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## **SILENT VICTIMS: WHY DO BATTERED HUSBANDS IN MALAYSIA NOT COME OUT OF THE CLOSET?**

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## **ABSTRACT**

Domestic violence is a disturbing and distressing grim reality in many households. Of late, increasing public concern and statistical research in the field of domestic violence in Malaysia has focused exclusively on wife abuse with no mention of the male victim of female spousal aggression. Whilst husband battering is known to occur virtually no studies empirical or otherwise have been conducted in this country to probe into this controversial topic.

This research paper is an attempt by the writer firstly to verify via a series of intimate interviews whether husband battering does in fact occur in Malaysian households. The writer explores the profile of a husband batterer in an attempt to gain further insight into the motivations of the female aggressor. More importantly the writer seeks to examine the rationale behind the plethora of reasons why the victim husband chooses to remain silent and not come out of the closet.

The decision to stay on is often, in itself, a heart-wrenching one. The male victim of female spousal aggression is oftentimes stigmatized by his family, friends and community and rarely offered any comfort or shelter let alone a helping hand. Deeply ingrained patriarchal attitudes within the agencies involved in the dispensation of criminal justice have exacerbated the problem. Rather than being providers of support and protectors of such victims, those involved in the criminal justice system have indirectly turned them away. The civil justice system vide the Family Court has not assisted much either.

It is hope that this paper will stir further research into this area in the future. Whilst not intended as an all encompassing research, this research hopefully stirs the reader to acknowledge the presence of certain discriminations that may be deeply buried at the back of the reader's minds with a prayer that after being put to a better understanding of the plight of a battered husband these prejudices may be permanently erased.



## **ABKSTRAK**

Keganasan rumah tangga merupakan suatu realiti yang amat membimbangkan. Sejak kebelakangan ini, kesedaran masyarakat yang kian meningkat dan kajian statistik dalam bidang ini di Malaysia hanya tertumpu kepada penderaan isteri. Walaupun diketahui terdapat kes penderaan suami yang berpunca daripada kelakuan isteri yang agresif, namun tiada sebarang kajian empirikal atau sebaliknya yang telah dijalankan di negara ini untuk mendalami topik berkontroversi ini.

Kajian ini merupakan usaha pengarang untuk mengesahkan melalui satu siri temuramah peribadi sama ada fenomena penderaan suami dalam rumah tangga Malaysia benar-benar wujud. Pengarang juga ingin meninjau profil pendera suami agar dapat menyelami motivasi di sebalik kelakuan kaum wanita yang agresif. Lebih penting lagi, pengarang bertujuan mengenal pasti rasional di sebalik seribu alasan mengapa mangsa lebih cenderung berdiam diri daripada mendedahkan situasi sebenar.

Keputusan untuk kekal berada dalam rumah tangga amat sukar. Lelaki yang menjadi mangsa isteri yang agresif kebanyakan kali menjadi stigma keluarga, rakan serta masyarakat dan tidak diberi sebarang perlindungan mahupun bantuan. Sikap patriarki agensi yang terlibat dalam sistem keadilan jenayah telah memburukkan lagi keadaan. Agensi-agensi yang sepatutnya memberi sokongan dan menjadi pelindung mangsa telah secara tidak langsung menyisihkan mereka. Sistem keadilan sivil melalui mahkamah keluarga juga tidak menghulurkan bantuan kepada mangsa-mangsa.

Harapan pengarang adalah agar kertas kajian ini akan mencetuskan penyelidikan yang lebih terperinci dalam bidang ini. Walaupun tujuan kertas kajian ini bukanlah untuk menghasilkan kertas kajian yang menyeluruh, namun diharapkan usaha ini dapat membuka mata pembaca untuk menyedari kewujudan diskriminasi yang mungkin telah lama terbenam di sebalik minda para pembaca. Semoga dengan pemahaman yang lebih mendalam, sebarang prejudis terhadap penderitaan kaum suami yang didera dapat dibasmi.

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## TABLE OF CONTENTS

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Last but not least, to my adorable muse whose name I will etch in my heart forever – may God grant you the desires of your heart and may all your dreams come true!



## TABLE OF CONTENTS

Abstract	...	i
Abstrak	...	ii
Acknowledgements	...	iii
Chapter 1	Introduction	1-4
Chapter 2	Broaching the Subject	5-6
Chapter 3	Reviewing Statistics of Husband Battery	7-10
Chapter 4	Married Men – Who Are We Not Covering?	11
Chapter 5	Defining Battery	12-13
Chapter 6	Characteristics of the Husband Batterer	14-17
Chapter 7	Why Stay in the Closet and Not Come Out of the Dark?	18
7(a)	Gender Stereotyping	18-25
7(b)	The Shame	26-27
7(c)	For Love of the Children	27-28
7(d)	Love	28-29
7(e)	Refusing to Give Up	30
7(f)	Loss of Self-Worth	30-31
7(g)	No Where to Turn to	31-34
Chapter 8	What Makes the Wife Batter the Husband?	35-44
Chapter 9	‘Justice’ from the Courts	45-47
Chapter 10	Ramifications of Increasing Domestic Violence	48-52
Chapter 11	Conclusion	53-55
Bibliography	...	56-58
Internet Sources	...	59

## Chapter 1 Introduction

*"Everyone starts out totally dependant on a woman. The idea that she could turn out to be your enemy is terribly frightening."*

Lord Astor, British philanthropist, 1993

*"Forget what you've heard about domestic violence...the truth is that women are just as likely to batter as men."*<sup>1</sup>

For many people, the first reaction that they have upon hearing about the topic of battered husbands is one of disbelief and incredulity. Battered husbands are a topic for jokes (such as the cartoon image of a woman chasing her husband with a rolling-pin). The plight of battered husbands has historically been either ignored or subjected to ridicule and abuse. Even the most open-minded and liberated Malaysian has a difficult time even imagining that husband battering takes place. Whilst feminists and battered wife activists have caused many of us to open our eyes about the existence of domestic violence and newspaper and media reports often include incidents of abused wives, the phenomenon of abused husbands (especially physically abused husbands) is one that is rarely if at all discussed.

This research project attempts to provide an overview of a subject that has not yet become part of mainstream Malaysian public debate and conversation. This could be because it is still in many respects considered a taboo subject. Men, especially married men, more often than not, feel a real sense of embarrassment and shame at having been victims of this crime. This is in addition to the distress caused by social indifference and apathy in the Asian community in not condemning female violence. On the other hand, this is further exacerbated by the fact that most, if not all feminists, assist in contributing to the problem by denying that the issue of husband battery even exists.

The result is perhaps an issue which is rife with misconceptions and misinformation. Oftentimes those who dare take up or raise the issue for public debate

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<sup>1</sup>Pearson P., *"When She Was Bad: Violent Women and the Myth of Innocence"*, (1997), Viking Penguin, Penguinbooks.



risk upsetting the currently politically acceptable and carefully crafted gender stereotypes of male and female behaviour.

One of the primary purposes of this research project is to reflect on the question whether husband battering in Malaysia is indeed a myth or a reality. In attempting to debunk this myth, could domestic violence against men, rather than women be the most under-reported crime in Malaysia? For the purposes of continuing research in the field of criminal justice in this country, we need to ask ourselves if indeed Malaysian husbands are battered by their spouses, why then do they not report the incident? The writer desires to explore:

- a. the plethora of possible reasons why a victim of husband battery in this country chooses not to leave the spouse abuser;
- b. why a victim of husband battery in this country chooses to remain silent;
- c. why a victim of husband battery in this country chooses not to leave the spouse abuser but rather chooses to allow the battery to occur and not demand the spouse attacker leave;
- d. why a victim of husband battery in this country chooses not to seek help from anyone;
- e. why a victim of husband battery in this country chooses not to go to a shelter for abused spouses;
- f. whether 'Battered Men Syndrome' actually exists;
- g. whether men in denying that they are battered are merely in denial;
- h. whether the cycle of abuse can be broken;
- i. whether victims of this form of domestic physical abuse undergo negative changes in their behaviour with others – ranging from loss of self esteem, sense of helplessness, self-blame and guilt resulting in drug and/or alcohol abuse;
- j. what the motivations of those involved in such husband battery are; and
- k. how these victims cope with the physical abuse.

This research project paper in its attempt to shed light on this under-recognized social illness also hopes to provide the reader with an insight into the minds of male victims of husband battery after the criminal incident. A comprehensive collation of data via qualitative research methods is utilized by the writer in the execution of this criminal justice research.

This research project researches and reveals numerous facts and statistics on the subject with comparisons and cross-references made between the female victims of crimes of sexual violence and their rationales for making the decision not to come out of the closet. It also contains several personal stories of victimized and abused husbands.

An analysis will also be made with regards to what counsellors and researchers term as 'abuser types' attempting to answer some of the following questions:

- How much of domestic violence shows the involvement of both the partners in the escalation process?
- Do physically abusive wives tend to come from families in which violence and neglect are prominent?
- What happens when there are no clear precipitants for the violence, and the escalation process to violence is rapid as opposed to gradual?
- Do violent husband batterers typically lack empathy for their victims?
- Do they have any motivation to change their ways?

The writer has conducted a literature review of available books, journals, manuscripts, writings (legal, medical, psychiatric or otherwise) on the areas covering and surrounding this topic. The plethora of writings on the subject by eminent psychologists, doctors and counselors written and published in medical and professional journals is discussed and reviewed with a hope that such studies although conducted in western jurisdictions will shed some light into some of the reasons why battered husbands choose not to come out of the closet. The research project writer is a practicing advocate and solicitor of the High Court of Malaya and attempts to provide a personal insight into what is hoped are views with a balanced perspective on the subject of husband battery.



Chapter The writer expects hard-core feminists who view all women as incapable of violence and all men automatically guilty because of their gender to surely attack the results of this brief research on emotional grounds. This research project is not aimed or intended by the writer to be in any way an all encompassing comprehensive research project on this controversial topic. It however remains the writer's sincere desire that this research project succeeds in shedding some light on an under-recognized social problem. It is only after a society recognizes that husband-battering exists and that husbands who are subjected to violence by their spouses are victims can we then be able to begin the long-process of seeking for solutions and working to create healthier families and correspondingly peaceful households.

Only in the late 21<sup>st</sup> century has the subject of husband battery been broached. Even then, the subject of husband battering has not been addressed to the great satisfaction of anyone. Studies and surveys conducted in the United States of America had finally revealed that violence is clearly being perpetrated both by wives and husbands. There remains however, little if any clear information about the gender, frequency or severity of spousal battery against the husband.

Studies conducted have done little to reveal who or which party was guilty of initiating the physical abuse and who was acting in self defence. Existing research on the subject reveals that there does exist a co-relation in the relationship between physical

<sup>1</sup> Johnson, Richard A., and Laura, Joseph E. "Physical Battering" in *Handbook of Family Violence*, ed. Joseph A. Paterlini, Jr. (New York: Plenum Press, New York, 1986), pp. 211-246.

<sup>2</sup> Johnson, R. "Male and female violence in the American home: notes on 250 families." *An American idiom*, ed. John A. Johnson, The Free Press (Glencoe, IL, 1965), pp. 216-222.

## Chapter 2     Broaching the Subject

Whilst both public concern and behavioral research has focused almost exclusively on the area of wife abuse, husband battering has long been said to occur to occur. Often thought to be a rare occurrence, researchers have, more often than not, chosen not to investigate husband battering as much as they have wife battery. The most apparent reason could be that women were seen as the weaker of the two parties in a marriage and more helpless than men due to sex roles, whilst the men on the other hand were seen as being much stronger, sturdy and self-reliant that relegates the study of physically abused husbands to one of relative unimportance. Historically, battered men have been publicly reviled and punished<sup>2</sup>. The battered husband is, more often than not, the subject of ridicule in broad humour such as comic strips<sup>3</sup>. Saenger G. in his article for the Free Press entitled "*Male and female relation in the American comic strips in The Funnies: An American idiom*," for example, found in an extensive study of newspaper comics in the United States of America in 1963 revealed that wives were more aggressive than husbands in 73% of the comic strips, whereas husbands were aggressive in only 17%. Of those 14% of the males were recipients of physical aggression whilst only 1% of the women were.

Only in the late 21<sup>st</sup> century has the subject of husband battery been broached. Even then, the subject of husband-battering has not been addressed to the great satisfaction of anyone. Studies and surveys conducted in the United States of America had finally revealed that violence is clearly being perpetrated both by wives and husbands. There remains however, little if any clear information about the relative frequency or severity of spousal battery against the husband.

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<sup>2</sup>Steinmetz, Suzanne K. and Lucca, Joseph S., "*Husband Battering*" in *Handbook of Family Violence*", Van Hasselt, Vincent B. et al. editors, Plenum Press, New York (1988), pp. 233-246.

<sup>3</sup>Saenger, G., "*Male and female relation in the American comic strips in The Funnies: An American idiom*", M. White & R.H. Abel editors, The Free Press, Glencoe IL, (1963), pp. 219-223.



changes and the increase in family violence. Researchers in the United States of America in the late 21<sup>st</sup> century were also becoming increasingly concerned that the use of police and/or social services references in the choosing of subjects to study may result in somewhat biased results. This would in turn, make the plight of the battered husband become nearly invisible in comparison to their female counterparts.

The most significant data to uncover male victims originally came from a survey published in 1980 by two highly respected family-violence research scholars in New Hampshire, U.S.A.- Murray Straus and Richard Gelles<sup>4</sup>. Their random survey of 2,143 American homes uncovered that severe abuse was committed equally by men and women. Dr. Suzanne K. Steinmetz's follow-up study and analysis of the original data obtained by Straus and Gelles revealed that there were more reported cases of blows being struck by women than there were by men. When she coined and invented the phrase "battered husband syndrome" and published "*The Battered Husband Syndrome*"<sup>5</sup> in 1978, feminist groups jumped on her. Dr. Steinmetz recalls receiving anonymous phone calls from feminist groups threatening to harm her family. Nevertheless Straus, Gelles and Steinmetz teamed up to produce their landmark book "*Behind Closed Doors*" in 1980 which is based on the supposition that official statistics such as police reports on the subject were incomplete and invalid. Only upon reading their work which contained an analysis of data obtained by them vide a survey of potential spousal assault victims in the United States did American family violence researchers begin to accept the inference that "the existence of an invisible legion of assaulted husbands" may not be unreasonable<sup>6</sup>. Sadly, after producing their final collaborative work entitled "Intimate Violence"<sup>7</sup> in 1988, both Gelles and Straus have stated that they would never again speak publicly concerning the topic of battered men for fear of themselves being abused by female protagonists.

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<sup>4</sup> Straus, M.A. & Gelles, R.J., "Societal change and change in family violence from 1975 to 1985 as revealed by two national surveys", *Journal of Marriage and the Family* 48, pp.465-479, 1986.

<sup>5</sup> Steinmetz, Suzanne K., "The Battered Husband Syndrome", *Victimology*, 1977-1978, p.499-509.

<sup>6</sup> Dobash R.P., Dobash R.E., Wilson M. and Daly M., "The Myth of Sexual Symmetry in Marital Violence", *Social Problems*, 1992, pp.71-91.

<sup>7</sup> Gelles R.J. and Straus M.A., "*Intimate Violence*", (1988), Simon and Schuster, p.106.



### Chapter 3 Reviewing Statistics of Husband Battering

Much more frequently than men, women are often portrayed by the print and television media as victims of abuse and found not to be responsible for the crime. How true is this assertion?

Michael Fumento, columnist for 'Insight on the News' who tabled the question "Are women getting away with murder?"<sup>8</sup> claims that all around the world women who murder their husbands were treated much more leniently by the courts and the various agencies involved in the administration of criminal justice as compared to men who kill their wives.

In 1985, a nation-wide 'National Family Violence Survey' of over 6,000 actual cases in the United States of America funded by the National Institute of Mental Health and conducted by Murray A. Straus and Richard J. Gelles at the University of New Hampshire<sup>9</sup> reported that half of spousal murders in the United States of America were committed by wives. The well-respected Journal of American Medical Association revealed that in the numerous studies conducted by the Department of Justice in the United States of America, men were actually mentally and physically abused by their spouses. In 6,200 domestic abuse cases reported and studied by the Department of Justice, 86% of women who physically assaulted and battered men used weapons such as guns, knives, boiling water, bricks, fireplace poker and baseball bats whilst only a quarter of the men who assaulted women used weapons.

An example of recent research done is the work of Frieze Williams in 2005<sup>10</sup>. In Frieze Williams' review and examination of data collated from the American National Comorbidity Survey, it was discovered that in a sample of 3,519 men and women, 18.4% of the subjects were found to be involved in a violent relationship. In these reviewed

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<sup>8</sup>Fumento M., "Are Women getting away with murder?", Insight on the News, News World Communications Inc., Feb 6, 1995, v.11 n6 p.35(2).

<sup>9</sup>1985 National Family Violence Survey of 6,000 cases funded by the National Institute of Mental Health, conducted by Murray A. Straus and Richard J. Gelles at the University of New Hampshire, U.S.A..

<sup>10</sup> Williams, S. L., & Frieze, I. H., "Patterns of violent relationships, psychological distress, and marital satisfaction in a national sample of men and women", (2005), Sex Roles, 52 (11/12), pp.771-784.



relationships, the violence, both in mild and severe form, was mutual between spouses. However, Williams' studies concluded that the National Comorbidity Survey revealed that women were more likely than men to initiate both mild and severe violence in a marital relationship.

David M. Lawson in his article in the Journal of Counselling and Development for the American Counselling Association entitled "*Incidence, explanations, and treatment of partner violence (Practice & Theory)*" disclosed that "data from national representative samples indicated that 11% to 16% of women in the U.S. reported violent aggression by their partners, with estimates ranging from 3.4 to 8.7 million cases of partner violence each year<sup>11</sup>. Lawson noted that violence was more common in dating couples and among women about to be married than in married couples. Referring to the studies conducted by Arias, Samios, & O'Leary in 1987<sup>12</sup>, he further remarked that studies in North America by Straus and Gelles in 1999<sup>13</sup> revealed that 'men and women were almost equally violent toward one another in terms of frequency'. Of greater importance for us to note is that Lawson highlighted a related unreported or minimized North American statistic in that "*in approximately 71% of all violent couple fights, women initiate the first violent act*"<sup>14</sup>." Whilst these statistics are controversial and that their interpretation can be highly politicized, it does not allow for one to conclude that that women in North America use violence only for or as a means of self-defence. The studies clearly reveal that North American women both initiate and reciprocate violence.

Male-on-female violence, however, results in greater 'negative outcomes' than other types of spousal violence, especially when compared with female-on-male violence<sup>15</sup>. Of interest to note is also that in the cases studied in North America, male-to-

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<sup>11</sup> Lawson, David M., "Incidence, explanations, and treatment of partner violence. (Practice & Theory)", *Journal of Counseling and Development*, Wntr 2003 v81 i1 p.19(14), American Counselling Association.

<sup>12</sup> Arias I, Samios, M., & O'Leary, K. D., "Prevalence and correlates of physical aggression during courtship", *Journal of Interpersonal Violence*, (1987), 2, pp.82-90.

<sup>13</sup> Straus, M.A. & Gelles, R.J., "Societal change and change in family violence from 1975 to 1985 as revealed by two national surveys", *Journal of Marriage and the Family* 48, pp.465-479, 1986.

<sup>14</sup> Bland RC, and Orn, H, "Family violence and psychological disorder", (1986), *Canadian Journal of Psychiatry* 3, pp.129-137.

<sup>15</sup> Stets, J. E., & Straus, M. A., "Gender differences in reporting marital violence and its medical and psychological consequences" (1990) in M. A. Pirog-Good & J. E. Stets (Eds.), "*Physical violence in American families: Risk factors and adaptations to violence in 8, 145 families*" (pp. 151-166). New Brunswick, NJ.



female assaults were at least 6 times more likely to cause injuries to females than assaults committed by females.

The British Home Office in its British Crime Survey for 1996<sup>16</sup> issued a new research report that showed that men are equally likely to suffer from domestic violence. The survey concluded there were 6.6 million incidents of domestic violence in 1995. The survey further showed that 4.2% of men and the same percentage of women said they were assaulted that year. The male victims were likely to be under 25, working part-time and in households where there were financial difficulties. The male victims were also found may have had a long-term illnesses or disabilities. The study by British Home Office researchers Catriona Mirrlees-Black and Carole Byron found that in most cases surveyed, the violence involved pushing and grabbing, but in 47% of incidences, the victim was also kicked, slapped or punched. Furthermore the statistics revealed that about half the attacks resulted in injury, most commonly bruising, but one in 10 involved cuts and in a small minority broken bones. Throwing things at each other happened in one of five cases surveyed, and in about one third of such cases children in the home either witnessed the attack or were aware of it. Of greater interest is that only half of victims of such assaults told anyone about it – that person normally a friend, neighbour or relative. The police were only told in about 12% of actual incidents.

C.S. Tang in his research entitled “*Prevalence of spouse aggression in Hong Kong*” written and published in the Hong Kong Journal of Family Violence<sup>17</sup>” studied 382 undergraduate subjects’ at the Chinese University in Hong Kong. After conducting a survey aimed at evaluating individual evaluation of their parents responses during family conflicts he discovered that 14% of students surveyed reported that their parents engaged in physical violence. What however was particularly interesting to note was that the subjects stated unequivocally that “*(Asian) Mothers were as likely as fathers to use actual physical force toward their spouses.*”

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<sup>16</sup>Mirrlees-Black, C., “*Domestic Violence: Findings from a New British Crime Survey Self-Completion Questionnaire*”, (1999) Home Office Research, Development & Statistics Directorate Rep. 191, Home Office, London, HMSO.

<sup>17</sup>Tang, C.S., “*Prevalence of spouse aggression in Hong Kong*”, (1994), *Journal of Family Violence*, 9, pp.347-356; (\*the survey was of 246 undergraduate women and 136 men at the University of Hong Kong).



Chapter 1 Despite the lack of any previous research data or writings in this area in Malaysia, the little data that the writer has managed to patch together from the fifteen interviews conducted shatters (in the mind of the writer) the myth that husband battery does not occur in Malaysian homes. The writer in the course of writing this project paper conducted personal interviews with a total of twenty five male subjects of whom surprisingly enough a total of fifteen admitted to having being battered by their wife on more than one occasion.

Traditional marriages. Traditional marriages for the purposes of this research project are marriages which cover men who did not register themselves as married under the Law Reform (Marriage and Divorce) Act 1975 but who are nevertheless deemed married by virtue of having been married under customary rights and rituals. The husbands interviewed by the writer also included men who were solemnized and registered as married under Muslim law in Malaysia. This research project however does not cover interviews of any men who are Sabahan and Sarawak or native/aborigine of West Malaysia whose marriage is governed by native customary law or aboriginal custom.

Despite the advent of homosexual or gay marriages slowly becoming legally recognized in the West and comparative research and data collected and analyzed by researchers in these countries now available, more often than not, current information taken from homosexual marital studies, this research project will focus its examination of the topic with reference to battered husbands who are in heterosexual marital relationships in which such are recognized under Malaysian law.

**Chapter 4     Married Men – Who are we not covering?**

The writer also wishes to note that due to the existence of various races, cultures and customs of persons residing in Malaysia, the study registered data collected and analysed of interviews of ten husbands who are registered as married according to the Law Reform (Marriage and Divorce) Act 1975 and also another five husbands who were married according to traditional marriages. Traditional marriages for the purposes of this research project are marriages which cover men who did not register themselves as married under the Law Reform (Marriage and Divorce) Act 1975 but who are nevertheless deemed married by virtue of having been married under customary rights and rituals. The husbands interviewed by the writer also include ten men who were solemnized and registered as married under Muslim law in Malaysia. This research project however does not cover interviews of any native of Sabah and Sarawak or native/aborigine of West Malaysia whose marriage is governed by native customary law or aboriginal custom.

Despite the advent of homosexual or gay marriages slowly becoming legally recognized in the West and comparative research and that data collected and analysed by researchers in these countries nowadays do, more often than not, contain information taken from homosexual marital unions, this research project will focus its examination of the topic with reference to battered husbands who are in heterosexual marital relationships in marital unions are recognized under Malaysian law.

Furthermore the purposes of this research paper, the writer has chosen to study husband battery only in situations where the female spouse has caused an 'actual infliction of bodily pain, disease or infirmity' onto her husband on more than just one occasion. While this may in all likelihood result in the turning away of the possibility of researching a much larger number of potential victims of husband battery, the writer

<sup>24</sup> Common Law, 'History of Law', (1991) 12, Institute, Faculty Education Ltd, London.  
<sup>25</sup> Penal Code Act 574.  
<sup>26</sup> Penal Code Act 574, sec 301.  
<sup>27</sup> Penal Code Act 574, sec 302.



## Chapter 5 Defining Battery

A critical issue that must be assessed and determined from the outset of this research project is the definition of battery. Curzon's "Dictionary of Law" defines battery as both a crime and a tort, "involving the infliction of unlawful personal violence by the defendant against the plaintiff."<sup>18</sup> The common law definition of battery encompasses even the slightest use of force and requires no resulting injury to the victim need be proved. The Malaysian Penal Code<sup>19</sup> in comparison makes statutory the crime of battery vide the offence classified as 'voluntarily causing hurt.'<sup>20</sup> A person is said to have caused 'hurt' when he or she "causes bodily pain, disease or infirmity to any person."<sup>21</sup> The writer has chosen to adopt the Penal Code definitions of 'hurt' and 'grievous hurt' and its corresponding offences for the purposes of this research project. It is felt that Penal Code definitions are sufficiently broadly worded to encompass all the permutable types of aggressive actions an aggressive wife may inflict on her husband.

Legal definitions aside, many men and women (be they husbands or wives), for example, do not consider pushing, shoving or slapping their spouse with an open hand physical abuse. The questionnaire utilized by the writer in the conduct of interviews clearly asks respondent subjects whether they were ever slapped (with an open hand), punched (with a closed fist), choked, kicked, pushed or had their hair pulled by their wives as the gauging determinant of whether they were victims of physical violence from their wives.

Furthermore the purposes of this research paper, the writer has chosen to study husband hurt/battery cases in situations where the female spouse has caused an 'actual infliction of bodily pain, disease or infirmity' onto her husband on more than just one occasion. Whilst this may in all likelihood result in the turning away of the possibility of researching a much larger number of potential victims of husband battery, the writer

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<sup>18</sup> Curzon L.B. 'Dictionary of Law', (2006) 6<sup>th</sup> Edition, Pearson Education Ltd, London.

<sup>19</sup> Penal Code (Act 574).

<sup>20</sup> Penal Code (Act 574), sec.321.

<sup>21</sup> Penal Code (Act 574), sec.319.

wishes to remind the reader that this research project is not aimed or intended by the writer to in any way be an all encompassing comprehensive research project on this controversial topic.

Interviewed of twenty confirmed subjects of husband battery who each furnished that the following more prominent characteristics were evidently apparent in husband abusers in Peninsula Malaysia:

1. Husband batterers feel a need to dominate and control their husbands and often expect it as their right and privilege domestically. They also have tendencies to be a little preoccupied with a 'macho' ideal of womanhood. Husband batterers also appear to associate feminine qualities with weakness and inferiority as something that probably would make them vulnerable.
2. Husband batterers are also characterized by their poor skills as lacking in communication skills. In the eyes of their husbands, they were more inclined to resolve problems through violence just as the male sex role stereotype would. This is not obviously a life to the stress many husband batterers create for their wives, husband and their families.
3. Husband batterers characterized by low self-esteem than most others. This is so despite the bravado that any husband batterers clearly display. They exhibit sometimes evidence of jealousy and possessiveness.
4. Whilst only three of the subjects interviewed stated that their wife had consumed alcohol (and had taken any illicit drugs) all of them proclaimed that her having consumed alcohol prior to the attack did not 'cause' the abuse. Most of the husband batterers were abusive without alcohol.
5. A majority of the husband batterers had experienced or at least witnessed physical violence in their lives. For the most part, these traumatic experiences and exposure had left them traumatized, with low self-esteem and having poor role models. Not unlike alcoholics, husband batterers also had the tendency to deny (to their male spouses) that they had a problem.



## Chapter 6 Characteristics of the Husband Batterer

The writer interviewed of twenty confirmed subjects of husband battery who each surmised that the following more prominent characteristics were evidently apparent in husband abusers in Peninsula Malaysia:

1. Husband batterers feel a need to dominate and control their husbands and often expect it as their right and privilege domestically. They also have tendencies to be a little preoccupied with a 'macho' ideal of womanhood. Husband batterers also appeared to associate feminine qualities with weakness and feared intimacy as something that probably would make them vulnerable.
2. Husband batterers are also characterized by their victim husbands as lacking in communication skills. In the eyes of their husbands they were more inclined to resolve problems through violence just as their male sex role stereotype would. This in turn obviously adds to the stress many husband batterers create for their victim husband and their families.
3. Husband batterers characteristically suffer from lower self-esteem than non-batterers. This is so despite the bravado that many husband batterers clearly display. They also oftentimes evidence excessive jealousy and possessiveness.
4. Whilst only three of the subjects interviewed stated that their wife had consumed alcohol (and none had taken any illicit drugs) all of them proclaimed that her having consumed alcohol prior to the attack did not 'cause' the abuse. Most of the husband batterers were abusive without alcohol.
5. A majority of the husband batterers had experienced or at least witnessed childhood violence in their lives. For the most part, these traumatic experiences and exposure had left them traumatized, with low self-esteem and having poor role-models. Not unlike alcoholics, husband batterers also had the tendency to deny (to their male spouses) that they had a problem.

6. The husband batterers in the eyes of the subject male spouse (victim) believed in fantasies of being wealthy and famous and that their male spouses were holding her back.
7. They also further blamed everyone else, especially their victim male spouse, for making her angry, thereby creating the (perfect) excuse for their physical actions.
8. The subjects also revealed that their abusive female spouses always made excuses for their violent behaviour. Examples given to their male spouses after an episode includes *"My parent(s) beat (or sexually abused) me"* or *"I'm not going to let you talk to me like that"* (and then proceeding to physically abuse the husband)." The husband batterer also has a great tendency to redefine the situation so that the problem does not lie with her but with the husband.
9. The interviews also revealed that the abusing wife utilizes certain 'tactics' to manipulate the victim husband. These include lying, or upsetting the husband just to watch his reactions and then proceeding to provoke a fight with him. The abusive wife also had a tendency to assume she knew what the victim husband was thinking or feeling thereby justifying their physically abusive behaviour because they 'knew' what the victim husband would do in a given situation. An example given was where the abusive wife would say *"I knew you would be angry because I went out for drinks with my male colleagues after work, so I decided that I might as well stay out late and enjoy myself."*
10. Another major symptom shown by all husband abusers is one of strong jealousy and over-possessiveness. The husband batterer spent a large amount of time monitoring their husband's activities.
11. In battered wife cases, if the victim wife left the matrimonial home due to the physical abuse, the male abuser would almost always make attempts and promises to his wife in efforts to persuade her to return. Interestingly enough, whilst abusive



husbands almost always showed signs of dependency when the victim left the home, the abusive female counterpart did not act likewise.

12. All victims of husband battery opined that their abusive female spouses had a tendency to hold inflexible and rigid cultural and/or religious beliefs about the roles and functions of their spouses. She almost always expects the victim husband to meet all her financial needs (including in some cases, the purchase of expensive luxury items) together with fulfilling and completing all the household and/or parenting chores.
13. Husband abusers also are very close-minded and self-righteous persons believing that they were right in all situations.
14. The information collated from the interviews reveal that husband batterers reveal poor anger management skills. This could most likely be linked to the fact that in a majority of cases, they themselves had experienced a violent and abusive childhood as stated later. They appear to view violence as the primary and only method of settling differences with their husbands which in turn shows that they have no other channels to vent their anger than to take it out on their husbands.
15. The interviews also revealed that husband abusers also chose not to accept responsibility for their physically abusive behaviour by saying things like "I didn't hit you that hard."
16. Husband batterers also appeared to believe themselves to be better than other people and therefore above the rules. She is almost always in denial of the need for any outside counselling (especially when proposed by the victim husband!)

Having cursorily described the more prominent characteristics of the husband batterer, it is important to note that literature reviews of psychiatric writings in this area reveal that clinical psychologists categorized the types of domestic violence against

husbands into two categories. Neidig and Friedman<sup>22</sup> in their clinical studies highlighted the importance of distinguishing between expressive violence and instrumental violence.

Expressive violence is, in their opinion, a state of heightened emotional arousal which tends to occur in a somewhat gradual and escalating manner. There is often clear involvement of both the husband and the wife in the process of escalation and sometimes the end result is an expression of violence by both spouses. After a violent bout between the spouses, the both of them express genuine remorse (hence the term expressive violence) and the spouses are motivated to change because they have accepted responsibility personally. Expressive violence of course typically results in positive prognosis by psychologist when and if such episodes are detected and treated early.

Contrastingly, instrumental violence, is perpetrated by the female abuser and is intended for the purpose of control and punishment of her husband. The research by Neidig and Friedman indicate that such spouse abusers (be they male or female) had a tendency to come from families in which a history of violence and neglect are prominent. Their research further reveals that oftentimes there are no clear precipitants for the violence against their partner and the escalation process from disagreement to violence is very rapid as opposed to gradual. It is the opinion of the writer that husband batterers who fall into this category are more often than not likely to show little or no remorse for the violence they have inflicted onto their husband. Instrumentally violent wives correspondingly also lack empathy for their victim husband and therefore ultimately possess little if any personal motivation to change their ways. Neidig and Friedman, not surprisingly, opined that under these circumstances, despite counselling, the prognosis for change for such husband batterers remains poor.

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<sup>22</sup> Neidig, P. H., & Friedman, D. H., "*Spouse abuse: A treatment program for couples*" (1984) Champaign, IL: Research Press.



## Chapter 7 Why Stay in the Closet and Not Come Out of the Dark?

An exploration into the minds of the victim husband with a view to answering this question needs to be considered next. The writer after having completed the interviews on the subjects found that the answers, reasons or excuses given or forwarded by them were multi-faceted and multi-dimensional.

### 7(a) Gender Stereotyping

The majority of victims interviewed concurred that the primary reason why they choose to remain silent is that fear not taken seriously. How justified are these fears? Do they have valid grounds to fear that the police, the public prosecutors, the lawyers and others involved in the administration of criminal justice in Malaysia are systemically biased toward men based on the assumption that they are more violent? Assumptions that have been without criticism accepted by many in the legal system include the belief that women are rarely violent, except in self-defence situations.

The results of the writer's interviews seem to indicate that their inherent fear may not be completely unfounded. There is, in the eyes of the writer, some evidence that a husband-battering incident is taken less seriously than the comparable wife battering. The wife-battering scenario is oftentimes seen as a more violent episode than the situation where the victim is or was the husband. The subjects interviewed by the writer disclosed that they would be more likely to call the police to help the wife victim of physical abuse. Hidayat, one of the subjects interviewed said that he chose not to lodge a police report because he was *"too embarrassed...I did not think they would arrest her. And I did not want to deal with the judgment from the police."* Ahmad, another person interviewed by the writer takes the view that *"We victims, in general, are not treated very kindly by our society....it is complicated because we live in a male-dominated (police and legal) system in Malaysia. In Malaysian society there are victims who the public (in general and the police specifically) see as deserving of help and those who are not."*

The writer opines that is perhaps another additional layer of pressure for men (husbands) that does not exist for women (wives) is due to stereotypes and assumptions about female aggression in the eyes of enforcement and criminal justice agencies in Malaysia. The trivialization of female-perpetrated abuse by these agencies involved in the administration of criminal justice further inhibits battered men from voicing their grievances and needs.

For feminists, the concept and idea that men, more so husbands, could be victimized is nonsensical and does not square with their fundamental analysis of wife assault i.e. that it is an extension of male political, economic, and ideological dominance over women. Could this fear could very well be the dissipation of the notion that if women were so clearly subjugated in the public domain, how could there be a different reality behind closed doors? The oft-quoted feminist label is: "*Men are evil. Women are good.*" The sheer mention of the term 'domestic violence' and what one immediately visualizes is wife beating. Thus, inevitably any man who finds himself at the receiving end of a woman's fist is either a liar or a freak<sup>23</sup>.

In an extensive survey of North American college students (of whom 86% were white caucasians) reactions to scenarios of three types of domestic violence situations in 1994, Richard J. Harris and Cynthia Cook ascertained that the battering husband was held the most responsible of the three batterers and the battering wife the least responsible. The subjects surveyed and studied reported liking the battered wife more than the battered husband and disliking the battering wife less than the battered husband. They also most strongly adjudged that the battered husband should stay with his abusive wife which perhaps reflects an evaluation of husband battering being deemed to be less serious than wife battering<sup>24</sup>.

Another respondent subject interviewed by the writer, Hanafi, shares that when he went to the police station to report his injuries the officer recording the police report and the investigating automatically assumed that "*I (the male spouse) was the one who*

<sup>23</sup> Pearson P. "Women Behaving Badly", Sept.1997, Saturday Night, v112n7, p.90(8), SaturdayNight Publishing.

<sup>24</sup> Harris Richard J, Cook Cynthia A., "*Attributions about spouse abuse: it matters who the victims are*", April 1994, Sex Roles: A Journal of Research, v30n7 p.553, Plenum Publishing.



*instigated or provoked the assault by her, simply by virtue of being male.*" Hanafi, himself a foreign-educated restaurateur, personally believes some feminist activists and many police departments share secret common ground.

The writer opines that this not uncommon belief which is shared by all the subjects interviewed clearly indicate that in the eyes of the male spouse (victim) police officers embody the essence of patriarchy and on that premise alone they cannot tolerate the idea of men as victims of domestic violence. The end result of this misconception is that feminists and law enforcement agencies such as the police indirectly 'agree' to cast men as the primary and exclusive perpetrators and women as exclusive victims in all cases of domestic violence. The writer therefore opines, in concurrence with Messrs. Harris and Cook that all the above misconceptions by law enforcement agencies and criminal justice agencies are consistent with the cultural and patriarchal tradition of seeing husband battering as nothing more than something humorous as per the revelations of Saenger<sup>25</sup>.

In an unofficial interview conducted by the writer with several male Officer-in-Charge of a Police Stations (OCS) in two States in Peninsula Malaysia, the OCS' stated that in a majority of cases, male police officers (at district level) often refuted the idea that married women could be perpetrators of domestic violence crimes except in self-defence and other extreme situations provoked by men. The patriarchal misconception and predispositions they shared were greatly influenced by their religious and cultural teachings.

Both these OCS' opined that *"It's common sense that for the most part, women are more likely to be injured in a domestic fight with men."* When asked by the writer whether they have official figures of the number of police reports lodged by male spouses complaining about husband battery they declined to comment citing confidentiality of public complaints. One must, however, be reminded that official police statistics (or at least the ones maintained at local or district police stations) are oftentimes compiled according to the type of crime and not the gender of the victim. It is the opinion of the

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<sup>25</sup> See earlier - Saenger, G, loc.cit.

writer that even if more accurate statistics existed or were compiled, they would still vastly under-represent the actual number of men who are physically assaulted or battered by their wives.

Further enquiries and unofficial interviews by the writer with several investigating officers in three state criminal investigative departments of the Royal Malaysian Police force revealed that in the majority of domestic violence cases investigated by them, the wife was the more likely to use a weapon. *"Obviously not all cases involve women using a weapon" says one Inspector "however, not all cases involve husbands who are stronger. A lot of men (husbands) out there are physically weaker than their wives."*

Having said that, two of the six investigating officers unofficially interviewed recalled that there were a few cases which after they having decided to take the complainant husband's allegations of physical abuse seriously and investigate, the unfortunate and surprising final result was that the Public Prosecutor's office decided to lay charges against the complainant husband instead.

This revelation is reflected in the tale of Hisham, a factory worker and battered husband interviewed by the writer who recalled that he was in what he termed *"a hellish marriage."* He described his wife as a person who could not or had great difficulty controlling her anger and rage and who very frequently erupted *"not unlike a volcano"* when things did not go her way. When the volcano within her erupted, he recalled that she would slap and hit him hard (sometimes with an object) whilst simultaneously screaming verbal abuse at him. Hisham was quick to draw the writer's attention however to the fact that if and when fighting with her did occur, any response he would give to her aggression was done entirely in self-defence. Thus, if she slapped him or threw a plate (or two) at him, he would defend himself. He recalled that in a particular incident, after his wife had initiated a fight by throwing a plate at him and then slapped him and he had defended himself by pushing her away (she knocked into the coffee table), she had rushed to the police station and reported him as the physically violent wife abuser. When the police came over to the house he recalls vividly how the police automatically viewed



her as 'the victim' and him as the 'bad guy' without even first giving him any opportunity to give his version of what happened.

The legal profession also appears not to be spared from stereotyping. Michael, doctor and victim of husband battery interviewed by the writer pursuant to this research project recalled that his wife had turned violent against him over a period of time. She had started by throwing plates and glasses and vases towards him and later violently clawed, scratched, punched and kicked him, drawing blood on more than one occasion. When he summoned sufficient 'gumption' to seek legal advice on the matter, he was warned by his own lawyer that taking a defensive position could be seen by the courts as an act of violence towards her. He recalled being afraid to even defend himself by pushing her away.

*"My lawyer told me that I had to be very careful even when defending myself for fear that any reaction on my part to her may leave marks or bruises on her that could be misinterpreted by the police or the courts as me, instead of her, being the attacker."*

Michael said that after getting the same legal advice from another lawyer he then felt that since there was little he could do to stop the violence, he had no choice but to move out of the matrimonial home. The writer himself whilst acting for a local celebrity in her bitter divorce proceedings recalls that when the wife (client) came to engage the firm wanting him to pursue criminal action against her then estranged husband for assault and battery claiming violence on his part, *"We almost 'automatically' presume that the husband is the physical abuser."* This was so despite the client later revealing that there existed a gradual process of escalation (of which both were to blame) which eventually led to the expression of violence by both spouses. The police nevertheless then took her (the celebrity's) word for it and duly charged her then husband. The courts also took her word as 'gospel truth' with reference to the events that led up to her being beaten by him and duly granted an interim protection order in her favour. Whilst in the end she did obtain her divorce and is now happily remarried, it nevertheless brings to the fore the automatic patriarchal misconceptions and stereotyping (possibly leading to 'injustice'?) within members of the local police force and the magistracy when it comes to complaints

of domestic violence lodged by wives against their spouses as opposed to cases lodged by battered husbands against their female spouses.

Dr. Sotiros Sarantakos, Associate Professor of Sociology at the Charles Sturt University in Australia in his article entitled *"Domestic Violence Policies: Where Did We Go Wrong?"*<sup>26</sup> stated that domestic violence policies were sexist and that the clearest expression of this is seen when agencies at the outset attempted to determine the identity of the perpetrators and victims of violence.

*"Simply, when husbands assault their wives they are the perpetrators, and when wives assault their spouse, husbands are still the perpetrators. When a man assaults his wife, the reaction of the community is "What kind of a man is he to beat up his wife?" When the wife assaults her husband, the reaction of the authorities is "What kind of a man is he to make his wife beat him?""*

With this realization in mind, the writer opines that it then becomes imperative for police personnel (especially those on the ground) to change and remove their misconceived stereotyping and preconceived patriarchal ideas.

A senior police officer (who wished to remain anonymous) when asked for his views on this defended the Royal Malaysian Police's position stating that the police should not be held at fault for holding such views especially when responding to a complaint of domestic violence. He said:

*"We (the police) will accept any and all reports lodged whether by the husband or the wife and then conduct a thorough investigation to determine the truth. If our investigations reveal that it is the wife who committed assault, actual bodily harm or grievous bodily harm against her husband then we will not hesitate to recommend to the Public Prosecutor that she be charged for offences committed under the Penal Code."*

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<sup>26</sup><http://www.angryharry.com/esDomesticViolencePolicies.htm>



A Public Prosecutor when unofficially interviewed by the writer was quick to reiterate the official stance of the Attorney-General's Chambers that the office of the Public Prosecutor:

*"shall, without hesitation, proffer charges against the wife in all incidents where there are reasonable grounds and proof that she has assaulted and caused hurt to her husband.."*

One of them (on assurance of anonymity) however, sheepishly admitted that there was a difference in the way the Malaysian legal system treats domestic abuse against men and women. He opined:

*"As far as the judiciary is concerned, married women are seen as coming from a different perspective. It appears (to me) that what concerns magistrates when sentencing men who are charged with domestic violence is the issue of abuse. This could possibly be because historically Malaysian women are not the ones seen as being empowered - although this perception is changing. The system as it is may be arguably necessary in light of our unique cultural and religious beliefs."*

Further unofficial interviews by the writer with several members of the magistracy also exposed that the same misconception is clearly in the minds of those administering justice in the lower courts in Peninsula Malaysia. They acknowledged that in the event of husband battery cases were to be presided over by them, they would have (albeit at the back of their minds and not vocalized) pre-conceived notions that the complainant husband most likely contributed or provoked the attack. They further shared (not unlike the unofficial views of the public prosecutors personally) that the pre-conceived stereotyped patriarchal notions and ideas that may be held by them were as a result of a combination of cultural and religious teachings received by them.

The result of these official and unofficial interviews is a clear indication to the writer that there exists a prevailing Malaysian societal belief that women are overwhelmingly the lone victims in domestic violence. This to the writer appears to be

essentially is where the issue of gender bias in domestic violence in Malaysia rests itself today. Most within the Malaysian criminal justice system agree (albeit unofficially) that it is somewhat biased but nevertheless firmly believe that this bias is justified. This unfortunate misconception is perhaps also the main reason why husband battering is probably one of the most unreported crimes be it in Malaysia or around the globe. The writer opines that this overwhelming belief, stereotyping and misconception remains the primary catalyst that drives Malaysian governmental policy, the police and the courts of justice in the area of domestic violence which is clearly in contravention of established maxims and trite law that all men (no pun intended) are equal before the law.

#### 7(b) The Shame

All of the subjects interviewed by the writer confirmed that shame ranked high as a reason why they choose to remain in the closet. The most immediate questions that almost automatically come to the front of their minds are:

- *“What will my neighbour’s think?”;*
- *“What will my friend(s) think of me?”;*
- *“How can I show ‘face’ if I share what happened to me with my family?”*

Despite these pounding questions battering the minds of the subjects interviewed, it was interesting to note that the subjects had differing mindsets as to who they would speak to or inform about their abusive wife predicaments. This closely related area works another battery of corresponding questions at the back of the minds of each victim of husband battery as he contemplates the shame he may face. The writer discovered that battered husbands found it easier to share their predicaments if they had a closely knit support group be they his family or trusted friend. The strength of a battered husbands relationship with those nearest to him (kinship and friendship wise) has a direct bearing to the choice as to whether he relates the episode to them or not.

Another point worth noting is that half of the subjects interviewed and confirmed as being victims of husband battery revealed that they would prefer to share their predicament with a close friend than with any member of their family. When asked why



they would choose a friend over family, they shared that they felt that there was less likelihood that a good and close friend would be judgmental and 'laugh' at them as opposed to family members who in their opinion would even blame them for not making a wiser and better choice in the first place. It must be said that the subjects interviewed stated in no uncertain terms that the friend would most likely be a male friend and not a female one. Again the rationale given for this is that any female friend would "*naturally take the woman's side*" to the incident. They feared that sharing with a female friend would most likely result in them being blamed for the incident and them being coerced by their female friend to forgive her and return home. With regards to the interviewed victim's choice to choose friends over family, they primarily felt that there was a greater likelihood that family members (especially parents) would most likely resort to the "*I told you so*" approach towards them should they share their pain with them.

The other half of victims of wife aggression was of the opinion that they would rather keep any sharing they may choose to make (if they had a close knit family support unit) to within the family. Cheng, another subject interviewed aptly stated that "*I consider that something so private belongs and should stay in the family...in my case, only members of my immediate family.*" Having said that Cheng still had not (at the point of the interview) told any other member of his family other than his elder brother as he felt that they may be ashamed of him as he was supposed to be the man in his family. He felt ashamed of being 'male' in the given circumstance, a feeling not uncommon amongst other victims of husband battery.

Unfortunately not all subjects interviewed had the benefit of such closely knit friendships of family kinships and therefore those that did not felt that they were left with no choice but to face the trauma alone. They related that this perhaps could be where they would consider turning outside of the sphere of 'friends and/or family' to crisis centres, provided, they said that the persons running these centre do not stereotype them and add to their already seemingly insurmountable fears.

The opportunity then arises for domestic abuse centers to consider either the taking in of battered husbands into their shelters or the setting up of separate 'shelters' for



abused men/husbands similar to the ones now currently available for battered and abused men. It is reassuring to note that at least one such centre is prepared to not only recognize the problem of aggressive female spouses but also to open their doors to afford counselling and shelter to such battered men/husbands. The 'Sarawak One-Stop Crisis Centre' in a Bernama news report on October 21st, 2005<sup>27</sup> has opened its doors to battered men "who are too ashamed to lodge police reports against their aggressive spouses." The Centre's chairperson and Padungan state assemblywoman Puan Lily Yong was quoted as saying that the centre acknowledged:

*"a few victims of domestic violence had sought help from the centre but such cases were seldom publicized or even made known to close family members due to the stigma attached to it. Based on feedback received by the Sarawak Social Development and Urbanization Ministry, most cases arose from misunderstandings between spouses, psychological and financial stresses."*

The assemblywoman confirmed that such victims were reluctant to seek medical treatment in the hospitals or lodge reports against their wives despite the physical and mental torture. (Interestingly enough, the assemblywoman in her interview with reporters also dispelled the common perception of men as the macho better-half).

#### **7(c) For Love of the Children**

An interesting statistic that arose pursuant to the writer's interviews was that all the victims of husband battery had offspring from their marriages who resided in the matrimonial home. Another reason cited by them for not reporting the matter to anyone in authority or even to their friends or family was that they feared that should they decide to pursue a divorce from the abusive spouse, they would lose custody of their children. There were also sentiments expressed by them that they somehow felt that by still remaining in the marriage and continuing to live in the matrimonial home they could somehow deflect any abuse that their abusive wife may potentially inflict on their

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<sup>27</sup><http://www.bernama.com/bernama/v3/news.php?id=161677>



children. Chong says : *"I love my two children. They are very young (ages 5 and 9). I have heard that the if I choose to divorce her, the courts may not be sympathetic to my views when it comes to custody. Lawyers tell me that I have to prove that she is an incompetent mother to stand any chance of getting custody of them. But I don't want to fight her in court nor do I wish to make the child think badly of her."*

Chong's predicament is shared by the other subjects who all agree that they wanted to keep the children 'out of this.' The question of patriarchal preconceptions by the judiciary is yet again raised but this time with reference to custody of children in cases of divorcing parents. Can the man be give 'a fair shake' when it comes to custody of children of the marriage? Why is it that society (in particular the judiciary) almost automatically presume that a man cannot be just a good father in order to gain custody of his children but that he must be burdened with having to prove the mother to his children is incompetent. Having to produce tangible evidence that the wife is either a perpetual drunkard, victim of drug abuse or prostitute is almost unheard of in the Family Division of the High Court of Malaya. The already tension filled matrimony is further aggravated by an adversarial system of justice (assuming it is to be a contested divorce) which requires each 'warring party' to come forth and swear on oath and provide damning evidence against the other' in front of an open and public courtroom.

Given such a choice, the subjects interviewed cannot be blamed for opting not to take what they determine to be an 'internal family problem' to an open forum. They reassure themselves that their choice not to 'air our dirty linen in public' has the immediate effect of ensuring that they have continued access to their children in a hope to not subject their children to further negative behaviour.

#### 7(d) Love

*"I still love my wife"* is yet another answer forwarded by the subjects interviewed. None of them stated that they had come to a point where they 'hated' their spouse. But corresponding to this response and declaration of love was that all of them believed that *"she will change."* Whilst they were not in denial that their spouses had a problem with



violence, they were almost all in unison in declaring that there was more to their wives than just the violent episodes.

Several even ventured to share that they felt it was more important for them to focus (or at least try to) on the positive aspects of the marriage rather than constantly reminding themselves of the worst and last violent episode. The fact that all the subjects had offspring (most of whom were young i.e. below 18 years of age) allowed them to do just that.

Most of the respondents interviewed related that when they had told their spouses that she “had a problem with her anger and violence” (or words to that effect), the most common response they said proffered by their wives was a denial or refusal to acknowledge that it was a ‘problem’ but rather to brush it aside by blaming their husbands for provoking them to that point.

Two of the men stated that they would themselves try to change first – perhaps be more careful with their words or actions or omissions and then hope and pray that their love would be strong enough to make their wife realize her problem and the need to change. They felt that their love for their spouse was going to win the day. As noble as this reasoning may sound, the fact remains that these respondents feel the way they do because of the strong close-knit family-support that they have in their lives. These respondents shared that the loving caring support and encouragement of their fathers had a major impact on their decision to stay.

Sadly (as mentioned earlier), not all of the victims share such support. Syed, a victim shared that despite his being on the receiving end of a broom-stick wielded by his 32 year old wife (he is 52 years of age) at least once a month, he still loved her. Syed, a gardener for most of his life had this to say:

*“She is my second wife. I chose her. She still takes care of me. I still admire her because she holds down a day job (she works in a cleaning company) and then has to come back and look after me. My children (from his first marriage) have all left me.”*



#### 7(e) Refusing to Give Up

A majority of the respondents to the interview responded by saying that they could and would tolerate the abuse. Most of the respondents echoed the words of Syed when he said: *"It's not that bad. I can take the punishment."* Their ability to take in or tolerate the physical beatings is in the opinion of the writer correspondingly linked to their need to hold on to what some of them say is "the last ounce of their sanity." In the words of Syed, *"To give up and die inside means that I would actually have no more reason to even continue living."* The results of the interviews on victims of husband battery reveal to the writer that some of these victims are on the brink of 'going insane.' Thankfully, none of the respondents revealed any inclination or desire to end their own lives – perhaps not wanting to have their children traumatized even further. These male victims, in the eyes of the writer, continue to show a resilience that perhaps is greater than what most ordinary men could if faced with the same situation.

#### 7(f) Loss of Self-Worth

*"Domestic violence in itself is a shattering experience because the victim is betrayed by a loved one. Self-respect is slowly stripped away until he or she is left psychologically naked, not knowing who to trust or what a normal relationship looks like."<sup>28</sup>*

Four of the battered husbands interviewed when asked whether they thought their wives could ever change from her violent ways (after having declared themselves to have been married for between 20 – 30 years) answered that it did not matter anymore. They claimed that it was their fate (the religious of the three stated that *"it's God's will"*) and that they were too old to *"go out and get divorced"* because they felt that nobody would want them especially if they were to relate what had happened to them to someone new.

The physical abuse inflicted on these men by their spouses had greatly affected their self-worth. Respondents interviewed appeared to the writer to share this same emotion. With responses ranging from proclamations that due to their 'looks', 'age',

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<sup>28</sup><http://www.foxnews.com/story/0,2933,138087,00.html>



'income' and/or 'personality'- "*this is perhaps the best relationship I will ever get*" to statements that "*I think I probably deserved the beating she gave me,*" these respondents dejectedly accept the abuse as their 'lot in life.' It is indeed most sad to see that all the victims interviewed not only had a look in their eye but also had shruggish responses which became apparent when the topic of their being a victim of husband battery was broached. This tendency to accord self-blame coupled with feelings of shame and guilt inevitably leads their finding it increasingly difficult to trust anyone else. Negative feelings of the sort and type experienced by them such as pessimism and alienation further takes them spiralling down the road of destruction of their entire self-worth resulting in acknowledgement deep within themselves that living alone would be both unbearable and unthinkable.

These negative attitudes inevitably bring itself into their workplace where such victims of husband battery suffer from over anxiety, depression, are easily irritable and find it hard to think clearly and be decisive – negative emotions that ought to have no room in the workplace. It again then becomes imperative that society must acknowledge that such physically abused husbands are also victims who are in need of care, attention and counselling by professionals care-givers. Only with the availability of professional psychological counselling at either state-run or private spousal abuse agencies can we then see male victims of husband battery begin to even contemplate come out of the closet. (The caveat here is that the care-givers and professionals administering these agencies and centres ought not to have any stereotyped preconceptions about male victims of husband battery).

#### **7(g) No Where to Turn to**

Not surprisingly, all of the men interviewed by the writer when asked whether they were aware of any domestic abuse shelters they could go to if the situation at home became intolerable answered in the negative. The writer poses the question – do these shelters even exist in Malaysia (other than the abovementioned 'Sarawak One-Stop Crisis Centre') and if so, why do they not publicize their presence?



A review of shelters for battered men and husbands by the author revealed that even in the United States of America, such shelters are practically non-existent. Shelters catering for abused men were found only in some cities but even those offer very short term services such as two or three free nights stay at a hotel whilst others offer space for such victims at only the most inaccessible shelters.

*“Among the 20 or more women’s shelters in Los Angeles, California the only one that also accepts men is about 70 miles from downtown Los Angeles. Why no services for men? Because no funding exists. According to the Bangor Daily News, “the Violence Against Women Act allocates \$3.3 billion to help abused women but contains no money to help male victims.” Legislators allot no money for men even though a mammoth body of scientific research dating back to the 1970’s shows women to be as frequently violent in relationships as men. Plus, researchers agree that many domestic assaults against men are probably not being reported because of the humiliation the victims would suffer.”<sup>29</sup>*

Battered men interviewed (and the many others who were not interviewed) should not be blamed for not coming out of the closet when they have every reason to believe that there is no place they can turn to? *“While a male victim can place a call to their local crisis center, most often upon referral by the Police and at best, be offered minimal if any support and often turned away or not taken seriously. Many men later find out that the crisis service that turned them away is now helping his abuser.”<sup>30</sup>*

How many of such male abuse victims were actually turned away at the doors of domestic violence shelters in Malaysia that were not open to abused husbands? This, coupled with their fears of workers at such centres stereotyping them if they did find the courage to come out, goes a long way to discouraging battered husbands from coming out of the closet.

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<sup>29</sup> <http://www.safe4all.org>

<sup>30</sup> Lee Newman, “Biased Courts and ‘Traditional’ Service Providers are Guilty of Allowing Abusers to Continue”, Feb.20,2004; <http://www.altrue.net/site/vip/content.php?type=1&id=8034>; SAFE-New Hampshire.



There were three respondents to the study who recalled their experiences of 'coming out of the dark closet.' These respondents noticeably shared certain common traits. The first of which was that they each had a better self-worth appraisal of themselves. The each shared that although initially (after the physical beatings they took) their feeling of hopelessness and self-worth plummeted to what one of them described as "all time low" each of them spent some time re-evaluating whether they wanted to stay or leave the marriage. Each of the three related that despite the fact that they were financially independent they stayed because of their children. They did not want their child (interestingly all of them had only one child from the marriage) to find out about their abusive mother as they felt that they would not understand what was going on. (This appears to be an attempt by the victims to 'stop the cycle of abuse?") One of the respondents, Joe, father of a 2-year old daughter) equated his tumultuous marriage to being on a "rollercoaster ride." He described that his wife was constantly jealous of his friends and constantly queried him as to his whereabouts. Thankfully he recalls, the quarrels, fights and ultimately violent episodes did not take place in the presence of their daughter.

When asked whether they had decided to come out of closet because they had someone close they could share and open up to – they each answered in the affirmative. In the case of two of the three respondents, the close someone was a male friend or 'buddy'. The each felt that it was because of the understanding and encouragement of a close male friend that they found the courage to come forward and ultimately divorced their abusive wives. They related that they chose not to share their being victimized with a female friend because they did not feel that any of them would believe let alone understand them.

Ishak, the third respondent who chose to 'come out of the closet' recalls that it took a lot of courage on his part to broach the subject with his best friend (male) who he admits initially laughed when he shared his experiences. "*But after I told him that I was serious, he (then) listened*" and later counselled me to get a divorce. Ishak however shares that he is contemplating divorcing his wife but has yet to do so in the Syariah



courts because he is afraid of the negative reactions he may receive from his family and friends.

What is interesting to note is that despite these three 'brave' men choosing to regain their self-respect, none of them chose to cite their spouses episodes of physical violence as a grounds for obtaining the divorce. *"I did share the details of the violence with my lawyer but after hearing them he advised that since both parties were applying for a joint petition for divorce, it was better to 'let sleeping dogs lie.' After all that had happened I did not want to have my personal linen washed out in the open public.."*says Joe. This disclosure brings to the writer's attention the critical issue of whether battered husbands actually allow their abusive spouse to 'get away' with it because they feel (after receiving legal advice and counsel) that they would not be able to achieve 'justice' should they choose to 'air their dirty linen' in court – be it civil or criminal court. Are the inherent 'fears' that are clearly permeating the minds of battered husbands that the courts would not take them seriously or accord any justice to them justified?

Perhaps another perspective some feminists say the most important rationale for husband battering is that the aggressive wife primarily desires to obtain their husband's attention, particularly emotionally. A majority of the respondents vividly recalled that their abusive spouses constantly reminded them that she felt that she was not 'getting through' to them. This appears to reveal a clear correlation between women's violence and their desire to improve contact with partners. In a paper presented by Meehan, Tyree and Malone at the annual meeting of the American Sociological Association in 1991, the question was raised by the researchers: *"How can it be that women hit husbands as much*

## Chapter 8 What Makes a Wife Batter Her Husband?

There is scarce research and resource material on the motives and feelings of abusive heterosexual wives. A literature review of available studies in Europe and North America show abusive heterosexual wives reveal them to be a broad heterogeneous group who defy simple labels.

Perhaps the most oft-mentioned cause for both abusive men and women is the “*inter-generational transmission of violence*.” This effectively means that the female abuser is repeating the style of communication which she learned as a girl. Therefore, if she saw her mother beat her father, or that she and her siblings were themselves beaten the family pattern is one of a force so powerful that it transcends gender conditioning. A wife therefore may lack models or samples for aggression in the public arena yet however the husband abuser may still find them in her own home. The interviews reveal that a vast majority of the victims of husband battery were themselves beaten by their fathers when they were children and who then tended to grow up to become victims. Thus this study makes it possible for the writer to surmise that children who are beaten or physically abused by their fathers and/or mothers, on the other hand, are themselves more likely to become victimizers. One theory about why this would be is that men act as figures of authority in children’s lives, breeding (directly or indirectly) in their children habits of submissiveness that last a lifetime. Women are teaching figures and are furthermore most likely to show their children how to communicate emotionally (in the case of husband battery – negatively).

Perhaps another perspective (some feminists say the most important rationale) for husband battering is that the aggressor wife primarily desired to obtain their husband’s attention, particularly emotionally. A majority of the respondents vividly recalled that their abusive spouses constantly reminded them that she felt that she was not ‘getting through’ to them. This appears to reveal a clear correlation between women’s violence and their desire to improve contact with partners. In a paper presented by Messrs. Tyree and Malone at the annual meeting of the American Sociological Association in 1991, the question was raised by the researchers: “*How can it be that wives hit husbands as much*



*as husbands hit wives and none of us knew it?*<sup>31</sup>” The presenters reviewed available literature and discussed results from their study in their attempts to predict spousal violence and found that violence by married women is correlated with a history of hitting siblings and a desire to improve contact with partners.

The results of the writer’s own interviews further revealed that the wife aggressor assaulted their male spouses if he were ‘not sensitive to her needs,’ or that she wanted to gain his attention or that he was ‘not listening’. Of interest is that on the occasions when their abusive spouses failed to control their emotions resulting in physical outbursts they had not been drinking (alcohol) or on any drugs. Whilst their wife aggressor’s motivation for ‘making contact’ or ‘getting through’ may be misguided, it nevertheless remains as an attempt by married women to utilize physical aggression to re-establish emotional contact with their husband. Whether this radical use of force actually achieves better communication with their husbands however remains arguable.

The writer discovered that violent wives tended to engage in violence against their husbands as an expression of frustration or for self-defence, or both. Interestingly enough, estimates of statistics compiled by criminal justice researchers in North America have suggested that:

- (a) the wife (aggressor) honestly believed that their husbands could readily protect themselves so they need not have to worry when they became physically aggressive;
- (b) most men (including their husbands) had been brought up or trained not to hit a woman, and therefore they were not fearful of retaliation from their husband;
- (c) they believe if women truly are equal to men then women should be able to physically express anger at men; or
- (d) the wife (aggressor) learned when they were growing up that when they were physically aggressive toward their own brother he (brother) would normally not fight back or retaliate.

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<sup>31</sup> Tyree, A., & Malone, J. (1991). How can it be that wives hit husbands as much as husbands hit wives and none of us know it? Paper presented at the annual meeting of the American Sociological Association.



The above-mentioned facilitators of assault by wife aggressors offer confirmation to the notion that she would not hesitate to be physically abusive if she felt she could "get away with it." Whilst the plethora of initial academic literature in this area reveal that women commit domestic violence often act in self-defence against physical assault by her husband or against his verbal abuse, the "*my partner was being abusive*" excuse later became one of the less-frequently stated reasons. The more common reason given later is not unlike those given by male aggressors in that they too used physical violence to control their relationship.

Other frequent rationales forwarded by the subject interviewees included that their wives who frequently felt frustrated and powerless in their own lives, took it out physically on them. Their frustrations are likely fuelled by feelings that their lives and marriages did not turn out like their fairy-tale expectations. Having noted that however, interviewed subjects did highlight that more often than not their wife spouses' decision to physically assault them was, in their opinion, because they were told by their wives (later) that the things they said to them were so outrageous that he deserved to be slapped to 'knock some sense into him.'

Several of the husband respondents felt that one of the underlying reasons why their wives chose to batter them was because it was her way of 'terrorizing' them. They opined that this form of behaviour was a calculated one by their spouses aimed and intended to ensure that she controlled and dominated their spouse.

Whilst power, control and dependence may be some of the justifying factors, these factors are not necessarily a privilege of husbands. There are many relationships in which wives hold greater domestic and economic power, who control their family and where the dependant spouse is not the wife but rather the husband. One of the revelations discovered as a result of the interviews conducted pursuant to this research project is the different motivations between men and women for using violence against their spouse. Whilst all of the battered husbands interviewed agreed that the issue of money ranked highest as the cause or spark that triggers the heated arguments which eventually lead to



their spouse responding physically to them, this in no way enables us to conclude that money made available and in abundance in these households would cure their abusive wives. In households such as Michael's (he is a doctor and his wife a financial controller) the arguments and disagreements that led to the physical episodes were not related to money or the lack of it.

Feminist protagonists oftentimes vocalize the concept of 'victim precipitation' in husband battery cases. Wolfgang in his classic study of "*Patterns in Criminal Homicide*" in 1958<sup>32</sup> which systematically and empirically tested von Hentig's conception of the 'victim as a passive actor' and defined victim-precipitation offences as those 'in which the victim is a direct, positive precipitator in the crime'. Wolfgang's proposition was based primarily on his study examples who for the most part comprised of men killed by female intimates after the men engaged in acts of extreme provocation. (Wolfgang's line of thought elucidated above opened up the argument that some murder victims were not innocent but rather were violent who were killed in self-defence). His famous study of murder victims for victim precipitating actions concluded that:<sup>33</sup>

*"It seems highly desirable, in view of these findings, that the police thoroughly investigate every possibility of strong provocation by the male victim where he is slain by a female – and particularly if the female is his wife..."*

Domestic violence researchers have always advocated that any violence inflicted by married women against their husbands is done in retaliation or self-defence. Self-defence simply contends that women (married or otherwise) are neither violent nor abusive but rather retaliate against the male aggressor by hitting him in self-defence. The contention that the defence of self-defence is the main explanation in wife-to-husband violence is a popular one. Are claims that self-defence by aggressive wives always justified by reason of self-defence?

<sup>32</sup> Wolfgang M., "*Patterns in Criminal Homicide*", (1958), Philadelphia, Penn.: University of Pennsylvania Press.

<sup>33</sup> Wolfgang M.E., "Victim Precipitated Criminal Violence", in Cressey D.R. and Ward D.A. (eds.) *Delinquency, Crime and Social Progress*, Harper and Row, New York, p.1035.

In an attempt to answer this question, the writer conducted a literature review of the enlightening research and survey work of Sotirios Sarantakos entitled “Deconstructing self-defence in wife-to-husband violence”<sup>34</sup>. Her research work published in 2004 focused on explaining “*whether aggression by women against their husbands is assault in self-defence or a genuine form of violence or abuse.*” She addressed this critical question by examining the nature and structure of domestic violence by wives as described by their “spouses, their children, and maternal mothers-in-law”. Her research work focused on:

- (a) the presence/absence and nature of aggression by the husbands that allegedly force women to defend themselves;
- (b) the nature and type of violence employed in the wives' alleged self-defence; and
- (c) whether the respondents considered that conditions in the violent families in questions support the notion of self-defence.

Sarantakos conducted an extensive and comprehensive research study on spouses:

- (i) who were once married, but at the time of her interviews were all divorced;
- (ii) who were residents in both rural and urban areas of New South Wales and Victoria in Australia;
- (iii) whose social status she describes as low to middle class;
- (iv) whose occupations covered a wide spectrum from laborers to army officers, journalists, teachers, and public servants;
- (v) difference in education (between husbands and wives) were not significant;
- (vi) who at the time of divorce, the wives' average age was 39 years, the youngest being 33 and the oldest 45;

<sup>34</sup> Sarantakos S., “Deconstructing self-defence in wife-to-husband violence”, *The Journal of Men's Studies*, Men's Studies Press, Spring 2004 v12 i3 p277(20).



- (vii) who all had children at the time of the marriage;
- (viii) whose children ages ranged between 16 and 32 (58% were female and 42 percent male);
- (ix) whose children lived with their mothers; and
- (x) whose ex-wives' mothers were chosen because they were found to be more familiar with their daughters' personal lives than the wives' fathers or the husbands' parents.

For the purposes of her research, her definition of 'self-defence' was defined as *"the use of equal force or the least amount of force necessary to repel danger when the person reasonably perceives that she or he is in imminent danger of serious bodily damage or death"*. The central theme of her questioning was contextually related to violence and addressed by considering:

- the presence or absence of the husbands' alleged aggression, its nature and type;
- the nature and type of the wives' alleged aggression; and
- the respondents' (children's and wives' mothers') overall perception of the wives' alleged self-defence.

What is of peculiar interest to the writer are the answers to questions posed by Sarantakos which reveal that *"while the vast majority of the wives argued strongly that the husband was violent enough to justify her action, the wives' mothers thought otherwise."* More specifically,

- 64% of the husbands' mothers-in-law argued that the husband was not violent against his wife;
- 24% of the husbands' mothers-in-law argued that the husband used "minor aggression" against his wife;
- 12% of the husbands' mothers-in-law argued that the husband showed violence that was considered by the respondents to be serious.

\*The views of the children interviewed by Sarantakos were almost identical to those of their grandmothers.



Sarantakos reveals that:

*“(In) 64% of cases studied, prior to the wives’ aggression there was no aggression on the part of their husbands. In these cases, what triggered the aggression by the wife was a violation of household rules or of personal expectations or demands of the wives on his part, such as disregard of the wife’s wishes or instructions regarding child responsibilities, insulting one of her close friends, staying out longer than expected, gambling household money, forgetting to make the monthly mortgage payments, or being found to have had an affair with another woman sometime in the past.”*

The writer wishes to highlight an excerpt of an example of interview conducted by Sarantakos which clearly typifies the comments made from members of the same family:

Son: *“Most fights I remember happened around the table, in the lounge, or in the car. In most cases the slap, kick, or punch came out of the blue, out of nowhere, almost without a reason. I remember Dad reacting always by complaining, “What have I done to deserve this!”, “Why did you do that,” or “What have I done, again?” ... Mom’s usual reaction was: “Don’t worry, he’ll get over it soon.””*

Daughter: *“I remember driving down the highway with Mom behind the steering wheel and Dad next to her keeping an eye on the highway exits; she had instructed him to remind her when to leave the highway. Then I heard a splash and Dad shouting in despair “What have I done now?” and his glasses flying up, hitting the ceiling of the car and landing on my lap. With blood running down his nose, he was still asking for an explanation. He had just missed the exit.”*

Wife’s Mother: *(W)hen she felt she did not get what she deserved, she got angry and out of herself, and did not know what she was doing. Mathew*



*was a passive guy and, you know, he was at the receiving end all the time.... He didn't want her to take her frustration onto the child; he never hit back."*

Wife:

*"I did what every other woman in my place would have done. I was strict, and I am proud of it and acted like any other responsible wife and mother. Rules are rules, and we had - all of us, mind you! - had to go by the rules. I was strict but I did not hurt anyone. Discipline is discipline, but I did not enjoy what I did; it hurt me as much as everyone else, but I didn't do anything to be ashamed of. I don't know what he is complaining about."*

The summary of Sarantakos' research work clearly suggests that, at the time the wife assaulted the husband:

- (a) there was no male aggression against the wife that was threatening or destructive;
- (b) there was no impending danger of any kind for the wife, because by the time she assaulted him his "offence" was already completed;
- (c) there was no evidence that, in the past, the wife was subjected to violence that could have made her feel threatened, fearful, or intimidated;
- (d) the wife was in control of the relationship; and
- (e) many wives asserting earlier to have been the victims of violence were themselves described by their mothers and children to have been the perpetrators.

The respondent subjects interviewed by the writer however appeared to indicate that in most of the cases, both husband and wife were involved in an escalation process moments preceding a bout of violence by their female spouses. A majority of respondents were however quick to respond by minimizing their aggravating words or actions.



The writer is an interview with Mrs. Vijaya Subramaniam, a lawyer and psycho

In three cases interviewed, the victim husband admitted that he perhaps had by his actions committed what could be termed as a 'serious act of aggression' which more than likely precipitated the violent response from his wife. Harris, one of the respondents who admitted to this recalled that he had confronted his wife as soon as she came through the door of their home after she had gone on a night out drinking with her girlfriends (without him). He stated that *"she came home half-drunk at about 3 a.m. in the morning knowing full well that we had to go visit my parents at 8 a.m. later that morning."* What transpired next was a heated verbal exchange which resulted in him throwing a picture frame in her direction, narrowly missing her. He then proceeded to pull her hands and force her to the bedroom which in turn caused her to retaliate and in the ensuing altercation his wife slapped, punched and kicked him and repeatedly hit him with her stilettos all over his body. After considering Harry's incident it can be said that he did in no uncertain terms precipitated the violence inflicted on him. As a husband he behaved dangerously, and could have harmed his wife. In his case, the right to his wife exercising self-defence would be legitimate.

Sarant Despite the existence of aggravating victim precipitation on the part of battered husbands, it remains beyond the writer's comprehension how victim precipitation could be utilized by the weak female 'victim' as propounded by feminists without there eventually being retaliation on the part of the so-called stronger man. Sarantakos in her subtopic entitled "Hit Once" aptly put forth that:

*"when the wife hit, she did so not once or twice but repeatedly over a long period of time. Hence, either the wife's behavior was routine and intentional violence and intimidation, or she was put in danger repeatedly. However, our respondents did not support the latter. Beyond this, it is difficult to explain how an allegedly weak, terrorized, severely abused, and powerless woman can beat day after day a "strong and violent" husband without triggering retaliation on his part."*



Chapter The writer in an interview with Mrs. Vijaya Subramaniam, a lawyer and psychologist who assisted in counselling numerous wives in a psychiatric clinic in Chennai, India acknowledged that there were many married female patients who had sought treatment for their overly aggressive behaviour. She confirmed to the writer that in a number of cases handled by her these married women acknowledged that they physically battered their husbands without there first being any aggressive or provocative act on their spouses' part. She asserts that in almost all the cases, the victim husband did not strike back either in self-defence or in retaliation. When asked why, she states that the victim husband chose not to do so because they loved their wives too much and/or that they were not of a violent disposition – this despite the fact that the victim husbands were clearly larger than their spouses. Ms. Vijaya however added that in a vast majority of the cases, the wives acknowledged (during counselling sessions) that she was completely at fault and was felt remorseful for what she had done to him. A majority of them stated that they had assaulted and battered their spouses because they wanted to exercise control over their spouses and to punish him for certain acts that they felt that he had done to upset them.

Sarantakos concludes her study by revealing that:

*“neither the nature nor the behavior of the spouses nor the structure of the family context of violence, nor the answers to direct questions support the defence of self-defence...In most cases, wives assault their husbands physically and otherwise not to defend themselves but to achieve other goals, for example, to settle a conflict or to punish their husbands.”*



## Chapter 9 'Justice' from the Courts

In exploring the various rationales why battered husbands are reluctant to pursue legal remedies to stop the physical abuse caused to them, the writer also feels the need to also debunk the myth that victims of domestic abuse will indeed get a magistrate or judge to listen to their story. The notion in every victim's mind is that the justice system will accord each one of them their 'day in court' wherein which they will get the judge's full and rapt attention to listen to the details the abuses suffered by them at the hands of their abusive spouses. To hold the belief that the magistrate or judge after hearing them will 'make everything all right' is to be naïve as to the true workings of the judicial system.

Presiding magistrates and judges come with no guarantee of open-mindedness. In fact, judges in the High Court of Malaya who routinely hear divorce cases become occasionally jaded and callous. This may in turn result in them indirectly adopting the attitude that if two adults cannot resolve their personal differences without resorting to the courts, they then deserve whatever result the judicial system decides to impose upon them. There are however, always two sides to the coin. Judges in the High Court hearing and presiding over matrimonial matters oftentimes are asked to figure out which of the litigating parties is speaking the truth. This in itself is no easy task when both parties upon oath swear that their version is the only one to be believed.

Even more often the presiding judge applies direct pressure to the lawyers and litigants to "*work it out*" among themselves. Judges in the High Court are known to belittle, lecture, shame and sometimes threaten to punish litigants in an effort to get them to work out it out or to get one party to give in to the other. Judges occasionally have been seen to even be rude or insensitive towards petitioners perhaps in the hope that they will be sufficiently cowed to agree on a resolution rather than taking the risk of letting the judge decide for them.

Many a matrimonial litigant can be seen leaving the courtroom on any given day feeling dejected, defeated and hopeless after having gone through such a harrowing experience in a public courtroom. Complainants in husband battery cases are subjected to



an even greater ordeal. They are made to appear in court and open up the most intimate details of the physical abuse, recounting all their emotions and fear and then be further subject to relentless cross-examination by lawyers who claim that they are all lies, figments of their imaginations and/or exaggerations.

People going through divorce often see their own position as the 'right' one and cannot believe a judge would not see it the same way. What they fail to appreciate is that a trial is not about determining the truth. At most it allows the parties to tell a story – which may or may not be the truth. What it is that the judge hears in a matrimonial petition is more often than not highly dependant on how good a 'storyteller' a petitioner's lawyer is and how convincing the petitioner and his witnesses (if any) are.

The presiding judge could have a very negative reaction to the petitioner for reasons best known to him/herself, and lawyers and petitioners may never know why. The battered husband must be made to realize that should he choose to come out of the closet and then turn to the courts seeking for justice as opposed to compromising their stance and reaching agreement with their abusive spouse, he is in fact handing over control to someone else (the judge) - someone about whom he knows very little about and one whom he can exert only as much influence as his lawyer can submit.

Further adding to the victim husband's sense of injustice, are evidentiary rules to adhere to before any evidence can be ruled admissible in court as evidence. Whilst an abused husband's advocate may attempt to have certain things accepted into evidence before the judge they may unfortunately be excluded for technical reasons. Hearsay example (things others said to you) is a good example of this exclusionary rule. Other matters may be ruled inadmissible because they may be adjudged as being irrelevant to the facts in issue. There are also occasions where certain people whom the victim thought would be prepared to stand up and speak of what they say and/or heard) may not be willing to do so on the witness stand and testify against your spouse under oath because they are afraid of repercussions.



Chapter 1 Thus, with so many variables, what actually comes out at a trial may not bear any resemblance to the reality of what actually transpired against the abused victim. Because judges and the entire court process is so unpredictable, many lawyers would inevitably advise their clients (despite the fact that they were clearly abused) to work out a compromise with their abusive spouse and settle the case. The side-benefit of an agreed settlement is that the victim makes substantial savings on legal fees chargeable and does not in effect run the risk of not obtaining a ruling in their favour had they proceeded to trial. What also has to be borne and kept in mind is also that even if the abusive wife loses her case (assuming a criminal prosecution is proffered against her for assault occasioning bodily harm) she can always appeal against that decision thus creating an even greater delay with the possibility of winning her appeal.

Respondents to the interviews conducted stated that:

- a) after learning of the realities of the legal systems; and
- b) bearing in mind their inherent fears of preconceived stereotyping by those in the legal fraternity and law enforcement;
- c) noting the systems' inherent prejudices;
- d) being made aware of burdensome evidentiary procedures; and

having weighed them all in entirety, most of them reason that it is perhaps better that they put up with the physical pain of physical battery by their wives rather than bear the shame and indignity of having to go through the time consuming, expensive and ultimately traumatic experience of coming out of the closet.

Sadly, despite knowing that they are in the right, indirectly the workings of the welfare and civil and criminal justice systems appear to discourage rather than encourage battered husbands from coming forward and reporting the crimes committed against them. These silent hands unknowingly pressure these silent victims into making the painful decision to put up with the physical abuse rather than taking the route towards ending the suffering openly and getting on with the next stage of their lives.



## Chapter 10 Ramifications of Increasing Domestic Violence

It is not disputed that both female-to-male violence and male-to-female violence each result in more health problems, stress, depression, and psychosomatic symptoms on the victim. The negative ramifications of increasing domestic violence in modern day households are clearly pronounced in a review of the plethora of literature and written work on this subject within the broader context of domestic violence. The majority of medical and psychiatric literature reviewed by the writer in this area focuses on the effects of domestic violence on the primary victim. Specific literature reviews such as on the work and writings of North American psychiatrist Dr. Melissa Stiles<sup>35</sup> point out that although awareness about the rate of domestic violence in North American society is increasing, the public health ramifications had only recently been recognized within the medical community in the United States of America.

What, however, are the possible effects of witnessing domestic violence are on secondary victims, such as children who live in homes where partner abuse occurs? A review of the research of Dr. Stiles further reveals that in cases of husband battery the likely negative effects on children or offspring who witness domestic violence are not only negative but that these negative ramifications perpetuates cyclically.

Of the twenty subjects interviewed by the writer pursuant to this research project, only four registered that their wives had experienced violent childhoods. Wives who fell into these categories were found to have been beaten themselves – by their own mothers. Two other subjects confirmed that their wives had told them that they had seen their mother's hit their father/step-father and had told them that it was in her opinion 'ok' for her to do the same. This appears to confirm to the writer that when a child internalizes their problem from a young age they clearly carry these internalized problems onwards until they grown-up. The writer's views in this area find support in the research findings of Messrs. Sara R. Jaffee, Terrie E. Moffitt, Avshalom Capsi, Alan Taylor and Louise

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<sup>35</sup> Melissa M. Stiles, "Witnessing domestic violence: the effect on children", (Medicine and Society) American Family Physician, Dec 1, 2002, v66 i11 p2052.



Arseneault<sup>36</sup> who after extensive research into this area concluded that “...*domestic violence affects children's behavior problems beyond genetic influences.*” When writing for the Journal of the American Academy of Child and Adolescent Psychiatry in 2002, they further recommended that “*any programs that seek to successfully reduce domestic violence should also prevent children's psychopathology.*” The writer takes the view that the husband batterers who internalize their violent and aggressive childhood (albeit that they may be merely exposed to violence in their childhood as opposed to having been victims themselves) have a greater tendency to later seek avenues to externalize their problems via levels of aggressive and oftentimes violent behavior on their male spouses<sup>37</sup>.

The psychological impact on children who witness domestic abuse between parents is a well-documented one. It is not disputed that such children oftentimes display a higher number of somatic, psychological, and behavioral problems (e.g., school phobias, enuresis, stuttering, and academic problems) as compared to other children who have not been so exposed<sup>38</sup>. Witnessing domestic violence can lead children to develop an array of age-dependent negative effects. Research in this area has focused on the cognitive, behavioral, and emotional effects of domestic violence. Children who witness violence in the home and children who are abused often display many similar psychological effects. These children are at greater risk for internalized behaviors such as anxiety and depression, as much as for externalized behaviors such as fighting, bullying, lying, or cheating. Research also concludes that they are also more disobedient at home and at school. Researchers deduce that they are more likely to have problems with social competence, such as poor school performance and difficulty in maintaining relationships with others. Children who witness domestic violence furthermore display wrong or

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<sup>36</sup> Sara R. Jaffee, Terrie E. Moffitt, Avshalom Caspi, Alan Taylor and Louise Arseneault, “Influence of adult domestic violence on children's internalizing and externalizing problems: an environmentally informative twin study”, Journal of the American Academy of Child and Adolescent Psychiatry, Sept 2002 v41 i9 p1095(9).

<sup>37</sup> Maker AH, Kemmelmeier M, Peterson C., “Long-term psychological consequences in women of witnessing parental physical conflict and experiencing abuse in childhood”, (1998), Journal of Interpersonal Violence, 13 pp.574-89.

<sup>38</sup> Kolko, J. R., Blakely, E. H. and Engleman, D., “Children who witness domestic violence: A review of empirical literature”, (1996), Journal of Interpersonal Violence 11, 281-293.



inappropriate attitudes concerning violence and have a greater tendency and willingness to use violence themselves as a means of resolving any conflict they may face<sup>39</sup>.

The writer conducted a literature review of Dr. Melissa Stiles' research on child witnesses of domestic violence in the United States of America entitled "*Witnessing domestic violence: the effect on children*" and discovered that her findings reveal that the child witness' needs for attachment is disrupted to the extent in which 50% of the infants researched cried excessively and had eating and sleeping problems. Dr. Stiles' research in 2002 (by far the most extensive read by the writer) further revealed that preschool-aged children who had witnessed intimate domestic violence had tendencies to develop a range of problems, including psychosomatic complaints such as headaches and abdominal pain. The pre-school child witnesses studied also displayed what she termed as 'regressive behaviors' such as thumb sucking and disturbances in their sleep. Furthermore, she noted that during the preschool years, children who normally turned to their parents for protection and stability had these needs disrupted when they came from families with spousal abuse. The children showed greater or increased anxiety around strangers and behaviors such as crying and clinging tended to occur. The pre-school child witness of domestic violence also developed problems at night such as insomnia and parasomnias. The children in this age group who had witnessed domestic violence also tended to show signs of terror which was manifested by the child shouting and yelling, being more irritable, hiding and stuttering.

Having studied school-aged children as well, Dr. Stiles recorded that these children also developed a range of problems including psychosomatic complaints, such as headaches or abdominal pain, as well as poor school performance much like their younger counterparts. They were also less likely to have many friends or participate in activities outside of school or home. Dr. Stiles deduced that "*witnessing partner abuse can undermine their sense of self-esteem and their confidence in the future. School-aged children also are more likely to experience guilt and shame about the abuse, and they*

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<sup>39</sup>Stiles Melissa M., "*Witnessing domestic violence: the effect on children (Medicine and Society)*", American Academy of Family Physicians, Dec.1, 2002, v66 i11, p2052.



*tend to blame themselves.*” Her study on adolescent child witnesses revealed that have higher rates of interpersonal problems with other family members, especially inter-parental (parent-child) conflict. She deduced that they were more likely to have a fatalistic view of the future resulting in an increased rate of risk taking and antisocial behavior, such as school truancy, early sexual activity, substance abuse, and juvenile delinquency.

The writer opines that the accuracy of Dr. Melissa Stiles’ research is to a large extent confirmed by the results of the victims interviewed as part of this research project. Hisham, who had two children from the marriage complained that his elder son (14 years of age) had become a reclusive and more recently had dabbled into substance abuse. He said that when he confronted his son about his behaviour, his son ‘shut him off’ and showed him no respect. His daughter on the other hand (12 years old) had started playing truant and on one occasion was caught by him stealing money from his wallet. When confronted, she showed no remorse for what she did and in turn scolded her father saying that she was entitled to the money she took from him.

Chong, a 54 year old shoemaker and victim of husband battery also testifies to similar behaviour from his two daughters (ages 16 and 18). He sadly proclaimed that *“they show no respect for me and tell me off for reprimanding them for staying out late.”* His eldest daughter brought back her boyfriend to the house for an ‘overnight stay’ when his wife was away outstation on business and when confronted by him she brushed him off saying that citing that he had no control over her. Both Hisham and Chong together with five other subjects interviewed by the writer all proclaimed that they were too afraid to tell their violently abusive wives about their children’s behavioural attitudes and responses for fear that their spouses would use that as a catalyst for another argument which in their minds would inevitably have a violent conclusion.

Conversely, five of the husbands interviewed by the writer exclaimed (thankfully) that their children (who had witnessed the violent episodes by their mother) did not appear to show negative behavioural and emotional/psychological effects. For this they



proudly exclaimed their thanks to the Almighty for sparing or protecting their children from any negative effects. However they also noted that they could not be absolutely sure whether they could ensure that this remained the case especially if the violence in their home continued. Dr. Melissa Stiles<sup>40</sup> perhaps put it succinctly when she identified that certain variables which included female gender, intellectual ability, higher levels of socio-economic status were positive protective factors which mediated or lessened the negative effects of a child witnessing violence leading them to become more resilient against the negative effects of witnessing domestic violence.

With such serious ramifications on the child witness of domestic violence it is imperative therefore that we must all do our part to stop this cycle of physical abuse at the earliest opportunity – before an offspring or child in the household becomes a witness to it and in turn suffers the permanent scars and perpetuates the cycle of violent abuse.

Whilst the results of the interviews conducted by the writer suggest that husband battery is yet to reach epidemic proportions in Peninsular Malaysia, yet the rights of every physically attacked man is stepped on and violated and therefore any person, organization or family that chooses to ignore the fact colludes in the violence. Domestic violence against men probably is the under-reported crime in Malaysia. It is clear that factors that include mainstream cultural conditioning about not admitting they themselves are victims and men's emotional fears about seeking justice in a legal system that favors women is the reason why this is so.

With such strong stereotyped conditioning and negative stigma permeating Malaysian society, special attention should be paid to reaching out to these victims. Batterer husbands are entitled to equal protection under the law. We need to be reminded that physically aggressive wives who batter their husbands have committed a crime against their spouses who in turn should be treated with the same respect and dignity accorded to a physically abused wife.

<sup>40</sup> Melissa M. Stiles, op.cit.p.2053

## Chapter 11 Conclusion

The subject of domestic violence in general and husband battery specifically is representative of a “*breakdown in family and personal morality*.” All of the respondents interviewed by the writer expressed their desire to put the assault and battery out of their minds as soon as the eruption was over and to ‘get on with life’ without having to raise up the incident to anyone. This common thread or pattern is probably helped along by the Malaysian cultural (whatever the racial origin of the respondent) which stresses on shame and on not making or allowing private problems to be made known to others. The respondents desire to keep private matters – ‘*private*’ result in them keeping and retaining bitter memories of the physical abuse, allowing them to eat away at them internally. This need to maintain a facade that all is well with them especially after they are married renders it all the more difficult for any assistance to be accorded to stop the violence against them from perpetuating.

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With such strong stereotyped conditioning and negative stigma permeating Malaysian society, special attention should be paid to reaching out to these victims. Battered husband are entitled to equal protection under the law. We need to be reminded that physically aggressive wives who batter their husbands have committed a crime against their spouses who in turn should be treated with the same respect and dignity accorded to a physically abused wife.



*"No one deserves to be beaten; no one is to blame for being on the receiving end of a fist. An abuser doesn't escape legal and moral culpability so easily. But a chronic victim owns it to himself (or herself) to seriously explore their own participation in a relationship of continuing abuse. This is not callousness; it is an attempt to help. The path out of victimhood may well lie in acknowledging the power of choice that lies inside each victim. Some choices are incredibly more difficult than others. And, yet, some choice is almost always possible, even small steps like phoning an anonymous helpline or unpleasant ones like asking for help."<sup>41</sup>*

The writer believes that not even the most ardent feminist will dispute that some men are victims of intimate partner violence. Irrespective of the differences in the frequency, severity and even purpose of violence between spouses the writer opines that we should all exercise compassion towards them. Husbands who are slapped, punched, bitten, kicked by their spouses are equally deserving of society's compassion, understanding and intervention as much as abused women. Battered husbands deserve equal access to shelter and psychological assistance and welfare services. The simple opening up of 'Abused women's shelters' to men (though laudable) is insufficient. Practical steps must be adopted by all welfare agencies to help those victims of husband battery who have nowhere to turn to and no practical support (including financial assistance). All those involved in the administration of criminal justice should strive to put away their prejudices, stop 'snickering under their breath' when they are confronted with a husband who claims he is a victim of spousal abuse and accord him his right to equal protection under the law. Care-giving agencies, be they government or state funded, non-governmental (N.G.O.) or religious should ensure that their doors are open to not only to welcome these victims but ensure that they are provided the best possible professional help available with the aim of ensuring that the cycle of domestic abuse is stopped dead in its tracks in such households.

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<sup>41</sup> <http://www.foxnews.com/story/0,2933,138087,00.html>



Even as the writer concludes the writing of this research paper, the Star Newspaper in an article entitled "*Violent wives fined*"<sup>42</sup> highlighted two court cases that saw two different women being held liable and fined for assault. Interestingly the first of the cases which came before the Magistrate's Courts in Kuala Lumpur on 4<sup>th</sup> April, 2007 involved housekeeper Fauziah Ibat, aged 43, who was fined RM400 (or four days jail in default) for battering her 28 year-old estranged soldier husband Norhisham Ismail. The facts of the case when read out revealed that Norhisham had confronted the accused at a public bus terminal when he (by chance) caught her talking to another man. They had gotten in to an argument and Fauziah who had felt humiliated and insulted by her husband, lost her temper and slapped him. The highlighting of this case by the local press once again destroys the myth that women are incapable of violence, especially against their husbands. Having noted the timely coincidence of this highlighted court case, the writer expresses that even if the results collected pursuant to this project paper are deemed as not truly reflective of the extent of the problem, these are nevertheless men who are hurting and need services that are currently not available to them. Given the plethora of reasons why a battered husband chooses to remain in the closet, the 'dark figure' of unreported cases would certainly be corrected on the plus side.

This research project albeit brief, demonstrates clearly to the writer that husbands and wives are capable of hurting each other - and facts show that they do so. Hence the notion that only husbands are the aggressive perpetrators and women always and only the victims is unfounded and unacceptable. Irrespective of the context in which such violent acts are committed and regardless of the seriousness of these assaults, the fact remains that women, especially married ones do assault and abuse their husbands. Ignoring, trivializing or justifying their violence in any way does not help restore justice in troubled marital relationships.

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\* To protect the identity of the respondents names have been changed.

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<sup>42</sup><http://thestar.com.my/news/story.asp?file=/2007/4/4/courts/17342994&sec=courts>



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