very high rates of perpetration of violence by men against women in mainstream Anglo culture:

THE EXTENT OF MALE ABUSE OF WOMEN IN AMERICAN SOCIETY.

Type of Abuse	Sampling Procedure	Sample Population	Percentage Abused	Source
Sexual abuse before age 18	Random	960 women in San Francisco	38%	Russell, 1986
Rape or attempted rape	Random	Same as above	44%	Russell, 1982
Workplace sexual harassment	Stratified random sample	12,500 Federal employees	42%	MSPB, 1981
Wife-beating	Random	8,000 national sample of women	25.5%	Tjaden & Thoennes, 2000

In reality, there is a widespread and pervasive pattern of male abusiveness toward women in this society. In addition, this country has the highest homicide rate of any developed country (with the current exception of Russia?) and ownership of weapons is viewed as a basic constitutional right, which many Europeans and Asians find outrageous. **This is not to criticize European American society, but to emphasize that violence is a part of our cultural mainstream also.**

2. The other element that may be behind these encounters stems from the difference in the "scripts" used by some men of color and by European American men. In general, the lopsided levels of violence by men against women that appear in many cultures are an expression of different forms of male dominance or systems of male supremacy. However, these systems change over time and are manifested in different ways. **In mainstream European American culture, there is a covert or**

surreptitious system of male supremacy that underlies much of Anglo batterers' behavior. In mainstream Anglo culture, men do not make direct claims for women's or spouses' obedience, but they tend to react strongly when a woman does not meet their expectations. They may expect women to provide emotional caretaking, to be compliant in a lot of ways and to do much unpaid labor in the home, and they may also expect to have a final say in many matters. Yet not many European American men directly say that their partners **have** to obey or do whatever he wants. In covert systems of male supremacy, physically abusive men tend to deny or minimize their violent behavior, claim they lost control or say their partner pushed them into it. They also engage in victim-blaming: they dwell on some instance of disappointing or hurtful behavior by their spouse as the "real" problem and the reason for their violent conduct. They also claim that their physical abuse is of no importance when compared to their spouse's transgression as if a person had to earn the right to be nonviolent. **In effect, when there is a covert or veiled pattern of male supremacy, physically abusive men do not take direct responsibility for their behavior or claim they have a right to control their spouses, but their conduct has a powerful controlling and inhibiting effect nevertheless.**

Also, when there is a covert system of male supremacy, as in European American society, it does not mean that men are less violent or that they use less violence or other forms of control and abuse with women. However, it is easy to believe that men who use the European American script or system of justifications are less violent-- after all, they are more invested in concealing their controlling and violent behaviors or in justifying their violence as exceptional, provoked outbursts.

On the other hand, men who are imbedded in overt or direct systems of male supremacy openly expect women to subordinate themselves. They have a very strong, if not rigid, notion of gender roles and of women's position as housewives, mothers or sexualized objects who are expected to be compliant or yielding in many ways. **In direct systems of male supremacy, simple disagreement by a woman may be seen as disrespectful, and if she begins a direct conflict, she may be seen as a rebellious bad wife who has turned her back on her culture and is trying to destroy her family.** Women who are imbedded in a system of direct male supremacy may take longer to assert their rights when they are being battered but may feel quite determined when they take a step; they may also face enormous opposition from their families and from their communities.

Men who are from cultures where there is an overt system of male supremacy may not be more violent or less prone to change than those who grew up with a covert system. They talk about violence toward spouses in a different way, but what they do does not differ much from what Anglos do. In fact, if we take Hispanics as one example of a group where male supremacy is more directly accepted, a recently carried out national survey (Kaufman Kantor et al., 1994) indicates that on the aggregate Hispanic men are no more violent than Anglos-- there are no significant differences in the two groups. Also, direct systems of male supremacy often go along with a strong sense of obligation to the family: part of "machismo" the Hispanic ideal

of male supremacy, is a very strong sense of the man's duty to support his family. To fail to support one's family is to fail as a man. **Finally, it is important not to confuse an overt or direct system of male supremacy with permission to be violent: men may have a "right" to subordinate their spouses, but resorting to violence is a separate matter.**

WHAT ARE THE PRACTICAL APPLICATIONS OF UNDERSTANDING THESE DIFFERENCES?

- 1. DON'T MISINTERPRET MEN OF COLOR BASED ON WHAT THEY SAY.** It is more useful to direct your attention to their level of violence (frequency, history, level of injury, impact on spouse and children and so on). This is the best indicator of dangerousness and potential to change.
- 2. DON'T OVERREACT OR BACK OFF: ENGAGE.** If a "throw the book" reaction takes place, it is unfair, may penalize him unfairly and deprive a man of the opportunity to take responsibility. On the other hand, feeling hopeless and giving up lets men off the hook and leaves their partners unprotected. Instead, set forth clear and consistent expectations and enforce them evenly. When men claim that their violent behavior is normal, it simply isn't true.
- 3. AVOID BECOMING PARALYZED BY FEAR OF DESTROYING SOMEONE'S CULTURE.** Physically abusive men of color often claim that those who confront them are trying to destroy their culture or deprive them of their manhood. This is no more true for them than it is for European American offenders; to challenge someone's abusive behavior is not to destroy their culture. Instead, you can say (just as we do with European American batterers) that violence and abuse are **never** justified, and there is no way of getting off the hook about this issue. This is a legitimate cross-cultural or universal value.
- 4. TRY TO BE VIGILANT ABOUT YOUR CULTURAL BAGGAGE AND FILTERS.** We all interpret our environment and other people's behavior based on the way we were brought up. There is nothing wrong about these filters, but one has to take care not to misapply these ways of understanding people and their behavior. For European Americans, the "normal" script for physically abusive men is a covert system of male supremacy; one has to counteract the tendency to overreact to men who use the direct male supremacy script.
- 5. TRY TO USE POSITIVE ELEMENTS OF THE MEN'S TRADITION OF MANHOOD TO PROMOTE CHANGE.** In all cultures there are values, practices and traditions that facilitate male dominance and oppression of women as well as values that are protective and support men's recognition of women's self-determination. Effective practice for batterer intervention programs involves understanding and using these culture elements to help men change.

B. TYPICAL SITUATIONS THAT ARISE WITH WOMEN OF COLOR:

- ◆ European Americans are often frustrated by battered women from other cultures who seem to "accept" abusive situations. "They do not ask for help. They have been acculturated to accept violence; they just don't get that there's something wrong about being beaten."
- ◆ Likewise, there is frustration because battered women from other cultures may seem to be more reluctant to disclose and to use self-protective measures such as restraining orders. Women may make initial contact with service providers and the judicial system and not follow up; although this is not unusual for battered women, it may be more pronounced for women of color.

WHAT IS HAPPENING IN THESE ENCOUNTERS?

People in the field report both anger and hopelessness in the face of these commonly reported experiences. However, in most instances, women are not acculturated to accept violence as much as they are made to feel responsible for keeping their families together-- that to be otherwise than a good wife and mother (who makes sure the children have a father) is to be a failure not only to her family but also within her culture. This makes it more difficult to take steps that expose the family to public scrutiny or which bring the authorities into the family and into one's community.

This problem is worsened by the fact that many of the helping systems and legal remedies offered to battered women frame the solution or the achievement of safety in terms of protecting or establishing an autonomous self; establishing safety for a woman and her children is framed in terms of separating her from the offender and from her community. Protective/restraining orders emphasize removing the offender. Shelters offer women refuge from the offender, but separate them from their communities. This is more culturally appropriate in European American society where the ideal of individuality or the autonomous self has great resonance. In the European American cultural tradition, people want their children "to be their own persons," "to strike out on their own" and to make their own way in life; they do not emphasize wanting their children to be dutiful sons or daughters, to bring honor and prestige to their lineage or to primarily strive to find harmony within a community.

Restraining orders with "stay away" provisions, shelters, and jailing offenders are essential protective options that should **never** be discarded, but **many women of color may more easily accept protective orders which stress no violence but allow the offender to stay, and it may make sense to become proficient in specialized probation monitoring of offenders who remain at home or stay in contact with their families.** Service providers, probation officers and court advocates need to become adept at approaching women of color in ways that do not immediately suggest leaving a relationship or ending an abusive marriage.

In addition, part of what is happening is that battered women from other societies seek help in different ways and need certain conditions in order to disclose and move

toward getting help. For example, it seems that a lot of Latinas disclose in mental health settings and many African American women disclose in medical settings. With extended families and closely-knit communities, confidentiality has a special meaning in the initial encounter with court helping systems; where there are limits to confidentiality, court officials should explain these limits-- this creates trust and allows people to make an informed choice before they proceed. **Above all, probation officers and court-based advocates need to understand that battered women of color are not more passive or more paralyzed by cultural prescriptions. Instead, they may be actively protecting their family and their community from outsiders who do not share their values.**

WHAT ARE THE PRACTICAL APPLICATIONS OF UNDERSTANDING THESE DIFFERENCES?

1. **BE FLEXIBLE ABOUT WHAT REMEDIES YOU OFFER.** Again, it is important to avoid immediately moving toward suggesting an absolute break with the offender when someone is highly family oriented. Discussing a range of possibilities for self-protection and forms of probation that monitor men who stay with their families may make more sense for battered of color.

2. **REMEMBER THAT THE PREDICAMENT OF BATTERED WOMEN OF COLOR IS MADE MORE COMPLEX BY CULTURAL PRESCRIPTIONS ABOUT PRESERVING FAMILY AND PROTECTING ONE'S COMMUNITY.** What appears to be lack of action may be a deliberate protection strategy when remedies do not fit one's values. Finding resources that are culturally appropriate and which stress confidentiality are an important first step for battered women of color.

In addition, the helping dialogue for a woman of color should revolve around the following issues:

- ◆ **What are her basic values about herself as a mother and spouse?** Her ideas may be very diverse. She may believe that keeping the family together is her primary role; that she cannot deprive her children of a father; that she has to try harder to fulfill her duties honorably; that to break up her family is to create a lasting dishonor to her lineage; that she will be shunned and dishonored in her community. She may also believe, in certain religious or spiritual traditions, that being abused is her fate in another life and that she cannot escape this fate and that she has an essential mission to tolerate abuse in this life.
- ◆ **Does she think that fulfilling her sense of womanhood and duty will end the abuse? Has this had any impact on the batterer?** She may come to see that it does not matter whether she fulfills her role: the abuser may not come to respect her and stop physical and other forms of abuse no matter what she does. Can she fulfill an honorable and worthy role if she decides to protect herself and her children?
- ◆ **What effect does the abuse have on her children?** Witnessing ongoing domestic violence is not only traumatizing to children. It is also profoundly destructive of family and cultural bonds. Helping her reflect on changes on her

children's behavior (for example, nightmares, aggressiveness and repetitive play to shunning one's family and culture) may help mobilize her protective resources.

II. **BARRIERS THAT WOMEN OF COLOR ENCOUNTER IN THE JUDICIAL SYSTEM.**

- ◆ **Battered women of color are often skeptical of the judicial system and feel that men from their community are oppressed by that system.** If the arresting officer as well as the court officials are European Americans, it is easy to feel ganged up on. In turn, the judicial system is often mistrustful of men of color. This complicates women's help-seeking behavior and makes it more difficult for men to accept that being held accountable for domestic violence by this system is legitimate.
- ◆ People of color are more often economically disadvantaged and feel defenseless with respect to the judicial system. This strengthens the sense of victimization that men of color have, even when they acknowledge that they were physically abusive with their partners. They feel that if they were European Americans or had more money they would not have been penalized or would have been less harshly penalized.
- ◆ Women of color who are undocumented are subject to additional sources of pressure by their spouses, such as threats of being deported by the Immigration and Naturalization Service if they make their plight public; they also have more difficulty accessing resources that are available or may be unaware of legal remedies that are available to them. Conversely, men who batter who are undocumented or who do not have citizenship face deportation when they are prosecuted and convicted. Ironically, this usually makes their spouses more reluctant to prosecute and acts as a deterrent against help-seeking from the judicial system for women of color or immigrant women.

WHAT IS HAPPENING IN THESE ENCOUNTERS?

Some of these problematic encounters are related to socioeconomic level and resources that also impact European American men and women who are of low income. Women who are poor, no matter what their race or culture, turn to the police and the courts for help because of lack of alternatives. This may be why disproportionately more men of color end up being arrested and mandated to batterer intervention programs. Conversely, men who have financial resources are able to afford more expensive legal representation that works to their benefit. In some jurisdictions, there are few middle class professionals who are mandated to batterer intervention groups because their attorneys may succeed in manipulating the judicial process toward a mental health intervention rather than a mandatory program for offenders, obtaining repetitive continuances, seeking more sympathetic judges, and so on.

On the other hand, people of color are underrepresented in law enforcement and the judicial system. Though many changes in the ethnic and racial composition of these professions have occurred in the last 20 years, underrepresentation is often still a reality. This provides a fertile ground for some abuses of power and for profound distrust of the criminal justice system by people of color. The underrepresentation of people of color makes it easier to understate the importance of cultural competence for all staff or of the need to hire more staff from underrepresented groups. It should be noted that underrepresentation of people of color is by no means unique or more severe in the judicial system than in mental health, batterer intervention programs, etc. This is not a unique problem.

WHAT ARE THE PRACTICAL APPLICATIONS OF UNDERSTANDING THESE DIFFERENCES?

1. ACCEPT THAT MEN OF COLOR FEEL VICTIMIZED OR HAVE BEEN VICTIMIZED BY THE LAW ENFORCEMENT OR JUDICIAL SYSTEMS. Acknowledging men's feelings or accepting their accounts of victimization or oppression does not mean that they should not be held accountable for physical and other forms of abuse of their partners. Paradoxically, accepting someone's distrust of the judicial system in a context where there have been problems, and at the same time holding them accountable in a respectful way, can be the basis for a good working relationship. To hold someone accountable respectfully and fairly is not to oppress them.

2. IMMIGRANT WOMEN CAN LOSE MORE THAN THEY GAIN BY SEEKING HELP FROM THE SYSTEM. It is important both to offer help and to make clear to the victim what the consequences can be for her and for her spouse, so that she can make an informed choice about her engagement with the judicial system.

SOME FINAL POINTS ABOUT CULTURE AND DOMESTIC VIOLENCE:

One of the primary challenges for people in the judicial system is to apply the same standards for non-violent and non-controlling behavior to European American men and men of color. In order to do this most effectively, officers have to acknowledge and attempt to set aside their cultural baggage-- the filters that may lead one either to overreact or to fail to hold men of color accountable. Likewise, it is important to recognize that the remedies available to battered women of color in the judicial system reflect European American values and may need to be "repackaged" or adapted to their value systems. Their conceptions of safety may include (a) measures to keep a family intact but non-violent and (b) measures that maintain these women in their communities. The next steps in this process are (1) to develop cultural competence-- some understanding of other people's values and perspectives so that one can talk to them in a way that makes sense to them and (2) to bring more people of color into all the institutions that are engaged in the coordinated community response.

Finally, there is a danger that this extended discussion of culture and domestic

violence emphasizes only the parts of European American and other cultures which give people permission to be violent or encourages them to tolerate violence. This perspective pathologizes culture in general. It is profoundly inaccurate. The reality is that all cultures have elements-- values and traditions-- which are protective against the use of violence and which offenders can use to shape a non-abusive identity. In European American culture, batterer intervention programs use the ideal of equality-- a resonant, if not perfectly practiced value-- to help men shape their change process. In Hispanic culture, the corresponding value is respect (respeto) which is also a highly resonant and not always practiced ideal.

Above all, culture is a source of healing and strength for people.

HISPANIC CULTURE: THE BASICS

Accurate knowledge about Hispanic culture is critical to prevent the cultural dialogue with Hispanic men from becoming an assault or a devaluation of the culture. One does not have to develop an exhaustive knowledge in order to be able to intervene effectively with Latinos. An awareness of some essential issues is a useful starting point. It should be noted however, that reading these materials does not make anyone an "expert"; these are simply starting points for further exploration. Cultural understanding grows out of *ongoing* contact with others. It also calls for cultural self-awareness and flexibility. Understanding different cultural practices and values can lead to increased rigidity and narrowness of vision if there is no attempt to take into account and set aside the cultural filters that we all carry. Finally, cultural understanding is not achieved through learning a few key points about other people's experience and values. Such limited learning can lead to more stereotyping. It is important to understand that within any culture, there are differences in class, privilege, disadvantage, experiences of oppression, formation of gender and sexual orientation, spirituality, and so on. Within any culture, there are contradictions, such as between the European American ideal of equality and freedom and the long tradition of gender and racial inequality that was maintained both by legal frameworks and informal practices. All cultures, like our own, are in a constant state of change, and no one mechanically embodies their culture. Above all, we are working with individuals with diverse and multiple identities.

The first point is that there is no such thing as "Hispanic" culture. Spanish is the primary language in twenty countries and within each of these countries there are different socioeconomic and ethnic groupings. Each country has a unique history and cultural development. Nevertheless, there are certain commonly shared traits and cultural ideals. We will start with some brief informative points and suggestions (Herrerias, 1991):

1. **Pronouncing names correctly is important.** Even if you cannot do it perfectly, people appreciate the effort, since it conveys respect. Ask your client what he likes to be called and how to pronounce his name. Avoid Anglicizing names such as calling "Eduardo" Ed, calling "Fernando" Freddie, "Carlos," Charles or Charlie, etc.
2. **We use the terms Hispanic or Latino interchangeably, but these are generic or umbrella names. People are actually Mexican Americans, Puerto Rican Americans, Panamanians, etc.**
3. Hispanics or Latinos do not, however, speak "Mexican," "Cuban," "Puerto Rican," etc. **Everybody speaks Spanish.** Except for some regional terms and slang, it is all the same language. As Herrerias (1991) says, "Spanish is Spanish!"
4. **Direct eye contact with people in positions of authority is not considered polite by Latinos.** If people do not look you in the eye, they are being polite.

5. When talking together, Hispanics sit or stand much closer than Anglos. Your usual distance with clients may be experienced as alienating.

6. **Initially, people expect formal and very respectful treatment.** With time and the growth of rapport, people will allow more informality.

These issues, though significant, are just the starting point. There are some commonly shared cultural ideals or values that merit more substantial attention. Again, readers are cautioned that The following description of these ideals, along with some suggestions about how to respond sensitively, should be helpful:

- **Probably the most important value is "personalismo,"** (personalism) a term for an emphasis upon and unconditional recognition of the essential value of each individual. A person's value stems from who they are unto themselves and from their membership in a family group, rather than from their social status or from their professional accomplishments. Associated with personalismo are an emphasis on politeness and on the importance of proper social discourse. For example, business transactions are punctuated by social conversation; one does not get to the point immediately. People talk about family and people take some time to get to know each other. Consequently, in Latin culture one does not relate to organizations or systems as much as to individuals who appear trustworthy. People want to know **you** as a way of establishing trust, and demonstrating some warmth and willingness to listen are essential; You must be able to connect with the person in front of you, to show that he's not a number or just another batterer.
- **The extended family is basic to everyone's existence and identity.** In European American culture, the family is important but we derive much of our identity from our work or careers or even from hobbies. In Hispanic culture, the primary source of identity is the family; one exists and defines oneself as someone's daughter, granddaughter, mother, wife, aunt or as someone's son, father, grandson, uncle, cousin, etc. Mothers, grandparents (and older people in general) are highly respected and the ideal family unit is the extended family (though this begins to change with acculturation). This family can include at least three generations as well as uncles and aunts, first, second and third cousins, and sons and daughters-in-law. These relatives may visit each other without fail two, three or more times a week or may even live together. Living apart from one's family is a wrench and a major loss. Understanding this value is helpful because it is so central in Hispanic culture.
- In European American culture, where equality is a central value, men use "equality" or equivalence excuses (such as the provocation excuse or victim blaming) to justify violent assaults against their spouses. In Latin culture, where the family has the same importance, men may say that they use violence to maintain their authority in the family; it is as if his violence is justified if he can argue that he was trying to keep the family intact.

- **"Respeto," or respect, is an indispensable way of demonstrating that one recognizes other people's value.** Every person should be granted unconditional recognition of their dignity. People are very sensitive to anything that appears disrespectful, insulting or that can be taken as an expression of disdain. Practitioners who violate these rules risk a serious loss of credibility with Hispanic clients. The emphasis on respect means that direct confrontation is more risky with Latinos; one risks being seen as disrespectful. Respect is also crucial for people in hierarchical relationships, both for those above and for those below. In other words, it is just as important for a supervisor to demonstrate respect as for those s/he supervises. **Also associated with respeto is that in Latin culture it is often considered impolite to say "no" directly in professional or hierarchical relationships.** For example, if a supervisor or a counselor suggests a course of action to a subordinate or client, "Yes" may mean "Yes I'll do it" or "Yes, but this is a terrible idea. How can I tell you without being disrespectful?" It is important to have some process whereby the client (or probationer) has permission to respectfully state disagreement. In judicial settings, it is important to make clear that your expectations or probation requirements should be met, that yes should really mean yes.
- **Machismo is the Latin version of male supremacy.** The U.S. version of male supremacy is often indirect or covert; frequently men don't defend the right to give direct orders to women, but they feel entitled to be upset if the woman does not defer, give in to him in arguments, let him have his way so he won't feel so bad, etc. In contrast, machismo is more direct. Although not everyone lives up to this, men are supposed to be forceful, commanding and decisive. Men are supposed to have their way in relationships with women and backing down with other men is considered a serious loss of face. Machismo has an ideal of male sexual prowess for men. This can also involve overly insistent wooing of women, jealous control or guarding of the spouse and extramarital relationships or sustaining more than one family or relationship over time. It is important to remember the strongly cultural basis of Hispanic men's machismo, since they are likely to make statements that appear more direct and outrageous than their Anglo counterparts.

However, machismo also connotes a strong and abiding responsibility to take care of and protect one's family as well as an emphasis on honor, dignity and respect for others. In our culture a real macho (male) is a man who is responsible, a good provider, a man of his word who devotes himself to his immediate and extended family. **Machismo is not one-dimensional; emphasizing the positive aspects of machismo is important for Latino offenders.**

Not everyone lives up to these values, but most people who consider themselves Hispanic acknowledge their influence even if they do not agree with them. As you work more with Latinos, you will see many of these elements in action and understand how these abstract ideals are vital realities for people.

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