Men's experience of domestic abuse in Scotland

What we know and how we can know more

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Foreword

This research was undertaken with a purpose: to identify and explore literature which is, or may be, relevant to understanding the position of men in Scotland who experience domestic abuse. The intention is that the information presented here will be used as a reference point for further research and policy development in relation to the myriad issues surrounding men's experience of domestic abuse and that we will see significant development in the field so that Scottish society is better able to meet the needs of men who experience abuse, the needs of their children and other family and friends and, indeed, the needs of the perpetrators of such abuse. Whilst it is important to interpret the world, "the point is, to change it" (Marx 1994, p101).

Recognition of the many and varied needs of men in no way implies any desire for a reduction in recognition of the abuse experienced by many women. Addressing domestic abuse is not a "zero sum" situation where recognition of the needs of one group takes anything away from recognition of the needs of any other. Domestic abuse, and related types of abuse such as child abuse, elder abuse and forced marriage, take an enormous toll on individual lives as well as placing burdens on health and social services resulting in great economic cost. Challenging all forms of abuse will make Scottish society fairer, healthier, safer and wealthier for all.[1]

If another such review is produced in five or ten years time it is essential that it has significantly more Scottish material to draw upon and analyse. A crucial ingredient in that improvement will be the inclusion of the voices of men have experienced domestic abuse.

The majority of the work on this review was completed in late 2012 though at some points it has been possible to include some literature from 2013.

Declaration of conflicting interests

Throughout the period of producing this review I have served as the chair of AMIS: Abused Men in Scotland, the charitable body which supports men surviving domestic abuse. In 2012 AMIS received a small grant from the Scottish Government to facilitate a range of capacity-building activities and a small proportion of those monies supported the production of this review. In order to protect both AMIS and the academic integrity of the review the author absented himself from the decision making process in relation to his bid to conduct this research and the review is the result of a formal commission between AMIS and the University of Dundee. The author has retained editorial independence throughout.

The views expressed in this review are those of the author and do not necessarily reflect those of either AMIS or the Scottish Government.

1 See the Scottish Government's Strategic Objectives available at www.scotland.gov.uk/About/Performance/scotPerforms/objectives, accessed 30 Aug 2012.

Executive summary

The literature review summarised here constitutes research with a purpose: that is to identify and explore literature which is, or may be, relevant to understanding the position of men in Scotland who experience domestic abuse. It is "action research" - the intention is that the information presented here will be used as a reference point for further research and policy development in relation to the many issues surrounding men's experience of domestic abuse, that it will empower men who have experienced domestic abuse to contribute to filling in the gaps in our knowledge *and* that it will support and inform service providers who seek to respond to all those who experience domestic abuse and the children affected by that abuse.

Recognition of the many and varied needs of men in no way implies any desire for a reduction in recognition of the abuse experienced by women. Addressing domestic abuse is not a "zero sum" situation where recognition of the needs of one takes anything away from recognition of the needs of any other. Challenging all forms and incidents of abuse will make Scottish society better for all.

Chapter 1: The absent voices of men

In recent years those producing research publications, policy documents and publicity materials on many social issues have rightly made efforts to include some direct presentation of the "voice" of the people affected by the issue. This is particularly the case with feminist research into domestic abuse experienced by women in mixed-sex relationships. The review therefore includes many quotes from men who have experienced abuse.

A review of the literature quickly reveals an absence of the voices of those men who have experienced domestic abuse. Most striking of all is the absence of any attention being paid to the 'lived experience' of abused men in the political and policy debate on domestic abuse. It is even true of much of the literature supposedly addressing the issue of men's experience of abuse. Abused men (and particular groups of men, eg, heterosexual, BME and/or older men) are often labelled as "hard to reach" though with appropriate motivation and methodologies "hard to reach" researchers can find ways to access men's experiences, with the work of Hines providing an example of good practice (Hines et al 2007, see also Hester & Donovan 2009).

Chapter 2: Men's reporting of abuse

Reliable quantitative information about all aspects of domestic abuse is notoriously difficult to obtain for a number of reasons. However, what we do know is that significant numbers of men do take the difficult step of coming forward to report the abuse that they have experienced.

The most recent figures (Scottish Government 2012a) show that in 2011/12 there were 9,569 reports to the police of a domestic abuse incident where the 'victim' was male and the perpetrator female and 659 reports where there was a male 'victim' of a male perpetrator (where the sex of the parties were recorded). The proportion of reports relating to male 'victims' to total 'victims' in particular police force areas was generally around 15% but ranged from 9% in Dumfries and Galloway to 21% in Strathclyde.

The "Partner Abuse" analysis of the 2010/2011 Scottish Crime and Justice Survey (Scottish Government 2011a) shows that the risk of experiencing partner abuse in the prior 12 months was 3% for both men and women; the best estimate of numbers of persons in the Scottish population who had experienced domestic abuse during their lives from the age of 16 was 257,000 men and 403,000 women and that the reported risk of having experienced partner abuse since the age of 16 was 13% for men compared to 19% for women. Children were present in 25% of the cases where a man had experienced abuse within the previous 12 months. Underreporting is particularly problematic; in relation to who, if anyone, was made

aware of the abuse, where abuse had occurred within the prior year, 42% of abused men did not tell anyone (compared to 19% of abused women) and in only 9% of cases in the prior year which involved abused men did the police come to know of the abuse (compared to 24% for women). As noted above, there are difficulties in relation to the detail of such numbers but what is clear is that Scotland has a significant problem in relation to domestic abuse directed against men.

In addition to a number of practical barriers such as a lack of accessible services to support abused men, and psychological barriers such as embarrassment and fear of being disbelieved, an additional major obstacle to men reporting the abuse they experience is the "public story" of domestic abuse which presents domestic abuse as something which male perpetrators inflict on female partners (Donovan and Hester 2010). This powerful insight was developed through consideration of the neglected and marginalised position of 'victims' and perpetrators in same-sex relationships and, it is argued, is as applicable to heterosexual men who experience domestic abuse as it is to trans, bi and gay men.

Chapter 3: Types of abuse reported by men

The securing of high-quality, detailed qualitative information about men's experience of domestic abuse is hampered by a number of factors including the absence of appropriate services which might attend to and record such experiences and by a failure on the part of researchers to engage with the issue. However, as Gadd revealed some time ago, the "limited qualitative research on this topic suggests that there are some differences in the nature and context of the abuses experienced by gay and heterosexual men, as well as between male and female victims generally, although there are also many similarities." (Gadd et al 2002).

Gadd's view is borne out by such evidence as we have in relation to the types of abuse experienced by men in Scotland, primarily from the analysis of the 2010/11 Scottish Crime and Justice Survey (Scottish Government, 2011a).

The Survey reveals that 10% of men reported that they had experienced psychological abuse from at least one partner during their adult life compared to 17% of women reporting such abuse. The abuse included jealous or controlling behaviour (reported by 6% of men and 12% of women), being repeatedly made to feel worthless (3% of men and 10% of women), threats of physical harm (2% of men and 5% of women), isolation from friends and relatives (3% of men and 6% of women) and perpetrator threats to hurt themselves or actually hurting themselves as a means of control (2% of men and 4% of women). On average these men experienced just over 2 forms of psychological abuse and women on average between 3 and 4 forms. By any standard this reveals a significant problem in society that should be addressed.

Physical forms of abuse were reported by 10% of men since the age of 16 compared to 14% of women. This included having things thrown at them (reported by 8% of men and 8% of women) being kicked, bitten or hit (4% of men and 7% of women), having a weapon used (2% of men and 3% of women). Some forms of abuse, such as choking (reported by 0% of men and 3% of women) or being forced to engage in sexual intercourse (0% of men and 3% of women) are not reported by men in sufficient numbers to register at the "all men" level. However, there is evidence of a greater level of risk (or a greater willingness to report) among certain groups of men with 2% of men between the ages of 16 and 24 who reported abuse stating they had been forced to engage in sexual intercourse and 3% stating they had been forced to engage in other types of sexual activity. Abused men, on average, experienced almost two forms of physical abuse compared to abused women who, on average, experienced almost three.

In the absence of substantial qualitative research in Scotland, information may be drawn from other jurisdictions (e.g. Hines et al 2007). Of particular interest is a detailed study of men's experience of domestic abuse in Northern Ireland which reveals a wide range of abusive behaviour directed at men by their partners including physical abuse, sleep

deprivation and false accusations of abuse and that suicidal ideation and even attempts at suicide were a not uncommon consequence for these men (e.g. Brogden & Nijhar 2004).

Chapter 4: The reported impact of domestic abuse on men

Just as the types of abuse reported by men are similar to the types of abuse reported by women, the impact of that abuse is similar. What appears to be different is that there is an unwillingness on the part of many men to take the abuse they suffer seriously.

The Survey referenced above shows that abused men reported psychological or emotional problems such as difficulty sleeping, nightmares, depression or low self-esteem (28% of abused men, 42% of abused women), stopping trusting people or other relationship difficulties (14% men, 26% women), fear, anxiety and panic attacks (10% men, 28% women) and isolation from family and friends (10% men, 21% women). However, abused women were far more likely than abused men to say they considered the abuse perpetrated against them to be a crime and abused men were far more likely than abused women to take the view that the abuse they were subjected to was "just something that happens" (Scottish Government 2011a).

One significant consequence of domestic abuse perpetrated against men, as with women, is self-harm, including the misuse of alcohol as a coping strategy (e.g. Brogden & Nijhar 2004 and Bell 2009) and suicide (e.g. Hines et al 2007). The complex relationship between alcohol and domestic abuse is well-recognised (e.g. Scottish Women's Aid 2010c) though under-researched.

The barriers that abused men face in understanding their experiences are not only attributable to a lack of accessible support services and the marginalisation of men in the "public story" of domestic abuse but are also related to sexist stereotypes of what it means to be a "real man". Exploration of the barriers to men taking seriously the abuse they are subjected to should draw on important theoretical work including that on the role of "hegemonic masculinity" (Connell 2005) and innovative work carried out within lgbt communities (e.g. Donovan et al 2006, Roch et al 2010 and Whiting 2008).

Chapter 5: Resilience, help-seeking and screening

Next to nothing has been published about the coping methods and help-seeking of Scottish men who experience domestic abuse as their voices are simply not sought out.

Brogden and Nijhar's study in Northern Ireland reveals that the men they interviewed coped by attempting to conceal the abuse from family, friends and workmates, by (mis)using alcohol and by spending long hours at work (Brogden & Nijhar 2004). We know that at a UK level, gay and bisexual men who disclose tend to seek help from friends, counsellors or relatives (52%, 30% and 27% respectively) rather than GPs, "gay" support services or the police (17%, 16% and 11% respectively) (Donovan et al 2006).

The difficult issue of "screening" or "risk assessing" those who seek help is raised in a particularly sharp way for abused men. The practice of trying to evaluate the veracity of a service user's "story" raises sensitivities, in particular whether the service provider will be seen as trustworthy if they do not adopt a position that a person seeking their help is to be believed. No robust justification has been provided for screening men (and women in same-sex relationships) but not women in mixed-sex relationships and in the interests of appropriate service provision it is imperative that the issue be addressed openly as a matter of urgency.

Although some men in Scotland are prepared to report the abuse they have suffered to the police (such reports being made on 10,228 occasions in 2011/12, with an estimated 91% of incidences going unreported, see above), the evidence we have indicates that very few men are, e.g., able to make use of civil protection orders (Cavanagh et al 2003).

Chapter 6: Intersections: Particular groups of men

The danger of paying insufficient attention to the importance of different elements of a person's identity has been commented on in relation to the response to women's experience of domestic abuse. Generalisations about "women's experiences" can serve to make invisible the particular experiences of, e.g., black and minority ethnic women, and/or older women, and/or women living in poverty which not only disrespects the experiences of a large number of women but also militates against addressing their needs (e.g. Sokoloff 2005).

This also affects the question of how to respond to men's experiences of domestic abuse and those concerned about abused men must be alive to the need to acknowledge both the barriers facing men from different backgrounds but also their resilience and strength. Such evidence as there is is explored in relation to men who are fathers, and/or heterosexual and/or disabled and/or from bme communities and/or asylum seekers and./or experiencing economic disadvantage, and/or gay, bisexual or transgender.

Given the evidence of the significant negative impact on children of witnessing domestic abuse against an adult carer, the failure to engage with abused men who are fathers should be a matter of significant and urgent concern. In 25% of cases of domestic abuse against a man there are children present (Scottish Government 2011a) and the lack of recognition of these children in the discourse on domestic abuse and in service provision in Scotland is unsustainable.

The one group of men in Scotland whose experience of domestic abuse have been addressed to some limited degree is trans, bisexual and/or gay men and this innovative work should be built upon in respect of all men who experience domestic abuse in Scotland (e.g. Donovan et al 2006, Roch et al 2010 and Whiting 2008).

Chapter 7: Responses

The challenges in ensuring that services respond appropriately to men have been explored at some length in a report commissioned by the BIG Lottery Fund (Johal et al 2012). The report identifies that, e.g., men are less likely than women to take time off work to attend medical appointments and that accessing services can be seen as "unmanly" so that fear of stigmatisation is a significant barrier. What the research identifies as the "lack of discourse" barrier is especially true of the lack of response to abused men's experiences - "[p]erhaps one of the biggest barriers in engaging men into social projects is this overall resistance to engage with gender as an issue from a male perspective. Despite evidence that tells us that male engagement is an issue, we do not rethink our approach." (Johal et al 2012).

Having said that, there are examples of good practice by, e.g., the police and some voluntary sector organisations such as Citizens Advice Scotland and the Scottish Domestic Abuse Helpline. In addition, insights from service provision to women who experience abuse may also be applied to men who seek support – a key document for healthcare workers in the NHS in Scotland stresses the need to "Listen carefully .. Often requests are veiled or oblique …. Believe her and say so." (Scottish Executive 2003b) and it is difficult to see why healthcare workers should not take the same approach to abused men and their children. The Big Lottery good practice guide for organisations includes such suggestions as "consult with men about their needs and preferences. … Consider active efforts to seek men's views. … Make sure your use of language and images shows that you're interested in male involvement." (BIG Lottery Fund 2012). By using these insights, service providers can ensure that they are taking appropriate steps to meet the needs of abused men and their children.

The criminal law and civil law response to men's experience of domestic abuse is explored at some length in the review which reflects the law's importance in the public discourse and also the importance of the services associated with law (in particular those delivered by the police, the Crown Office and Procurator Fiscal Service (COPFS) and the judiciary). Concerns are raised about the lack of information in relation to men's experiences of seeking help from the

law given most research in the area fails to engage with men (e.g. Cavanagh et al 2003 and Reid Howie Associates 2007). Efforts must be made to take account of men's experiences of accessing protection under the law, whether that be in relation to the response of police officers, solicitors and other advisors such as CABx, the courts whether they be ordinary courts or specialist domestic abuse courts and so on. The issue of training for police officers, procurator's fiscal and the judiciary will be key.

Other public sector service providers, including local authorities and the NHS, appear to have replaced "domestic abuse services" with "violence against women" services: while the violence against women agenda is important, some of these public services appear to be failing to provide appropriate services to men and their children or at least failing to make clear that services are open to men and that staff are equipped with an understanding of barriers to men's help seeking. This is especially important in light of the new Public Sector Equality Duty, and all public bodies should take steps to review their services in light of that duty to ensure appropriate services are provided which take account of the particular needs and experiences of different groups in society.

Chapter 8: Understanding perpetrators of abuse against men

There is very little evidence of engagement with developing an appropriate response to perpetrators of domestic abuse against men, either in Scotland or elsewhere. This is true of the public discourse, of the policy debate, of academic research and of service provision.

There are no programmes available in Scotland for either female or male perpetrators of domestic abuse against male partners. Not only does this leave abused men and their children at risk it leaves unaddressed the legitimate needs of those perpetrators who might seek help to change their behaviour. However, this lack of response does offer the opportunity to develop an innovative response which is sensitive to the needs of abused men (for example there is evidence that a proportion of abused men would welcome a means of having the abuse addressed without necessarily undermining the relationship between their abuser and any children of the relationship). As with programmes for female victims of male perpetrators such responses should not, however, seek to blame the victim or offer possible excuses to the perpetrator nor should they seek to minimise the abusive behaviour or fail to communicate that abuse is unacceptable (see, eg, Bowen 2009 and Buttell & Carney 2005).

Key recommendations

In order to capture the reality of men's experience of domestic abuse and to respond to abused men's needs and the needs of their children and other family members –

- Policy responses to, and service provision for, men who experience domestic abuse should be evidence-based. Appropriate methodologies can be developed for both academic and practitioner research.
- The needs of children affected by abuse perpetrated against their fathers or other male carers must be addressed by central and local government and other service providers as a matter of the greatest urgency.
- As a priority, resources should be devoted to capturing and respecting the "lived experience" and the "voice" of men who experience domestic abuse. Attention should be paid to the potentially different experiences, challenges and strengths of a diverse range of men (e.g. older men, BME men).
- Research into, and policy responses to, the experiences of abused men should engage with insights from gender theory to explore how gender inequality and hegemonic masculinity negatively affect abused men. Insights from the work on gay, bisexual and trans men's experience of domestic abuse should be developed.

- The role of the "public story" of domestic abuse in marginalising men who experience abuse should be considered in policy development and research. Anti-domestic abuse campaigns should include reference to, and images of, men. Representation of domestic abuse in newspapers, magazines and television should be inclusive of men's experiences.
- Those working in the legal system (including solicitors, police, procurators and the judiciary) should identify and remove barriers to men seeking to access legal protection, whether civil or criminal.
- Service providers should address their responsibilities under the Equality Duty and/or the charity regulator's equality requirements by following good practice demonstrated by, e.g., Citizen's Advice Scotland and Victim Support Scotland. Where services wish to make themselves available to abused men and their children that should be made clear by way of overt statements and inclusive imagery and case studies.
- Public sector service providers such as the NHS, local authorities and the police must, as a matter of urgency, review their compliance with their legal obligations under the Equality Duty and may draw on Children in Scotland's project "Making the Gender Equality Duty Real for Children, Young People and their Fathers".
- Police Scotland, the NHS and others should build on already existing good practice to seek ways to ensure that abused men are able to disclose their experiences.
- Where some men trivialise the abuse they experience as "just something that happens" that should not be used to justify lack of recognition and support. Awareness raising campaigns should be developed that make clear that domestic abuse in all its forms is not something that will be tolerated or ignored in Scottish society.
- Innovative service provision for both women and men who abuse their male partners should be developed.

Introduction

This introductory chapter explains the approach taken in this review and also introduces some key concepts. What information we have from Scotland on men's experience of domestic abuse will be identified and examined but, given the scarcity of such material, research on men in other jurisdictions and also on women's experiences of domestic abuse will be used, albeit with care. The importance of gender inequality is highlighted and the impact of the Scottish government's gendered definition of (as opposed to a gendered approach to) domestic abuse is explained. Finally the power of Donovan and Hester's application of Jamieson's concept of the "public story" to our understanding of constructions of, and responses to, domestic abuse is acknowledged.

This review was funded in part by a small grant awarded to AMIS by the Scottish Government's Equality Unit as part of a project entitled "Awareness raising and capacity building to better meet the needs of men who experience domestic abuse and their children". AMIS works to support any man who has experienced or is experiencing domestic abuse and to raise awareness of the issue. The project, which attracted total funding of £15,000 and included a range of other activities, had two overall intended outcomes – that the individual needs of men and children affected were fully met at the earliest point and that social acceptance of gender inequality be reduced.

> *"I wouldn't say I'd been abused in the marriage though she did hit me."*
> Scottish unpublished, mixed-sex relationship, AMIS Helpline

The surveying of available information and identification of gaps in the evidence base is essential to developing appropriate services. Gender inequality, facilitated by presumptions based on gender stereotypes, affects all men, women and children in Scotland: none of us, regardless of age, race, sexual orientation or any other attribute, can live outside of society or escape the consequences of "hegemonic masculinity" (Connell 2005). The particular impact of gender inequality on men in respect of family life has been given some attention recently through, e.g., the Scottish Government-funded "Making the Gender Equality Duty Real for Children, Young People and their Fathers" project led by Children in Scotland.[2] Addressing the needs of gay, bisexual and trans men in an inclusive manner also assists in reducing the social acceptance of gender inequality in as much as trans, bi and homophobia has its roots in assumptions about gender roles (Whiting 2008; Dempsey 2011a; Connell 2005).

As will become clear, good-quality, contextually sensitive information on the situation of men in Scotland who experience abuse is in very short supply. This necessitates drawing on information from other countries about men who experience abuse there and also on information from Scotland about women's experience of abuse. The growing body of empirical and theoretical research in relation to domestic abuse in same-sex relationships, valuable in its own right in relation to the lives of both male and female lgbt people, may also be particularly informative in relation to exploring the experience of men in mixed-sex relationships.[3] However, while it is appropriate to use such material to inform speculation on likely experiences of at least some men in Scotland and certainly to indicate gaps in our knowledge and possible means of addressing these gaps, the limitations on the extent to

2 http://makinggenderequalityreal.org.uk/

3 For example, the insights from practitioners and academics exploring domestic abuse in same-sex relationships, including scotching the myth that it will be the larger and physically stronger partner who will be the abuser (Donovan et al 2006) and recognising and respecting concerns expressed about the imperative to recognise the needs of perpetrators who, although they have engaged in abusive behaviour, remain part of "the community" (Robson 1992) should be acknowledged and considered in relation to abuse in mixed-sex relationships.

which such material can be used as indicative of the present situation of abused men in Scottish should be apparent.

Inevitably the availability of material differs from one area of concern to another so that the extent and depth of coverage in this review does not necessarily reflect the relative importance of that area; there may be particularly important areas in which there is simply very little material to draw on.

In addition to research published in academic journals and sources such as government or police statistical reports it is important to include material produced by practitioners and by third sector organisations. All claims to knowledge must be evaluated against considerations such as bias in sampling, failure (deliberate or otherwise) to engage with certain groups of people (e.g. "domestic abuse" studies which very often silently exclude men or people in same-sex relationships, or people with disabilities),[4] methodology (e.g. whether information is gathered by anonymous completion of online surveys, or face to face interviews) and definitions (e.g. did the definition of domestic abuse include forced marriage or single violent incidents (c.f. patterns) and how was participants' knowledge of such definitional issues assessed). Such caveats apply just as strongly to government publications and academic research as they do to sometimes less formal sources of knowledge such as anecdotal evidence or material on charity or activist group websites.

Background

There is such an extensive body of published evidence in relation to women's experience of domestic abuse from their male partners that no one seriously challenges the proposition that such abuse is a major social problem in Scotland, with significant negative impacts for individuals and also economic costs for society.[5] As we shall see, there is now also evidence that domestic abuse directed against men, whether by male or by female partners, is a significant problem in Scottish society.

As stated above, recognition of the situation of men who experience domestic abuse does not take anything away from the recognition of women who also experience abuse, whether in mixed-sex or same-sex relationships, but would contribute to building a fairer, healthier, safer and wealthier society for all.[6] The recounting below of the difficulty that Scottish politicians have had in addressing the needs of abused men and their children is not undertaken to score points and nor should it obscure the greater willingness among politicians of all parties in recent times to consider the needs of abused men but because it is crucial to understanding the context of the current debate.

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4 This is not, of course, to suggest that all research can include all possible aspects of an issue. Research which deals exclusively with, e.g., women's experience of help-seeking or the views of older married women is perfectly valid provided it is labelled as such (and not presented as if it reflects the experience of domestic abuse as a whole) and is otherwise conceptually and methodologically robust. Yet it is surprising how often academic research which claims to address "domestic abuse" in fact addresses only one particular range of experiences (usually only women, often only women in mixed-sex relationships and very often without regard to intersections with age, class, race, disability and other attributes). While it is perfectly appropriate to restrict investigation to a particular group for reasons including coherence, cost or simply opportunity, or else to acknowledge failure to access as wide a range of participants as would be desired in a more general survey, it is a mystery how studies which are mislabelled as addressing domestic abuse, when in fact they address only a particular area, pass the peer reviewer process.

5 For economic costs in England and Wales which will almost certainly be broadly similar, pro rata, for Scotland, see Walby 2004 and Walby 2009. For an argument that aspects of government response in the USA has unintended costs both to the public purse and to individuals experiencing domestic abuse see Foster 2011.

6 AMIS makes the following statement on its website - "In seeking recognition and the provision of services for men, and their children, who experience domestic abuse, and in highlighting the dire lack of such services in Scotland, AMIS does not seek withdrawal of funding from any support service for women who experience abuse. Domestic abuse is a serious blight on Scottish society and support services are absolutely vital in building a fair and safe Scotland.", www.abusedmeninscotland.org, accessed 30 Aug 2012.

"I don't know our phone number here because she changed it and it's unlisted. I have tried to get it but I haven't been able to …. She checks the caller ID to see who has called when she comes home from work and she locks up my sneakers in the daytime."
US study, Hines et al 2007

It is only in recent years that any sympathetic examination of men's experience of domestic abuse, and the impact this has on them, on their children and other family members and on society as a whole has begun to emerge onto the policy agenda, though the fact that men can experience domestic abuse from their female partners has been known for centuries (George 1994).[7] Such men, "battered husbands", were the objects of ridicule rather than sympathy or support –

> "In post-Renaissance France and England, society ridiculed and humiliated husbands thought to be battered and/or dominated by their wives … . In France, for instance, a "battered" husband was trotted around town riding a donkey backwards while holding its tail. In England, "abused" husbands were strapped to a cart and paraded around town, all the while subjected to the people's derision and contempt. Such "treatments" for these husbands arose out of the patriarchal ethos where a husband was expected to dominate his wife, making her, if the occasion arose, the proper target for necessary marital chastisement; not the other way around … ." (George 1994, p.137)

Elizabeth Ewan is engaged on some very interesting work on women's use of interpersonal violence in Scotland from the fifteenth century on, uncovering evidence which requires a reappraisal of the "common perception … that men used their fists while women used their tongues" (Ewan 2010, p.155-156). In relation to women's use of violence against their partners Ewan writes –

> "Spousal abuse is a further, but largely hidden, aspect of interpersonal violence. If wives attacked husbands, it was generally dealt with privately, away from the eyes of the court and historians, unless, like the case of the flyting couple in Stirling in 1524,[8] it was impossible to ignore. Admitting such an assault would probably demean a husband's sense of masculinity, as it made his inability to control his wife visible to the community. It seems likely, however, that women were more often the targets of violence within marriage than the perpetrators. Attacks on other household members were more likely to be prosecuted and were regarded with great concern, especially if they involved a reversal of the accepted social hierarchy. Children who assaulted parents and servants who attacked employers were punished rigorously. Isobel Vilman of Elgin had several times put hands on her mother: when she 'myschevit' [hurt] her face in 1547, she was banished from the burgh for her mother's lifetime." (Ewan 2010, p.162/163)

In addition, Annmarie Hughes has explored the issue of "wife-beating" in nineteenth and early twentieth century Scotland revealing many interesting issues about gender relations, economic (in)dependence of women, working class culture (or at least its representation) and so on (Hughes 2002 and Hughes 2010).[9]

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7 Those men and women who may experience abuse in same-sex relationships would be invisible given the complete lack of recognition of such intimate relations between parties of the same sex as anything other than perverse or criminal (Dempsey 2011a).

8 A reference to Jonet Murray who had at least two convictions for attacking men other than her husband (e.g. the "'wrangus blasfemyn trubbeling and houcterin [jostling]' of Robbie Saltar in October 1524 and of strubling and striking Thomas Aysoun in July 1527" and who had previously "kept her neighbours awake all night by flyting with her husband", Ewan 2010, p.161.

9 For an interesting exploration of the dangers of (often inadvertent) distortion of research by academics exploring domestic abuse, including a mea culpa admission in relation to a prior uncritical citation of the

A gendered approach or a gendered definition?

Since the introduction of devolution by the New Labour United Kingdom Government following its election victory in 1997, the response of successive Scottish Governments to domestic abuse had been based on a gendered definition of domestic abuse.[10] I have argued that while a gendered *analysis* of domestic abuse is essential, a gendered *definition* is extremely problematic –

> "In analysing the approach taken to domestic abuse by the first two Scottish governments it is necessary to distinguish between two things: an *approach* that is sensitive to complex gendered dynamics and a *definition* of domestic abuse that focuses on only one particular gendered dynamic. An approach that acknowledges gender dynamics in all cases of abuse including, of course, the abuse experienced by some women from their male partners, is to be welcomed as a necessary tool in creating effective legal responses to abuse; a narrowly constructed definition that excludes some adults who experience abuse is not. … the government's "domestic abuse as gender-based abuse" approach is not a gendered one that is sensitive to the many gendered dynamics around domestic abuse but is instead a restrictive and exclusionary definition …." (Dempsey 2011a, p.390)

Those who have argued in defence of the Scottish Government's gendered definition (e.g. Orr 2007; Whiting 2008) have, I have proposed, in fact been arguing in support of a gendered approach or analysis, an approach I would agree with (Dempsey 2011a). This confusion has, I would argue, had the result that appropriate recognition and support for men who experience abuse, and for their children, has been hampered (see Clark 2011, Dempsey 2011b and Waugh 2010).

> *"Nobody would say boo to me, yet she controlled everything I did –what jobs I could or couldn't do. Said if I didn't leave one job I wouldn't get to see my son again."*
> Scottish unpublished, mixed-sex relationship, AMIS Helpline

The Scottish Partnership on Domestic Violence established in 1998 was, in the words of the then Minister for Women's Issues, intended "to assist women as victims and to deal effectively with male offenders".[11] The Partnership's remit made no reference to male victims, female perpetrators, either victims or perpetrators in same-sex relationships or to any of the children who witnessed domestic abuse in such circumstances (Henderson 2000). The definition of domestic abuse constructed by the partnership made no mention of male victim whether in same-sex or mixed-sex relationships or of the children who witnessed that abuse and stated that domestic abuse was "linked to other forms of male violence" (Henderson 2000, paragraph 1.2.3). This definition was adopted in a very slightly amended form by the Scottish Government in 2000 and is still in use today –

> Domestic abuse (as gender-based abuse), can be perpetrated by partners or ex-partners and can include physical abuse (assault and physical attack involving a range of behaviour), sexual abuse (acts which degrade and humiliate women and are perpetrated against their will, including rape) and mental and emotional abuse (such as threats, verbal abuse, racial abuse, withholding money and other types of controlling behaviour such as isolation from family or friends). (Scottish Partnership on Domestic Abuse 2000a, p.5)

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supposed legal rule that allowed a husband to beat his wife with a stick no thicker than his thumb, see Perrin and Miller-Perrin 2011.

10 The first two Scottish governments following devolution in 1999 were styled "the Scottish Executive". On taking office in 2007, the SNP minority administration adopted the style "Scottish Government".

11 Scottish Office press release "Scottish partnership to drive forward agenda on domestic violence", 19 Jun 1998. The Minister at the time was Henry McLeish.

In adopting this definition the Government did make one brief mention of the existence of men who experience abuse (though not of their children) by way of a somewhat grudging sounding, but in any event certainly inadequate statement that "[t]he existence of violence against men is not denied, nor is the existence of violence in same sex relationships" (Scottish Partnership on Domestic Abuse 2000a, p.5). This approach was seen again in the Scottish Government's 2003 National Strategy for Preventing Domestic Abuse where the then Minister Mary Mulligan made mention only of "women and their children" as experiencing abuse and that the strategy was unequivocal based on the assertion that "[i]t is men who are responsible for domestic abuse".[12]

It may be noted that the Association of Chief Police Officers in Scotland (ACPOS) and the Crown Office and Procurator Fiscal Service (COPFS) define domestic abuse in a gender and sexuality neutral manner in their joint protocol (ACPOS and COPFS 2004) and that the United Kingdom government's approach to domestic abuse does not include a gendered definition.[13] Despite the rejection of a gendered definition these institutions are able to adopt a gendered *approach* which seeks to identify and respond to gender dynamics in abuse which confirms the possibility of effectively distinguishing an inclusive gendered approach from a restrictive gendered definition.

> *"It's a hidden area ... a lot of men are too embarrassed to come forward ... ah ... but if you look at other organisation's literature, it tends to be, unfortunately, very one-sided and poses a major problem."*
> "Harry", Scottish, mixed-sex relationship, Slater 2013

Nonetheless, politicians have, in the past, used the restrictive Scottish Government definition of domestic abuse to give the impression that men are not victims of domestic abuse and that all perpetrators are male. For example in 2005 when commenting on the pilot domestic abuse court in Glasgow the then Minister, Malcolm Chisholm, asserted that "[i]n passing through the court, men - the perpetrators - are getting the message that such abuse is a crime that the court takes seriously and which we will not tolerate"[14] and that that message would be promoted in government funded television advertisements screened over Christmas.[15] As will be explored below, such political messages delivered through the media are of great importance in shaping the "public story" of domestic abuse (Donovan and Hester 2010) and both public sympathies and the availability of resources (Berns 2004).

The Scottish Government's gendered definition remains in place but, nevertheless, the tone of the political discourse has changed in recent years and such materials as government press releases appear to be more mindful of the existence of men and their children affected by domestic abuse though we lack a systematic analysis of such materials. Further, the SNP Government sponsored the first ever Scottish parliamentary debate on men's experience of domestic abuse which was held in June 2010.[16] In 2011 fifty one MSPs from across the Parliament supported Christine Grahame's Motion calling for funding for services abused

12 Scottish Executive 2003c, p.1 and 13 respectively.

13 The UK government refers to domestic violence rather than domestic abuse and defines this as "Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality.", see "Domestic violence" at http://www.justice.gov.uk/about/domesticviolence.htm accessed 30 Aug 2012. Note that as of March 2013 the UK government has had an updated, though still resolutely gender neutral, definition, see https://www.gov.uk/domestic-violence-and-abuse#domestic-violence-and-abuse-new-definition accessed 28 May 2013.

14 Scottish Parliament Official Report col 2212 (22 Dec 2005)

15 Scottish Executive press release "New phase in domestic abuse campaign", 22 Dec 2005

16 Scottish Parliament Official Report cols 27237-27289 (10 Jun 2010)

men.[17] These and other developments including Scottish Government support for the development of services for abused men are a welcome indication that addressing men's needs and the needs of their children is being recognised as an appropriate priority and that this does not conflict with addressing the needs of women who experience abuse or the children affected by that abuse.

The "public story" of domestic abuse

Finally for this introductory section we note the significant contribution by Donovan and Hester that will be alluded to several times in this review - that is the power of the "public story" of domestic abuse to marginalise all those who are not female victims in a relationship with a male partner (Donovan and Hester 2010). Donovan and Hester consider this marginalising effect of the "public story" only in relation to men and women in same sex relationships but, it is submitted, the insights they provide are not only relevant to men in same sex relationships but also highly relevant to men in mixed-sex relationships.

Donovan and Hester draw on work by Lynn Jamieson who examined the use of "public stories" and their pervasive influence in society.[18] In the course of their research –

> "it became clear that, in the popular imagination, domestic violence conjures up a particular public story. Jamieson has argued that it is important to understand who are the tellers of public stories and their pervasive nature:
>
> > Cumulatively, pervasive stories are inevitably consequential for both private and public life. They become representations that people cannot avoid working with at both a deep and surface level. Pervasive stories are a stock of narratives that anyone can draw on or distance themselves from when telling their own story . . . Stories also feed into both public and private lives when they coalesce into official views shaping public policies, laws and the distribution of resources." (Donovan and Hester 2010, p.281, quoting Jamieson 1998, p.11)

Donovan and Hester continue –

> Typically, argues Jamieson, pervasive public stories originate with people in powerful positions within powerful institutions. However, in relation to the public story about domestic violence, its origin has not been from within any powerful institutions, but the result of feminist activism and scholarship over several decades and, more recently, the coincidence of this with a generation of feminists and/or sympathisers within government. The outcomes have been both a story of success and a story of exclusion. *The public story about domestic violence locates the phenomenon inside heterosexual relationships within a gendered victim/perpetrator dynamic (the stronger/bigger man controlling the weaker/smaller woman), and forefronts the physical nature of the violence.* Ristock[19] has argued that such dichotomous understandings of domestic violence prevent both discussions about those experiences that lie outside the defining binaries and also recognition of and support for those

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17 Motion S4M-00618: Christine Grahame, Midlothian South, Tweeddale and Lauderdale, Scottish National Party, Date Lodged: 08/08/2011 – "Abused Men in Scotland: That the Parliament notes the important service provided by Abused Men in Scotland (AMIS); notes the evolving attitudes towards domestic abuse and, in particular, that police statistics for 2009-10 showed that one in six of recorded victims of domestic abuse was a man; understands that men are less likely than women to report abuse; also notes that funding of this service is under threat, and urges the Scottish Government, which has recognised that men can be victims just as women can be perpetrators, to examine options for providing support so that AMIS can continue its work, including the continuing provision of a helpline."

18 Jamieson, L (1998) Intimacy: Personal Relationships in Modern Society (Polity: Cambridge)

19 See Ristock 2002

> living with those experiences. Certainly, among those in same sex relationships, the pervasive public story has prevented many from recognising their experiences of domestic violence." (Donovan and Hester 2010, p.281/2, references removed, emphasis added)

Donovan and Hester reveal the powerful role played by this "public story" in endangering both men and women in same-sex relationships even to the extent that people in same-sex relationships who were subject to abuse by a partner could not recognise that experience as domestic abuse, let alone access help. This was so because the public story constructs domestic abuse as being about men's violence against women and as the individuals were living in a same-sex relationship the public story rendered the victim unable to recognise the abuse as abuse. People experiencing abuse in same-sex relationships would reasonably fear that the public story would also affect how family, workmates, police, medical staff and so on would react to their help-seeking. Given, as we shall see, the lack of public messages which attempt to properly include the situation of abused men (whether in mixed-sex or same–sex relationships) from, e.g., government, politicians, the NHS and many support agencies, the impact of the Scottish "public story" of domestic abuse on abused men and their children must be addressed as a matter of urgency.

Recommendations

- Policy responses to men's experience of domestic abuse, and the impact of that abuse on any children present in the family, should be based on a much larger and richer body of evidence. This body of evidence can be developed, provided resources are made available and researchers adopt appropriate techniques to capture the reality of men's experiences.
- Efforts should be made by funders and service providers to support research, whether historical, theoretical or empirical, into the reality of domestic abuse experienced by men within Scottish society. This work should pay due regard to the potential differences in experience between men from different groups in society.
- Research into, and policy responses to, the experiences of abused men should engage positively with the extensive body of literature on gender theory to establish how gender inequality and hegemonic masculinity affect the experiences of abused men.
- Research, literature and services should be labelled clearly so that those that exclude the experiences of abused men and their children are not presented as representative of the totality of the experience of domestic abuse in Scotland.
- The role of the "public story" of domestic abuse in marginalising men who experience abuse (through lack of awareness and response on the part of service providers, wider society and indeed a lack of awareness among abused men themselves) should be considered both in policy development and in future research.

Chapter 1 – The absent voices of men

A review of the literature quickly reveals an absence of the voices of those men who have experienced domestic abuse. This is, for different reasons and with differing levels of justification, true of "official" publications of statistics (such as reports of abuse to the police), of academic literature, of general literature on support organisation websites and of written and broadcast media materials. Most striking of all is the absence of any attention being paid to the voices of abused men within political and policy debate on domestic abuse. It is even true of much of the literature supposedly engaging with the issue of men's experience of abuse.

In recent years those producing research publications, policy documents and publicity materials on many social issues have made efforts to include some direct presentation of the "voice" of the people affected by the issue.[20] This respects both the agency and the resilience of the individuals affected and is a means of increasing the immediacy of the engagement of policy makers, researchers and the public with the lived experience of those affected by the issue under consideration.

> *"Even now the problem with male victims still is unacknowledged in many quarters you know, just I mean I get looks blank incomprehension... I didn't have fear of being physically damaged seriously you know it was more, it was more a feeling of just being completely lost in this nightmare you know from which there was no escape, because but by that time I would have gone happily singing and dancing down the road to get away from her you know, but I couldn't bear to leave my children behind."*
> Scottish study, mixed-sex relationship, Pain, 2012

In line with this development there are some welcome exceptions to the general rule of exclusion of abused men's voices (see, e.g., AMIS 2013a, Brogden and Nijhar 2004, Hines et al 2007, Hines and Douglas 2010 and Slater 2013). However, such examples are limited in number, are mostly from other countries (predominantly the USA) and tend not to capture the experiences of diverse groups of men, e.g., older men, black and minority ethnic men, disabled men.

There may be a lack of engagement with particular groups of persons experiencing abuse (e.g. men, BME women and men, lgbt people) on the part of researchers and service providers because such subjects are considered "hard to reach" or that "minority" experiences are not viewed as a priority. Although the "hard to reach" excuse should be avoided, there are undoubtedly challenges to capturing the voices of men. For example, a good deal of research in relation to women's experience of abuse was facilitated by services to which women turned seeking refuge as well more general consciousness raising and political groups within the wider Women's Liberation movement. While having to access refuge services is, of course, a situation that no one would wish were necessary, it did bring together a particular group of women who could be asked about their experiences (e.g. Dobash and Dobash 1979, Pizzey 1979 and Pizzey 2011). As noted above, however, the experiences captured could not reflect those of all women as some groups would find particular difficulties

> *"I've never done anything to my wife. I've been too scared to come forward (about her abuse). It's a pride thing. It's been going on nearly four years. I've had threats not to speak to my family."*
> Scottish unpublished, mixed-sex relationship, AMIS Helpline

20 See, e.g., Hague and Mullender 2006; these authors purport to be concerned with "the voices of domestic violence survivors in service provision in the United Kingdom" but in fact continue the exclusion of the voices of men who have experienced abuse. Perhaps even more disappointing is the failure to even consider the implications of excluding the experiences of abused men in intimate partner research in an article supposedly about the "ethics" of such work, Btoush and Campbell 2009.

in accessing refuges (e.g., BME women, women in same-sex relationships, older women). Knowledge about men's experience of domestic abuse is hampered by the absence of appropriate services which could hear, attend to and highlight such experiences; by the fear that many men have of revealing the abuse they are suffering lest they be disbelieved and the fear of further negative consequences that may follow (e.g. an increase in the abuse or a threat to their contact with their children) and the general disinclination for many men in Scotland to seek help when they are being abused.

Throughout this review quotes from the literature where men's experiences have been allowed to come through are highlighted: this does not indicate that there is an extensive body of such evidence as a very high proportion of that literature which does contain the voices of men is used here, but it does indicate that it is possible to capture such experiences if the researcher, policy maker or service provider is interested in doing so. The reader will note that relatively few of the examples are from published sources relating to domestic abuse in Scotland though a representative selection of comments from calls to the AMIS helpline are included.

> *"Everything about the services presented a barrier. There was no indication at all that any service would be interested in supporting me…"*
> Scottish, sexual orientation not known, Slater 2013

Recommendations

- Those campaigning for recognition of the needs of men who have experienced domestic abuse should seek to include direct quotes from men and their family members in their literature so that the quality of a diverse range of experiences are captured and heard.
- Service providers and those responsible for policy development should seek to pay due attention to the voices of abused men: failure to do so leaves victims and their children at risk and may be a breach of the new public sector Equality Duty (for which see chapter 7 below).
- Innovative means should be developed to capture the voices of a wide range of men of different characteristics.
- The excuse that individuals within any group in society are "difficult to reach" should be avoided; the focus should be on rectifying the failure thus far of most researchers, service providers and policy makers to effectively seek out the views of men and of those affected by domestic abuse against their male family members.

Chapter 2 – Men's reporting of abuse

This chapter sets out in some detail the evidence in relation to men's reporting of domestic abuse in Scotland. As can be seen, the number of reports made to the police is substantial and moreover the Scottish government estimates that these reports represent less than 10% of incidents. The question of "false positives" and "false negatives" is addressed by way of a detailed analysis of the 2002 Gadd report (Gadd et al 2002). Gadd notes that "disbelief and lack of service provision" can negatively affect abused men (whether in mixed sex or same sex relationships) and this chapter ends with a further reference to Donovan and Hester's "public story" analysis which is relevant to the question of why so few men report the abuse they experience (Donovan and Hester 2010).

Reliable quantitative information about domestic abuse is notoriously difficult to obtain for a wide range of reasons. These include the fact that engaging with researchers is not necessarily a priority for people in crisis or for those seeking to support them; that it may feel (and indeed may be) unsafe to engage with researchers if results are published which might identify parties; that those who do participate in research are often self-selecting and therefore not in any way representative of wider populations (i.e. the sample is often not randomised); different definitions of abuse may be used by participants and researchers making cross-study comparisons difficult and so on.

That said, one area in relation to reports of abuse that is relatively straightforward, albeit not without its difficulties in terms of ensuring recording and in classifications, is reports of domestic abuse incidents to the police. The most recent global figures indicate that in the year 2011/12 there were a total of 59,847 incidents of domestic abuse reported to police in Scotland of which 10,228 were directed against men (9,569 reports from men in mixed-sex relationships and 659 from men in same-sex relationships) (Scottish Government 2012a).

Some degree of detail in relation to the gender of victims and perpetrators is found in the annual analysis of the report of domestic abuse incidents to Scottish Police published in the Statistical Bulletin Crime and Justice series (e.g. Scottish Government 2012a). The figures reflect reported incidents so of course can say nothing about incidents that do not come to the attention of the police and, although there is some detail as to such variables as the location and nature of the reported abuse, it may be that it is the overall trends of such reports that are of most use.

The most recent published figures (Scottish Government 2012a) show that the numbers of reports by men were -

	Male victim female perpetrator	Male victim male perpetrator
2000-01	2,696	173
2001-02	2,976	231
2002-03	3,243	287
2003-04	3,695	328
2004-05	4,532	380
2005-06	4,932	400
2006-07	5,482	455
2007-08	6,199	530
2008-09	7,361	548
2009-10	7,938	666
2010-11	8,889	693
2011-12	9,569	659

The statistical bulletins show that as a percentage of all reports of domestic abuse, those involving a male victim rose from 8% in 2000/01 to 18% in 2011/12. The proportion of male victims to total victims in particular police force areas in 2011/12 was generally around 15% but ranged from 9% in Dumfries and Galloway to 21% in Strathclyde.

A great deal of information on men's experience of abuse is contained in the "Partner Abuse" analysis of the 2010/2011 Scottish Crime and Justice Survey (Scottish Government 2011a). The report gives information about individuals who have experienced partner abuse in the previous 12 months and also those who have experienced such abuse at any time since the age of 16. Although there are some differences, in general terms the experiences were broadly similar for both men and women (differences in incidence of reporting are noted here, similarities and differences in types of abuse experienced and impact are discussed in Chapters 3 and 4).

> *"Our older child bursts into tears when I suggest they see their mum. I mentioned this to social workers and health visitors but they were not sympathetic. They say she has the same rights as I have."*
> Scottish unpublished, mixed-sex relationship, AMIS Helpline

The survey shows that the reported risk of experiencing partner abuse in the prior 12 months was 3% for *both* men and women (Scottish Government 2011a, Table A1.2 p37). The best estimate of numbers of persons in the Scottish population who had experienced domestic abuse during their lives from the age of 16 was 257,000 men and 403,000 women (Scottish Government 2011a, Table A1.3 p39). The reported risk of having experience partner abuse since the age of 16 was 13% for men (compared to 19% for women) and for men this reported risk varies with age as follows -

15%	16-24
20%	25-44
15%	45-59 and
4%	60 or over (Scottish Government 2011a, Table A1.1, p35)

This spread of ages is broadly the same as for women.

In relation to respondents who had experienced abuse since the age of 16, 61% of perpetrators were male and 37% female (Scottish Government 2011a, p15).[21] In relation to the twelve months prior to the survey 54% of perpetrators were male and 39% female (Scottish Government 2011a, p15). Children were present in 25% of the cases where a man had experienced abuse within the previous 12 months (compared to 43% of cases where the abused person was female) (Scottish Government 2011a, p22).

The figures given above are for "all men", not broken down in the analysis into those in same-sex and those in mixed-sex relationships. In terms of the higher level figures, 5% of men who experienced abuse since the age of 16 were of the same sex as their abusive partner while that figure rose to 8% of men who had experienced abuse in the prior year. Since it is impossible to establish an accurate figure for the proportion of gay, bisexual and heterosexual men in society (Dempsey 2012) it is not possible to say whether a figure of between 5 and 8% is disproportionate (see also section on gbt men in chapter 6 below).

The Scottish Crime Survey reveals that underreporting by men is particularly problematic, the reasons for which are explored in Chapters 4 and 5 below. In relation to who, if anyone, was made aware of the abuse, where abuse had occurred within the prior year, 42% of men did not tell anyone about the abuse (compared to 19% of women) and in only 9% of cases in the prior year which involved abused men did the police come to know of the abuse (compared to 24% for women) (Scottish Government 2011a).

21 In many cases figures do not total 100% due to absence of data and/or the effects of rounding.

False positives and false negatives

The question of the reliability of men's reports of abuse has arisen in Scotland based on a partial use of David Gadd's analysis of the Scottish Crime Survey 2000 (Gadd et al 2002 and Gadd et al 2003). Gadd followed up 46 of the 90 men who indicated in the survey that they had experienced domestic abuse and found that 13 of these men, when questioned, denied that they had experienced abuse. Some of the men simply denied experiencing any type of violence while others stated that they had been referring to attacks they had suffered from strangers or else criminal activity directed at their homes (e.g. vandalism) that they had misunderstood to be included in the definition of domestic abuse.

Gadd recognised that there is a real possibility that men who subsequently deny having been abused by a partner may actually have experienced such abuse but are unwilling to confirm this, though he concluded that the impression of the researchers was that this was "rarely, if ever, the case" (Gadd et al 2002, p.37). While this is accepted as accurately representing the impression formed by the researchers, the reference to the fact that "[m]any of the men seemed genuinely surprised and, in some cases, annoyed that such information had been recorded about them"; that two of the men who subsequently denied they had been abused were "visibly upset" and that two "invited their wives to verify" that they had not been abused by them might suggest that the denials should be treated with some caution.[22]

> *"If I try to leave the house, she follows me. If I respond I get a mug in the face or a pot or worse. Or I have to put up with her slamming doors, threatening to commit suicide etc. Or telling me where the door is... Admitting to this publicly is just simply impossible. I am 6'7", she is 4'8". Apparently, I'm supposed to just "take it like a man"..."*
> Scottish, mixed-sex relationship, Slater 2013

It may be noted that Gadd does not give any figures for the number of women who, when subsequently questioned, claimed their earlier report that they had been abused was inaccurate. Such a comparison would have allowed for some contextualisation; whether a proportion of all victims become "visibility upset" when subjected to further questioning (and for the nature of the questions see below) and call on their partner to confirm that they were never abused by that partner would surely be illuminating. Instead, Gadd considers the possibility of "false positive" reports in the context not of fear of being disbelieved on further questioning or of being subject to on-going control by the abusive partner (to the point of calling on that partner to verify there had been no abuse) but of confusion over the definition of domestic abuse -

> "[w]hilst it is plausible that some women inaccurately reported experiences of abuse in the SCS 2000, we note that one of the key factors that led men to report inaccurately was less pertinent for women. In 1999 ninety-five per cent of the violence experienced by men in Scotland was not domestic. Some men mistakenly reported this other violence as 'domestic violence' in the self-completion component of the SCS 2000. Only 36 per cent of the violence experienced by women in Scotland was not domestic. Hence there was smaller potential for female respondents to make this error." (Gadd et al 2002, p.55, references removed)

This is a valid point (though the proportion of recorded abuse experienced by men in various settings is, of course, affected by their willingness to report and by the fact that some violence, such as street attacks, are more likely to come to police attention) but does not address the possibility that some of the men who denied their earlier report of being abused

22 Gadd et al 2002, p.37. If women or children who had indicated that they had experienced a form of abuse subsequently denied this while displaying overt signs of emotional distress and inviting confirmation that nothing had happened from the person who would be in the position of abuser it is perhaps doubtful that this would readily be accepted by researchers as mere surprise and annoyance.

were motivated by fear either of the abuser or of being disbelieved by the researchers, particularly in light of the nature of the questions these men were asked.[23]

"She was being aggressive when the police arrived. They said I should have phoned. Because she'd called 999 I was taken away."
Scottish unpublished, mixed-sex relationship, AMIS Helpline

Nor does Gadd seek evidence of cases where a misunderstanding of the survey question and the definition of domestic abuse resulted in men who had been abused *failing* to disclose their experience of abuse, which is perhaps surprising given the main aims of the report included "estimat[ing] the prevalence of domestic abuse perpetrated against men in Scotland" (Gadd et al 2002, p.v). While Gadd himself discusses the difficulty in estimating prevalence from small samples,[24] having interpreted the denials of earlier reports of abuse as genuine and taking little account of false negatives, he nonetheless reaches the firm conclusion that -

> "[t]his research uncovered that a number of men (over one in four) had inaccuratelyreported experiences of force or threats from a partner in the SCS 2000 self-completion questionnaire. Taking this into account, we argued that fewer men in Scotland are victims of domestic abuse than has previously been reported." (Gadd et al 2002, p.55)

Given what we now know about underreporting of abuse by men (Scottish Government 2011a) and the concerns noted above about the possibility of false retractions, Gadd's conclusion can only be seen as over-confident at best.

Not only was the possibility of confusion about definitions of domestic abuse leading to underreporting not explored but where a report of being abused was accepted as genuine the victims were questioned about the well-being of their abuser so that they themselves could be allocated to categories. The "In-depth interview guides" developed by the researchers reveal that the men were asked such questions as

> "Can you tell me about any times when you think X [the abuser] may have felt threatened by you?"

and

> "Can you tell me about the times when you may have used force against X [the abuser]?" (Gadd et al 2002, p.62)

Using such questions Gadd deemed that, in the view of the researchers, the 22 victims of abuse who were prepared to answer such questions were

> "Primary Instigators" (number = 1)
> "Equal Combatants" (n = 4)
> "Retaliators" (n = 8) and
> "Non-Retaliatory Victims" (n = 8) (Gadd et al 2002, p.36)

The "retaliator" label (cf, say, "victims who retaliate") is particularly problematic as it was attached to those abused men whose partner was the primary instigator in circumstances where the victim had "retaliated" even if only on one occasion. Since the use of force could include attempting to restrain the attacker, or pushing them away to try to make good an escape, the use of "force" could deny a fair label which would clearly acknowledge that the

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23 There is, however, a brief reference to possible reasons for initially failing to report abuse - "Needless to say, some male and female respondents who had experienced domestic abuse probably did not report these experiences in the SCS 2000 through fear of exposure, reprisal, shame, embarrassment or forgetfulness." Gadd et al 2002, p.55.

24 e.g. Gadd et al 2002, p.28/9 and Appendix B

man had in fact been victimised. It is difficult to believe that women who reported abuse would be questioned and then categorised in this manner.

For example, "Frank" is labelled a retaliator because, in response to the questions above, he "said he may have threatened Hilary but he could not actually remember a specific time" (Gadd et al 2002, p.69). It would be revealing to establish whether questions such as "can you tell me about any times you think your abuser may have felt threatened by you" have been posed to anyone other than a man reporting domestic abuse and whether, should the victim report that they *may* have threatened their abuser but could not recall having done so, that victim would be denied a clear "victim" label and be classed as a retaliator.

Gadd's finding that a proportion of men withdrew their earlier report of abuse or had apparently misunderstood the definition of domestic abuse has, this author has found, been used to underpin scepticism towards men's experience of abuse in discussions at seminars and conferences. It is, however, difficult to locate such uses of Gadd "on the record" in the literature[25] perhaps because such partial usage is unfair not only to the men who experience abuse but also to Gadd and his colleagues. A fair use of Gadd would include his conclusion that

> "[s]ome of our interviewees had experienced genuinely harrowing forms of abuse" (Gadd et al 2002, p.45)

and

> "... the number of men who had experienced force or threats from current or former partners was not inconsequential" (Gadd et al 2002, p.55)

and (ironically, given their treatment of "Frank" and other so-called "retaliators") that

> "[d]isbelief and lack of service provision are both factors that can compound male victims' experience of abuse regardless of their sexual orientation" (Gadd et al 2002, p.11).

These are aspects of Gadd's research that one rarely hears or sees referenced by those who seek to challenge efforts at recognising and responding to the needs of men who experience abuse.

The "public story" as obstacle to reporting

What the reports of abuse to the police and the results of the Scottish Crime and Justice Surveys indicate is that domestic abuse against men is a significant issue in Scottish society. This is especially so when one considers the obstacles to men reporting their experiences of abuse. The fear of not being believed, or of being ridiculed, or of being questioned about whether your abuser ever felt threatened by you is reinforced by what Donovan and Hester identify as the power of the "public story" about what constitutes domestic abuse.[26] For Donovan and Hester –

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25 One example is the Women's Aid document *Statistics: Domestic Violence* available at www.womensaid.org.uk/core/core_picker/download.asp?id=1602Similar accessed 30 August 2012 which is not only partial but appears to contain errors in presenting the numbers - "One Scottish survey found that a majority of men who said that they were victims of domestic violence, were also perpetrators of violence (13 of 22), and on being re-interviewed, a further 13 later said they had actually never experienced any form of domestic abuse. (Scottish Executive Central Research Unit, 2002)." A further, more coherent, example is where Gadd is referred to as a study into the "nature and veracity of these reports [ie of men reporting domestic abuse] and consider the need for services for such 'abused' men" (Dobash and Dobash 2004, p.344) so that *all* men who report being abused are labelled "'abused'", the inverted commas indicating scepticism.

26 Examples of Donovan and Hester's concept of the "public story" of domestic abuse are explored in more detail in "Media" in Chapter 7.

> "The public story about domestic violence locates the phenomenon inside heterosexual relationships within a gendered victim/perpetrator dynamic (the stronger/bigger man controlling the weaker/smaller woman), and forefronts the physical nature of the violence." (Donovan and Hester 2010, p.281/2)

That "public story" is self-perpetuating as it is not only created by the past practice of, e.g., politicians, academics, the police and the media but it then affects what it is possible for them to recognise as abuse. It also has a further, internalised effect in which the abuse experienced by men is invisible even to those who are experiencing abuse, or if glimpsed is not taken seriously as a personal violation but is dismissed as "something that happens" (Donovan and Hester 2010). That a growing number of men in both same-sex and mixed-sex relationships should report the abuse they are experiencing, despite the power of the "public story" and in the absence of any significant effort to educate people on the subject or to facilitate help-seeking is surely indicative of a serious social problem affecting not only the men involved but also their children and other family members. Given the different context ten years on from the Gadd report, where there has been at least some limited recognition of the fact that men experience domestic abuse and, in general, there is less scepticism towards men who experience abuse, it is time for more extensive and contextually aware qualitative research than that which Gadd was able to carry out in 2002.

"Scratching me on the face, yelling, kicking, hitting. She was screaming so loud that the neighbours, 300 yards down the road, could hear her. That's who called the cops. … The first thing the lady cop did when they came is say "I want to talk to your wife." You could tell, from the tone in her voice, that they first wanted to check to see if she was hurt, a battered wife. Even though I was standing there with blood on my face, and she was not showing any signs of being hurt. As soon as she said that, I just turned and walked away into the house. You could tell she was giving me an attitude. When I walked back out, the lady officer apologized to me. She said "I'm really sorry. I see your wife is smashed, and I see you have scratches on your face, and I want to take her in. … I said "No, don't take her in," because she had started to calm down by that time; but the police said that under the abuse prevention law they had to arrest her. … I didn't press charges, and no one else did either. The next morning, I went and bailed her out. I did get a letter from the DA, a month later, asking me if I wanted to come down and press charges, but I just threw it away."
US study, Cook, 2009

Recommendations

- Publicity materials relating to domestic abuse should take greater account of the reality of significant numbers of reports and the fact, for example, that the Scottish Government's best estimate of prevalence is that 257,000 men and 403,000 women experience domestic abuse in adulthood.
- The newly established Police Scotland, in collaboration with other service providers, should instigate steps to address the under-reporting of domestic abuse by men in Scotland.
- When interviewing subjects, researchers should be aware of the real possibility of "false negatives" as well as "false positives" in relation to reporting domestic abuse.
- Service providers and researchers should carefully consider the appropriateness of their screening and/or research questions given the sensitivity around asking victims of domestic abuse about whether their abusive partner might ever have had cause to feel threated by the victim's actions. If this is deemed to be good practice in relation to all victims then consultation with support groups (e.g., Victim Support Scotland,

Scottish Women's Aid and AMIS) will be required to ensure that such questioning is conducted in an appropriate manner and the impact of such questions duly considered.

- The insights in relation to the "public story" of domestic abuse and its power to marginalise many victims should be acknowledged as an important contribution to understanding the complexity of domestic abuse. Donovan and Hester's innovative work on the power of the "public story" to marginalise victims and hide perpetrators in same-sex relationships should be applied to analysis of the position of all men who experience domestic abuse.

Chapter 3 – Types of abuse reported

In this chapter we consider the evidence in relation to the types of abuse reported by men. Although somewhat limited, the Scottish literature confirms the evidence from other jurisdictions that the types of abuse experienced, both physical and psychological, is broadly the same for both men and women, though women report significantly more incidents of such abusive behaviour. In the absence of substantial qualitative research in Scotland, literature from other jurisdictions, in particular Northern Ireland and the USA, is examined. Finally the sensitive issue of false accusations of domestic abuse is considered.

The focus of this review is the experiences of men subjected to domestic abuse but inevitably both here, and in the literature, comparisons are often drawn between men's experiences and the experiences of women. At various points attention will be drawn to such comparisons but, in this review at least, this is done not in a spirit of competition or to try to diminish any person's experience but rather, it is hoped, to inform debate, for the evidence shows that while there are sometimes differences in the experiences there are also similarities –

> "The limited qualitative research on this topic suggests that there are some differences in the nature and context of the abuses experienced by gay and heterosexual men, as well as between male and female victims generally, although there are also many similarities." (Gadd et al 2002, p.11)

The evidence available shows that abused men experience a wide range of harmful behaviours from their partners. As Gadd notes, the types of abuse experienced are, in broad terms, similar to those experienced by women and similar whether men are in same-sex or mixed-sex relationships, the reported differences lying more in average frequency of abuse and in reported impact of abuse.

We begin by looking at what is known about men's experiences in Scotland before drawing on studies from Northern Ireland and the US.

In relation to statistics drawn from reports to the police, detailed analysis of the types of abuse experienced is difficult due to the limited nature of the information. The table below reflects the breakdown of reports to the police in 2011/12 (Scottish Government 2012a).

	F vic M perp	M vic F perp	F vic F perp	M vic M perp	Not recorded	Total
Non-sexual crimes of violence	463	100	5	12	1	581
Sexual offences	216	3	2	2	0	223
Crimes of dishonesty	708	99	9	10	3	829
Fire-raising, vandalism, etc.	1,524	314	14	21	12	1,885
Other crimes	3,621	478	34	30	29	4,192
Miscellaneous offences	19,958	4,062	267	294	66	24,647
Motor vehicle offences	11	1	0	0	0	12
Behaviour not amounting to a crime	19,938	4,512	235	290	2,503	27,478
TOTAL	46,439	9,569	566	659	2,614	59,847

As can be seen, the unhelpfully vague "miscellaneous offences" and "behaviour not amounting to a crime" are by far the largest categories followed by "other crimes". Some speculation might be attempted in relation to the relative proportion of the crime categories (e.g. the higher proportion of "non-sexual crimes of violence" suffered by male victims of

female abusers or the very low reported incident of sexual offences for male victims in mixed-sex relationships) but the poor level of detail in the figures would render such an exercise of doubtful value.

The more in-depth information in the analysis of the 2010/11 Scottish Crime and Justice Survey (Scottish Government, 2011a) gives a clearer picture. The figures for psychological abuse and physical abuse are given separately. The risk of experiencing partner abuse in the prior 12 months was the same for men and for women at 3% of persons surveyed. However, the detailed breakdown of figures is given not for the prior year but for any time from the age of 16 years.

> *"She shows jealousy, extreme behaviour, mood swings, mistrust without cause. Isolation – threats – 'me and the kids or your family and friends'. She fell out with my parents and wouldn't let the kids see them for 7 years. In the last year I realised this is ridiculous and took them to see their grandparents."*
> Scottish unpublished, mixed-sex relationship, AMIS Helpline

The figures presented show that of adults who had had an intimate partner since the age of 16, 10% of men reported that they had experienced psychological abuse compared to 17% of women reporting such abuse –

- Behaved in a jealous or controlling way – reported by 6% of men and 12% of women
- Repeatedly put you down so that you felt worthless – reported by 3% of men and 10% of women
- Threatened to hurt you – reported by 2% of men and 5% of women
- Stopped you from seeing friends/relatives – reported by 3% of men and 6% of women
- Threatened to/attempted to/actually hurt themselves to make you do something/stop you doing something – reported by 2% of men and 4% of women
- Stopped you from having your fair share of household money/taken money from you – reported by 1% of men and 4% of women
- Threatened you with a weapon (e.g. ashtray or bottle) – reported by 2% of men and 3% of women
- Threatened to hurt your other/previous partner – reported by 1% of men and 3% of women
- Threatened to kill/attempt to kill themselves to make you do something/stop you from doing something – reported by 1% of men and 3% of women
- Threatened to kill you – reported by 1% of men and 3% of women
- Threatened to hurt someone/other living thing close to you (e.g. children, other family, friends or pets) – reported by 0% of men and 3% of women
- Forced you to view material which you considered to be pornography – reported by 0% of men and 0% of women. (Scottish Government 2011a, p.18)

The types of reported psychological abuse directed at men are, therefore, the same as for women though the incidence of each is higher for women than for men. Where men reported experiencing psychological abuse, on average they experienced a little over two forms of such abuse while women reported experiencing, on average, between three and four forms. It may be noted that there is no category of abuse by false accusation of committing domestic abuse

(a problem which the Crown Office and Procurator Fiscal Service is examining at the moment, see below) nor of threatening to deny contact with children.[27]

Physical forms of abuse were reported by 10% of men since the age of 16 compared to 14% of women -

- Thrown something at you – reported by 8% of men and 8% of women
- Kicked, bitten or hit you – reported by 4% of men and 7% of women
- Pushed you or held you – reported by 2% of men and 9% of women
- Used a weapon against you – reported by 2% of men and 3% of women
- Choked or tried to strangle/smother you – reported by 0% of men and 4% of women
- Forced/tried to force you to have sexual intercourse when you did not want to – reported by 0% of men and 3% of women
- Forced you or tried to force you to take part in another sexual activity when you did not want to– reported by 0% of men and 1% of women. (Scottish Government 2011a, p.20)

The reports of types of non-sexual physical abuse are, therefore, broadly similar but, as with reported psychological abuse, the reported incidence is lower for men than for women. Abused men, on average, experienced almost two forms of physical abuse compared to abused women who, on average, experienced almost three.

Although there are zero figures for men reporting being choked or experiencing sexual abuse there were in fact such reports within specific age-groups, though these were too few to register as a percentage in the total figures. For example, among those men who reported physical abuse, the risk of experiencing abuse by being choked, strangled or smothered increased with age reaching a reported 5% of such men over 60. On the other hand 2% of men who reported abuse and were between the age of 16 and 24 reported being forced to engage in sexual intercourse; other types of forced sexual activity or sexual abuse were reported by 3% of men in the 16-24 age group and 2% of men over 60 (Scottish Government 2011a, Table A 1.7, p.46). The large disparity in the proportions of men and women reporting the abuse as being 'a push' or 'being held' warrants further investigation.

> *"She's texting that she's coming for the kids. The health visitors are on her side. They're friends of hers. She might turn up at the door. I'm scared for their safety."*
> Scottish unpublished, mixed-sex relationship, AMIS Helpline

In the absence of further large-scale qualitative investigations from Scotland some indication of the experience of men can be drawn from other jurisdictions. A relatively recent study of men's experience of domestic abuse in Northern Ireland (Brogden and Nijhar 2004) provides significant qualitative information that may well be relevant to the situation in Scotland given broadly similar social conditions. Their study is based on interviews with 47 men who experienced abuse from female partners and three men who experienced abuse in same-sex relationships and, as noted above, is particularly valuable as it includes a number of quotes from the men themselves.

Brogden and Nijhar reveal the wide range of abusive behaviour experienced by these men including physical abuse, sleep deprivation and false accusations of abuse. The researchers record that emotional abuse was often the most difficult to survive, and that suicidal ideation

27 As noted below, Denise Hines has found in US studies that 64.5% of male callers to a helpline were controlled by their female partners "through the children" (Hines et al 2007, p.67) and that the fear "he may never see the children again" was cited by 67.5% of abused men in explaining why they did not leave their abuser (Hines & Douglas 2010, p.303).

and even attempts at suicide were a not uncommon consequence for men experiencing domestic abuse. In a minority of cases the abuse was life-threatening, and the abuse often had an impact on children of the family. The researchers also reveal their surprise at sexual violence by women against men –

> "Remarkably, a minority of respondents described the experience of sexual violations – some in the form of verbal denigration, occasionally through deliberate attacks on their sexual parts, and in two cases, claimed that they had in effect, been raped." (Brogden and Nijhar 2004, p.72)

Much of the recorded impact on men who have been abused focusses on psychological damage. Whether this reflects a relatively low incidence of significant physical consequences for male victims or a lack of awareness among, e.g., accident and emergency nurses, GPs and dentists that physical injuries in men may be related to domestic abuse or the "shrugging off" of physical abuse by male victims or some other factors is not known. However, extreme physical abuse (intimate terrorism in Johnson's classification discussed below in Chapter 6, "Heterosexual men") does occur. The story of one man prepared to speak out about such abuse has been widely reported in the media -

> *"There was not a pattern of her beating on me. Most of the abuse in our relationship was emotional. It got more intense after the baby was born. She did hit me several times. I never responded physically, because I'm the man, and I'm supposed to be stronger than this."*
> US study, Cook, 2009

> "Ian McNicholl, 47, has painful memories to remind him of the terror he endured when he found himself a male victim of domestic violence.
>
> His then fiancee, Michelle Williamson, punched him in the face several times, stubbed out cigarettes on his body, lashed him with a vacuum cleaner tube, hit him with a metal bar and a hammer and even poured boiling water on to his lap. That at 6ft he was almost a foot taller than her made no difference. He still has burn marks on his left shoulder from when she used steam from an iron on him. Williamson, 35, is now serving a seven-year jail sentence for causing both actual and grievous bodily harm.
>
> During the trial last year McNicholl told the court that, during more than a year of attacks and intimidation, he had lost his job, home and self-respect. He had been too scared to go to the police and had considered suicide. She was only arrested after two neighbours saw her punch him.
>
> Sentencing her at Grimsby crown court last year, judge John Reddihough told Williamson: "Over the period of time you were with him you destroyed him mentally and seriously harmed him physically, leaving him with both physical and mental scars." (Denis Campbell, "More than 40% of domestic violence victims are male, report reveals", *The Observer*, Sunday 5 September 2010)[28]

The most detailed and sustained research aimed at understanding men's experience of domestic abuse has been carried out by Denise Hines and her colleagues in America. Given the very different legal and social context between the USA and Scotland the results can only be taken to be indicative, indicating broad likely patterns and as prompts for future research.

Hines' analysis of 190 callers to the then US Domestic Abuse Helpline for Men[29] constitutes a rare in-depth study of the experience of men who experience domestic abuse (the preferred

28 See also "Spotlight On Male Victims Of Domestic Abuse" Sky News Monday 1 March 2010 available at http://news.sky.com/story/763540/spotlight-on-male-victims-of-domestic-abuse

29 The helpline now offers services to both men and women, see http://dahmw.org/

term in the US being intimate partner violence (IPV)) (Hines et al 2007).[30] The authors conclude that one reason male victims of "intimate terrorist" type violence are not recognised is that they have not been the subject of study by policy makers or academic researchers which is in contrast to the many studies and anecdotal evidence in relation to women who experience such abuse. One reason is that these women and their experiences are available to researchers and policy makers through their contact with workers in refuges –

> "The current situation for research on male victims of severe IPV can be likened to the situation for female victims of severe IPV prior to the shelter movement: we knew they existed, but we knew little about them because there were few places where we could study them." (Hines et al 2007, p.64)

Unfortunately as 96% of callers said they were in a heterosexual relationship the figures are not broken down by sex of the perpetrator and it is not possible to interrogate the figures to say whether the experiences of abused men in same-sex relationships are the same as, or different to, the experiences of abused men in mixed-sex relationships.

Of the total number of callers, 158 men were asked a series of questions about physical abuse and they reported that they had been –

Slapped/hit 43.7%
Pushed 41.8%
Kicked 39.2%
Grabbed 31.0%
Punched 24.7%
Choked 22.2%
Spit on 9.5%
Stabbed 1.9%
Scratched 1.3% (Hines et al 2007, p.67)

Of the 155 men who were asked if their partner tried to control them, 94.8% (147 men) indicated that they did. These men experienced control –

Through coercion and threats 77.6%
Through emotional abuse 74.1%
Through intimidation 63.3%
Through blaming, minimizing, and denying 59.9%
Through manipulating the system 50.3%
Through isolation 41.5%
Through economic abuse 38.1%
Through the children 64.5% (Hines et al 2007, p.67)

What is particularly interesting about Hines' research, apart from the fact that it is a rare example of where the voices of men who have experienced abuse are allowed to come through to some extent, is her identification of a significant number of men who report that their abuser used "manipulating the system" (50.3%) as a form of abuse as well as "blaming, minimizing and denying" to distract from their abusive behaviours (59.9%). In analysing the reports of psychological abuse, Hines used the Power and Control Wheel developed as part of the well-known Duluth Model of domestic abuse. However, the Duluth Model, which is concerned only with women in mixed-sex relationships who experience abuse, has a category of psychological abuse labelled "using male privilege" which is of no use when considering the abuse perpetrated by women. Hines replaced that particular category with "manipulating the system" to "reflect the behaviors of some women who recognize that the domestic violence system was designed to help female victims and who use that fact against their male partners" (Hines et al 2007, p.67) just as, in the more usually acknowledged situation, some men may use "male privilege" to facilitate their abusive behaviour. The behaviours identified

30 For other work by Hines and her colleagues see the bibliography to this review and also the information available at http://wordpress.clarku.edu/dhines/mensexperiences/results/

as "manipulating the system" included "manipulating the system such that the abusers used the court system to do such things as gain sole custody of the children or falsely obtain a restraining order against the victim" (Hines et al 2007, p.67).

Replacing "using male privilege" with "manipulating the system", were it to be proposed in Scotland, would no doubt be controversial. Two points may be made. First, for an abuser to use the fear that "the system" (including police, COPFS, the judiciary and social work) may be biased in making stereotyped presumptions about domestic abuse based on gender it is not necessary that that actually be the case but only that there is a real fear that the system is biased. The position may be compared to the misuse of the fear of a biased (homophobic) response from "the system" which some abusers in same-sex relationships use to control their partners; the system may or may not be biased but the abuser uses the fear of bias as a tool (see Donovan et al 2006 discussed in chapter 6). Given that there is generally accepted evidence that abusive men and women in same-sex relationships misuse fears that "the system" will not respond well to victims in same-sex relationships (that is that despite being lesbian, gay or bisexual they are prepared to use homophobic stereotypes to their own advantage) it is surely possible that abusive women in mixed-sex relationships might wrongfully use fears that "the system" will not respond well to men who report abuse as part of their controlling behaviours.

> *"... you know ... I'm really ... I can't take it anymore ... and she was now you know ... telling me ... she was threatening me to ... you know ... if I'm not giving the money her ... all I'm earning ... everything ... if I'm not giving her something like that ... she's going to ... you know ... kick me out ... kick me out from this country ... and there are so many different ways she's now threatening me ... like by her family ... they are all ... you know ... threatening me in different ways, like ... she's at the moment living in London with her uncles and her family as well ... they are all ... all of them ... but in this country I have nobody here to protect me ... actually that's why ... I'm really ... I feel really very alone ... I don't have anybody to ... you know ... protect me."*
> "Zahir", Scottish, mixed-sex relationship, Slater 2013

Secondly, any evidence that abusive women in mixed-sex relationships misuse the "public story" (Hester and Donovan 2010) or, in Hines' terms, "manipulate the system" to carry out or reinforce their abuse in the same way that abusive women in same-sex relationships misuse the "public story" or the system's perceived heterocentric response should not be taken as indicating that many women would engage in such behaviour but rather that the minority of women who abuse their partners will use whatever tools they have at their disposal. No *non-abusive* man or woman in same-sex relationships would seek to use the heterocentric "public story" that domestic abuse is essentially male misuse of power over their female partners but *abusers* in same-sex relationships may well attempt to use the marginalisation of lgbt people if it facilitates their abusive behaviour or protects them from being called to account. Similarly, no *non-abusive* women would use the public story of domestic abuse being about men's abuse of power to facilitate their own control over their male partner but an abusive woman may well make use of that opportunity if it facilitates their abusive behaviour or protects them from being called to account. The problem of abusers attempting to "manipulate the system" has been acknowledged by the Crown Office and Procurator Fiscal Service as an important area to be addressed (see Chapter 7 below).

Recommendations

- Appropriate qualitative research should be conducted to capture the reality of the types of abuse experienced by men. Such research should take account of the possibility of different experiences between different groups of men (e.g. older men, BME men).

- Service providers and those responsible for policy development should seek a greater engagement with, and understanding of, men's experience of abuse and the consequences for appropriate responses.
- Service providers (in particular, e.g. hospital accident and emergency staff, general practitioners (GPs) and police officers) should take steps to ensure that men are empowered to reveal the specifics of the abuse they have experienced and that these experiences are respected, acknowledged and recorded.
- The COPFS review of its Joint Protocol in relation to false allegations (i.e. that perpetrators may seek to manipulate the criminal justice system to hide their abusive behaviour and continue their abuse of their partner) should take account of the evidence of this from research into men's experiences of domestic abuse (e.g. Hines et al 2007) in the context of the impact of the "public story" of domestic abuse.
- The needs of the significant number of men in Scotland who experience domestic abuse, and the needs of others affect by that abuse such as children, should not go unaddressed. Even if it is established through more sensitive research that, on average, abused men experience fewer multiple types of abuse, that should not be used to marginalise and deny services to abused men and their children.

Chapter 4 – The reported impact of domestic abuse on men

Having established that there are significant numbers of abused men experiencing broadly similar forms of abuse as abused women, in this chapter we consider the impact that that abuse has. Evidence in relation to the psychological impact of abuse is considered in the context of dominant societal expectations of masculinity. Men's (in)ability or (un)willingness to label the abuse that they are subjected to *as abuse* mirrors evidence from research into domestic abuse in same-sex relationships and has significant implications in relation to accessing services. Evidence of the use of alcohol as a coping method or palliative is noted. The chapter ends with a consideration of research evidence of depression and suicide among abused men: this evidence originates, in the main, from other jurisdictions as little consideration of the issue seems to have taken place in Scotland despite the significant gender disparity in suicide numbers.

While the fear of an inappropriate reaction from criminal justice or health professionals may account for at least some of the reluctance on the part of abused men to seek help (see chapter 7) a further likely cause is that many men fail to take seriously the abuse perpetrated against them, or at least they say they do not take it seriously -

> "Many of the men we spoke to trivialised the abuse they had experienced. The majority did not consider themselves to be either 'victims' of 'crime' or of 'domestic violence', although many were embarrassed by the abuse they had experienced" (Gadd et al 2002 p.56).

The embarrassment some men feel in saying that the abuse they have suffered has had an impact may be attributed not only to the "public story" that domestic abuse is about men's abuse of power over women so abused men may legitimately fear being disbelieved but also to the view that to admit to feeling pain and fear is to violate the rules of hegemonic masculinity and risk ridicule as being other than a "real man" (Connell 2005).

> *"No, no it never goes away, no."*
> Scottish study, mixed-sex relationship, Pain, 2012

However, some information about the impact of abuse on men can be found in the Scottish Crime and Justice Survey, which also contains some information about the differences in what men and women say about the abuse they have experienced. In terms of psychological impact –

> "65% of women who had experienced partner abuse (psychological or physical) in the last 12 months reported at least one psychological impact of the most recent/only incident of abuse compared with 45% of men.
>
> Examining psychological impacts individually, women were more likely than men who had experienced partner abuse in the last 12 months to report impacts:
>
> - Psychological or emotional problems such as difficulty sleeping, nightmares, depression or low self esteem (42% women; 28% men);
> - Stopping trusting people or having difficulty with other relationships (26% women; 14% men);
> - Fear, anxiety and panic attacks (28% women; 10% of men);[31]
> - Isolation from family and friends (21% women; 10% men).

31 A very interesting treatment of the highly gendered social dynamics of fear, vulnerability and dangerousness can be found in Hollander 2001.

Men (45%) were more likely than women (27%) to say they experienced none of the listed psychological effects." (Scottish Government 2011a, p.24)

That 55% of abused men reported at least one psychological impact indicates that such impacts are a serious problem as does, e.g., the fact that 28% of abused men reported difficulty sleeping, nightmares, depression and low self esteem or that 10% reported fear, anxiety and panic attacks. Of course, in each category more abused women than abused men reported these impacts but even setting aside the possibility that men may underreport, the disparities in the proportions do not justify failing to attend to the needs of men in public education and in support services.

"I'm not afraid of her - but I do worry that she may carry out her threat to use a knife. I set up a broom behind the door so I know she's coming."
Scottish unpublished, mixed-sex relationship, AMIS Helpline

That some men find it difficult to name the abuse they experience as abuse (just as do some men and women experiencing domestic abuse in same-sex relationships, Donovan and Hester 2006) is also confirmed by the 2010/11 Scottish Crime Survey which found –

"Women were more likely than men to view the most recent/only incident of partner abuse as a crime, particularly in relation to physical abuse:

44% of women thought the most recent incident of physical abuse they experienced in the last 12 months was a crime compared with 14% of men;

30% of women said the most recent/only incident of psychological abuse they experienced in the last 12 months was a crime compared with 9% of men." (Scottish Government 2011a, p.26/7)

Perhaps of even greater concern is the fact that men were also more likely to say that the domestic abuse they experienced was "just something that happens":

"37% of men said the most recent incident of physical abuse they experienced in the last 12 months was just something that happens compared with 11% of women;

28% of men said the same about the most recent incident of psychological abuse they experienced in the last 12 months compared with 24% of women." (Scottish Government 2011a, p.26/7)

Given this, it is unsurprising that men were more averse than women to being identified as "victims" of abuse -

"Notably a higher percentage of women than men identified themselves as being victims of domestic abuse (12% of women compared with 3% of men)."[32] (Scottish Government 2011a, p.26/7)

Hogan's small-scale study of psychiatric counsellors in England who had experience of men disclosing abuse (Hogan et al 2012) found that the men themselves had great difficulty in recognising that they had been abused -

"My impression, let us say, is that men do not take abuse from women as seriously as I do when I hear it. (Tanya) …

It's often very difficult for males to recognise because in some cases they have discounted that they are being abused or in other cases it's difficult because it's too much of a threat to their perceived persona. (Ryan)" (Hogan et al 2012, p.47 and 48 respectively)

32 While 19% of women were identified as having experienced domestic abuse since the age of 16 only 12% defined themselves as victims; the disparity was greater with men, 13% of whom were identified as having experienced abuse while only 3% defined themselves as victims.

Drawing on studies from other countries can help give greater insight into the psychological consequences of domestic abuse suffered by men, many of which are the same as for women who experience abuse though there may be particular gendered aspects which impact on men and require particular attention.

> *"Lots of witnesses have seen how she behaves. I'm keeping the doors locked, but I'm afraid her dad might come and break the windows."*
> Scottish unpublished, mixed-sex relationship, AMIS Helpline

An interesting in-depth qualitative study of the experiences of a white heterosexual middle-class American man living in and then leaving an abusive relationship revealed the impact of gender norms as barriers to his understanding of his situation, his abuser's manipulation of the children of the marriage and the psychological impact –

> "No, um, it wasn't just violence: it was also alienation from the children. Now the children hated me … and every chance she got to use profane language in front of me and the children … calling me a (expletive) in front of the children … I've been referred to as the sperm donor, the biological father, every name you can imagine … um, have been use by both my ex-wife and children.
>
> There is nothing you can do … you are hopeless in this situation,. There are no good options, Literally, every decision you make is a bad one. You're left with, which one is the least bad decision to make. Because every one of them is going to hurt and it going to have a profound impact on your life and the lives of the people that you love." (Nayback-Beebe and Yoder 2012, p.93)

The power of abuse which utilises even relatively low levels of gender-role harassment is revealed in a Canadian study where male students were invited to take part in a series of tests, one of physical strength and two concerned with cognitive ability (Funk and Werhun 2011). Unknown to the participants, the real interest of the researchers was what the effect would be on the subsequent cognitive tests and a repeated strength test of falsely reporting that their score in the initial physical test was that of an average women (that they "squeezed the handgrip 'like a girl'"). This low-level "abuse", which was intended "to demean and to degrade [the] man by suggesting he is gender-defective", significantly reduced the victim's cognitive ability and also prompted greater physical effort (requiring the victim to disregard physical discomfort) when the physical strength test was attempted for a second time. It may be assumed, therefore, that abuse which utilises hegemonic masculinity by attacking a man for not being a "real man" or, e.g., for failing to be an appropriate economic provider will be particularly effective in distressing the victim and, paradoxically, is a form of abuse that many men would be particularly ashamed of acknowledging and revealing.

The link between men's experience of domestic abuse and resulting higher incidences of Post-Traumatic Stress Disorder (PTSD) has been established in relatively large studies (e.g. Hines 2007). Whether men and women experience treatment for PTS differently, particularly where the trauma is, or is taken to be, particularly gendered, and the implications of this possibility for practitioners appears to be unresolved (Blain et al 2010).

Another psychological consequence of domestic abuse is self-harm. A large-scale study of a cohort of 80,000+ male US army soldiers found significant negative health impacts, with especially high levels of depression and alcohol

> *"She's mentally ill. I know she's not doing this on purpose. I know she loves me."*
> US study, Hines and Douglas, 2010

misuse, among victims of abuse which also often resulted in early discharge from the army thus indicating significant cost to employers as well as the individuals themselves (Bell 2009, see also LaVan et al 2012).[33]

Most studies of domestic abuse and suicidality have attended exclusively to the experiences and needs of women, though some more recent studies have been inclusive of men (McLaughlin et al 2012). The link between domestic abuse and suicide and/or self harm in women who have experienced abuse is well-established (e.g. Scottish Women's Aid, nd). Similarly well-established is the fact that suicide is a gendered phenomenon, at least in industrialised countries, with the World Health Organisation's cross-national aggregate age standardized ratio showing a ratio of 3.5 male suicides to every 1 female suicide (Cannetto and Cleary 2012). A similar gendered disparity is found in Scotland (Mok, 2012) (the failure of the NHS in Scotland to respond to domestic abuse against men is discussed below in Chapter 7).

> *"I've been married 32 years but I just woke up one morning and had an epiphany moment and recognised the dog's abuse I've been living with."*
> Scottish unpublished, mixed-sex relationship, AMIS Helpline

Suicide among men who have experienced abuse and have been unable to seek or access support takes a heavy toll on their surviving families. Reflecting on the failure of services in the US to support men who have experienced domestic abuse Denise Hines writes -

> "The revictimization that many of these men experienced in the very system that is set up to help victims of domestic violence is important to consider because it can have grave consequences. Consider this woman's call to the DAHM. She called to receive support and validation of her son's experiences:
>
> > "B is calling for support; it is close to the anniversary of her son's suicide. She wants someone to hear her grief and understand her belief that he was driven to suicide by the false allegations of a controlling wife who knew how to manipulate the system. After leaving the relationship, his estranged wife would obtain a restraining order, initiate contact, then charge him with violating the order. Several such encounters with the justice system left her son emotionally and financially drained. With 'nowhere to go and no one to talk to' he became increasingly despondent and eventually took his own life."" (Hines et al 2007, p.69)

A recent large-scale study of suicide in men by the UK organisation Samaritans identifies the damage that dominant societal concepts of masculinity and gender stereotypical attitudes have on individual men (Wyllie et al 2012). Unfortunately the literature on the effects of domestic abuse on men and its link with suicide is not considered, but instead, on the few occasions that domestic abuse is mentioned, it is to construct the man who has taken his own life as being motivated by a wish to control his partner. Substantial research that takes men's experience of domestic abuse and suicide seriously is, therefore, still required.

The relationship between alcohol and domestic abuse is a complex and controversial issue (Scottish Women's Aid 2010c). Assertions that alcohol consumption does not cause domestic abuse are important in challenging any claim that alcohol use, either in the perpetrator or the target, somehow mitigates or even transfers responsibility for the abusive behaviour:

> "[t]he consistent link between alcohol and partner violence has led to the recognition of alcohol as a "risk factor" for intimate partner violence; however there has been relatively little research examining how alcohol affects violence, at least in part

33 The highly specific cohort does, of course, raise difficulties in generalising from the details of the research findings.

because of concerns that such research would be used to justify the use of alcohol as an excuse for violence against women." (Graham et al 2011, p.1516, references removed)

However, this should not be allowed to hide the possibility of significant interplay between alcohol and domestic abuse which should be explored, especially given the political concern with alcohol consumption and its consequences in Scotland.

Because of the focus on domestic abuse perpetrated by some men against their female partners the focus of concern has generally been on the drinking behaviours of perpetrators. This may give rise to difficulties given the relationship between alcohol consumption and being the target of domestic abuse rather than the perpetrator.[34] A recent wide-ranging UK study of mixed-sex relationships found that for both men and women who experienced domestic abuse the severity of aggression was higher where one or both had been drinking (Graham et al 2011, for same-sex couples see, e.g., Hellmuth et al 2010 and Klostermann et al 2011). This study reveals that for men, the consumption of alcohol increased the severity of the aggression they used but also the aggression they were subject to, which may raise significant issues for intervention. As noted above, male *victims* among US army personnel often misused alcohol as a consequence of the abuse they had suffered (Bell 2009). Brogden and Nijhar's study found that in Northern Ireland, a society which may be taken to have a similar social culture including issues of masculinity and of drinking to Scotland, found that of the male victims they located –

> *"She calls my mother and father and threatens to take me out."*
> US study, Hines et al 2007

> "Several initially survived the abuse through resorting to drink. Alcohol was a continuing palliative for a large minority of respondents, although only a short-term relief. Lonely contemplation in the pub merely induced further depression. One respondent, who developed a drink problem, felt that the part played by the abuse he suffered was not acknowledged. His apparent alcoholism and subsequent irrational behaviour, he claimed was a consequence not a cause. The diagnosis of it as the former, simply assisted concealment of its source. (Brogden and Nijhar 2004, p.52)

Particularly for interventions by the police it would be important to be aware that the appropriate response to evidence that a male is under the influence of alcohol is not simply that that would not excuse any abusive behaviour that he may engage in but also that his being drunk might also render him more likely to be the target of more serious domestic abuse and may in fact be a coping mechanism in situations of on-going abuse directed at him.

The evidence presented in the literature reviewed in chapters 2, 3 and 4 clearly establishes that domestic abuse has a significant impact on significant numbers of men in Scotland. This is so despite the social factors which militate against men recognising the impact of the abuse they experience on their wellbeing and despite the fear of ridicule or disbelief. As at many points in this review, recent innovative work in the lgbt communities in relation to healthy relationships and wellbeing may provide models for work to educate and support all men to recognise that abuse directed against them is not something to be "laughed off" or considered "just something that happens". [35]

34 See Hines and Douglas 2011b and Hirschel and Hutchison 2011.

35 See, e.g., LGBT Domestic Abuse Project http://www.lgbtdomesticabuse.org.uk and LGBT Centre for Health and Wellbeing http://www.lgbthealth.org.uk/

Recommendations

- The fact that many men appear to trivialise the impact of the abuse they experience should not be used to justify lack of engagement with, or services for, abused men, their children and other family members. Instead any tendency among victims to trivialise the abuse they experience should be seen as a problem rooted in hegemonic masculinity and compounded by the "public story".
- Campaigns similar to those pursued in the lgbt community in recent years should be instigated to raise awareness of the fact that domestic abuse is not acceptable and is not something to be shrugged off as "just something that happens". Such campaigns should take account of the particular ways that men receive and respond to information.
- Service providers, in particular Police Scotland, should be aware of the complex interplay between domestic abuse and alcohol and avoid making assumptions on the basis of alcohol consumption.
- Those delivering health and well-being services and researchers in those fields should address the issue of men's self-harm and suicide and do so with an awareness of the possibility that domestic abuse has contributed to low self-esteem and self-destructive behaviour even where the patient is unable to communicate that fact.
- There should be clear communication of the consensus that abuse is not something that will be tolerated or ignored in Scottish society. This should be inclusive and not imply that there is a hierarchy of 'victims'.

Chapter 5 – Resilience, help-seeking and screening

This chapter considers what we know about men's coping strategies and help-seeking. We have seen that many men who experience abuse consider it "just something that happens" and that many men reject the label "victim" which can impede access to services. In addition, the power of the "public story" which constructs domestic abuse as being about men's violence against women and the power of hegemonic masculinity both create barriers to identification of abuse experienced by men both for abused men themselves and for service providers. Given all this, it may reasonably be anticipated that abused men will find difficulty in seeking support; the question of the responses of particular services, or often the non-responses of services, are explored in more detail in chapter 7.

Before even beginning to seek help, abused men must find ways to cope with their situation. One way is to deny the reality of the abuse they have experienced even to themselves. Some men who say they laugh off the abuse they experience may only be saying that for fear of the reaction if they admit the impact the abuse has had, but some may genuinely have psychologically denied the abuse to the extent that they are truly unable to recognise the abuse they have experienced in fact is abuse. AMIS has recently produced two guides, one for men who have experienced abuse (AMIS 2013a) and one for service providers who may be in contact with such men and their children (AMIS 2013b) and these will provide an opportunity to consider appropriate responses to the issue of coping and of help seeking (see also Slater 2013).

> *"My parents and also a friend have both said they don't know why I've put up with it for so long. My brother said 'None of us could say anything because she's your wife.' I wish they'd said something."*
> Scottish unpublished, mixed-sex relationship, AMIS Helpline

In the absence of information from Scotland the findings on coping strategies from the fairly large-scale study in Northern Ireland may be set out at some length –

> "A variety of coping strategies were utilised to respond to the abuse. Most respondents had initially attempted to conceal the abuse and violence from family, friends and from the outside world. In part this was due to the fact that its revelation might affect their masculine self-image. Three respondents admitted concealing the violence by apparent explanations in terms – wrongly – of self-harm. Few had been supported by peers. A few respondents attempted to deal with the abuse and violence through either passive behaviour or more commonly by seeking refuge elsewhere in the house or outdoors. Nearly all respondents resorted to alcohol as a means of surviving the experiences. A minority had attempted to submerge the experiences in physical exercise. Employment and overtime provided a temporary escape as well as a time-structuring device but such a resort could have by-products – such as absence from the children. Nearly half of the respondents had terminated the relationship, a conclusion that they nearly all attributed to the abuse. Very few were still in contact with their former partners and expressed regret at the 'failure' of the relationship." (Brogden and Nijhar 2004, p.72)

We have some reliable information at a UK level in relation to help-seeking by gay and bisexual men (Donovan et al 2006). Based on a UK-wide survey with 746 respondents and a number of focus groups and follow-up interviews the research revealed that of the men who told someone about their experience of abuse 52% sought help from friends, 30% from a counsellor or therapist, 27% from relatives, 17% from their GP, 16% from a gay helpline or organisation, 13% from someone at work and 11% from the police. The researchers conclude –

> "Most survivors of same sex domestic abuse do not report to public agencies. This is partly because they see their experience as their own problem, and partly because they do not believe they will receive a sympathetic response." (Donovan et al 2006, p.22).

This finding that men in same-sex relationships face particular obstacles in seeking help is confirmed by a significant body of literature from other jurisdictions (see "GBT Men" in chapter 6).

Even where a man is willing to identify as and present as a "victim", he may face difficulties if he is unable to present himself as, e.g., a help-seeker who conforms to the stereotypes of domestic abuse victims that the criminal justice system or other services expect to see. As noted below in chapter 8, an important analysis of civil protection orders in Scotland sought under the Protection From Abuse (Scotland) Act 2001 found that of the 123 applications only three were from men (Cavanagh et al 2003). An in-depth US study of such orders which examined abused men's experiences reveals the difficulty that a criminal justice system specifically geared to respond to the "typical" scenario of a woman abused by her male partner faces when dealing with applications for protection from abused men (Durfee 2011). Durfee writes –

"It was abusive without being, without knowing that it was abusive, you don't recognise it, and what's even, what was more painful at the time I guess for me was because I'd been, I'd worked with domestic violence projects and I'd worked with these kind of things and I knew about the signs, but you just, it's one of those things that "it doesn't happen to me" when actually it does. But you don't realise it because they're so clever in the way that they kind of make it your fault."
Scottish study, same-sex relationship, Pain, 2012

> "Understanding how gender and victimization operate at an institutional level is critical in understanding how men talk about their victimization. One of the most salient institutional factors in protection order filings is the set of legal requirements that govern such orders; a petitioner (the "victim") must convince a judge that the respondent (the "abuser") has physically or sexually harmed, assaulted, or injured the petitioner or that the petitioner has a reasonable fear that such an assault will occur.
>
> The institutional context also constrains what can be written, by whom it can be written, how it is written, when it can be filed, and how narratives are ultimately interpreted. Significantly, these petitions are filed in an environment characterized by scarce resources, where "overburdened trial judges typically lack the time [and] resources" to sort through "messy" protection order cases. Because more women file petitions for protection orders, some judges may assume that a man who petitions for such an order is the real abuser and that the woman respondent is the one in need of protection. Men who file for protection orders may craft their narratives in anticipation of a judge's skepticism." (Durfee 2011, p.319/320, references removed)

Men who are unable to present their case in ways that overcome the gender stereotypes deployed by some judges are unlikely to seek let alone gain the protection they need. For example, where, because of greater strength or size, an abused man is able to restrain his abusive female partner there is a real danger that he will be read as not being a "suitable victim" or even as a "victim" at all. As noted, the evidence in Scotland, such as it is, suggests that very few abused men even attempt to seek protection from the courts (Cavanagh et al 2003).

The scepticism faced by men who experience domestic abuse may begin long before any attempt at seeking a civil protection order is contemplated. Reflecting on the responses to help-seeking by men in the US, Hines reveals that -

> "... several men, prior to finding the DAHM [Domestic Abuse Helpline for Men], were revictimized by a system that is set up to help female victims of IPV, and at times may not even consider that men can be victimized. A number of male victims in the current

study reported calling several different domestic violence helplines only to be turned away, laughed at, or accused of being a male batterer." (Hines et al 2007, p.69)

Again in the US context, a survey of 302 men who had sought help having experienced domestic abuse (almost all in mixed-sex relationships) found the following in relation to help-seeking –

Type of resource used	% who used Resource	% who said resource was somewhat/ very helpful
DV agency	43.7	44.8
DV hotline	23.4	31.4
Friends/family/attorney/clergy	84.9 (total)	90.0 [36]
Male friend/neighbor	76.7	
Female relative/parent	68.9	
Male relative/parent	60.9	
Female friend/neighbor	60.2	
Male lawyer	43.3	
Female lawyer	32.1	
Male minister	30.0	
Female minister	6.5	
Medical professional	18.1	78.4
Mental health professional	66.2	70.6
Online support	63.4	69.1
Police	46.3	44.0

(Douglas and Hines 2011, p.479)

What can be noted here is, of these men who had sought help, a high proportion sought help from informal supporters (friends and family), relatively few sought help from non-mental health medical practitioners and a relatively high proportion sought help via the internet. At least some of these trends are similar to help-seeking patterns among those experiencing abuse in same-sex relationships, another group of people who may feel excluded from, or fearful of, services designed for and promoted to women who experience abuse in mixed-sex relationships (Donovan et al 2006). A significant difference to the information we have from Scotland is the proportion of abused men in this US study who reported the abuse to the police: as noted above, the Scottish Crime and Justice Survey shows that 42% of men who had experienced abuse within the last year did not tell anyone (compared to 19% of women) and in only 9% of such cases did the police come to know of the abuse (compared to 24% for women) (Scottish Government 2011a).

Of the 302 men in Hines' study, 189 were still with their abusive partner. Of these, 178 had seriously considered leaving and Hines asked about the reasons that stopped them leaving -

What Prevents the Men From Leaving
He is concerned about the children 88.9%
When he got married, it was for life 80.5%

36 Respondents were asked: "Were any of these people helpful?" which somewhat unhelpfully refers to all eight categories of Male friend/neighbour; Female relative/parent; Male relative/parent; Female friend/neighbour; Male lawyer; Female lawyer; Male minister; Female minister

Love 71.3%
He fears he may never see the children again 67.5%
He thinks she'll change 55.6%
He doesn't have enough money to leave 52.8%
He has nowhere to go 52.2%
He's embarrassed others will find out he's being abused 52.2%
He doesn't want to take the children away from her 46.0%
She threatened to kill herself if he left 27.5%
He fears she'll kill him or someone he loves if he leaves 24.2% (Hines & Douglas 2010, p.303)

A recent study in the Netherlands of men who have experienced domestic abuse, drawing on the responses of 372 men, indicated that less than 32% of victims approached the police and only 15% registered an official report (Drijber et al 2013). Of the minority who did seek help from the police 42% did so because there were children affected by the abuse. Of the majority who did not contact the police their reasons were –

Police cannot do anything 35%
Shame 31%
Fear violence aggravates 18%
Fear not being taken seriously 49% (Drijber et al 2013, p.176)

As so often in this review the point can be made that the circumstances and considerations that stop abused men leaving their abuser are broadly the same as those which stop abused women leaving their abuser. Men's concern about the welfare of children should come as no surprise to policy makers but that almost half the abused men in this study were motivated at least in part by a desire not to undermine contact *between their abuser and the children* ("[h]e doesn't want to take the children away from her") requires both recognition and reflection. Similarly, the fact that just over half have insufficient financial resources to leave is significant given assumptions that this is a particular obstacle for abused women and not abused men.[37]

The explicit reference to "love" as a reason for the men in Hines and Douglas' study remaining in an abusive relationship calls to mind Hester and Donovan's identification of "practices of love" as crucial to understanding relationships which contain domestic abuse -

> "We argue that an essential aspect of domestic violence that occurs in the context of relationships, ostensibly entered into on the basis of consent and notions of love/emotion, has been ignored. Love for a partner and hope for the future of the relationship are amongst key reasons given by people in heterosexual and same sex relationships for staying in or returning to domestically violent relationships …. It is our contention that practices of love and care are often embedded in these relationships such that victim/survivors receive contradictory messages from the perpetrator that nevertheless result in them being emotionally invested in the relationship and the perpetrator.
>
> We have argued … that, regardless of sexuality and gender, domestically violent relationships share similar practices of love, including strategic declarations of love by the perpetrator, especially at crisis moments when the victim/survivor threatens to leave." (Hester and Donovan 2010, p.282)

37 Such gendered assumptions are compounded by assumptions based on class. Even where, on average, men have greater access to financial resources than do women this may only be meaningful in middle and upper class families; in working class families there may well be no surplus financial resources for either party. Indeed even in professional families where there are surplus resources, if the man is being abused by his financially-controlling partner the fact that he may be earning above the national average and more than a comparable female colleague does not mean he necessarily has access to financial resources.

Screening of help-seekers

The screening and evaluation of men who have taken the difficult step of identifying themselves as having been the target of domestic abuse, and then allocating them to various categories such as, e.g., "Primary Instigators", "Equal Combatants", "Retaliators" and "Non-Retaliatory Victims" (see chapter 2 above) on the basis of the helpline worker's assessment of their claim, is a complex and emotive question. It is addressed here not to establish the merits or demerits of screening or to establish whether it should be applied to all help-seekers (that is outwith the scope of this review but see "recommendations") but specifically because such practices applied to men and not to (heterosexual) women have the potential to hinder the help-seeking of abused men who may feel that they are at risk of being disbelieved and treated inappropriately if they seek help from organisations which engage in such screening.

Screening and evaluation of male help-seekers is undertaken by the Men's Advice Line (which is funded by the Scottish Government to provide helpline support for men experiencing domestic abuse in Scotland and run by the London-based organisation Respect) and, for example, the Dyn Project in Wales. These services impose screening because of the concern that abusers will pose as "victims" in order to misuse support systems and avoid taking responsibility for their abusive actions. Other services, in particular the AMIS Helpline and the Scottish Domestic Abuse Helpline which works with both men and women who experience domestic abuse, do not impose formal screening. It is thought that such formal screening to uncover perpetrators or those who are in fact in mutually abusive relationships is not applied to women in Scotland who approach services seeking help in relation to abuse by male partners but that it may be being applied to women in same-sex relationships.

> *"I would avoid coming home to make sure she'd be in bed and if anything happened, which was quite often at home, I'd be away out the door and down the local pub, down to the local. Just merciless, it didn't solve anything.*
> Northern Irish study, mixed-sex relationship, Brogden and Nijhar 2004

Those services that do not screen take the view that if a person approaches them seeking support it is important that they feel that they are believed and that their story is not viewed with scepticism (summed up in the phrase "you will be believed") and that screening is not only unhelpful but inappropriate.

As we will see below, the application of screening by some organisations working with men but not, so far as is known, organisations working with women in mixed-sex relationships, leads to concerns about the fairness of such an approach. For example, a recently launched local service in Scotland for both male and female victims of domestic abuse intends to screen men who seek help but not women.[38] The justification that service has given for screening men is that it is a recommendation of the Respect organisation which runs the Scottish Government funded Men's Advice Line.[39] While it is true that Respect advocates screening for men it also recommends exactly the same screening process for all persons who

38 I have decided not to name this service as my knowledge of the issue is based on informal communications and also because, given the lack of more general policy discussion on the question of screening male help seekers, female help seekers or both, either in Scotland or internationally, it would be unfair to single out that particular relatively small and newly established service which is, in any event, a welcome additional resource for both men and women in its area.

39 Respect takes the view that the term "screening" is unhelpful and prefer "risk and needs assessment". However, I have retained use of the term "screening" as it appears to be the generally accepted term within a range of services in Scotland. I am grateful to Neil Blacklock of Respect for providing this information in a telephone conversation with the author on the 29th October 2012.

seek support, including women, and takes the view that it is not a "gender issue"[40] thus making any decision to screen men but not women on the basis of Respect's suggested good practice simply unsustainable. This is of great significance for those services which may choose to become more responsive to men (whether in mixed-sex or same-sex relationships) who are experiencing domestic abuse as they will have to address the issue of screening and possibly also consider applying it to women who say they are experiencing abuse from either male or female partners.

One very clear example of a problematic approach to screening is found in the initial pilot of a support service for men in Wales, the Dyn Project (Robinson and Rowlands, 2006). The author would like to stress at this point that the criticism of the initial presentation of the approach to screening by this organisation *does not apply* to the service Dyn provides to abused men today although the issue is not entirely resolved. As will be seen, although continuing to undertake screening the Project is aware of difficulties this raises and is leading the way in openly and honestly acknowledging these issues (Nolan 2011) and the staff at the Dyn Project must be given full credit for not seeking to hide the difficulties they have encountered. Nonetheless, significant attitudinal barriers to men's help seeking, which are likely to exist elsewhere, can be identified from an examination of the history of the issue.

"I haven't slept because of all this worry."
Scottish unpublished, mixed-sex relationship, AMIS Helpline

The authors of an initial study on the Dyn pilot, one an academic and the other the service coordinator, presented the issue of screening thus -

> "The Dyn Project developed a classification system to prioritise incoming referrals, and to address the issue of counter-allegations and screening. Screening is not commonplace within services for women because women constitute the overwhelming majority of those abused; however, when working with heterosexual men it is not possible to rely on a statistical probability that they will be a victim. It has been established that perpetrators of domestic abuse use the language of victimisation in order to minimise or excuse their actions. When working with gay, bisexual and transgender men, screening is essential because the dynamics of the relationship may not make it possible to easily identify the role of each partner or there may be a history of counter allegations.
>
> A substantial amount of the work undertaken by the Dyn Project was in relation to screening and classifying referrals." (Robinson and Rowlands 2006, p.5)

This is not particularly coherent and a detailed textual analysis may be pointless but a few observations may be made.[41] First is the implication that services can presume that any particular woman in a mixed-sex relationships need not be "screened" because the "overwhelming majority" of those abused are women. This does not follow: even if the "overwhelming majority" of cases of abuse are perpetrated against women in mixed-sex relationships this tells you nothing about who is the victim in a particular relationship, and, of course, if men are screened out of the statistics and women are not then the statistics can hardly be relied upon. Then the reference to the need to screen men in same-sex relationships because "the dynamics of the relationship may not make it possible to easily identify the role of each partner" is worrying given the large body of evidence that abuse within same-sex relationships is often wrongly presumed to be "mutual conflict" (e.g. Island and Letellier 1991 and Donovan et al 2006). Whatever the merits of screening of all those

40 Telephone conversation between the author and Neil Blacklock of Respect, 29th October 2012.

41 My critique of the problematic nature of the initial approach to screening by Dyn was written before I had access to Jane Nolan's report (Nolan 2011) where she makes some similar points. I am grateful to colleagues at Dyn for alerting me to the existence of Nolan's report and for providing me with a copy.

seeking help in relation to domestic abuse it is worrying that this supposed justification for screening men but not heterosexual women is so self-evidently flawed.

In applying this screening process, which constituted a "substantial amount of the work undertaken" when the project could have been engaged in supporting abused men, project workers allocated all of the men seeking help to one of four categories -

> "MV1 - Men in same-sex relationships.
>
> MV2 - Heterosexual men with no known history of abusive or violent incidents as either a victim or a perpetrator.
>
> MV3 - Heterosexual men with a known history of abusive or violent incidents (i.e., they have been identified as the (alleged) perpetrator of domestic abuse towards a former or current intimate partner); however, they have no record of any High or Very High Risk incidents within the last four months, and any current incidents are medium risk or 'for information only'.
>
> MV4 - Heterosexual men with a known history of abusive or violent incidents (i.e., they have been identified as the (alleged) perpetrator of domestic abuse towards a former or current intimate partner). Currently they are known or alleged to be perpetrating domestic abuse or have an evidenced history of doing so (e.g., a partner referred to a MARAC, 12 repeat incidents, etc)." (Robinson and Rowlands 2006, p.26/7)

As can be seen, having asserted the crucial importance of screening gay, bisexual and trans men this was not followed through since all such male help seekers were given the single label "MV1". This must raise real fears that the policy as originally developed was designed to focus scepticism on the help seeking of men in mixed-sex relationships rather than on the asserted (deeply flawed) justifications put forward. Screening of men in same-sex relationships is now carried out with the same three categories previously applied only to "heterosexual" men (Nolan 2011). It is also striking that the "best" score a "heterosexual" man who had experienced domestic abuse could achieve was "no known history of abusive or violence incidents as either a victim or a perpetrator" and that to be labelled with a "known history of abusive or violence incidents" the man need only have been previously accused of abuse by his abusive partner to be denied an appropriate label. These problematic classifications continue to be used by the Project. Despite this, the Safer Wales currently (April 2013) has on its website the statement "The Dyn Wales helpline lets you speak confidentially to someone who can listen to you without judging your situation."[42]

> *"She convinces me that I am wrong all the time. She came at me flailing her arms hitting me and I went outside to get away from her and she locked me out. I was in my pajamas and slippers … but she wouldn't let me back in."*
> US study, Hines et al 2007

As noted above, the Dyn Project must be given credit for confronting the problems raised by screening. Given that screening will be an issue that many services in Scotland will have to address, the relevant part of a more recent evaluation of the project (Nolan, 2011) is worth setting out at some length –

> "The rationale for screening males but not females appears to rest upon the fact that women constitute the overwhelming majority of those abused, and thus when working with men 'we cannot rely on the likelihood that they will be a victim' (Robinson and Rowlands, 2006: 26). However, this is arguably a very weak rationale. The simple fact that women are far more likely to be victim to domestic abuse does not, in and of itself, explain why they are not screened, whilst everyone else must verify their

42 http://www.saferwales.com/default.asp?contentID=10, accessed 4th April 2013.

experiences of abuse and have their accounts subjected to critical scrutiny. Simply because someone is less likely to fall victim to a particular offence, does not mean that their honesty and truthfulness should be questioned when they do. The disparity that some victims (males) are subjected to screening, whilst other victims (females) are not, was an issue recognised by the project worker.

> The whole thing is posited on an unequal footing, IDVAs who work with women are mandated by their training to believe and validate the experiences the female clients present. When we're working with men, we apply screening tools, it's a different ball game… we don't necessarily believe and validate what the male clients are saying unless we can evidence it… [but] in fact, the more male clients I interview, the more I realise that some women who claim victim status actually played a retaliatory part in their abusive situation, and some of them were in fact the primary aggressors in their abusive relationship.

The project worker went on to discuss the difficulties that this then poses for men in terms of accessing and receiving support, once they have been labelled as a 'perpetrator'. This is illustrated by the following case, which underlines the concerns raised above regarding perpetrators presenting as victims, and highlights how making false accusations can constitute another form of abuse:

> So, at the moment I'm trying to help a man to access refuge accommodation in another part of Wales. His ex-partner has made allegations that he abused her, as a result of which his local police force have labelled him as a 'grave and serious risk' and in consequence he can't be allocated refuge space anywhere. We know that his partner has made these allegations because she's trying to find out where he's hiding at the moment; she hopes that if he appears in court she can discover his address and carry out her threat to have him beaten up really severely. It's manipulation of the system; if the boot was on the other foot and the genders were reversed in this case, there would be no question about what would happen; the authorities would re-interpret the situation with the woman as the victim … but once a man has been accused of being a perpetrator, getting that label changed is really, really difficult.

The community mental health worker referred to another recent MARAC case which illustrated similar issues regarding the inequities between men and women when it comes to their status as victim or offender, and the implications that this can have for the provision of support:

> I think people don't acknowledge that 'yes, he may have hit her, but she may have hit him every day for however many months and years and he has retaliated back… like there was someone at MARAC last week and he had been stabbed by his partner, but because she said that she did it because she felt he was going to do something to her, there was a question mark over whether 'was he a victim, or was he a perpetrator?' … you know, we wouldn't be hesitating if a woman had been stabbed, we wouldn't hesitate to support her …' (Nolan 2011, p.30/1)

It appears to be a reasonable conclusion that the obstacles to help-seeking by men who experience abuse are formidable. Some men may fail to seek help because –

- abuse is "just something that happens"
- they may not identify that they have been abused despite the impact of the abuse on their wellbeing (and, e.g., may resort instead to self-medication with alcohol)
- they may be particularly uncomfortable with the label "victim"

- they may assume that all services are only concerned with heterosexual women and their children and not with men (whether trans, bi, gay or straight) and their children
- they may be in a particular group of men (e.g. BME or lgbt) who may fear inappropriate responses through perceptions of racism or homophobia from service providers
- even if services are open to men, screening may lead men to feel they will not be believed and will not be treated unfairly.

Recommendations

- The barriers to abused men in Scotland seeking help should be identified by way of appropriate engagement by researchers and support agencies with the lived experience of abused men.
- The absence of abused men from those seeking civil protection orders should be investigated and the role of attitudes among solicitors, advice workers and the judiciary should be evaluated.
- The reasons for abused men remaining within abusive relationships should be established, including, as is suggested from evidence from other jurisdictions, their concern for the well-being of their children. Men's decisions should be respected and services and support should not be conditional on leaving the abusive relationship.
- The sensitive issue of whether to "screen" (or "risk and needs assess") abused men and women when they are seeking support requires urgent and serious consideration. The important work undertaken by the Dyn Project in identifying the challenges relating to this issue should be engaged with.
- Sound justifications for screening all persons seeking support, or, on the other hand, for not screening any person seeking support should be developed as a matter of urgency. Screening men (and women in same-sex relationships), but not women in mixed sex relationship, on the basis that heterosexual women are statistically more likely to experience abuse is incoherent and such practices cannot be justified by reference to Respect's view of good practice given that that organisation states that "risk assessment" should be applied to all who seek support. The impact of imposing screening on some who seek support and not on others must be considered in light of the consequences that may have on whether an organisation is considered an inappropriate source of support.

Chapter 6 – Intersections: Particular groups of men

We now turn to an examination of what is known about abused men from a diverse range of particular groups within society. At many points in this chapter what we know about abused women is drawn on, not solely for its inherent value in relation to revealing good practice but also because very little if anything is known about the detail of abused men's experiences. A welcome recent development has been the increased recognition of the experiences and needs of trans, bi and gay men and again that work is considered both for its own intrinsic value but also as a possible methodological model for future research in relation to all abused men. It should, of course, be borne in mind that men may identify as belonging to a number of groups and that particular aspects of ones' identity may be more to the fore than others at different times given different contexts.

From the earliest days of post-devolution policy development there was at least some recognition that service provision should be responsive to the realities of individual women's lives in which characteristics other than sex or gender inevitably play a role. For example, the Scottish Partnership on Domestic Abuse established in 1999 was given the remit to recommend strategy on domestic violence against women and specifically to recommend minimum standards of levels of service for women "having regard to the needs of women from rural areas, women from ethnic minorities and women with disabilities" (Henderson 2000, para 1.2.1 and chapter 3).[43]

That every individual has a range of characteristics such as class, nationality, race, gender or sex is clear, though there may be disagreement about the extent to which these are imposed upon individuals by society or chosen, or at least negotiated, by the individual. Even so, as will be noted at various points in this chapter, the desire to present domestic abuse as an issue of "violence against women" has led to a position where the needs of women with a range of different characteristics have been hidden behind generalised undifferentiated statements about "women's experience" of domestic abuse.[44] In addition to an awareness that an individual may have several different elements to their personal identity it should be noted that the relative importance of different aspects of our identity may change from context to context – a middle class Irish woman living in Portree may find different aspects of her identity important at different times and so may identify in solidarity with different groups based on class or sex or geographic location or nationality at different times.

Similarly complex considerations of multiple characteristics impact on the issue of domestic abuse as experienced by men. The approach which seeks to pay due regard to the complex reality of the dynamic interplay between such factors and characteristics may be referred to as "intersectionality" (see, e.g., Grabham et al 2009).

Of course it is often necessary to generalise about the experiences or needs of groups in society, including those of the estimated 2,080,874 adult men in Scotland.[45] However it is widely accepted that society's attitudes towards characteristics such as class, race, sex, sexual

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43 It should be noted that in addition to failing to be concerned with the needs of any men and their children the remit imposed by the Scottish Executive also failed to afford "particular regard" to lesbian, bisexual and/or trans women, older women and women whose experience of abuse was compounded by economic marginalisation or class.

44 The failure to properly address different elements of identity is not new. For example, in *Women, Race and Class*, the American feminist Angela Davis challenged political statements which sought to bring attention to the systematic racism experienced by black people in America but which failed to take account of sexism and therefore made invisible the different experiences of black women and black men. Similarly, Davis challenged statements about the experiences of "women" in America which said nothing about racism or class oppression and so privileged the concerns of white middle-class women (Davis 1982).

45 as at the middle of 2011, National Records of Scotland (2012) *Mid-2011 Population Estimates Scotland* available at http://www.gro-scotland.gov.uk/files2/stats/population-estimates/mid-2011/mid-2011-population-estimates.pdf

orientation, age and (dis)ability can profoundly affect a person's experience of any particular incident or situation and so when considering "men's experience of domestic abuse" no less than when considering "women's experience of domestic abuse" it is necessary, where possible within the constraints of limited information and resources, to address the range of different experiences and needs or at least to acknowledge the limitations on the generalizability of the information presented. Unqualified statements such as "men's experience of domestic abuse is …" must be treated with as much care as similarly undifferentiated statement such as "women's experience of domestic abuse is …": generalisations can be made but those making the generalised statements should be careful to consider the limitations of the statement and what differences in experience may be being made invisible by the statement (see, e.g., AMIS 2013b, p.6 & 7).

Fathers

The significant negative impact that domestic abuse against a parent has on children is well documented by practitioners (e.g. Scottish Women's Aid 2010d, Scottish Women's Aid 2010e, Sharp and Jones nd) and academics.[46] For example, a British Medical Association report links witnessing domestic abuse in childhood to a greater risk of problem drinking, mental health issues and being in an abusive relationship in later life (Jayesinghe 2007). Unfortunately almost all such studies, although they imply in their title that they engage with domestic abuse and its impact on children, are in fact limited to children's experience of domestic abuse perpetrated against their mothers. Further, the academic writing on "fathers' rights groups" portrays domestic abuse as an issue of abusive fathers seeking contact with their children rather than as an issue of the safety of fathers and their children (e.g., Crowley 2009, Featherstone 2010, Featherstone and Peckover 2007 and Collier and Sheldon 2006). Even where the focus is supposedly on the welfare of children the needs, indeed often the very existence, of children who are impacted by domestic abuse against their fathers are ignored in the literature (see, e.g., Hester et al 2007) however some information is contained in AMIS's two guides, one for men who have experienced abuse (AMIS 2013a) and one for service providers who may be in contact with such men and their children (AMIS 2013b).

The Cedar Project, an important Scottish initiative, at least makes clear that it is concerned only with children and their mothers who experience domestic abuse rather than with the well-being of all children affected by domestic abuse (Sharp et al 2010 and Sharp et al 2011).[47] The construction of the project, the methodology of the evaluation reports and the evidence in relation to the experience of these children and young people are likely to be highly relevant to children impacted by domestic abuse against their fathers should there be interest at some point in their needs and experiences.

There is, of course, nothing wrong with support organisations and/or political lobbying groups limiting their interest to one group of children over another but central and local government and bodies such as the office of the Scottish Commissioner for Children and Young People have a remit to address the needs of all children and it is doubtful whether they are currently discharging that duty. The duty is not only a moral one but, with the advent of the Equality Duty in s.149 of the Equality Act 2010, it is also a legal duty (see Chapter 7 below and, e.g., Children in Scotland 2008).[48]

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46 The literature is extensive but for coverage of a range of impacts from a number of different perspectives see, e.g., Backett-Milburn and Jackson 2012, Bayarri et al 2011, Buckley et al 2007, Chan and Yeung 2009, Cross et al 2012, Evans et al 2008, Howell 2011, Lamers-Winkelman et al 2012, Lepisto et al 2010, Stanley et al 2012, Tajima et al 2010 and Yount et al 2011.

47 http://cedarnetwork.org.uk/

48 http://makinggenderequalityreal.org.uk/ accessed 30 August 2012

Addressing the impact that domestic abuse has on children is a priority for the Scottish Government (COSLA/Scottish Government 2008; Houghton 2008; Scottish Government 2011b; Smith et al 2008). As the National Domestic Abuse Delivery Plan for Children and Young People produced by the Scottish Government and COSLA (Convention of Scottish Local Authorities) is mainly concerned with responses to domestic abuse through the provision of services it will be considered in Chapter 7.

A large-scale literature review funded by COSLA and the Scottish Government in 2008 called *Better Outcomes for Children and Young People Experiencing Domestic Abuse – Directions for Good Practice* may be taken as an example of literature which purports to deal with domestic abuse but in fact only deals with one element (Humphreys et al 2008). The review presents domestic abuse as almost exclusively experienced by women in mixed-sex relationships and so displays insufficient regard for the needs of those children who are impacted by domestic abuse against their fathers, whether that is in a mixed-sex or same-sex relationships. Given the marginalisation of such children within the 150 page review it is somewhat ironic, though welcome nonetheless, that the document itself contains a clear warning against adopting the very approach that it itself adopts –

> *"I think that's what's sometimes missing at the beginning, "oh this is two gay men, they've had a bit of a", well it was described to me by Victim Support they said that what, how the police look at two gay men "they've had a bit of a tiff, one's making a load of stories up to attack the other", and it absolutely wasn't the case and the evidence was just in abundance…the agencies I worked with I've got to say were absolutely terrible."*
> Scottish study, same-sex relationship, Pain, 2012

> "However, acknowledging this dominant, gendered pattern of violence can give rise to problems in identifying minority patterns of abuse, many of which may be very dangerous to children and the adults involved. Women's violence towards their male partners, women's abuse of children, the abuse of women by other female relatives or the man's new partner, women's violence in lesbian relationships, male violence in gay relationships, relationships in which both the woman and man are violent and abusive towards each other, abuse by carers of disabled women, and non-domestic violence by unrelated people (usually, though not always men) all impact on children living in neighbourhoods where violence and abuse are common. Failing to acknowledge the diverse forms of violence in families and communities may limit professionals' capacity to safeguard children." (Humphreys et al Chapter 2 no page numbers given in the original; the same text is given in Humphreys and Stanley 2006, p.13)

Anecdotal evidence from the AMIS helpline indicates that maintaining their relationship with their children is a major concern for abused men and that female abusers are willing to use their victim's concern for their children as an element of their abusive behaviour.[49] This is confirmed from the relatively large-scale studies carried out in the US by Hines and Douglas. Their 2007 study showed that of men subject to coercive control by their partner, 64.5% had experienced that abusive control in relation to their children (Hines et al 2007, p.67). The authors report that -

> "male victims with children seem to face some additional problems that those without children do not have to consider, as their wives sometimes use their children as pawns to control them. Of the 107 men who reported having children, 64.5% (n = 69) reported that their wives used the children to control them, and 67.3% (n = 72) reported that their wives threatened to remove the children from the home. What is important to keep in mind about all of these controlling behaviors is that the male victims were not specifically asked about whether their wives used each of the

49 AMIS has no data for abused men with children in same-sex relationships

behaviors; rather, they were asked to spontaneously recall any controlling behaviors their wives may have used. Thus, these numbers most likely underestimate the true extent to which these behaviors occurred in the relationships." (Hines et al 2007, p.68)

Smithers' recent work in relation to father's experiences of the child protection system merits further consideration (Smithers 2012).

A later study revealed that concern for children is a major cause for men deciding not to leave their abuser -

> "What Prevents the Men From Leaving
> He is concerned about the children 88.9%
> He fears he may never see the children again 67.5%
> He doesn't want to take the children away from her 46.0%"
> (Hines & Douglas 2010, p.303)

An interesting, though small-scale, UK study of fathers who had experienced domestic abuse reveals both the significant impact the abuse had on families and also the very poor responses from services when help was sought (Stephenson 2009). Although the research was designed specifically not to ask about the nature of the abuse (in case this would be distressing to participants) many of the men welcomed the opportunity to report the nature of the abuse they had suffered. The most frequent form of abuse was by way of controlling the victim's relationship with his children. In 42% of cases the children had been threatened and in 25% they had been harmed by the abuser. In almost all cases (18/20) the children were aware of the abuse directed at their father. The men sought support from social services, 25%; police, 21.4%; voluntary organisations, 16.1%; victim support, 12.5%; police domestic violence unit, 10.7% and other agencies, 14.3%. Those who sought help were overwhelmingly critical of the response they received; most often they were ignored and offered no support but in some cases they were denied recognition as "victims".

It has been established that manipulation of the parent-child relationship by abusive partners occurs in both male and female same-sex relationships, with a higher rate among female couples than male couples (Donovan et al 2006). The fact that some abused men experience coercive control from their partner by way of threats towards their children or threats to damage or terminate their relationship with their children is not only a question of domestic abuse but also one of child abuse. The experiences of fathers in Scotland who are subjected to domestic abuse require urgent investigation to begin to establish the needs of these men and their children and, indeed, the needs of the perpetrators.

Heterosexual men

Much of the information, such as it is, about men's experience of domestic abuse presented in this review is quantitative (e.g. numbers of reports to the police). A limited amount of qualitative work has been done into the experiences of domestic abuse among trans, bi and gay men but there has been very little interest in qualitative research in relation to men in mixed-sex relationships or into the impact such abuse has on children. Moreover a sizable body of commentary has in fact been produced which seeks to ensure that the (near exclusive) directing of domestic abuse publicity and services towards heterosexual women and their children is maintained. Some exceptions to this position have been noted above, in particular the work of Denise Hines in the USA. The Dewar Research website also offers a range of materials (e.g. Yarwood 2012; Yarwood 2008 and Josolyne 2011) as do several other websites.[50]

50 http://www.dewar4research.org/. Other sites of interest include http://www.amen.ie/thesis.html, http://abusedmen.org/index.php/research and http://www.menweb.org/battered/

If gay, bisexual and trans men who experience domestic abuse and their children have generally been ignored by policy makers and service providers (see below) the reality for non-trans heterosexual men and their children has been more one of active marginalisation. This has come about despite the fact that from the earliest days of political engagement with the issue of domestic abuse in the 1970s it has been known that many men experience violence from their female partners (e.g. Steinmetz 1977-78 and Kelly 2003). Here we first review some materials that seek to capture and address the experiences of men who have experienced abuse before turning to the work of R W Connell on "hegemonic masculinities" and then moving on to literature which seeks to challenge claims that domestic abuse against heterosexual men is a problem worthy of response.

> *"I started the car and she stood behind the car with the baby …. Then she put the baby on the ground behind the car where I couldn't see her so I wouldn't leave."*
> US study, Hines et al 2007

One area of growth in studies of men's experience of domestic abuse is in student dissertations and theses, some of which are available on the internet (e.g., Dagnall nd, Duffy 2006, Josolyne 2011, Lambert nd, Stephenson 2009). Josolyne's doctoral thesis is written from a clinical psychologist perspective and includes interviews with nine men in England and Wales. Josolyne found that the social construction of domestic abuse creates significant obstacles to abused heterosexual men seeking help –

> The starting point for the analysis was to consider how heterosexual 'abused men' were rendered problematic through a variety of social and institutional practices, enabled and sustained through historically-contingent and culturally-available discourses and ideologies.
>
> The constructions presented have highlighted that these heterosexual men experienced considerable difficulty in adopting the position of 'abused man'. Adopting such a position, seemed incompatible with retaining a masculine identity, particularly, in the public sphere. It seemed less problematic for the man to position the female partner as 'damaged' (e.g. through mental illness) or 'lacking' as a result of her aspects of her female-ness, than to accept that she was dominant and responsible for behaving abusively. In order to achieve these re-positionings, the men engaged in a range of rhetorical practices (i.e. 'truth games') to stress claims of 'masculinity', as well as to minimise, normalise and explain the challenging behaviour and their response. In addition, the men's talk produced a range of self-disciplinary practices enacted to avoid being perceived as a victim or perpetrator of abuse; i.e. avoidance, non-retaliation and non-complaint. Furthermore, the men's talk revealed two institutional regulatory practices, 'police domestic violence response protocols' and 'family court custody practices'; both of which positioned the man as a potential perpetrator of abuse and required him to constrain his conduct in order to defend against this positioning.
>
> These constructions also offer further criticism of feminist-inspired accounts and research practices, which have sought to minimise the seriousness of female-perpetrated partner abuse and to explain female aggression and abuse as a justifiable response to patriarchal 'male dominance' and 'masculine privilege' …. It is argued that, rather than undermining ideas of patriarchal 'male dominance' and 'masculine privilege', the feminist-inspired model of partner abuse (e.g. Duluth Model) has in fact reinforced the underpinning gender stereotypes of men as 'violent' and women as 'vulnerable' …. As a result, 'abused men' remain 'silenced' and 'hidden' and 'abusing women' are not afforded the responsibility for their actions or appropriate treatment.
>
> The future research I would recommend would take a post-modern epistemological perspective. Specifically, for researchers to move in greater numbers from narrow gendered conceptions of those involved in partner abuse to 'give weight to the voices

historically excluded from the public realm' ..., including 'abused men' and 'abusing women', and from all parts of our multi-cultural society. In so doing, researchers need to be mindful that terms such as 'victim' and 'perpetrator' are pathologising, totalizing and gendered. I do not proscribe terms, but merely ask that careful attention is given to the language used in all forms of research." (Josolyne 2011, p.76/7 references removed)

There are relatively few book-length studies of heterosexual men's experience of domestic abuse (though see incidental information in, e.g., Buttell and Carney 2005, Bowen 2009 and Mills 2003). Philip Cook's book *Abused Men; The hidden side of domestic violence* (Cook 2009) is a very useful resource which includes the experiences of abused men and analyses of the conduct and presentation of a range of surveys which have been used to throw doubt on the existence of domestic abuse against men.

A similarly important text is Donald Dutton's *Rethinking Domestic Violence* (Dutton 2006) which, unlike Cook's *Abused Men*, is not specifically about men who experience abuse. Dutton argues for a more sophisticated and flexible approach to tackling all domestic abuse which would replace the current dominant feminist approach and in doing so he incidentally opens a space in which the abuse some men experience can be acknowledged. For Dutton "[t]he best predictor of intimate partner violence is not gender but personality disorder" (Dutton 2006, p.153). The scope of Dutton's book is too extensive and his analysis too complex and dense to easily summarise but Dutton himself suggests –

"[i]f we were to summarize the main findings from the research cited in this book they would look like this:

1. The paradigm definition defining the cause of IPV has changed from the nineteenth century, when it was seen as a class problem (exemplified in the writings of John Stuart Mill), to the twentieth century, when it was seen as a gender problem with males as the perpetrators and females as the victims ...
2. The difference between the class and gender paradigms is that the feminist paradigm tried to generate support through scientific studies.
3. This support was mixed or, in many cases, contradictory to the feminist paradigm ... despite attempts to "spin" (interpret and report) the data so they were consistent with the paradigm ...
4. As a result of the feminist paradigm, some criminal justice policies are ill-advised and, in some cases, counter-productive .... Arrest, for example, decreases recidivist assault with some group and increases it in others.
5. It is also the case that post-conviction attempts to generate change in those convicted (i.e., psychoeducational models) are not always based on sound therapeutic principles ....
6. Important aspects of abusiveness (personality disorder, attachment disorder, trauma in perpetrators, identify disturbance, and shame experiences) have been overlooked because of a feminist ideology that eschews psychological causes ....
7. All arrests for serious assault (where there is an injury and any risk of repetition) should be followed up by a professional assessment that includes the following: (a) the violence history and potential of both individuals, (b) the power dynamic in the couple, and (c) a short screening for personality disorder, to be followed by more extensive assessment where warranted.
8. This information should be used in deciding how to proceed (i.e., individual therapy, couple therapy, justice circles, or jail time).
9. This information should also be provided to professional therapists (not "facilitators") who work with the individual perpetrator or with the couple.

10. The importance of the early years of neural development is a key finding in most studies cited in this book and early intervention should be a priority. Just how this might be done and in what fashion will be a challenge for twenty-first-century policy makers." (Dutton 2006, p.348/9)

The role of gender in (heterosexual) men's experience of abuse

While not everyone would accept that the fundamental division in the world is between women on the one hand and men on the other,[51] understanding the role of dominant discourses on gender and the impact of stereotypical gender assumptions is, nevertheless, crucial to any analysis of domestic abuse (e.g., Dempsey 2011a). Unfortunately the level of insight into the gendered dynamics of abuse experienced by men, and especially heterosexual men, is generally very low. The development of our understanding of the experiences of heterosexual men and their children will require positive engagement with literature on gender theory.

One of the most interesting current theorists of masculinity is Australian sociologist R W Connell (Connell 2005) whose work has been cited in relation to understanding of domestic abuse experienced by both men and women in same-sex relationships in Scotland (Whiting 2008). Connell explores the social construction of gender and sex (i.e. that these categories are not somehow "natural" but are generated in particular societal contexts and are policed, albeit in complex ways) but the particular contribution relevant to this review lies in relation to her exploration of behaviours of "hegemonic masculinity". In relation to the use of violence in different societies, Connell's primary targets are those often most closely related to concepts of "men's abuse of power" such as the military, war, gun ownership and rape and in fact she has relatively little to say about domestic abuse. Connell is clear that society, and gender relations within societies, are patriarchal and involve the systematic, often violent, subordination of women –

> "Hegemonic masculinity can be defined as the configuration of gender practice which embodies the currently accepted answer to the problem of the legitimacy of patriarchy, which guaranteed (or is taken to guarantee) the dominant position of men and the subordination of women." (Connell 2005, p.77)

But of course this is to present the issue at a very high level of generalisation and Connell herself also challenges some unsophisticated feminist concepts which oversimplify complex reality by, for example, suggesting that there is one category of "man" when there are many and she also emphasises that there are power-based gender relations among different groups of men. Further, as gender is not biologically based but socially constructed, forms of stereotypically masculine behaviour (whether these be viewed with favour or as problematic) can be performed not only by men but also by women. This opens up an opportunity for consideration of the relevance of Connell's work to men's experience of domestic abuse. An honest and open engagement by those who advocate for services for abused men and their children with examples of nuanced and dynamic gender theory may well provide opportunities for understanding the experiences of those men and their children, although attempts at such a positive engagement are likely to be met with scepticism (Connell 2005, p.41) and even hostility.

Given that demand for a response to domestic abuse was, at least in western countries, driven by the sustained efforts of many feminist individuals and organisations, it is not surprising that, as these efforts started to bear fruit in terms of limited service provision and political engagement, the needs of heterosexual women ("battered wives") were to the fore as was the abusive behaviour of some heterosexual men and the unsatisfactory response of, e.g., the police service. However, it is submitted that attending to the needs of others who are

51 For example, some would argue that class or perhaps wealth are better candidates for such a fundamental division.

impacted by domestic abuse, including heterosexual men, need not be seen as taking anything away from the efforts of feminists to raise the issue of "wife battering".[52] Yet, in the face of substantial evidence of violence against men in mixed-sex relationships the response of many feminist academics has not only been to ignore the needs of men and their children but to seek to explain the abuse that heterosexual men (and men and women in same-sex relationships) experience as fundamentally different to heterosexual women's experience of abuse and reassert the claim that domestic abuse as properly understood is solely, or at least overwhelmingly, only that which is experienced by women from male partners.[53]

The debate about recognising the needs of men who experience abuse and those of their children can, at times, fairly be described as more of a war than either a rigorous academic or policy debate (see, e.g., Mills 2005 and Scott 1994). The debate is largely driven by academics in the US and the usefulness of some of the contributions (or military maneuvers) may be doubted.[54]

An example of this can be seen in an article by the leading writers on domestic abuse in the UK in the 1970s and 1980s, the criminologists Russell and Emerson Dobash (Dobash and Dobash 2004); it is therefore appropriate to consider their approach in somewhat greater detail than might be justified by the robustness of their approach. Having spent almost thirty years presenting domestic abuse as a question of what men do to women in mixed-sex relationships, the Dobashes turned their attention to the "puzzle" of women's violence towards male partners to establish whether it was justifiable to present domestic abuse as a question of what men do to women in mixed-sex relationships: fortunately they concluded that their practice of thirty years was justified. The Dobashes first categorised those academics who report evidence of significant levels of domestic violence against men by their female partners as "Family Violence" researchers who are primarily engaged in measuring "discrete 'acts', e.g. 'slap' or 'punch'" (Dobash and Dobash 2004, p.326/7) in contrast to "Violence Against Women" researchers, including the Dobashes, who put such abusive acts by women "within the wider context of ongoing violent events and intimate relationships" and who therefore find that "real" abuse, as opposed to mere violent acts, is carried out by male partners and not female partners (Dobash and Dobash 2004, p.327/8).[55]

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52 The marginalisation of the experiences of women in same-sex relationships in the feminist discourse on domestic abuse is explored in, e.g., Goldfarb 1995-6 and see also the references in Dempsey 2011a.

53 The literature seeking to explain women's use of violence (though not their use of psychological abuse) against their partners is in fact quite extensive, though much of it relies on theoretical models and practices to put such violence in particular political and cultural contexts and thereby show that such violence may be treated as fundamentally different to violent acts by men. Some of the more reflexive literature includes Archer 2007, Enander 2011, Fitzroy 2001, Muftic and Bouffard 2007, Renzetti 2006 and Shorey et al 2011.

54 See, e.g., Bender et al 2007, Chan 2011, Dobash and Dobash 2004, Dutton et al 2009, Eckstein 2012, Felson and Cares 2005, Fergusson et al 2005, Hamby 2009, Henning et al 2005, Holtzworth-Munroe 2005, Houry et al 2008, Johnson 2006, Johnson 2008, Johnson 2010, Johnson 2011, Langhinrichsen-Rohling 2010a, Langhinrichsen-Rohling 2010b, Ross and Babcock 2010, Stark 2007, Stark 2010, Strauss 2006, Strauss 2012, Thomson et al 2012, Winstok 2011 and Worthern and Varnando-Sullivan 2005. For what it is worth, I am unconvinced by the arguments of both those who argue that the "real problem" with "real" domestic abuse is overwhelmingly a matter of what men do to women and those who argue that there is "symmetry" in the prevalence and impact of domestic abuse; and it seems to me that understanding the needs of those men who do experience abuse is a far more important and interesting task than the arid and at times acrid stand-off that has been reached in the violence against women versus gender symmetry wars.

55 There are many research papers published in peer review journals which the Dobashes would categorise as "Family Violence" research which reveal substantial violence against heterosexual men by their intimate partners but criticism tends to focus on the work of American sociologist Murray Strauss. For a stout defence of the methodological approach that has produced "[m]ore than 200 studies [which have] have found "gender symmetry" in perpetration of violence against a marital or dating partner in the sense that about the same percent of women as men physically assault a marital or dating partner" see Straus 2012 and generally his website at http://pubpages.unh.edu/~mas2/#Papersavailable

While there is some force in the criticism of the lack of depth of what they label "family violence" research[56] the approach of self-declared "violence against women" researchers can be equally, if not more problematic and at the very least starting from a position that domestic abuse is a sub-set of a continuum of violence against women will make it difficult to understand evidence of domestic abuse against men. For example, the Dobashes set out to examine their self-declared "puzzle" of claims of women's violence towards their male partners by interviewing 95 mixed-sex couples and found that fewer of the women said they had used violence against their partner in the past year (53.7%) than did the men (69.5%). They also found that reported injuries to women were greater with, e.g., 57.9% of men reported as inflicting a "black eye" on their partner and only 9.5% reporting suffering such an injury. Even taking the Dobashes evidence at face value they themselves were uncovering significant levels of self-reported partner violence by these women. It may be that the Dobashes did not consider that the violence they were uncovering was important as they accepted the comments of the abused men that they did not take the violence they sustained from their partners seriously and without exploring the barriers to men acknowledging the seriousness of the abuse they experience.

But what is perhaps most remarkable is that the Dobashes present this study as being of value in understanding the relative uses of violence when "*[a]ll the men in the study had been convicted of an act involving violence against their partner*" (Dobash and Dobash 2004 p.334, my emphasis). So what this particular study shows is that in mixed-sex couples where the man had been convicted of domestic violence both he and his partner report that he has used domestic violence more than his female partner. From this rather particular study and their survey of the "family violence" literature the Dobashes draw the conclusion that –

> "[t]hese findings indicate that the problem of intimate partner violence is primarily one of men's violence to women partners and not the obverse. ... They support the general trend of policies and interventions relating to intimate partner violence that are almost wholly designed to deal with the serious problem of men's violence directed at women. While any and all conflict and negative encounters between couples is regrettable, policies and interventions, particularly those of criminal justice, are not developed to provide wide-scale responses to such encounters; nor are public resources spent on them. This is not to say that conflicts, heated arguments, name-calling or a one-off push or shove are unimportant but, rather, that great care must be taken in the definition and measurement of any such behaviour before it is labelled as 'violence' and before public policies and interventions are directed at it." (Dobash and Dobash 2004, p.344, refs removed)

Based on their own findings as "violence against women" researchers for many years and on the findings of their fellow "violence against women" researchers the Dobashes are content to conclude that "[f]or the most part, women's violence is reactive and self-protective and is often in self-defence" and they even suggest, apparently seriously, that "a positive strategy for preventing or reducing women's violence ... is to eliminate men's violence against women partners." (Dobash and Dobash 2004, p.345).

As stated above, while the quality of such conclusions is rather obviously doubtful it does reflect the (often unarticulated) approach of many academics working in the field of domestic abuse. Another example of an assertion that the construction of domestic abuse should be focussed on the experiences of heterosexual women and that therefore the response to domestic abuse should not prioritise the needs of those in same-sex relationships or men in mixed-sex relationships or their children is jurist Helen Reece's "The End of Domestic

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56 As noted earlier, all research must have its limits and large-scale surveys seeking information from large numbers of people about particular behaviour will, perforce, be less likely to produce extensive contextualisation than would qualitative interviews with a smaller sample though that does not necessarily render the results valueless.

Violence" (Reece 2006). In the course of an interesting attack on a particular legal innovation in English law,[57] Reece sums up the approach that asserts that legal responses to domestic abuse should explicitly promote the interests of (heterosexual) women –

> "despite its gender-neutral terms, domestic violence law is rightly designed to protect women" (Reece 2006, p.780)

Like the Dobashes, Reece explains that the research that shows significant levels of domestic abuse directed by women against their male partners merely records "discrete acts" which do not capture the context of the violence and she then presents research findings which show that in terms of *reported* abuse the impact is greater on women than on men -

> … those researchers who have examined acts alongside their consequences, within the wider context of ongoing violent events and intimate relationships, have found that domestic violence is overwhelmingly an issue of male violence against women.
>
> The latest Home Office research bears out this approach. *Domestic Violence, sexual assault and stalking* found asymmetry in the rates of domestic violence themselves; for example, it found that one in five women and one in ten men had been victims of domestic violence since the age of 16, and four per cent of women compared with two per cent of men had been subject to domestic violence during the previous year. However, the asymmetry was more pronounced when regard was paid to context and consequences: women were more likely to experience multiple attacks, severe injuries and serious disruption to their lives.
>
> With regard to multiple attacks, only 28 per cent of the women who had been subject to domestic violence in the previous year had experienced one incident, the mean number of incidents experienced being 20. In contrast, for men, the mean number of incidents was seven, with 47 per cent having experienced one incident. Moreover, women constituted the overwhelming majority of the most heavily abused group: among people subject to four or more incidents of domestic violence from the perpetrator of the worst incident, 89 per cent were women. Accordingly, the report estimated that there had been 12.9 million incidents of domestic violence acts against women compared with 2.5 million against men in England and Wales during the previous year.
>
> In relation to severity of injuries, during the worst incident of domestic violence experienced in the previous year, six per cent of women compared with one per cent of men sustained severe injuries. Moreover, ten times as many women as men reported that they had experienced the potentially life-threatening form of violence of choking or attempted strangling. Turning to the effects of the violence, 31 per cent of women compared with nine per cent of men experienced consequential mental or emotional problems, and 11 per cent of women compared with one per cent of men reported having been frightened by threats since the age of 16. (Reece 2006, p.781/782 citing figures from Walby and Allen 2004)

As with the Dobashes' conclusions, the doubtful nature of much of the extract reproduced above should be apparent. First it should be noted that for Reece, as for the Dobashes, the placing of research evidence in context does not include the context of men's underreporting of domestic abuse or their minimising of the effects that the abuse has on them; the only "context" to be included is that which serves to minimise men's experience of abuse.[58] There is also something rather discomfiting about determining recognition of a particular individual's experience of domestic abuse as worthy or unworthy of a response not on the

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57 the extension of domestic abuse legislation to "associated persons" other than spouses, civil partners and cohabiting intimate partners by way of the Domestic Violence, Crime and Victims Act 2004

58 A similar lack of engagement with the "context" that men often under-report abuse and claim to shrug off the impact of the abuse they receive, or indeed the "context" of the "public story" of domestic abuse is found in Hester 2009.

basis of need or equality but on averages; and it is not clear what relevance being above or below average in the severity or incidence of abuse should have for the abused man or woman, or their children.

Even assuming the figures Reece uses to be reliable, she points to the finding that there is twice as much abuse against women as men (1:5 *cf* 1:10; 4% *cf* 2%) which, given that domestic abuse against women is rightly seen as a major social problem, surely suggests that the (albeit lower) recorded or estimated levels of domestic abuse against men should also be seen as a major social issue: even accepting the 12.9 million incidents of domestic violence acts against women compared to 2.5 million against men figures at face value it is something of a leap from those figures to a position that asserts that the legal response should be specifically "designed to protect women" and not in any way designed to protect abused men and their children. Even if the figures are robust and on average abused women experienced twenty incidents of abuse whereas abused men on average experienced seven, that says nothing at all about how many incidents any particular abused man or women will have experienced and it is not clear why an average experience of twenty incidents requires the criminal justice system to take account of women's experiences while an average of seven incidents does not merit any consideration at all in the construction of the criminal justice system response. And what of women who "fail" to experience even seven incidents of abuse, should their experiences be ignored? Such an approach would surely be deemed devoid of merit.

> *"I'm up very early for work, and go to sleep on a camp bed at 9. She comes in at 11 and abuses me till about 2. She calls me a prick, wanker and dick and constantly spits on my face. She threatens to stab me."*
> Scottish unpublished, mixed-sex relationship, AMIS Helpline

A rather more sophisticated reaction to the evidence of significant levels of violence directed at men by their female intimate partners can be seen in the work of two American academics who have sought to develop conceptualisations of domestic abuse which would maintain the near exclusive focus on the abuse experienced by heterosexual women: Evan Stark with his theory of domestic abuse as "coercive control" (e.g. Stark 2007 and 2010) and Michael Johnson with his theory of four types of intimate partner violence, including "intimate terrorism" (e.g. Johnson 2008).

Stark, a social worker and professor of public health, has made a significant contribution to the understanding of domestic abuse by helping to increase the focus on the desire of the abusive partner to control the other and the impact that control has on the options available to the abused partner.[59] Stark makes no secret that his particular application of the concept of "coercive control" as the key to understanding domestic abuse comes from his feminist perspective, his exposure to "battered women" advocates and his experiences as a social worker working in the field of violence against women (Stark 2007, p.vii-x). But Stark's valuable and illuminating analysis of the area he is familiar with – heterosexual women's experience of abuse from partners – becomes problematic when it is used to deny recognition of men who experience abuse. For Stark –

> "Absent sexual equality, the same acts have different meanings. A woman keeps track of her partner's other relationships, even scans the web sites he has visited or scans his emails. She uses various wiles to control his purchasing choices or flies into a jealous rage at the slightest pretext, withholds herself sexually and emotionally to feel more powerful, embarrasses him in front of his friends or hers, and perhaps even slaps him when he spends the rent money to buy drugs. Men use controlling tactics much more

59 The element of control may answer, e.g., the commonly asked question "why doesn't the abused partner just leave?" and also the less commonly asked question "if the abusive partner is so unhappy with the other's behaviour why don't they leave?"

> frequently, just as they use the severest forms of violence more frequently, and are somewhat more likely than women to be motivated by a desire to control a partner. But it is the social endowment men inherit from sexual inequality, not the motives or frequency of these acts, that allows them (but rarely women) to shape discrete acts into patterns of dominance that entrap partners and make them subordinate." (Stark 2007, p.199, references removed)

It may be due to Stark's ideological starting point or to the impact of his experience of cases of very significant, often fatal, domestic abuse directed against women by their male partner that he minimises even the possibility of violence by a female partner and denigrates men who are subject to domestic violence with his reference to the woman who "perhaps even slaps him when he spends the rent money to buy drugs". Nonetheless, his approach has been applied to men who experience domestic abuse in same-sex couples in Scotland (Whiting 2008, but see also criticism in Dempsey 2011a). Stark's insights could also be applied, with care, by those who wish to understand the abusive behaviours to which men in mixed-sex relationships are subjected, provided these are combined with an awareness of, and concern for, the impact of domestic abuse on the lives of abused men and its effect on their children.

Michael P Johnson, a professor of sociology, women's studies, and African and African American studies, is, like Stark, a feminist.[60] Johnson's contribution to understanding domestic abuse is to argue that domestic abuse research has produced apparently contradictory results in terms of symmetry or asymmetry of levels of violence used by men and women in intimate relationships because it has failed to differentiate between four types of domestic violence –

> "Intimate Terrorism - The individual is violent and controlling. The partner is not.
> Violent Resistance - It is the partner who is violent and controlling. The individual is violent, but not controlling.
> Situational Couple Violence – Although the individual is violent, neither partner is both violent and controlling.
> Mutual Violent Resistance – Both individual and partner are violent and controlling." (Johnson 2008, p.6)

Johnson states that the core of his contribution –

> "is that this "intimate terrorism" – violence deployed in the service of general control over one's partner – is quite a different phenomenon than violence that is not motivated by an interest in exerting general control over one's partner. I would argue, also, that intimate terrorism is what most of us *mean* by "domestic violence."[61] This is the violence that has received massive media attention, and that has been the focus of thirty years of feminist activism and research in the United States." (Johnson 2008 p.6, emphasis in the original)

Like Stark, Johnson makes a significant contribution to our understanding of domestic abuse. But, again like Stark, the unfortunate misstep is to marginalise those men who do experience abuse. In sketching out domestic abuse situations to analyse, Johnson presents a number of invented scenarios. For Intimate Terrorism we are presented with scenarios where men use various abusive and controlling behaviours combined with their minimising of their own abusive behaviour and their manipulative invention of claims that the female partner is the real abuser; Johnson chooses not to include stories of women engaged in such

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60 My use of the term "feminist" should not be presumed as a criticism but merely as a description. Indeed by Johnson's "favourite definition", the author of this review is also a feminist - "My favorite definition of feminism is this: "You're a feminist if you believe that (1) men are privileged relative to women, (2) that's not right, and (3) you're going to do something about it, even if it's only in your personal life." I have been fortunate to be able to devote myself to this goal in both my personal and professional lives." Johnson 2010b.

61 Johnson does not specify who "most of us" are but clearly if you do not agree with him you are not "us" but "them".

behaviour. For Violent Resistance Johnson presents stories of various abused women who might be driven to retaliate; there is no representation that suggests that men might be abused and might be driven to resist. For Situational Couple Violence and Mutual Violent Resistance the scenarios are not gender biased but then these, along with Violent Resistance, are deemed not really what "we" would view as cases of domestic abuse so that the exclusive focus can remain on women who experience abuse.

At points Johnson implicitly acknowledges that women perpetrate intimate terrorism (e.g. "Intimate terrorism is perpetrated *almost entirely* by men", Johnson 2008, p.104 emphasis added) though that is usually followed by a stronger statement that overshadows that acknowledgement (e.g. "Why is intimate terrorism (and violent resistance to it) so clearly a matter of men abusing women in heterosexual relationships?" Johnson 2008, p.104). Johnson asserts that "[t]hanks to the second wave of the women's movement, we actually know a good deal about intimate terrorism" (Johnson 2008, p.25) which is to confuse knowledge about intimate terrorism on the one hand with knowledge of women's experiences of intimate terrorism on the other.

> *"If I report the abuse it'll look like I'm the one doing something. I'm going to a solicitor to protect myself. My biggest concern is all the abuse and anger I've taken the brunt of – if I'm not there it may all be directed to the kids. She has been verbally abusive to them and slapped them across the head."*
> Scottish unpublished, mixed-sex relationship, AMIS Helpline

Nonetheless, although Johnson's exploration of domestic abuse does not capture the experiences of heterosexual men [62] and there are certainly difficulties raised by the proposition that it is only or predominantly "intimate terrorism" that counts as "real" domestic abuse,[63] it would be a missed opportunity if those concerned with understanding the experiences of abused men failed to engage with Johnson's arguments. It is worth setting out at length a passage that reveals some of the strengths and weaknesses of Johnson's approach –

> "Thanks to the second wave of the women's movement, we actually know a good deal about intimate terrorism, more than we know about the other forms of domestic violence. Because one of the major successes of the women's movement has been to draw attention to the problem of wife beating, we have the benefit of thirty years of feminist research on men's use of violence to control their partners. Most of this body of feminist research on domestic violence is based on interviews with women who were contacted through hospitals, the courts, and shelters; … the women who come into contact with those agencies are much more likely to be experiencing intimate terrorism than any other type of partner violence. Thus, although this research did not make explicit distinctions among types of violence, it is reasonable to assume that the major patterns identified are those associated with intimate terrorism. Furthermore, in many cases we can do more than merely assume that the violence is intimate terrorism, because one of the major strengths of this research is that it involved a healthy mix of quantitative and qualitative analyses. Feminist researchers have not been afraid to ask women to tell their stories, which are dominated by accounts of men's use of violence to take general control over "their" women.

62 Johnson is clear that his concern is exclusively with mixed-sex couples and not same sex couples, Johnson 2008, p.109.

63 For example, should support services turn away men and women who are experiencing abuse because they "fail" to provide evidence of abuse of the "right" kind, i.e. intimate terrorism which is what Johnson asserts "most of us (sic) *mean* by "domestic violence""? Should service providers tell men and women seeking help that because their partner "merely" physically attacks then without seeking to control their behaviour that somehow that is not what "most of us" mean by "real" domestic abuse?

> Intimate terrorism does appear in the same-sex relationships of both men and women; moreover, there are unquestionably some women who to terrorise their male partners. However, because intimate terrorism is perpetrated in large part by men against their women partners, and because we know so little about the intimate terrorism of lesbians, gay men and heterosexual women, I focus … on men's intimate terrorism in heterosexual relationships, and my choice of pronouns reflects that focus." (Johnson 2008, p.25)

Disabled men

The intersection of disability and domestic abuse is significantly under-researched. An extensive search produced no specific literature on disabled men and domestic abuse. It is necessary, therefore, to review the literature on disabled women and domestic abuse to identify some issues which are likely also to arise for disabled men.

A search for relevant terms returned no hits on either the Capability Scotland website or Enable Scotland website.[64] Women's Aid in England and Wales recently commissioned a wide-ranging review of the experiences and needs of disabled women in the UK (Hague et al 2008, see also Hague et al 2011). The study focussed on women with physical and sensory impairments but was unable, through lack of resources, to fully include women with learning disabilities and women with mental health issues. The international literature reviewed by Hague indicates that disabled women experience a higher incidence of domestic abuse than non-disabled women and that social attitudes to disabled women render them "devalued" and "invisible" and therefore at grave risk of abuse (Hague et al 2008, see also, e.g., Barrett et al 2009). Social isolation, particular difficulties with access to appropriate housing and reliance on abusive partners or family for support can leave disabled women who experience abuse in situations where they are especially vulnerable and can make challenging abuse extremely difficult. A recent book-length exploration of the experiences of disabled women survivors of domestic abuse (Thiara et al 2012, see also Hollomotz 2012) may provide a model for a publication that considers disabled men's experiences and at least has the virtue of "honest labelling".[65] A rare study of the experiences of women with learning disabilities who had experienced domestic abuse in England and Wales sought to capture their experiences and in doing so identified a wide-spread failure of support services (Walter-Brice et al 2012).

It should be noted that Hague's research for Women's Aid includes not only abuse carried out by partners or ex-partners but also experience of domestic abuse perpetrated by other family members and by personal assistants in the home. Such an inclusive definition of domestic abuse would be in conflict with the definition used by the Scottish Government, COPFS, Scottish police forces and other agencies which limit the definition of domestic abuse to actions by current or former intimate partners. While the Scottish approach may well be justified, as with other forms of abuse such as elder abuse and forced marriage the implications of the Scottish definition should be subject to review to ensure that the costs in relation to responding to the needs of people who are experiencing what *they* may define as domestic abuse do not outweigh the supposed benefits of a clear focus on intimate partner abuse as the sole recognised form of domestic abuse.

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64 http://www.capability-scotland.org.uk/ 17/6/12 "Scotland's leading disability organisation" and http://www.enable.org.uk/ 17/6/12 "Leading the way in learning disability"

65 The title being *Disabled women and domestic violence*. The same cannot be said for all products issued by Jessica Kingsley Ltd, probably the leading publisher of books on domestic abuse in England and Wales, at least in terms of volume. For example the volume *Making an Impact, Children and domestic abuse: A reader* (Hester et al 2007) is, in fact, not about children's experience domestic abuse but only about children's experience of domestic abuse directed against their mothers.

Hague's study provides evidence of the difficulty facing disabled women who experience domestic abuse in accessing services whether from disability organisations or domestic abuse organisations. These difficulties arise from a combination of a lack of awareness, knowledge and resources. Hague concludes that

> "much greater attention needs to be given to the issue of disabled women's experiences of domestic violence in all relevant agencies, policies and services. At both the strategic level and in the development of best practice, what is needed is the integration of both domestic violence into all relevant disability work and disability into all domestic violence work, within a broad human rights perspective." (Hague et al 2008, p.129)

Maysa too has identified an inadequacy in current feminist thinking about domestic abuse experienced by women in that it fails to capture the lived experience of disabled women (Maysa 2006). While the gap in relation to recognition of the experiences of disabled women is beginning to be commented upon, disabled men who experience domestic abuse appears to be even more marginalised and their needs entirely unexplored or acknowledged.

The conceptual challenges that arise from the intersection of domestic abuse and "other" types of abuse experienced by people deemed "vulnerable" due to age, disability and/or mental health issues is hinted at in a recent review of the Adult Support and Protection (Scotland) Act 2007 (Mackay et al 2011). Similarly, the problematic construction of "adults at risk" in Scotland has recently been subject to analysis (Johnson 2012). This interesting work might be extended to the policy response to men who experience domestic abuse and in particular to the construct of men who may be deemed "at risk" because of disability or other labels.

Any work in relation to disabled men's experience of domestic abuse should be undertaken in light of the wider literature on disability and, in particular, the intersection of disability and gender. The portrayal of disabled men in a whole range of media representations and social discourses as inherently weak, vulnerable and/or impotent is in profound conflict with dominant social expectations of what it is to be a "real man" (Shakespeare 1999).[66] Shakespeare argues for a close relationship between the concept of what Connell identifies as hegemonic masculinity and the oppression that disabled people experience. Shakespeare cites Morris thus –

> "The social definition of masculinity is inextricably bound with a celebration of strength, or perfect bodies. At the same time, to be masculine is not to be vulnerable. It is also linked to a celebration of youth and of taking bodily functions for granted." (Shakespeare 1999, p.56 quoting Morris J (1999) *Pride Against Prejudice* (Women's Press: London) p.93)

Dominant concepts of femininity as "innocent; vulnerable; sexually passive or asexual; dependent; objectified" have a synergy with notions of dominant concepts of disability for Shakespeare and so

> "[the] traditional account, such as it is, of disabled masculinity rests … on the notion of contradiction: femininity and disability reinforce each other, masculinity and disability conflict with each other" (Shakespeare 1999, p.56-57)

Nonetheless, Shakespeare also stresses that care should be taken to acknowledge the complexity of disabled men's lives and the "strength and resilience of disabled women" (Shakespeare 1999, p.55) to which, we could add, the strength and resilience of disabled men.

Black and minority ethnic men

66 Whether the media coverage of the Paralympics, and the participation of Oscar Pistorius in the Olympics will impact on perceptions of disabled people remains to be seen.

Unfortunately we know very little about the experience of domestic abuse among black and minority ethnic (bme) men in Scotland.

In relation to women's experience of domestic abuse, the recognition of the particular needs of women from black and minority ethnic communities is indicated by the existence of such organisations as Shakti Women's Aid and Hemat Gryffe Women's Aid.[67] An analysis of barriers faced by women of African, African-Caribbean, South Asian, Jewish and Irish backgrounds accessing services in Manchester has explored the intersection of gender, class and racialization in the context of culturally specific understandings of such women's lives and their communities (Burman et al 2004). A key conclusion is that support agencies can display "'race' anxiety" or "cultural anxiety" by being hesitant to engage with domestic abuse where it intersects with issues of race or minority ethnic culture. The researchers also found examples of rejection and ostracization suffered by individuals in a range of communities when they report domestic abuse to "outside" agencies. In addition, the person experiencing the abuse may feel at least hesitant or even extremely fearful of approaching representatives of the state, e.g. police, social workers or medical staff, because of a history of oppression of minority communities by such state actors (see contributions to Sokoloff 2005). However, there can be opportunities for utilising the strength of such communities to effectively address domestic abuse (see contributions to Sokoloff 2005, esp chapters 18 to 24). All of these issues should be considered in relation to the needs of men from bme communities.

Forced marriage

Although no major religion endorses forced marriage it is nonetheless an issue which affects persons from particular groups: in 2008 the UK Government's Forced Marriage Unit recorded that 64% of cases in the UK related to individuals from families of Pakistani origin, 15% of Bangladeshi origin and 8% of Indian origin (Kazimirski et al 2009).

In the first year of operation (November 2011 to November 2012) the Scottish courts issued just two Forced Marriage Protection Orders: in that year more than a third of calls to the Scottish Domestic Abuse and Forced Marriage Helpline were from men (24 men and 44 women).[68] In 2011 the UK Forced Marriage Unit had some involvement in 1468 instances of possible forced marriage with 22% of these investigations relating to a male at risk of such abuse. Recently the specialist UK support organisation, Karma Nirvana, reported that by the end of August 2012 the number of calls from Scotland that had been received by their helpline had already exceeded the total for 2011 by 44% (the numbers being 48 in 2011 and 69 in the first eight months of 2012).[69] Although these calls are not broken down by gender, on their website Karma Nirvana stresses the fact that

> "contrary to the public perception of honour-based abuse as a female-only issue, we have taken calls from a significant number of men who have been forced into marriage".[70]

The similarities and differences in the dynamics of forced marriage involving female and male victims has been explored at some length in an article by Samad who concludes -

> "In contrast to women, men are reluctant to talk about forced marriage as it raises questions about their masculinity. 'What kind of man are you to get forced into a marriage?' So men have, in general, adopted more low-key responses or simply go into denial with long-term health repercussions. Until men themselves are prepared

67 http://www.shaktiedinburgh.co.uk and http://www.hematgryffe.org.uk/

68 Scottish Government press release "Forced marriage", 29/11/2012, http://www.scotland.gov.uk/News/Releases/2012/11/fm29112010

69 "Rise in Scottish calls to forced marriage charity" http://www.bbc.co.uk/news/uk-scotland-19490946

70 http://www.karmanirvana.org.uk/for-men.html accessed 30 August 2012

> to argue publicly that this is a concern then there will be little progress in their situation. The [Westminster] government and other agencies have failed to support any initiatives that exclusively focus on men and without male self-help groups it is unlikely that the silence on male victims will be broken." (Samad 2010, p.204/205).

The UK government includes forced marriage within its definition of domestic violence.[71] As noted above, the Scottish Government's definition of domestic abuse excludes abusive actions other than those between current or former intimate partners and so excludes forced marriage (forced marriage being seen as primarily perpetrated by the victim's family rather than intimate partners). The Government is followed in this approach by Scottish police forces and key support organisations such as Scottish Women's Aid[72] and AMIS.[73] Despite awareness of the need for specific services for bme women experiencing domestic abuse, the exclusion of forced marriage from Scottish definition of domestic abuse was deliberate, notwithstanding the specific request from Shakti Women's Aid that forced marriage be included in the definition. Shakti's request was deemed "unacceptable" as it would "dilute the gendered approach" (Scottish Partnership on Domestic Abuse 2000b, p.21).

As noted elsewhere in this chapter, there are difficult issues of definition and differentiation of some instances of domestic abuse on the one hand and, e.g., elder abuse or abuse of people with learning disabilities. While some of those difficulties may be avoided by a clear distinction being made between domestic abuse and other forms of abuse within families or within the home there may well be costs as well as benefits in limiting definitions of domestic abuse to current or previous intimate partners as victims may be deterred from seeking support. Whether or not the definition of domestic abuse is expanded to include forced marriage, some awareness of the issue among services which support men affected by domestic abuse is appropriate.

Asylum seekers

Many of the barriers faced by male refugees and asylum seekers attempting to access support when faced with domestic abuse will be the same as faced by all men (e.g. the barriers created by hegemonic masculinity). These common barriers will, however, be compounded by the barriers facing all refugees and asylum seekers regardless of sex, that is very high levels of insecurity in relation to personal safety, housing and financial support[74] which may drastically reduce options to challenge, report or escape domestic abuse.[75] In the absence of material on the experience of refugees in Scotland who are experiencing domestic abuse we may look to other countries.

What appears to be a reasonably robust literature review prepared for the San Francisco-based Family Violence Prevention Fund (FVPF) found that –

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71 http://www.homeoffice.gov.uk/crime/violence-against-women-girls/domestic-violence/ accessed 30 August 2012. See also Home Office, 2011.

72 http://www.scottishwomensaid.org.uk/understanding-domestic-abuse/what-is-domestic-abuse accessed 30 August 2012

73 "What is domestic abuse", http://www.abusedmeninscotland.org/whatisdomesticabuse.html accessed 30 August 2012

74 See, e.g., the many research reports produced by the Scottish Refugee Council, http://www.scottishrefugeecouncil.org.uk/policy_and_research/research_reports

75 A small improvement in the position of people with insecure immigration status was recently achieved by the Campaign to Abolish No Recourse to Public Funds when the Home Office introduced a concession allowing victims of domestic abuse on spousal visas with no recourse to public funds to access benefits and public housing while they apply for settlement under the 'domestic violence rule', Women's Aid press release "Campaign to Abolish No Recourse to Public Funds Celebrates Victory", 3/4/12.

> "Based on the available data Yoshihama [the academic researcher] concluded that "IPV is *not* more prevalent, and, in fact, is probably less prevalent, among immigrant and refugee population groups compared to other groups." But IPV does exist in such groups, and Yoshihama identified several factors that make it especially difficult for victims in these populations to seek or obtain help. Among these are: Abusive partners may use the victim's immigration status against her, in effect, threatening deportation. Language barriers and a lack of familiarity with the U.S. social system may prevent a victim from seeking help. A victim may also be afraid that if she reports violence to the authorities, she and/or her partner will be treated with insensitivity, hostility, and/or discrimination. That fear may be justified; mainstream organizations may lack sociocultural understanding and/or may have discriminatory or insensitive attitudes toward immigrants and refugees.
>
> Yoshihama also observed that in the context of a displaced community struggling to survive in what could be a hostile and discriminatory environment, "acknowledging IPV as a problem is viewed as detrimental to the collective survival of the community." Therefore, "there is strong pressure to maintain a positive image of their community and remain silent about the problem of IPV."
>
> Yoshihama also identified patriarchal cultural attitudes and victim-blaming as problems in these communities - though hastening to add that they are also problems in every community in the United States." (Family Violence Prevention Fund 2009, p.4)

Despite its name, the FVPF did not seek out or address the experiences of men who were experiencing domestic abuse, perhaps on the basis that for the FVPF "family" relates exclusively to women and their children. Nonetheless the circumstances revealed in this US study are likely to be indicative of some of the issues faced by asylum seekers in Scotland.

As well as domestic abuse experienced by refugees in Scotland, such abuse can be the basis for having to seek asylum. Recent years have seen a greater awareness of, and some legal response to, domestic abuse as a ground for seeking asylum (e.g. Mullally 2011 and *Opuz v Turkey* [2009] ECHR 33401/02 (9 June 2009)). Such claims are based on arguments that the failure of the government in the country of origin to take sufficient steps to protect the claimant from abuse constitutes a breach of human rights. While such arguments have resulted in some success before the courts, commentators are critical of the "hesitation to affirm the human rights norms and attendant obligations underpinning [asylum] claims" (Mullally 2011, p.459).[76] Significantly, the recent Scottish Human Rights Commission document *Getting it right? Human rights in Scotland* contains consideration of the position of male victims possibly for the first time in such a document (Scottish Human Rights Commission 2012).

It is unclear how such claims might be readily extended to the protection of men who are fleeing domestic abuse. The cases so far, such as they are, appear to rely on a presentation of systematic failure of protection from a (foreign) state in the context of a perception of a culture of male domination within the family. This may well be an accurate presentation of social relations in the relevant countries but it is also one that will be more appealing to a "western" judge; when the reality of domestic abuse against men is generally unrecognised in Scotland and in Europe it seems doubtful that a judge would be sympathetic to evidence of the failure to protect abused men on the part of the government of what is presented as a particularly male-dominated country. Judges may be trained to acknowledge that patriarchy and hegemonic masculinity create significant difficulties for women such that human rights remedies may be engaged but it seems unlikely that they will be able to identify patriarchy and hegemonic masculinity as a difficulty for abused men. It may be that a case could more easily be argued in relation to a gay man seeking protection than a heterosexual man in the

76 See also McQuigg 2011a and, for a wider discussion of possible uses of human rights see Choudhry and Herring 2006. Note too that there is a European Court of Justice angle, see McQuigg 2012.

same position but, it is submitted, where the evidence of state failure is sufficiently strong the decided cases should not be read as establishing a "women-only" right to protection.

Men experiencing economic disadvantage

Issues of class inequality and poverty have been somewhat marginalised in the dominant discourses on domestic abuse (Evans 2005 and Sokoloff 2005). This may be explained in part by a legitimate concern that such experiences as poverty, employment insecurity, poor working conditions and unemployment not be used as excuses for domestic abuse perpetrated by a man against his female partner.

Several points may be made. The first is that, indeed, poverty (like alcohol, emotional stress and so on) should not be used as an excuse for domestic abuse whether directed against men or women. The second is that given that men are expected to perform the role of "bread winner", those who "fail" in this expectation of hegemonic masculinity by being unable to provide for the family may find that supposed failure used against them by an abusive partner and that the incidence of such abuse is likely to be higher for men than for women who, in general, are not expected to meet the provider requirements of hegemonic masculinity and are therefore less likely to be identified as "failing" in that regard. Thirdly, poverty matters to individuals as it affects their choices: while having economic and material resources such as a second home or family with the ability to give you shelter or money in the bank to pay a deposit on a lease does not by any means ensure that a person being abused by a controlling partner will be able to resist and overcome the abuse, the absence of such resources can only serve to limit one's options.

> *"I'm just there because of the kids. She's always screaming and shouting at them. Every day I get mouthfuls of abuse in front of the kids. She's in bed all day then drinks into the early hours. I feel like a single dad with a teenager in the house."*
> Scottish unpublished, mixed-sex relationship, AMIS Helpline

There is some evidence of greater risk of abuse, or greater reporting of abuse, in more economically deprived areas in Scotland. The 2010/2011 Scottish Crime and Justice Survey (Scottish Government 2011a) revealed that the risk of experiencing partner abuse in the previous year was 4% for those in the 15% most deprived areas compared with 3% in the rest of Scotland (Scottish Government 2011a, p.7). The difference was greater in relation to having experienced partner abuse at any time since the age of 16: 20% of respondents living in the 15% most deprived areas had experienced domestic abuse compared to 16% in the rest of Scotland (Scottish Government 2011a, p.12).

As noted above, the relatively large-scale survey of men's experience of abuse carried out by Hines in the US revealed that 38.1% had experienced "economic abuse" (Hines et al 2007). A recent report on an innovative project in England and Wales – the Domestic Abuse and Money Education Project (DAME) – provides valuable information on types of economic abuse experienced by women,[77] the long-term consequences of this abuse and the quality of response these women received from domestic abuse projects and money advice projects (Barron 2012).

In 2002 Gadd cited some statistical evidence of wealth and health differences between men and women who report domestic abuse (Gadd et al 2002, p.30-31). For example, 52% of women who reported experiencing abuse were unemployed compared to 19% of men who reported experiencing abuse. Overall, a higher percentage of those who experienced domestic abuse were living in rented accommodation than were those who did not report experiencing abuse and moreover this was higher for women who reported (60%) than for

77 The project, run in partnership with Women's Aid, worked with 517 survivors of whom 506 were women.

men (46%). Women who reported experiencing abuse were also more likely to report that their health was not 'good' than were male victims.

Clearly such figures require careful handling given that the link between rented accommodation and poverty is unlikely to be a simple one and given the difficulty men have in identifying and reporting the impact abuse has had on their health. However, even taking these figures as accurately indicating a position of generally greater financial resources available to men than to women, that has little relevance to the experience of individuals who experience abuse. Just because, say, it is statistically more likely that a man will own his own home, or that a man is statistically more likely to be in employment, that is of little comfort or practical use to the many men who do not own their home or are unemployed. Nor does it mean that women who do own their home or are in employment should be discriminated against when seeking support.[78]

Paying insufficient attention to issues of class and poverty does violence to the interests of people with limited resources and makes their life chances poorer. Evans argues for more recognition of the interrelation of class inequality and domestic abuse because -

> "[w]hile there may have been political advantages for, in particular, the women's movement to use these strategies [arguing that domestic abuse can happen to "all women" and occurs within all social classes] in order to make violence against women and children recognised as social problems, these strategies effectively misrepresent the higher levels of violence within some population groups." (Evans 2005, p.39)

Evans also cites numerous studies which indicate that there are significantly higher reported rates of abuse among economically disadvantaged women (Evans 2005, 39-40). This is a position supported by the World Health Organisation –

> "[w]hile all social classes experience violence, research consistently suggests that people with the lowest socio-economic status are at greatest risk" (WHO, *World Report on Violence & Health 2002*, cited by Evans 2005, p.36)

Josephson, again drawing on a range of studies, comes to the same conclusions and argues -

> "[s]tudies of domestic violence consistently show that poverty increases the risk of domestic abuse, especially of severe violence. Feminist scholars, critical of these figures, have noted that what may actually be occurring is that poor women are more likely to report domestic violence than are women in higher incomes. Whether or not women who are poor are in general more likely to experience domestic violence, it is certainly the case … that poor women's experiences with domestic violence and their ability to escape from situations of domestic abuse are different than those of women with more resources and more affluent social networks. Regardless of one's assumptions regarding the relative frequency of domestic violence among women of different income categories, it is important to see the specificity of circumstances of poor women who experience violence at the hands of their intimate partners" (Josephson 2005, p.91-92)

However, the position is complex. Some studies indicate that higher levels of family poverty and poorer "neighbourhood socioeconomic conditions" do not always lead to increased reports of domestic abuse (e.g. Kiss 2012).

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78 The position is similar to the (mis)use of doubtful evidence which emerged in the late 1990s suggesting that lesbians and gay men generally have greater economic resources than non-gay people (the so called "pink pound" or "pink dollar"). This has been used by right wing forces in the USA to argue against equality and civil protection measures for lgbt people on the basis that a group with relatively high disposable incomes does not need protection. Even if it were true that in some societies some lesbian and gay people have relatively high disposable incomes this takes no account of race, class, age and other factors and so to deny protection to all lgbt people on the basis that some (white, professional) lgbt people might generally have greater access to resources may be considered invalid (e.g. Gluckman and Reid 1997).

It may be noted that the intersection between race and poverty is particularly sharp in countries such as the US where there are deep institutionalised economic inequality often based on race (see, e.g., the various chapters in Sokoloff 2005) and in countries where there is significant economic disadvantage experienced by indigenous peoples (e.g. Cheers et al 2006). Given that conditions are somewhat different in Scotland, care must be taken when seeking to apply conclusions from such data, though the general conclusion that more attention must be paid to the intersection poverty and domestic abuse is surely established. Furthermore, the dynamics of the intersection of poverty and domestic abuse with, e.g., disability or with particular bme groups such as Gypsy/Travellers should be explored in the interests of reducing barriers to services.

Trans men

In this section we consider research specifically on trans people's experience of domestic abuse though some further material is contained in the "GBT men" section below. This is one of the few areas in which we have some detailed knowledge of men's experience thanks to research carried out by the Scottish Transgender Alliance and the LGBT Domestic Abuse Project (Roch et al 2010; see also Dempsey 2010).[79]

The research was based on the results of an online survey completed by a total of 60 respondents, 70% of whom were in Scotland. Twenty-eight respondents identified as "male-to-female trans women", seventeen as "female-to-male trans men" and thirteen as "other types of gender variant people" so the number of trans men responding is fairly small. Unfortunately the presentation of the responses were not broken down by gender or by whether the respondent was in a same-sex or mixed-sex relationship.

Some of the key findings include -

> "80% of respondents stated that they had experienced emotionally, sexually, or physically abusive behaviour by a partner or ex-partner.
>
> Although 80% of respondents identified having experienced some form of abusive behaviour from a partner or ex-partner, only 60% of respondents recognised the behaviour as domestic abuse.
>
> The type of domestic abuse most frequently experienced by the respondents was transphobic emotional abuse, with 73% of the respondents experiencing at least one type of transphobic emotionally abusive behaviour from a partner or ex-partner.
>
> 24% told no one about the domestic abuse that they had experienced.
>
> 18% felt that the most recent domestic abuse that they had experienced was "just something that happened".
>
> 51% thought that the most recent domestic abuse they had experienced was "wrong but not a crime". (Roch et al 2010, p.5)

While many of the abusive behaviours experienced by trans men are similar in their nature and impact to those experienced by all men there are, clearly, issues such as abusive behaviour based on a partner's transphobia (experienced by 73% of the respondents) which are particular to the experience of trans men and women. Care should therefore be taken not to make assumptions that the experiences of trans men will always be the same as non-trans men or will be the same as gay or bisexual men.

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79 I use the term "trans men" to be inclusive of transgender and transsexual men and those men who reject binary distinctions of sex and gender. For a discussion of terminology see Whittle 2002 which remains the best survey of trans issues in the UK.

Gay, bisexual and/or transgender men

Having noted the importance of paying attention to the particular experiences of trans men (and not unthinkingly conflating those with either "all men" or with gay and/or bisexual men) it is a reality that a great deal of research presents findings undifferentiated between "gbt men". By collecting and presenting information in this way it may be that the particular experiences of trans and/or bisexual men may be hidden behind the particular experiences of gay men who generally make up the majority of participants in such research. Be that as it may, the literature is produced as gbt and so must be reviewed as such. It should also be borne in mind that not all gbt men are white, able bodied, aged between 20 and 40 year old, in professional jobs living in Glasgow or Edinburgh; many will also have class, race, disability, religious and other "issues" in our lives.

An indication of the needs of gbt men in Scotland is given by the results of a recent consultation carried out by the Scottish LGBT Domestic Abuse Project (Roch 2012). The published report analyses the 48 responses to an online survey and found that 35% (n=17) of respondents reported that they had experienced domestic abuse at some point in their lives. 19% of respondents identified as currently being, or as having been, transgender; 75% identified as gay; 13% identified as bisexual; 10% as queer and 8% as pansexual. The total number of respondents is, therefore, fairly limited, and this is particularly so for, e.g., bisexual men (n=6). Like many others, the survey is further limited by the fact that respondents were self-selecting and, for perfectly understandable reasons, were recruited primarily through relevant service providers or on the "gay scene" (bars, clubs and saunas) and so could not capture the experiences of those men who have little or no connection with such services.

The report reveals a lack of knowledge among respondents as to where gbt men who experience domestic abuse can access support and identifies barriers such as self-blame, negative social attitudes to men who might seek help based on dominant social constructions of masculinity and a fear that services not specifically set up for lgbt people, or gbt men, or trans men may not respond appropriately. Fourteen respondents said they would prefer to approach an lgbt-only service; 9 a service open to anyone; 9 a gbt-only service; 6 a men-only service; and 1 a trans men-only service so that almost one third (29%) of respondents indicated a preference for an lgbt specific service. The report's recommendations are –

> Clear signposting at both a local and national level of inclusive and appropriate support services for gay, bisexual and transgender men.
>
> Training provided across Scotland for services that work with gay, bisexual and transgender men and services that work with men who experience abuse to ensure that all GBT men will receive an appropriate and inclusive response wherever they access services.
>
> Ensure that specialist service provision is available to gay, bisexual and trans men who experience domestic abuse including support and information services.[80]
>
> Ensure that there is safe and accessible refuge and support accommodation for gay, bisexual and transgender men who are escaping abuse. (Roch 2012, p.17)

The report stresses that the experiences of these men is similar to those of "heterosexual non-trans women" -

80 There are obvious challenges in constructing such specialist service provision given that only one third of these gbt men wanted to access an lgbt service (and we do not know whether this was so across all gbt men or predominantly in one subset) while others wanted a "gbt only service" (ie one which does not include lesbian, bisexual and/or trans women), others still would prefer a "male only" service and so on and again it should be remembered that the majority of participants are likely to have experience of lgbt services and so may not be representative of the wishes of those who have not had such contact.

> "Like heterosexual non-trans women, gay, bisexual and transgender men experiencing domestic abuse can experience emotional, sexual, psychological, as well as physical abuse and it is not about the physical strength of the perpetrator, but the power exerted over them to control their everyday lives." (Roch 2012, p.4)

It might also be said that, from the evidence, these experiences are also similar to those of lesbians and of heterosexual men, i.e. of all people who experience domestic abuse. The Scottish LGBT Domestic Abuse Project has also produced an innovative piece of research looking at young lgbt people's views of domestic abuse which is discussed below under the heading "Younger men" (Best et al 2011).

The most extensive empirical work done on domestic abuse experienced by gay and bisexual (but not trans) men in the UK sought to compare experiences of domestic abuse in same-sex and mixed-sex relationships (Donovan et al 2006). The research included a non-random UK-wide survey with 746 usable responses; five focus groups with lesbians, gay men and heterosexual women and men of different ages and ethnicities to examine perceptions of love and domestic abuse (total of 21 individuals) and 67 semi-structured interviews (participants identified as lesbian (n=19), gay male (19), heterosexual (14 women, 9 men), bisexual (3) and queer (3)).

Thirty five per cent of male respondents reported that they had experienced domestic abuse in a same-sex relationship though in fact a significantly higher percentage had experienced at least one form of physical, emotional or sexual abuse from a partner (that is that they were unable or unwilling to identify as domestic abuse). Abusive behaviours reported included emotional abuse, physical abuse and sexual abuse. A significant majority (69%) of all respondents were of the view that the experience of domestic abuse in same-sex relationships was no different to that in mixed-sex relationships. However, the research also confirms many previous studies which show that homophobic attitudes in society can be an obstacle to help-seeking and indeed can even be used as an element of control behaviour by an abusive partner in a same-sex relationship -

> "Sexuality can be used in different ways to exert control over a partner's behaviour and access to support/friendship networks: by accusations that a survivor is not a real lesbian or gay man; by the abusive partner asserting their inability to be out; by their denigration of the scene; and by using jealousy as a way of keeping their partners from the scene. Women were more likely to have sexuality used against them in these ways.
>
> Previous literature on domestic abuse in same sex relationships highlights the ways in which sexuality can be used as a way of controlling a partner's behaviour: by threatening to out partners to child care agencies if they parent or to employers, friends and family if they are not out. However what we found in interviews was not that abusive partners used their partner's sexuality to control them but that they used their own issues with sexuality (either that they were not out or did not want other people to know about the relationship) or the scene (that it presented a threat to their relationship in some way) as a way of controlling their partner's social life and friendship networks." (Donovan et al 2006 p.15)

Donovan et al found that the types of abuse experienced were broadly similar for men and women in same-sex relationships though -

> "men were more likely to have their spending controlled. Women were more likely to have their sexuality used against them, be blamed for their partner's self-harm or have their children threatened or used against them in some way … men were significantly more likely to be physically threatened, or prevented from getting help and … [m]ale respondents were significantly more likely than women to be forced into sexual activity, be hurt during sex, have 'safe' words or boundaries disrespected, have requests for safer sex refused, and be threatened with sexual assault." (Donovan et al 2006, p.9/10)

The comment above by Roch that gbt men's experiences are like the experiences of "heterosexual non-trans women" again raises the vexed question of the impact of restrictive gendered approaches to defining domestic abuse.[81] Roch is clearly, and rightly, keen to challenge the myths that have hindered recognition of the experiences and needs of lgbt people who are subjected to domestic abuse. These myths are identified and set out at some length by Island and Letellier and are commonly based on the application of the "public story" of domestic abuse as violence from a man directed at a woman (Donovan and Hester, 2010). Some examples are –

> "Only straight women get battered
> Domestic violence is more common in straight relationships than in gay male relationships
> Gay men's domestic violence is a "fight" and when two men fight it is a fair fight between equals
> It is not really violence when two men fight: it is normal, it is boys being boys
> The batterer will always be bigger and stronger; the victim will always be smaller and weaker
> It is easier for gay male victims of domestic violence to leave their violent partners than it is for heterosexual battered women
> Victims of domestic violence are codependent" (Island and Letellier 1991, p.15-24)

I have argued that the Scottish Government's gendered *definition* of domestic abuse contributes to the "public story" which effectively marginalises men who experience domestic abuse in same-sex relationships (as well as women in same-sex relationships and men in mixed-sex relationships) (Dempsey 2011a). I argue that, while an *approach* that takes account of gender[82] as a significant factor in all aspects of domestic abuse is crucial, the gendered *definition*[83] does harm to those who fall outside of the definition and also does harm to their children.[84] My argument is not accepted by the LGBT Domestic Abuse Project which states clearly that it supports the gendered definition though, significantly in my view, the Project does not use that gendered definition in its work; rather it uses its own definition "to take account of specific experiences applicable to lgbt people and to ensure that gay, bisexual and transgender men are fully included within the aims of this project".[85] If something other than the Scottish Government's gendered definition must be constructed to ensure the full inclusion of gay, bisexual and trans men then that seems prima facie evidence that the gendered definition does not fully include such men gay, bisexual and trans men and therefore the LGBT Domestic Abuse Project is supporting (but not using) a definition that is not in the interests of gay, bisexual and trans men.

> *"My wife persuaded me I was an alcoholic and had anger management problems. I went to a variety of counsellors for both just to be sure but they all told me I wasn't at risk of either."*
> Scottish unpublished, mixed-sex relationship, AMIS Helpline)

81 It is presumably the influence of the Scottish Government's restrictive gendered definition that leads Roch to note that the domestic abuse experienced by gay, bisexual and trans men is "like" that experienced by heterosexual non-trans women but fail to note that it is also "like" that experienced by heterosexual non-trans men.

82 alongside class, race, sexuality, disability, age and other factors

83 which has not been adopted by, e.g., the UK government or Scottish police forces

84 In this I am indebted to the important work of Nel Whiting on the impact of hegemonic masculinity on domestic abuse in same-sex relationships (Whiting 2008).

85 LGBT Domestic Abuse Project "Definition of Domestic Abuse" http://www.lgbtdomesticabuse.org.uk/service-providers/domestic-abuse-info.htm accessed 30 August 2012

Men living in rural areas

The particular needs of women living in rural areas have been recognised in the policy debate in Scotland for some time. The Scottish Partnership on Domestic Abuse which, despite its name, was concerned only with domestic abuse experienced by women, found that there was a "high level of need in rural areas" and that there were additional barriers to women accessing support –

> "[a]mong the problems identified were, for example, physical isolation (lack of close friends, relatives or neighbours and practical support from them), lack of access to transport (particularly in an emergency), telephone, childcare or near neighbours, and lack of accessible information. It was noted that there is also often a lack of local access to services and housing, with services also experiencing constraints to their provision (such as the availability of staff and training). Women or children who are isolated can experience increased fear, have fewer witnesses and have increased time taken to respond to their requests for assistance. There may be a perception of a lack of privacy and difficulties in both raising the issue and leaving the area. ... the Partnership recognised that these issues have not always been taken into account in the development of services to address domestic abuse and in the development of general services to rural areas." (Scottish Partnership on Domestic Abuse 2000b, p.26)[86]

All of these issues are also likely to create significant barriers to men living in rural areas who are experiencing abuse, whether in mixed-sex or same-sex relationships.

One of the most extensive reports on barriers to effective investigation of domestic abuse in rural areas was published by the American National Criminal Justice Reference Service (Dutton 2002). That report and other material made freely available on the NCJRS website may provide useful insights into how to establish a better evidence base and, perhaps more importantly, how to develop and deliver services.[87]

Older men

While there is some, mostly American, literature on domestic abuse as experienced by older women there is very little indeed in relation to the experiences of older men. No information about domestic abuse was located during a search of Age Scotland's website.[88] Of the small number of documents relating to domestic abuse located on the Age UK website all were concerned exclusively with the experiences of women.[89]

We are fortunate to have a Scottish study of older women and domestic violence (sic), a particular strength of which is the attempt to include the voices of the women affected in addition to examining the literature and inviting insights from service providers (Scott et al 2004, see also Scott 2007). The study recognises that reliable data on the incidence of domestic abuse is "notoriously difficult to produce", though some progress had been made in relation to quantitative data on older women's experiences by 2007 (Scott, 2007). However, Scott cites literature which finds that while domestic abuse generally is underreported, such figures as there are for older women experiencing domestic abuse may be even more affected by underreporting because of barriers "including fear of increased violence, fear that they will not be believed, isolation, and the like" (Scott et al 2004, p.19). All of these factors are likely to be as true, if not more true, for older men experiencing domestic abuse.

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86 See also Scobie 2009.

87 https://www.ncjrs.gov

88 http://www.ageuk.org.uk/scotland/ accessed 1 August 2012

89 http://www.ageuk.org.uk/

In common with much of the literature, Scott identifies a lack of clarity on the appropriate distinction between "elder abuse" and "domestic violence". Kilbane and Spira argue that whether the abuse experienced by an older woman is labelled "domestic violence" or "elder abuse" is of significance as the professional response is often very different given the two different professional constructs of such abuse (Kilbane and Spira 2010). This overlaps in many respects with the concerns raised by Johnson, noted above in relation to disabled men, about adult support and protection in Scotland (Johnson 2012). Given the concerns in Scotland and more widely about the appropriate definition of domestic abuse and the possible overlaps with, for example, elder abuse, forced marriage and abuse experienced by disabled people from family members, some concerted effort might be made to facilitate discussion of the practical and policy implications of this lack of clarity. Even if agreement on absolute definitional clarity cannot be achieved (and agreement may be impossible given the complexity of the issues) at least the desirability of avoiding the dangers of failing to recognise and respond appropriately to the needs of people in various groups in Scottish society might be explored.

In 2004, having reviewed the policy statements and practice of, among others, the Scottish Government and Scottish Women's Aid, Scott et al concluded that the fact that older women may have specific needs "is simply not on the broad domestic abuse agenda" (Scott et al 2004). The authors note that the fact that domestic abuse is –

> "most typically portrayed as an issue affecting all women (of whom older women are an undistinguished subset) or women with children. Women without dependent children, usually 50 years old or older, often having experienced long-term abuse from an intimate partner for whom they may be caring, are nearly invisible as a specific group in public policy, data, and service provision." (Scott et al 2004, p.50)

By 2007 Scott was able to state that "older women are more visible on the domestic violence research agenda now than four years ago" (Scott 2007, p.1). It is difficult to find any evidence of improvement in relation to awareness of the need to respond to older men's experience of domestic abuse.

Scott et al argue that assumptions that perpetration of domestic abuse is linked to physical strength may be particularly dangerous for older women –

> "severe and life-threatening abuse is perpetrated by older, seemingly harmless, abusers … and [service] providers should continue to assess clients for the presence of risk or lethality indicators." (Scott 2007, p.10 citing Zink et al (2006))

Those service providers who claim to work with both older men and older women (for example local authorities, the NHS and GPs) should take special care to ensure they are not applying this problematic assumption about abuse being linked to physical size and overlooking or even empowering what Scott identifies as "seemingly harmless abusers" because they are physically smaller or weaker than the abused man: that is to say that all of the difficulties posed for older women by the dominant "public story" of domestic abuse identified by Scott apply equally or more so to older abused men. Appropriate support for older men who experience domestic abuse might be advanced by adopting the "guiding principles for working with older abused women" –

> "Believe the victim. Even if the victim says other things that seem unlikely, begin by assuming the older woman [or, as the case may be, the older man] has been harmed or has experienced trauma to some point. If you have concerns about dementia, depression or delirium, contact a health care provider.
>
> Do not assume that stress, poor family communication, or poor caregiving techniques are causing the problem. *Assume it is power and control unless and until proven otherwise*. Focus on victim safety and avoid colluding with the abuser.
>
> Identify the victim's strengths and skills and build upon them.

> Offer hope. Focus on offering strategies that promote victim safety and break isolation, support the victim's decisions, and provide additional information …
>
> Support any decision the victim makes: staying, leaving, or leaving and returning to an abusive relationship …" (Scott 2007, p.11 quoting Brandl et al 2003)

A rare example of specific concern with the experiences of older men who experience abuse is found in *Male Victims of Elder Abuse* (Prichard 2001). Ironically, this book originated in research which sought to exclude older men and capture only the experiences of older women. In the course of setting up focus groups within day care facilities in the north of England to explore the experiences of older women, several men asked if they could contribute to the research. Commendably, and exceptionally, the author responded to this desire of abused men to disclose.

Of the total of 39 older men who participated in Prichard's research, where the relationship was specified it was revealed that eight had been abused by their wife, four by their son, four by residential staff, three by a daughter and one by a daughter-in-law. Twenty of these men were currently living with their abuser. In-depth interviews were carried out with two older men who were abused by their wife, one who was abused by his wife and daughter, and one who was abused by his son and daughter having previously experienced domestic abuse from his wife. Unfortunately it is difficult to disaggregate the information specifically relating to the intimate partner abuse experienced by these men as the information relating to partner abuse is not separated out from information about intergenerational abuse (from adult children) and abuse from paid or informal carers, neighbours or strangers.

Pritchard's work validates the often heard assertion that "there are no 'hard to reach' research subjects just hard to reach researchers" as she found that the men were quite willing to share information about the abuse they had experienced when given the chance, even overcoming the barrier of the researchers initially presenting the issue as one exclusively of women "victims" –

> "[l]ike the female victims, it was important for them to be believed, not ridiculed. This was probably even more important to the men for whom it must be hard to admit that they have been abused, when society normally sees men less in the role of victim than as perpetrator." (Pritchard 2001, p.70)

Pritchard concludes that

> "[t]here is a clear need to move away from social stereotyping in which the typical victim is female and the typical abuser is male. This project has shown that the abuse of males should be defined in a wider context and not solely in terms of the previous definitions of abuse commonly used in child abuse and domestic violence work". (Pritchard 2001, p.101)

An analysis of more than 10,000 calls to the UK-wide Action on Elder Abuse helpline between 1997 and 2004 gives some glimpses into the issue of domestic abuse and older people (FitzGerald 2004) but again there is insufficient differentiation between partner abuse and other forms of abuse to allow for anything other than indicative conclusions to be drawn. The author notes that older men are less likely to report the abuse they experience but that of those "reported as suffering abuse" 22% were men, 67% women and 11% couples. Of those "reported as individual abusers" 41% were male and 25% female. 46% of abusers were related to the victim with 50% of these being a son or daughter (the category is not broken down by gender) and 23% being a partner. Psychological abuse is identified as the most prevalent form of abuse (34% of callers) including, e.g., denying contact between an older person and their grandchildren.

It does not seem unfair to conclude that organisations concerned with the interests of older people do not pay sufficient attention to the particular needs of older women who experience domestic abuse and appear to pay no attention at all to the needs of older men who experience domestic abuse. There is also little evidence that the needs of those in same-sex

relationships are addressed. Similarly, organisations that work in the field of domestic abuse pay insufficient attention to the particular needs of older women and again no attention at all to the needs of older men.

Younger men

While there is a relatively large body of literature on children and young person's experience of domestic abuse perpetrated against their mothers but not against their fathers (see section on Fathers above) so too there is far less information on young men's experience of domestic abuse within their own intimate partnerships than there is about young women's experience. However, particularly in recent years there have been a number of studies, with various strengths and weakness, that are beginning to explore the area.

The Scottish Crime and Justice survey indicates that there are significantly higher reported cases of domestic abuse among young people and that for those in the age group 16-24 the rate was the same for men as for women -

% of adults who have had a partner or contact with an ex-partner in the last 12 months who had experienced partner abuse in that time by demographic variables

	Experienced any psychological abuse	Experienced any physical abuse	Experienced any psychological / physical abuse	Experienced both psychological & physical abuse
AGE				
16-24	6	5	8	3
25-44	3	2	4	1
45-59	2	1	2	1
60 or over	0	0	0	0
MALE				
All	2	2	3	1
16-24	5	8	6	3
25-44	3	2	3	1
45-59	2	1	2	0
60 or over	0	0	0	0
FEMALE				
All	3	2	3	1
16-24	7	3	8	3
25-44	3	3	4	2
45-59	2	1	2	1
60 or over	0	0	1	0

(Scottish Government 2011a, p.37)

Some further indication of the issues may be gleaned from a large, multi-site study of interpersonal violence among university students published in 2006 which included data from 241 students at Glasgow Caledonian University (GCU) (Douglas and Straus 2006). Unless large numbers of the students were lying, the results make dispiriting reading -

16.1% of the male students and 34.9% of the female students reported that they had assaulted a dating partner at least once (overall total 32.3%) placing GCU 14th highest out of 36 universities studied

6.5% of the male students and 8% of the female students reported that they had injured a dating partner at least once (overall total 7.8%) placing GCU 11th out of 36

51.3% of male students and 47.5% of female students did not strongly disagree with the proposition "that there are situations when they 'would approve of a husband slapping a wife's face'" (total 48.1%) placing GCU 13th out of 36

82.1% of male students and 83.5% of female students did not strongly disagree with the proposition "that there are situations when they 'would approve of a wife slapping a husband's face'" (total 83.3%) placing GCU 6th out of 36 (Douglas and Straus 2006, p.306-309)

The limitations of the results should be apparent.[90] There is no exploration of domestic abuse in same-sex relationships nor are the results broken down in a way which would allow us to establish if the violence took place in a same-sex or mixed-sex relationship. The focus on "assault" and "injury" tells us little about the severity and nothing about the impact of those actions nor is there information about numbers of assaults within a particular relationship. However, the fact that almost 50% of the students did not strongly disapprove of the view that it is sometimes acceptable for a husband to hit his wife, and that over 80% did not strongly disapprove in relation to a wife hitting her husband is deeply concerning: the fact that very similar percentages of male and female students held these view is also of interest.[91]

The Scottish LGBT Domestic Abuse Project has produced an innovative piece of research looking at young lgbt people's views on domestic abuse (Best et al 2011). This innovative research utilised young people as "peer researchers" and also led to a series of workshops in which 59 young people participated. These were supplemented by an online survey which produced 46 usable responses. The workshops included an investigation of domestic abuse services in various local areas including whether there was any indication on websites that the service was open to young people and/or lgbt people. The key findings included that -

"61% of the respondents had witnessed some form of abuse in their families.

79% of the young people believed that someone who had witnessed domestic abuse in their family or home would feel less confident to 'come out' as a result.

52% of respondents said that they had experienced some form of abusive behaviour from a partner or ex-partner.

Although 52% of respondents identified having experienced some form of abusive behaviour from a partner or ex-partner, only 37% recognised the behaviour as abuse.

Over 30% of those who had experienced abuse had deliberately tried to hurt themselves since experiencing domestic abuse.

20% of respondents who had experienced abuse had tried to kill themselves since experiencing domestic abuse." (Best 2011, p.1)

A large-scale UK study of secondary school pupils' experience of partner abuse has been produced by the NSPCC (Barter 2009). In relation to physical abuse the findings included that –

90 The research, conducted at 36 universities in 19 different countries, sought to capture relatively small amounts of data from a large number of sites.

91 For discussion of some of the issues see, e.g., Renner and Whitney 2010 and Renner and Whitney 2012.

"Twenty-five per cent of girls and 18 per cent of boys reported some form of physical partner violence.

Eleven per cent of girls and 4 per cent of boys reported severe physical violence.

Seventy-six per cent of girls and 14 per cent of boys stated that the physical violence had negatively impacted on their wellbeing.

Girls were more likely to say that the physical violence was repeated and also that it either remained at the same level or worsened." (Barter 2009, p.54)

In relation to psychological abuse the findings included that -

"Seventy-two per cent of girls and 51 per cent of boys reported some form of emotional partner violence.

The majority of these young people reported more than one form of emotional violence.

Most commonly reported forms of emotional violence, irrespective of gender, were "being made fun of" and "constantly being checked up on by partner".

More direct or overt forms of abuse were reported more frequently by girls than boys.

Thirty-one per cent of girls and 6 per cent of boys stated that the emotional violence had negatively impacted on their wellbeing.

Girls were more likely to say the violence occurred repeatedly and more likely to perceive that it remained the same or got worse.

As age increased so did young people's reports of emotional violence." (Barter 2009, p.64)

And in relation to sexual abuse -

"Thirty-one per cent of girls and 16 per cent of boys reported some form of sexual partner violence.

The majority were single incidents; however, for a minority of young people sexual violence was a more regular feature of their relationships.

Seventy per cent of girls and 13 per cent of boys stated that the sexual violence had negatively impacted on their welfare.

Some anomalies exist with regards to boys' responses, which may call into question the validity of some of the findings on male sexual victimisation.

Most young people informed a friend; all other avenues of disclosure were used infrequently." (Barter 2009, p.72)

A number of studies have established that first same-sex relationships (whether entered into as a young adult or later in life) can bring particular risks of domestic abuse (e.g. Ristock 2002 and Donovan *et al* 2006). Such evidence as we have suggests this to be true for all young men.

Recommendations

- Research with, and service provision for, men who experience domestic abuse should address the issue of particular experiences of men with a range of backgrounds and characteristics.
- While it is not possible in any one piece of work to address all of the various experiences of all men, the limitations in respect of range and detail should be openly acknowledged.

- The contribution to our understanding of domestic abuse experienced by, e.g., older women, lesbian and BME women by way of critiques of the presentation of domestic abuse simply as "violence against women" without paying due regard to different characteristics of women should be acknowledged and used to inform the discussion in relation to men's experience of domestic abuse.
- The valuable work done on trans, bi and gay men's experience of domestic abuse should continue and should be drawn on in relation to research methodology as well as service provision for all men.
- The particular challenges faced by abused men who are fathers should be acknowledged and addressed. Given the near total lack of recognition heretofore, the needs of children affected by such abuse must be given priority by central and local government and other service providers.
- The impact of the Equality Duty on provision of services for men from a diverse range of social groups should be reviewed with a view to providing appropriate recognition and services for abused men.

Chapter 7 - Responses

This chapter explores the response of various organisations to the needs of abused men and their children. The existence of gendered barriers to men seeking help is noted and the implications of the recently introduced Equality Duty for organisations which might or which should be supporting abused men is considered.

We then examine a range of specific services. The criminal justice system and the role of the courts in relation to civil protection measures are examined in detail, given both their importance and the fact that there is a more than minimal body of evidence to consider. The services offered by local authorities that abused men might seek to access are considered with Dundee City Council serving as an example. The other key services of housing, the National Health Service and the voluntary sector are explored before a final section which looks at the response to abused men by the media.

As we shall see, the overall conclusion must be that we have very little information as to how these agencies attempt to meet the needs of abused men and their children and that in many cases what evidence there is indicates that the organisations are, whether intentionally or not, inattentive to the reality of domestic abuse experienced by men in Scotland. Although of modest scope, the two AMIS guides, one for men who have experienced abuse (AMIS 2013a) and the other for service providers who may be in contact with such men and their children (AMIS 2013b) should be consulted in addition to the "snapshot" of service provider's experiences of working with such men, and the training (or lack of training) they receive in relation to that work (Slater 2013).

The "Key Findings" from a recent study commissioned by the Big Lottery Fund (Big Lottery Fund 2012) found that there were significant gendered barriers to men accessing services, barriers that many service providers were failing even to recognise let alone address –

> The reluctance of men to engage with services, as beneficiaries to address their needs, is due to the presence of identifiable barriers. Our research categorises these barriers into five main areas:
>
> *Help-seeking behaviours*: Men are more resistant to seeking help from others than women. This is most evident in the health behaviours and outcomes for men in the UK, which are significantly worse than those of women. Men have a tendency to disregard symptoms for far longer than women and so diagnosis tends to be late. Men are also much less likely to take time off from work to seek help, which is detrimental when they need the support of services that operate during regular working hours.
>
> *Fear of stigmatisation*: Men's reluctance to engage with certain types of projects can be due to social stigmas. This can range from peer disapproval among young men, to stigmas attached to abuse from a perpetrator and or being a victim, which are often linked to notions of masculinity and manhood. Men can be reluctant to go public with a problem that they may perceive to be embarrassing or not "manly". Other stigmas present among particular men are associated with notions of sexual identity and men working with children.
>
> *A lack of visibility of men in services*: A lack of male role models in the service provision was a commonly acknowledged barrier in this research. There is a perception among some men that volunteering constitutes a "carer" role and that this domain is considered predominately female. The lack of visibility of men in the social sector can be detrimental in engaging male beneficiaries if they feel that they are in a female environment.
>
> *Hard to reach men*: Although evidence has shown that there are barriers when engaging across all male groups, some groups of men appear to be even harder to reach than others. The evidence suggests that young men appear to be the hardest group to reach, followed by men from BME backgrounds. This is due to a number of

factors ranging from language and cultural barriers to the susceptibility of peer influence.

A lack of discourse: When addressing the needs of society we tend to avoid examining problems in terms of gender and focus on cultural background, age and economic situation instead. Perhaps one of the biggest barriers in engaging men into social projects is this overall resistance to engage with gender as an issue from a male perspective. Despite evidence that tells us that that male engagement is an issue, we do not rethink our approach. This needs to be tackled so that engagement can happen effectively. (Johal et al 2012, p. 5-6)

The Equality Duty

While the Equality Duty is primarily designed to impose duties on public sector bodies, the lack of apparent attention to the needs of men and their children that will be considered in this chapter should also be a matter of concern for charities and voluntary sector organisations because it appears that significant numbers of men and their children are being failed.[92] Moreover, even for voluntary sector bodies there may be legal and regulatory duties to consider.

While it is unclear to what extent the statutory Equality Duty will impact on charities there are at least two possible routes through which the Duty can impact private bodies in a legal or regulatory manner. The first is the effect of s.149(2) of the Equality Act 2010 (see below) which requires bodies which are not public authorities but who exercise public functions to have regard to the Duty – it is submitted that this "exercising public functions" test is not clear in Scots law although there are also a number of specific provisions within the Equality Act 2010 which provide exemptions for charities and similar bodies (Office of the Scottish Charity Regulator 2012, p5). The second and, for the time being more certain, route is through the Office of the Scottish Charity Regulator (OSCR): OSCR is subject to the Equality Duty as it is a public body and, whether or not charities themselves are subject to the duty, the duty will impact on all charities registered with OSCR through the requirements imposed on individual charities by OSCR's regulatory regime (Office of the Scottish Charity Regulator 2012).

"I've split up with my wife. Our son saw the last argument, when Mum hit Daddy. I've kept it hidden for a long time. The kids are with me. She's gone to her mother. I'm fighting to keep them away from her. She shouts and screams at them when she doesn't get her own way. I would comfort them. My son told his granda what's happening."
Scottish unpublished, mixed-sex relationship, AMIS Helpline

However, for bodies such as the Scottish Government, the police, the National Health Service and local authorities there is no doubt that addressing the needs of men and their children is not only a question of whether or not they are failing to support a significant number of people experiencing domestic abuse but, given the existence of the Equality Duty, it is a matter of whether or not they are meeting their statutory duties. For example, there was nothing in the "equality statement" in relation to the most recent spending review and draft budget to indicate that the Scottish Government were intending to address inequalities in services for men experiencing domestic abuse or for their children (Scottish Government 2011d).

92 Jeff Hearn and Linda McKie have explored the issue of social policy engagement with men in Scotland though they are focussed on "men's violence against women" rather than the experiences and needs of men who are subject to domestic abuse or the needs of the children affected by that abuse; see, e.g., Hearn 2010, Hearn and McKie 2008, Hearn and McKie 2010 and Hearn and Pringle 2006. See also Girard 2009.

In short, the Equality Act 2010 imposes a duty on public authorities to eliminate discrimination and promote equality of opportunity between, e.g., men and women and disabled and non-disabled people and so on (the Equality Duty). The Equality Duty is set out in s. 149 of the 2010 Act

> s. 149
>
> (1) A public authority must, in the exercise of its functions, have due regard to the need to - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
>
> (2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).
>
> (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
>
> (4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
>
> (5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to - (a) tackle prejudice, and (b) promote understanding.
>
> (6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.
>
> (7) The relevant protected characteristics are - age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.
>
> (8) A reference to conduct that is prohibited by or under this Act includes a reference to - (a) a breach of an equality clause or rule; (b) a breach of a non-discrimination rule."

And s. 11(a) of the 2010 Act provides that –

> "In relation to the protected characteristic of sex a reference to a person who has a particular protected characteristic is a reference to a man or to a woman"

In Scotland a public authority is defined as "a public body, public office or holder of a public office", s. 157(6).

Public authorities, such as the police, the NHS and the Scottish Government have a duty to remove or minimise disadvantages experienced by, e.g., men who experience domestic abuse. In addition to challenging the disadvantage faced by all men, the duty extends to, e.g., reducing discrimination between men on the basis of race or age or sexual orientation. This does not, however, require exactly the same service provision for all the protected groups so that there may be different services for men than for women, or for disabled men and women

than for non-disabled men and women but the public authority does have to have regard to disadvantage and take steps to ensure that their responses reduce that disadvantage. So an NHS hospital or a police force can have particular domestic abuse services to support heterosexual women and their children but must also provide services, albeit perhaps different in nature and extent, to men and their children and to men and women in same-sex relationships and their children.

In Scotland the general equality Duty is supplemented by particular provisions in the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 which include a duty to report progress on mainstreaming the equality duty, to publish equality outcomes, report progress and to assess and review policies and practices –

> 5(1) A listed authority must, where and to the extent necessary to fulfil the equality duty, assess the impact of applying a proposed new or revised policy or practice against the needs mentioned in section 149(1) of the Act.
>
> (2) In making the assessment, a listed authority must consider relevant evidence relating to persons who share a relevant protected characteristic (including any received from those persons).
>
> (3) A listed authority must, in developing a policy or practice, take account of the results of any assessment made by it under paragraph (1) in respect of that policy or practice.
>
> (4) A listed authority must publish, within a reasonable period, the results of any assessment made by it under paragraph (1) in respect of a policy or practice that it decides to apply.
>
> (5) A listed authority must make such arrangements as it considers appropriate to review and, where necessary, revise any policy or practice that it applies in the exercise of its functions to ensure that, in exercising those functions, it complies with the equality duty.
>
> (6) For the purposes of this regulation, any consideration by a listed authority as to whether or not it is necessary to assess the impact of applying a proposed new or revised policy or practice under paragraph (1) is not to be treated as an assessment of its impact.

By Schedule 2 a "listed authority" includes the Scottish Government; the Scottish Ministers; the Scottish Court Service; the National Health Service; Local Authorities; Education Authorities; the Police; the Commissioner for Children and Young People in Scotland; the Scottish Children's Reporter Administration; the Scottish Legal Aid Board and the Scottish Social Services Council.

An excellent resource for the potential impact of the Equality Duty on Scottish families is the "Making the Gender Equality Duty Real for Children, Young People and Their Fathers" project run by Children in Scotland and funded by the Scottish Government.[93] Although the Project does not appear to have tackled the question of how the experience of domestic abuse affects men in their role as fathers it has sought to challenge gender stereotypes and shift the debate away from seeing gender equality as exclusively an issue of women's interests and towards recognising the importance of children's interests –

> "Much of the discussion about the Gender Equality Duty has focused on its intended benefits for women. Equal pay for equal work is one key goal. There are also other key issues for women in the workplace and in relation to public services and benefits. By contrast, the meaning and manifestations of the Gender Equality Duty for men (particularly as fathers) - and for children and young people - have been taken into account far less frequently." (Children in Scotland 2008, p.3)

93 http://makinggenderequalityreal.org.uk/

The Project is founded on "[t]wo fundamental realities" -

> "First, children and young people benefit significantly from healthy, nurturing relationships with their fathers (and other adult men playing a fathering role). These benefits can be enhanced by effective implementation of the Gender Equality Duty. For better or worse – and, by their presence or by their absence – fathers affect their children's well-being in important and enduring ways.[94]
>
> Second, the Gender Equality Duty presents an opportunity to have a positive impact on the education and socialisation of children and young people. It offers a welcome chance to promote and improve gender equality from a very early age. This, in turn, has the potential to help make gender inequality less of a problem for the next generations. (Children in Scotland 2008, p.3)

As we shall see, it is doubtful whether public authorities in Scotland are meeting their Equality Duty in respect of domestic abuse and in some cases it is difficult to identify even any attempt to meet their legal duty.

Criminal Justice

In this section we look at three elements of the criminal justice system – the police service, the Crown Office and Procurator Fiscal Service (COPFS) who are the people who decide whether to take a case to court and lastly the court system itself, including the judiciary.[95] Unlike the civil law response below,[96] it is not necessary to review substantive elements of criminal law such as the definition of assault or threatening behaviour.[97] However, problems of evidence, including the requirement of corroboration, are considered when we look at the activities of the COPFS.

Police

As noted above, the police receive over 1000 reports of domestic abuse incidents each week. The percentage of these reports that are from abused men ranges from 9% in Dumfries and Galloway to 21% in Strathclyde (Scottish Government 2012a). Of course, not all incidents are reported to the police – the most recent Government figures indicate that for domestic abuse that occurred in the 12 month period prior to the date of the survey, 42% of the men who had experienced domestic abuse had not told anyone (compared to 19% of women) and in only 9% of cases involving abused men did the police come to know about the abuse (compared to 24% for women) (Scottish Government 2011a). The police in Scotland use a gender neutral

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94 It should be noted that, throughout this publication, 'fathers' refers not only to biological fathers (resident or non-resident), but also to stepfathers, foster fathers, grandfathers and other men who play a fathering role in the lives of children and young people.

95 For a concise overview of the criminal justice system and domestic abuse see the chapter on "The Criminal Justice System" in Hughes 2011.

96 It is worth noting here that the Criminal Injuries Compensation scheme allows victims to claim compensation in appropriate cases (see Sarah Crawford and Paul Brown "Criminal Injuries Compensation" in Hughes 2011). The sums are usually relatively small but the scheme has the advantage that in most cases the perpetrator will not be notified and the award does not rely on the perpetrator having assets, though there is a requirement that the victim has cooperated with the police in their investigation and with the court where there was a prosecution, fear of reprisal or attack generally not being acceptable reasons for failure to cooperate (Hughes 2011, p.7-19). Legal aid may be available for the pursuit of a claim.

97 This is not to suggest that the substantive law is without interest. Indeed the law in this area was reformed by the introduction of a statutory offence of threatening or abusive behaviour in private (s. 38, Criminal Justice and Licensing (Scotland) Act 2010) following the decision in *Harris v HMA* 2010 SCCR 15 (following on from *Smith v Donnelly*, 2001 SLT 1007) which limited breach of the peace, formerly the most commonly charged offence in domestic abuse cases, to behaviour carried out in public.

definition of domestic abuse and seek to respond to abused men whether they are in a mixed-sex or same-sex relationship.

The response of individual officers to situations of domestic abuse is governed by a Joint Protocol (the Protocol) agreed between the Association of Chief Police Officers in Scotland (ACPOS) and the Crown Office and Procurator Fiscal Service (COPFS). The Protocol, first drawn up in 2004, sets out good practice in relation to reports of domestic abuse to the police and in prosecution of such offences (ACPOS and COPFS 2004). At the time of writing (December 2012) the COPFS is reviewing the protocol and this review is discussed in the section on the presumption of arrest policy below. The public resolution by ACPOS and COPFS to respond seriously to accusations of domestic abuse is to be commended as is the assertion that –

> "on all occasions when children are present during domestic abuse incidents or ordinarily form part of the household, the police in attendance will have concern for the welfare of the children." (ACPOS and COPFS 2004, para 28)

The definition of domestic abuse used in the Protocol is gender neutral –

> "Any form of physical, sexual or mental and emotional abuse which might amount to criminal conduct and which takes place within the context of a relationship. The relationship will be between partners (married, cohabiting, civil partnership or otherwise) or ex-partners. The abuse can be committed in the home or elsewhere."

This definition, which does not marginalise abused men, is to be welcomed. It is, however, glossed –

> "While available evidence suggests that the most prevalent instances of domestic abuse are male violence towards women, this definition acknowledges and includes female violence towards men and violence between partners or ex-partners in close, same-sex relationships." (ACPOS and COPFS 2004, no paragraph or page number in original document)

Not only is the definition intentionally gender-neutral but so too is the approach throughout [98] and, as can be seen, is inclusive of those in same-sex relationships. Unfortunately, when launching the Protocol, Johann Lamont, then Deputy Communities Minister, seemed to misunderstand the document and, in the COPFS press release, contradicted the COPFS and ACPOS position by presenting domestic abuse as exclusively a question of abuse perpetrated by men against women, thus contributing to the construction of the "public story" (Donovan and Hester 2010) which marginalises men in both mixed-sex and same-sex relationships –

> "I welcome the launch of this new code of practice. Support services like refuges, a telephone helpline and specialist workers are in place to help women through these times. There has been a huge change in the way the public views domestic abuse, but unfortunately the behaviour of many men has not changed. There is still much to be done and we will not rest while there are tens of thousands of women and children living with this threat."[99]

It may be that little has changed in relation to politicians' construction of a "public story" which marginalised men and their children. In 2012 on the opening of the Edinburgh domestic abuse court pilot Justice Secretary Kenny MacAskill said -

> "We have dedicated £55 million towards preventing violence against women during 2008-12 and continue to work with our partners to bring about an end to this intolerable crime. We know the effects of domestic abuse can be devastating,

98 Other than the gloss noted above and one slip in paragraph 3 where the accused is referred to as "he".

99 COPFS press release, "Prosecutors and police tackle domestic abuse", 24/11/2004

including on children and young people, and we are determined to tackle it, wherever and whenever it occurs."[100]

Commenting in October 2012 on the release of statistics about reports of domestic abuse to the police, Health Secretary Alex Neil said

> "We have always been clear that there is no place for domestic abuse in Scotland, and tackling it is a top priority for the Scottish Government. These figures show that too many men and women in Scotland are still being subjected to abuse at home.
>
> That is why the Scottish Government has committed £34m to tackling domestic abuse and other forms of violence against women over the next three years – more than double the investment made previously and we will continue to prioritise this work."[101]

While Mr Neil's statement starts off well, and while funding for tackling domestic abuse against women is welcome, it is remarkable that no one pointed out the disparity between the gender neutral content of the first paragraph and the marginalising gendered nature of the second.

Presumption of arrest

The Protocol has an important function in displaying the commitment of Scottish police forces to taking allegations of domestic abuse seriously. In terms of policing practice, its most important element is a strong presumption of arrest and detention until appearance in court where there is sufficient evidence, in all but exceptional cases. At the moment, while Scots law retains the requirement of corroboration, for there to be sufficiency of evidence there must be two separate pieces of evidence which could be the statement of the man that he has been abused and, for example, the confession of his abuser or evidence of his distress; the presumption of arrest and detention of the alleged abuser is then engaged –

> "Where there is sufficient evidence available, the Police will take appropriate action, whether or not the victim makes a complaint, and will arrest the offender and report the circumstances without delay to the Procurator Fiscal for consideration of prosecution." (ACPOS and COPFS 2004 paragraph 4)

As we will see below, mandatory arrest or pro-arrest policies have proved controversial in other jurisdictions. The COPFS-led review of the Protocol, on-going as at December 2012, is in response to concerns that, as the Protocol requires, arrests may be made, and detention imposed, on the basis of what might be a very slender evidence base - in other words that false allegations may lead to very serious consequences and may even be used by the abuser to further abuse and control his or her victim. The COPFS consider false allegations of domestic abuse to be a real issue and proposes to amend the Protocol to create a new category of "counter allegation" in relation to which "there is not always need to detain and arrest both parties" where the officer takes the view that there is "no substance" to the allegation despite the presence of sufficient evidence.[102] AMIS has expressed a concern that it will simply be impossible for officers to identify with any degree of confidence which allegation is to be deemed the "counter allegation".[103] Given the power of the "public story" in relation to domestic abuse and the evidence from other jurisdictions that officers drawn on

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100 Scottish Government press release, "Stamping out domestic violence", 16/02/2012

101 Scottish Government press release "Domestic abuse", 30/10/2012

102 Draft revised Protocol, new paragraph 9.

103 For example, is it the person who first makes a phone call or who answers the door who is to be deemed as making the "allegation" and the person who has not been the first to make contact, for whatever reason, deemed to be making the "counter allegation" or is the officer expected to investigate all the circumstances of the case and make a value judgement in the middle of a call to what will be a tense, and may be an extremely confused, situation. There is no answer to be found in the consultation document.

their "stereotypical beliefs about domestic abuse" to determine their course of action (Stalans and Finn 2006, p.1151), there must be a concern that abused men will be further victimised not only by their abuser's false claim being believed by officers on the basis of stereotypical beliefs but also by their own attempt at seeking police protection being wrongly labelled a "counter allegation".[104]

One worrying aspect of the proposed changes to the Protocol is that no review of the current situation has been undertaken and the evidence-base for the proposed changes appears to be entirely anecdotal.[105] While the concern underpinning the COPFS review is about false allegations leading to unjustified arrest, for those concerned about the wellbeing of abused men and their children the evidence seems to point to there being too few arrests rather than too many. As the COPFS review was coming to an end, a media story highlighted a supposed problem with the implementation of the Protocol.[106] Strathclyde Police had identified that of the 150 arrests in relation to allegations of domestic abuse in a recent three week period, one quarter of those arrested "were released the next day by fiscals due to a lack of evidence".[107] What the newspaper failed to reveal was that not a single one of these 150 arrests was of a woman alleged to have been engaged in domestic abuse, despite the fact that 21% of reports to Strathclyde police are recorded as involving a male victim. Of course, a small proportion of those reports by abused men would relate to same-sex couples so some of the arrests may be of male abusers in same-sex relationships but nonetheless one would expect to see about 25 arrests of women abusers for every 150 arrests of male abusers if the police were applying the presumption of arrest contained within the Protocol. The fact that there was not a single arrest of a women accused of domestic abuse means that the evidence, such as it is, is not that there are too many arrests of persons accused of abusing their male partners as the COPFS fears but that there are too few.[108] Research into why officers are not arresting alleged perpetrators and therefore apparently not implementing the Protocol is urgently required.

> *"The entire machinery backs up false allegations"*
> Scottish unpublished, mixed-sex relationship, AMIS Helpline

The question of mandatory or presumptive arrest policies in relation to domestic abuse have been most extensively analysed in the US. This is due to the adoption of such policies by a number of US jurisdictions following pressure from feminist activists who cited evidence that allowing discretion to police officers resulted in failure to arrest in many cases. –

> "Jumpstarted by grassroots activists, augmented by lawsuits launched against police departments by victims for 14th Amendment violations on equal protection grounds,

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104 It is anticipated that the AMIS response to the review will be available on its website once COPFS has revealed the results of its deliberations. It is interesting to note that the Scottish Women's Aid response to the Carloway Review into Scottish criminal law and practice called for "women in domestic abuse situations where the abuser has made a counter allegation" to be considered as vulnerable adults for the purpose of s.271 of the Criminal Procedure (Scotland) Act 1995 (Scottish Women's Aid 2011a, p.8) and, if this has merit, the same may be extended to men facing false counter allegations.

105 In seeking the views of AMIS, the COPFS stated that there was no written evidence base for the proposed changes but that the review was conducted on the basis of "issues that have been encountered and reflecting the experience that has been accumulated in Scotland from investigating and prosecuting cases of domestic violence; from prosecutors, the police and those agencies who support the victims of domestic violence", email correspondence with the author, 10 August 2012.

106 "Abusers set free to harm partners again", Lucy Adams, *The Herald* 24/8/12

107 In fact this merely shows that the protocol is being correctly implemented because it requires that there be sufficient evidence before persons are held in custody (and that is, presumably, an appropriate minimum requirement of a civilised legal system).

108 As noted, it is likely that a small number of the men arrested, perhaps 2 or 3, would be in same-sex relationships but that requires to be established as the gender of the complainer is not given. The total absence of women arrested also indicates that the Protocol is not being applied to protect abused women in same-sex relationships given that about 1.5% of reports to the police involve female same-sex couples.

> the criminal justice system has transformed the way that it historically responded to domestic violence. … Early research … suggested that arrest was a more effective police response to deter future domestic violence than the common practice of separation and mediation. The greatest emphasis for change by the criminal justice system was directed at the police, who act as its gatekeepers through their decision making and action (or inaction) as first responders to domestic violence calls. Many jurisdictions have enacted mandatory, pro- and preferred-arrest policies to assert publicly that battering is a serious crime that will be enforced, to empower and protect victims, and to create uniformity with the hope of ensuring an end to selective enforcement based on race, class or other extralegal variables." (Miller and Meloy 2006, p.91, references removed)

However, advocates of mandatory or pro-arrest policies became concerned when such policies increased the number of arrests of women who were accused of abusing their partners (e.g. Busch and Rosenberg 2004; Henning and Feder 2004; Miller and Meloy 2006). Many researchers argue that women's violence should be seen as reactive and so mandatory or pro-arrest policies on the basis of an allegation of domestic abuse should not be applied in the same way to female alleged abusers as it is applied to male alleged abusers (e.g. Finn and Bettis 2006; Hamilton and Worthen 2011), that is that the policy should be mandatory arrest of men accused of abusing their other-sex partner but not of women accused of abusing their other-sex partners.[109]

It is difficult to generalise about the appropriate response by police officers to situations of domestic abuse and officers no doubt often face very difficult and confused situations but it is difficult to see how a proportion of 150:0 for arrests where in 21% of allegations of abuse are recorded as being made by men can be reconciled with appropriate application of the Protocol. While, at a general level, some aspects of men's experience of domestic abuse may differ from women's experience and these might justify some difference in the overall proportions of arrests of alleged abusers who are male and alleged abusers who are female, much greater understanding of the practice and context of arrests in incidences of alleged domestic abuse in Scotland is required. Evidence exists to show that, at least in US jurisdictions, officers are guided by their "stereotypical beliefs about domestic abuse" and presumptions about the role of gender within that abuse when they attend alleged domestic abuse cases (Stalans and Finn 2006, p.1151) and this, rather than the facts of the case, may explain the apparent failure to implement the Protocol in respect of male victims in mixed-sex relationships. Given the importance of an appropriate police response, research into the handling of alleged domestic abuse incidences involving a male complainer, whether in a mixed-sex or same-sex relationship, should be considered a priority.

Crown Office and Procurator Fiscal Service

The decisions of prosecutors can have as much impact on a victim's experience of the criminal justice response as do the actions of the police.[110] However, compared to the actions of the police, the decisions of the Crown Office and Procurators Fiscal Service (COPFS) is less open to public scrutiny, its processes less well understood and the pressures and restrictions it operates under perhaps less apparent. Certainly there is less literature on the role of prosecutors in the response to domestic abuse than there is on the role of the police (but see relevant sections of Connelly 2008; Glasgow Domestic Abuse Court Feasibility Study Group 2008 and Reid Howie Associates 2007). The particular issues that will be considered here are the COPFS's joint Protocol with ACPOS, the question of whether cases reported by the

109 The position of same-sex couples is generally ignored in such literature.

110 The COPFS is headed up by the Lord Advocate and the Solicitor General and prosecutes crimes in Scottish courts. It operates a hierarchical structure with local Procurator Fiscal offices responsible for prosecutions in their area under the direction of the Crown Office in Edinburgh, see information at http://www.crownoffice.gov.uk/

police to the COPFS result in prosecution (often referred to as 'attrition') and the recent comments about the desirability or otherwise of the abolition of the requirement that prosecutors provide sufficient evidence before a court can consider a case (corroboration).

Before turning to these matters it should be noted that there are a number of interesting publications of some relevance available online from the English equivalent of COPFS, the Crown Prosecution Service (CPS)[111] though care should be exercised given the different procedures in that jurisdiction.[112] The CPS seeks to be sensitive to all victims and witnesses, especially where they are vulnerable and/or intimidated and there is some evidence of success (Eley 2005, esp p.118-119). In relation to domestic violence (sic) the CPS has a "domestic violence coordinator" in every CPS area responsible for domestic violence policy implementation and multi-agency working whether the area has a specialist domestic abuse court or not (for which see below).

> *"She stabbed me with a knife, and I didn't even defend myself, and after I got out of the hospital two weeks later, the court tells me to go to a group they say is for victims. It turns out to be for batterers and I am expected to admit to being an abuser and talk about what I did to deserve getting stabbed."*
> US study, Hines et al 2007

The CPS adopts a gender neutral definition and applies its domestic violence policy without discrimination but, in addition to intimate partners, their definition of domestic violence includes as possible perpetrators -

> "family members ... defined as mother, father, son, daughter, brother, sister and grandparents, whether directly related, in-laws or step-family. The definition is supported by an explanatory text which makes it clear that domestic violence includes female genital mutilation, forced marriage and so called 'honour crimes'". (CPS 2009, p.10/11)

As noted above, this is more inclusive than the Scottish Government definition in that it is not gendered and also more inclusive than both the Scottish Government definition and the non-gendered ACPOS/COPFS definition in that it includes family members other than intimate partners and includes female genital mutilation, forced marriage and 'honour crimes'.

Protocol

As noted above in relation to the Scottish police, the COPFS signed up to the joint Protocol in 2004. Where, under the Protocol, the police have to apply a presumption of arrest and detention with all cases in which there is sufficient evidence to be reported to the Procurator Fiscal, the Protocol imposes a presumption of prosecution on the COPFS –

> "If there is sufficient evidence in domestic abuse cases involving violence against the victim, there is a presumption in favour of prosecution and, where the decision is to prosecute, such cases will proceed in the Sheriff or High Court.
>
> In non-violent cases, where there is sufficient evidence to prosecute, the Procurator Fiscal, in accordance with COPFS policy, must give careful consideration to the whole circumstances of the case before deciding whether it is in the public interest to prosecute or, in exceptional cases, to take alternative action." (ACPOS and COPFS 2004, paragraphs 12 and 13)

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111 See CPS 2009, CPS 2010, CPS nd ?2012 available at http://www.cps.gov.uk/ and see also Cook et al 2004 and Dempsey 2004.

112 http://www.cps.gov.uk/publications/prosecution/domestic/index.html

Where there is insufficient evidence the Procurator Fiscal may instruct the police to seek further evidence. The Procurator Fiscal will opposed bail "where appropriate" and –

> "If bail is not to be opposed, the Procurator Fiscal will consider whether it is appropriate to seek special bail conditions requiring the accused to reside at an alternative address and preventing the accused from approaching the home or contacting the victim or particular witnesses. The Procurator Fiscal will consider opposing bail where a special bail condition is thought appropriate but the accused does not accept it." (ACPOS and COPFS 2004, para 16)

Other provisions in the Protocol require the Procurator Fiscal to review the case in hand in light of any further information, to ensure the case is progressed as quickly as possible and to ensure that the victim is kept informed of developments, in particular any release from custody. COPFS provides support to victims and vulnerable witnesses through its VIA (Victim Information and Advice) service.

The Protocol recognises the impact that domestic abuse against an adult can have on children of the family. Therefore –

> "Where a child is an essential witness in a domestic abuse case, the Procurator Fiscal must give careful consideration to the interests and views of the child. In deciding whether to take proceedings in the case, the Procurator Fiscal must balance the seriousness of the offence and the risk which the accused poses with the effect on the child of giving evidence.
>
> Where a child has to be interviewed as a potential witness or is required as a witness at court, the police and Procurator Fiscal must consider which special measures are required to ensure that the matter is dealt with sensitively and to minimise any distress to the child. In terms of the Vulnerable Witnesses (Scotland) Act 2004 children are entitled to special measures to assist them in giving their evidence at trial. The Police and the Procurator Fiscal will consider which measures are appropriate and will ask the views of the child when making a decision. Consideration must also be given to the Scottish Executive guidance on Supporting Child Witnesses - Interviewing Child Witnesses and Questioning Children in Court." (ACPOS and COPFS 2004, paras 30 and 31)

Attrition

One benefit of a presumption of police reporting to COPFS and then a presumption of prosecution is that the circumstances that lead to attrition, where cases fail to progress from initial report to police to a concluded trial, are at least mitigated. Just as there was a perception that police officers did not, in the past, take cases of domestic abuse seriously so too was there a (less public) concern that cases would be dropped by prosecutors where the victim did not behave in ways considered appropriate to someone in their position.

While not focussed on attrition, the review of the first two years of the Domestic Abuse Court in Glasgow provides some broad indication of the position. During the two years of the study the relevant division of Strathclyde Police responded to 5490 alleged domestic abuse incidents (Reid Howie Associates 2007, Annex E, no page number in original). Approximately 46% were considered to involve the commission of a crime and almost all (44% of the total) were marked for reporting to the Procurator Fiscal for consideration of prosecution. Of the 5490 incidents, where the sex of the alleged victim and alleged perpetrator was recorded –

> 87% of incidents (n = 4542) involved a female victim and male offender
> 11% (n = 590) a male victim and female offender
> 1% (n = 64) a male victim and male offender and
> ½% (n = 29) female victim and a female offender (Reid Howie Associates 2007, Annex E, no page number in original)

In 43% of cases there was a referral to the Procurator Fiscal and in 5% of cases a police warning was issued. 42% of cases were designated "other action" which was explained as "this usually refers to, for example, providing advice or ensuring the safety of the alleged victim in circumstances where the first responding officer considers that no crime has been committed". Although the picture is incomplete there is some information in relation to gender –

> "[i]t is interesting to note that first responding officers were more likely to recommend a report to the PF where the alleged offender was male (46%) than when the alleged offender was female (35%). Women were nearly twice as likely to receive a police warning as men." (Reid Howie Associates 2007, Annex E, no page number in original)

During the two year period 1403 new cases called. In those cases where the sex or the parties was recorded they involved –

> male complainer and male accused 2% (n = 24)
> male complainer and female accused 7% (n = 76)
> female complainer and male accused 90% (n = 1022) and
> female complainer and female accused 1% (n = 11) (Reid Howie Associates 2007, Annex E, no page number in original)

There is a clear, though unexplained, drop in the proportion of prosecutions versus reports to the police for male victims in mixed-sex relationships (from 11% to 7%) and a clear though unexplained increase for men in same-sex relationships (from 1% to 2%). Whether these disparities are created during processing by the police, COPFS or both is not known and more information is urgently required.

A detailed study of attrition in domestic abuse cases based on experience in Northumbria looked not only at police and court staff views on attrition but also sought out the views of victims (Hester 2005).[113] Specifically in regard to the role of prosecutors Hester identified that the main reason given by prosecutors for cases failing to proceed were "retraction of statements, and/or parties being back together or wanting to make arrangements for the children" (Hester 2005, p.84). As Hester comments, the failure to proceed in cases where there is sufficient evidence "does not sit easily with the policy objective of criminalisation of domestic violence, and the pursuance of cases with or without the victim's involvement" (Hester 2005, p.84) though there was evidence that practice was changing and that more cases were being pursued regardless of retraction of the complaint by the victim or the victim's desire to make arrangements for their children.

Corroboration

One possible reason for attrition in the Scottish system is the requirement that the state must prove its case by reference to two pieces of evidence rather than, for example, a single accusation. This is so no matter how apparently convincing the unsupported statement or how apparently reliable the person making the accusation. This requirement of "corroboration" has been part of Scots law for many hundreds of years (see Carloway 2011, p.241 et seq).

The Solicitor General has recently been quoted as saying that abolition of the requirement of corroboration would be a solution to the "problem" of insufficient evidence where crimes are typically committed with only the perpetrator and the victim present –

> "The current requirement for corroboration means many of the accused who are reported to the Procurator Fiscal cannot be prosecuted. Removing the requirement for corroboration in Scotland would be a significant step forward in terms of the

113 Hester interviewed one male and 73 female complainants.

prosecution of domestic abuse cases, and would allow more cases to reach the courts."[114]

Whether it is correct to prosecute a person for domestic abuse simply on the basis of the accusation of his or her accuser may be open to debate. It should be remembered that a rule that requires that, for the integrity of the criminal justice system, there must be two pieces of evidence is not a rule that necessarily implies that a complainer is not telling the truth if he cannot point to evidence other than his own statement but rather that the legal system considers certain protections necessary to guard against wrongful convictions. In any event, it may be that convictions would be difficult to secure even if this rule is abolished as juries and Sheriffs may well consider a single accusation as rarely sufficient to meet the "beyond reasonable doubt" threshold and so would not increase the number of convictions. It would also significantly increase the dangers associated with false accusations of abuse identified as a problem by the COPFS and the subject of review as discussed above and place even more pressure on the individual complainer and his or her "performance" in court.

"I never talked about it, because you're male and you just don't ... and ... and ... bizarrely ... you know ... you ... you have ideas of protecting relationships ... you know ... if I speak about this I'm only going to damage my wife's reputation in the eyes of various family members ... so, therefore I'm not going to speak about it because I don't want to damage those relationships ... you're trying to do the noble thing."
"Gary", Scottish, mixed-sex relationship, Slater 2013

It might be noted that despite the apparent enthusiasm for abolition on the part of the Scottish Government, Scottish Women's Aid (SWA), in their response to the Carloway review, were "undecided on this difficult matter as there are compelling arguments for, and against, removing corroboration" (Scottish Women's Aid 2011a, p.11). SWA recognised the difficulty of the ""quantative" issue" which means that a case may be brought to trial on the basis of two pieces of weak evidence but cannot be brought where there is only one piece of evidence no matter how strong, yet –

> "[o]n the other hand, the case in favour of retaining corroboration states that abolition would require the Fiscal to base their assessment of the success, or otherwise, of a likely prosecution solely on the basis of the complainer's evidence, meaning that Fiscals would spend more time assessing credibility and reliability. Unintended consequences could arise in relation to the treatment of victims in domestic abuse and rape and sexual assault cases; removal of corroboration, particularly in rape cases, would likely place a greater emphasis on their testimony, character, sexual history, medical history, etc, with the defence arguing that questioning has to be more "robust" and probing. All of this would cause further distress and worsen their experience of the criminal justice process, possibly negatively influencing both their own, and other women's, decisions whether to report an incident to the police.
>
> There are concerns as to how the COPFS would deal with the likely increased volume of "single evidence" cases reported them, leading to a "hierarchy" of complainers where only the most robust testimony and perhaps, also "robust" complainers would have their cases taken to trial and that the evidence provided would, since only one primary source was required, be of lower quality." (SWA 2011a, p.11)

SWA calls for further in-depth discussion of the issue including a robust examination of existing information from other jurisdictions before action is taken. Such arguments are worthy of consideration in relation to male complainers as well as female complainers. In addition, the concerns about abusers raising false allegations of abuse against their victim, alluded to by the COPFS in relation to its review of the Joint Protocol, would surely be

114 "Abusers set free to harm partners again", Lucy Adams, *The Herald* 24/8/12

relevant here. Notwithstanding SWA's concerns (and those of the Scottish judiciary[115]), and at the time of writing an on-going consultation on the matter, the Scottish Government has already decided to abolish the requirement of corroboration in Scots criminal law.[116]

Courts

There appears to be very little published material specifically in relation to abused men's experience of the general courts in Scotland, the limited material on the treatment of domestic abuse in Scottish courts considered below offering very little in relation to men's experiences. Anecdotal evidence from calls to the AMIS helpline suggests that the experience is often profoundly unsatisfactory but more research is needed in this area.

Specialist domestic abuse courts, with various remits and designs, originated in the USA (Eley 2005). The first specialist domestic abuse court in Scotland was set up in Glasgow in October 2004 and deals solely with criminal matters. A detailed evaluation of the first two years of operation of the Glasgow court (October 2004 to October 2006), during which time the court heard all domestic abuse summary criminal cases from a designated area in the south side of Glasgow, was published in 2007 (Reid Howie 2007, see also Provan 2006).[117] Specialist courts or pilots of specialist courts now exist in Ayr, Edinburgh, Glasgow, Livingston and Dunfermline.[118]

England and Wales also has specialist domestic abuse courts (SDVCs) which operate in a similar way to the Scottish version with specialist support for victims, fast-tracking of cases and specially trained magistrates and prosecutors (CPS 2009; Cook et al 2004). One possibly significant difference is that the SDVCs are in fact ordinary courts which have domestic abuse cases clustered on one or more days each week. At the end of 2009 there were almost 130 courts with specialist domestic abuse court sessions in England and Wales[119] though it was reported in 2011 that 23 of these were due to close due to government cuts in court services.[120]

Such courts operate by seeking to develop cooperation between the police, victim and witness support services and the court itself so that cases are dealt with appropriately. The emphasis is on minimising delay and distress for victims and witnesses and imposing appropriate sentences on offenders which more effectively protect victims. Central to this is greater consistency in the staff involved in handling cases, including dedicated Procurators Fiscal and Sheriffs who will receive training and develop experience in the area. The court may also have greater access to disposals such as offender treatment programmes. The approach to these issues in the English courts has recently been explained by Magistrate Jane Woods-Scawen[121] and a similar exposition for the Scottish court system would be welcome.

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115 "High Court judges oppose abolition of corroboration", BBC News Website, 16/10/12, http://www.bbc.co.uk/news/uk-scotland-scotland-politics-19966441

116 Working for Scotland: The Government's Programme for Scotland 2012-2013, p.67

117 Summary cases are those where the sheriff sits without a jury but can often involve allegations of serious crime with a sentencing limit of up to one year imprisonment. The cases were drawn from Strathclyde Police's "G" Division with the exclusion of East Renfrewshire.

118 Scottish domestic abuse courts have, so far, all been Sheriff Courts as opposed to Justice of the Peace Courts or High Courts.

119 http://www.cps.gov.uk/publications/equality/vaw/sdvc.html

120 "Domestic violence courts to close" *Law Society Gazette*, 6 May 2011 http://www.lawgazette.co.uk/news/domestic-violence-courts-close

121 Woods-Scawen, J "Domestic violence and the criminal courts" in Probert and Kingston 2012.

Those evaluating the first two years of the Glasgow domestic abuse court identified some of the common factors in specialist domestic abuse courts[122] -

> "... it has been suggested that specialist courts often share a focus on the need to stress the seriousness of domestic abuse and to change the behaviour of the offender. Some courts take a very specific therapeutic, problem-solving, preventive and/or restorative approach to work with perpetrators and victims, and there is often an emphasis on improving outcomes for victims, defendants and communities. A further common feature of specialist approaches is the provision of a victim-centred approach, with access to victim and witness support and advocacy services, and a strong emphasis on victim safety.
>
> Specialist court responses also generally involve attempting to deal with domestic abuse quickly, as well as taking a multi-agency, integrated approach to service provision. In the context of these potential models, the existing literature identifies many positive suggestions about good practice in specialist provision, which include the following:
>
> - A co-ordinated response, and multi-agency partnership working.
> - Clear guidelines, policies and protocols.
> - Identification of cases.
> - Provision of appropriate and "enhanced" independent victim support, advocacy, information and services.
> - Committed and trained staff with clear roles.
> - Risk assessment and risk management.
> - Appropriate court facilities.
> - Judicial monitoring and accountability of offenders.
> - Appropriate perpetrator programmes.
> - Addressing children's interests.
> - Effective procedures.
> - Integrated data collection and distribution.
> - Addressing equality and diversity issues.
> - Management of community expectations.
> - Identification of resources." (Reid Howie Associates 2007, paragraphs 1.9 and 1.10)

Overall there is a high level of satisfaction with the implementation of the specialist court in Glasgow at least among service providers (Reid Howie 2007; Glasgow Domestic Abuse Court Feasibility Study Group, 2008) which is likely also to apply to the other courts being set up in Scotland. However, there are commonly expressed concerns. The first is that the setting up and running of such courts can involve the investment of significant resources. In response, there are strong arguments that savings may well be made in the longer term by effective intervention and that in any event any additional costs are justified on the basis of the victim's right to protection. The second concern is that a holistic approach cannot be taken

122 These common traits are set out in the context of acknowledging different models – in addition to the model adopted by all of the Scottish specialist courts some systems have "clustering" or "fast tracking" of domestic abuse cases within the ordinary court system and others have civil domestic abuse courts and others still combined criminal and civil courts, Reid Howie Associates 2007, paragraph 1.7.

as the courts operate exclusively as criminal courts and therefor separate actions have to be raised to access, e.g., civil protection orders or occupancy rights.[123]

However expressions of satisfaction with the court, and the identification of some areas of concern, generally come from those concerned only with the experiences of abused women and their children and not the experiences of abused men and their children. Of more direct relevance to this review are two further concerns – first that the courts are developed and operate with insufficient regard for the particular needs and experiences of men who have experienced abuse and the children affected by that abuse and secondly that these courts may be particularly unresponsive to abused men who are wrongly accused of domestic abuse by their abuser.

The first of these "gendered" concerns appears to be well-founded. The report into the development and operation of the Glasgow domestic abuse court (Reid Howie 2007) does not clearly set out the respective membership of the Steering Group, the Implementation Group and the Multi-Agency Advisory Group. However, it does make reference to the involvement of Women's Aid groups, the Glasgow Violence Against Women Partnership and the Glasgow Women's Support Project but there is no mention of any organisation that might have specialist knowledge of the needs of abused men and their children. Moreover, the agency created to support complainers and witnesses in the domestic abuse court, ASSIST,[124] was initially based in Glasgow City Council's Violence Against Women Section, and ASSIST's coordinator, Mhairi McGowan, was quoted in the official Scottish Executive press release at the launch of the court as saying –

> "Mhairi McGowan of Women's Aid said:
>
> We welcome this development. It's an opportunity to support women, children and young people who are experiencing domestic abuse by holding the perpetrator accountable for his violence quickly.
>
> The new support service, ASSIST, will hopefully be able to co-ordinate all the different agencies involved and ensure we make a real difference to the lives of women and children."[125]

ASSIST asserts a feminist understanding of domestic abuse and screens male but not female complainers to identify possible mutual perpetrators.[126]

The second "gendered" concern, that the court and those guiding the project are insufficiently attentive to the needs of men and their children, is most clearly found in relation to the chosen ethos of the court, including how domestic abuse is defined. There is repeated reference in the literature to the need for a standard definition of abuse for all those agencies working with, and in, domestic abuse courts but a serious lack of clarity as to what that definition should be. The research company which conducted the evaluation of the Glasgow domestic abuse court, Reid Howie Associates (RHA), has been commissioned to produce a number of important reports on issues relating to domestic abuse in Scotland. RHA declare that the gendered *definition* of domestic abuse (as opposed to a gendered approach) constructed in 2000 by the Scottish Partnership on Domestic Abuse was "one of [its] key achievements" and then make the claim, factually incorrect, that the gendered definition "is now used virtually universally in Scotland".[127] As we have seen, this gendered definition is

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123 However, the "blurring" of criminal and civil responses has also been identified as problematic for those experiencing domestic abuse, Hitchings 2005.

124 http://www.saferglasgow.com/what-we-do/support-services-for-victims/assist-(advocacy,-support,-safety,-information-services-together).aspx

125 Scottish Executive press release "First dedicated domestic abuse court", 14/10/2004.

126 http://www.scottishwomensaid.org.uk/assets/files/training_and_events/Conference%202010/4%20-%20MMcGowan%20ASSIST%20Advocacy.pdf

127 Annex E, "wider developments".

not used by the police service or COPFS in the Joint Protocol and therefore was not, or at least should not have been, the definition in use in the domestic abuse pilot: if it was used then the police and COPFS were deviating from their own declared definition of domestic abuse. RHA do not state what definition the pilot used but urge that "the national definition" be adopted (Reid Howie Associates 2007, p.vii & paragraph 5.56).

In the Scottish Government funded "Toolkit" on *Handling Domestic Abuse Cases*, Connelly also identifies a need for an "agreed definition of domestic abuse across all agencies: "Members of the steering and implementation groups must have a shared definition and understanding of domestic abuse" (Connelly 2008, p.8) but, as with RHA, Connelly does not make explicit what definition should be used. At the start of the Toolkit Connelly references both the gendered definition constructed by the Scottish Government and the gender neutral definition constructed by the UK government but, strangely, does not mention the ACPOS and COPFS gender neutral definition. The reason for this lack of clarity on what is said to be the crucial "shared" or "agreed" definition may be that the Government's gendered definition was used rather than the agreed definition in the Protocol but that that fact could not be publicly acknowledged. The appropriate conclusion may be that RHA and Connelly are correct in calling for an agreed definition of domestic abuse but that, in the interests of abused men, people in same-sex couples and all of their children the definition should be the ACPOS and COPFS definition in the Protocol which takes account of gendered dynamics but not the Scottish Government gendered definition which marginalises so many of those who experience abuse. Lack of clarity may be allowing the inappropriate use of a definition not openly adopted by ACPOS and COPFS.

Over and above the precise definition of domestic abuse used, both Reid Howie Associates and Connelly strongly promote what may be called a "shared ethos" among those working in and with the courts. RHA call for –

> "An appropriate response by all of these organisations, based upon a shared understanding of domestic abuse, and the use of a robust and consistent approach." (Reid Howie Associates 2007, paragraph 5.15)

Connelly stresses that, as a core value and principle –

> "An effective domestic abuse court prioritises victim and child safety by co-ordinating information and services so that judges, prosecutors and victim advocates are aware of both the case history and current safety concerns; *by training all personnel to improve expertise and ensure that the dynamics of abuse are understood and appropriately addressed*; by linking victims and their children to services while they are participating in the judicial process. Specialist support for victims is integral to a specialist response." (Connelly 2008, p.4 emphasis added)

While these propositions may well be greeted with universal approval, the content of the "shared understanding" is left unstated.[128] Some indication is, however, given by RHA –

> "… it is important to ensure that the police, prosecutors and Sheriffs have a clear understanding of gender issues in domestic abuse and that full account is taken of these in the investigation of women's offending …" (RHA 2007, para 5.40)

One reason given by RHA for the need to consider the context of women's offending was so that some violent behaviour towards male partners by female accused may be moved out of the category of domestic abuse but no consideration was given to whether there might be instances where the violent behaviours of male accused might be redefined as other than

128 Much the same arises in other areas of family law and policy – very few people would disagree with the proposition that the "welfare of the child should be paramount" but what the content of that abstract phrase should be in particular instances will be disputed as between, e.g., those who think that children should have the same protection from assault as adults and those who genuinely hold the view that to spare the rod is to spoil the child, both assert they seek the welfare of the child.

abuse.[129] Another was that support services, in particular ASSIST, might face "issues" in supporting women who were accused persons in one case and the victim in another: again the fact that such a position could also arise in relation to male victims is not mentioned.[130]

Given the non-inclusion of support organisations concerned with the needs of abused men and their children and the inclusion of several organisations which argue a feminist definition of domestic abuse, the fear must be that the "shared understanding" and the training in the dynamics of abuse did not and will not include appropriate engagement with the particular difficulties that abused men face, whether in same-sex or mixed-sex relationships.[131] It is likely that all of the training provided will explore only domestic abuse as experienced by women, not least because training from that perspective is readily available from several agencies whereas training in relation to men's experience of domestic abuse and the impact this has on their children is, at best, in its infancy.

> *"My wife persuaded me I was an alcoholic and had anger management problems. I went to a variety of counsellors for both just to be sure but they all told me I wasn't at risk of either."*
> Scottish unpublished, mixed-sex relationship, AMIS Helpline)

A study of attrition undertaken by Hester (Hester 2005) reported that prosecutors identified certain behaviours of (female) victims – in essence that these "victims" choose to exercise their agency in making certain life decisions that were inappropriate in the minds of the prosecutors – led to the dropping of the case against their abuser. Other writers have identified this imperative to be a "good victim" or an "appropriate victim" before receiving recognition and/or protection and the phenomenon is certainly not limited to domestic abuse. Some radical writers identify that one of the contributory factors to the idea of an identifiable "good victim" is an unintended consequence of the "success" of the engagement with the criminal justice system of the dominant elements within the "battered women's movement" –

> "the "success" of the battered women's movement has proven to be a double-edged sword. In order to gain public support, domestic violence advocates portrayed abused women as innocent victims who suffered at the hands of particularly deviant men. While this narrative perhaps sought to combat the idea that abuse was a woman's own fault, it drew upon the dominant ideas of "innocence" and "victimhood" and required that women represent themselves in particular ways in order to be recognized as deserving of assistance. This requirement to pass as a "good victim" reinforced dominant gender norms and also marginalized women of colour, immigrant women, working-class women, homeless women, lesbians, gay men, transgender people, and anyone who did not or could not fit these norms. Perhaps even more insidiously, these kinds of legislative engagements with the state have increasingly come to pass as the only kind of "real" or acceptable politics. Under the rubric of helping "real" victims of "real" crimes, approaches that emphasise criminalisation and rehabilitation

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129 "It was suggested that, in some cases, there may be specific issues underpinning women's actions which require a more detailed and complex understanding of what constitutes "domestic abuse". While zero tolerance is clearly an appropriate response to domestic abuse, it was noted that, without a clear understanding of what constitutes domestic abuse, behaviour could be taken out of context, identified as domestic abuse, and dealt with robustly. This highlights a definitional issue, in terms of whether domestic abuse simply constitutes any incident which takes place between people in a particular set of relationships, or whether it is defined as a pattern of behaviour of a particular type." Reid Howie Associates 2007, para 3.7, fn 25.

130 "It was also noted that there could also be issues for ASSIST in supporting women who were the accused person in one case and the victim in another." Reid Howie Associates 2007, para 3.7, fn25.

131 This is not to argue that the feminist contribution is not important to the understanding of domestic abuse just that it cannot be relied upon to fully reflect the particular needs of abused men and their children.

have usurped critiques that sought to change how power is distributed in society and have naturalized the process of criminalising violence against women and seeing expanded state funding for services for battered women as the only available political approaches to the problem." (Kandaswany 2006, p.85/6)

Turning to the question of disposals, in the first two years of operation of the Glasgow domestic abuse court following a guilty plea or conviction following trial those convicted were given probation (34%); an admonishment (28%); a period of imprisonment (18%) or a fine (18%) but unfortunately these figures are not broken down by sex (Reid Howie Associates 2007). The domestic abuse court used probation almost twice as often, and fines almost half as often, as the average in non-specialist courts. This is to be welcomed provided there is opportunity to address behaviour during probation and also because of anecdotal evidence that in many cases it is the victim who ends up taking responsibility for paying the fine as a result of the coercive control of the abuser.

Given the "public story" of domestic abuse and the concerns about the construction of a "good" or "appropriate" victim by elements of the criminal justice system, special consideration should be given to ensuring that abused men are not inappropriately labelled as "problematic" victims. This danger of labelling based on discriminatory gender-norm presumptions is faced by all men but may apply in different ways to particular groups of men, including, in particular, heterosexual men. Police, prosecutors and judges who make presumptions based on the failure of certain men to meet the norms of hegemonic masculinity require assistance in understanding the dynamics of the interaction between gender norms and domestic abuse. Further, those genuinely concerned with the needs of abused men and their children should be alive to the dangers of too readily adopting the criminal justice system's concept of "innocence", "victimhood" and the "good victim".

Civil law protection and remedies

There are a number of civil remedies available from the Sheriff Court which, providing they can be accessed and enforced, can offer protection to those experiencing domestic abuse.[132] To contextualise the problems that are encountered with these remedies it is first necessary to give a brief outline of the law.

Where a person fears intimidation or attack they can ask the sheriff to issue a common law interdict (a non-molestation interdict or order) which instructs a named person that he or she must not do specified "wrongful acts", in this case, e.g., not to threaten or commit violence against the applicant, not to damage the applicant's property or indeed not to approach him.[133] Under the Protection from Abuse (Scotland) Act 2001 it is possible to ask the court to attach "powers of arrest" to any interdict: the court must do this if the other party has been given the opportunity to be heard and the attachment of powers of arrest are "necessary to protect the applicant from a risk of abuse in breach of the interdict". This is important as otherwise the police cannot arrest someone for breach of interdict (which is a civil wrong) unless the particular act that constitutes the breach is itself a criminal act. Actions for breach of interdict are rare as they have to be raised by the individual who sought the interdict and that therefore requires further financial outlay but such actions may not be necessary if the behaviour that constitutes the breach is being dealt with as a criminal matter (Hughes 2011, para 2-22). Care should be taken when applying for an interdict as damages

132 For more detail on the law see the chapter on "Civil Court Orders and other protective measures" in Hughes, 2011.

133 There is also the specific common law remedy of Law Burrows where a court can require a person, against whom there is an allegation that they may do harm to a particular person, group of people or property, to lodge a sum of money or a bond which will be forfeited in the event of their carrying out such wrongful actions. It should also be borne in mind that it is possible to raise a personal injury claim against the perpetrator in appropriate cases under the law of delict.

are available against a person who is granted an interdict if it emerges that their account of the behaviour of the other party (their "averment") was false.

Perhaps the most commonly used civil remedies are those found in the Matrimonial Homes (Family Protection) (Scotland) Act 1981 (for married persons and both mixed- and same-sex cohabitants) and the parallel provisions found in the Civil Partnership Act 2004 (for those in civil partnerships). These provisions are designed to assist a person who is in danger of being driven from their residence by the abusive behaviour of their partner.

> *"I can't go to the police. The woman's always right. The man's the bully."*
> Scottish unpublished, mixed-sex relationship, AMIS Helpline

Such a person can ask the court to declare and enforce their rights to occupy, or to reoccupy, the matrimonial or family home regardless of whether they are "entitled"[134] or "non-entitled" under the rules of property law. These "occupancy rights"[135] include the right to occupy the home along with any "child of the family" which can include children not biologically related to the applicant.

As well as having their occupancy rights declared, a person experiencing abuse can ask the court to exclude the abusive spouse, partner or cohabitant even if that other party owns the home or has the right to occupy it by way of a tenancy. The court must grant an exclusion order –

> "if it appears to the court that the making of the order is necessary for the protection of the applicant or any child of the family from any conduct or threatened or reasonably apprehended conduct of the non-applicant spouse which is or would be injurious to the physical or mental health of the applicant or child"

but not-

> "if it appears to the court that the making of the order would be unjustified or unreasonable having regard to all the circumstances of the case …". (Matrimonial Homes (Family Protection) (Scotland) Act 1981 s. 4)

The circumstances of the case include whether the home is a farm or croft or is provided as "tied" accommodation as part of an employment contract (in which case it may be impractical to exclude the other party as the home would in any event be lost to the applicant) and –

> "the conduct of the spouses in relation to each other and otherwise; the respective needs and financial resources of the spouses; the needs of any child of the family; the extent (if any) to which the matrimonial home … is used in connection with a trade, business or profession of either spouse; and whether the entitled spouse offers or has offered to make available to the non-entitled spouse any suitable alternative accommodation." (Matrimonial Homes (Family Protection) (Scotland) Act 1981 s. 4)

As noted above in relation to common law interdicts, it is possible to ask the court to attach "powers of arrest" to interdicts granted under the 1981 Act and the 2004 Act with the additional point that where the interdict that has been granted is an exclusion order then the court must attach powers of arrest.

Finally, the Protection from Harassment Act 1997 (the 1997 Act) introduced civil "non-harassment orders". The behaviour complained of must have been "intended to amount to harassment of that person [the applicant]" or have occurred "in circumstances where it would appear to a reasonable person that it would amount to harassment of that person" (the 1997

134 by owning the home or having their name on the lease

135 which are distinct from, and do not confer, property law "entitlement" of ownership or lease

Act s. 8A). Though the orders are civil remedies, a breach will not only lay the wrongdoer open to a claim of damages but constitutes a criminal offence which may be pursued by the police, thus removing from the victim the burden of raising an action for breach.

The requirement to show more than one incident to establish harassment, the "course of conduct" requirement, was removed in relation to domestic abuse cases by the Domestic Abuse (Scotland) Act 2011. Somewhat strangely there is no clarification of when a 1997 Act order or a common law interdict will be deemed to relate to domestic abuse. The courts may develop their own test but will, more likely, drawn on the definition in the 2011 Act[136] so that where the court is satisfied that –

> "the interdict is, or is to be, granted for the protection of the applicant against a person who is (or was) - (a) the applicant's spouse, (b) the applicant's civil partner, (c) living with the applicant as if they were husband and wife or civil partners, or (d) in an intimate personal relationship with the applicant" (the 2011 Act s. 3)

it may determine that the non-harassment order is a domestic abuse interdict and therefore only one incident of harassment is required to seek the order. Powers of arrest may be attached as discussed above.

Costs of seeking protection

Going to court costs money, so those experiencing abuse who wish to access civil protection must either have private resources or else seek legal aid which, even if granted, may require the applicant to make a significant contribution.[137] It should be noted that a person whose behaviour is being complained of (that is the defender, as opposed to the pursuer who is the person who has raised the action and is seeking the protection of the court) may also seek legal aid to defend the action. The process is somewhat complicated and should be discussed in detail with a solicitor.[138]

Legal Aid and Advice is means tested and applicants will be ineligible if they have capital of £1,716 or more.[139] Applicants with less than this amount of capital and who are in receipt of certain benefits (including income support) are then automatically entitled to legal aid; others will be ineligible if their weekly disposable income is £245 or more and increasing levels of contributions are required where a person's disposable weekly income is more than £105.

Before Civil Legal Aid will be available a client's application must meet three tests. These are that the Scottish Legal Aid Board is satisfied that there is "probable cause", i.e. a sound legal basis for the action; that the Board considers it is reasonable to grant legal aid in the circumstances of the case and that the person meets the means-tested capital and income requirements. The capital allowances are more generous than for Legal Aid and Assistance - at the time of writing (December 2012) the upper limit of "disposable capital" is £13,017; where "disposable capital is between that figure and £7,853 the client will be required to pay contributions to the costs. Where annual disposable income is less than £3,521 the client will not have to pay contributions and where it is over £26,239 the client will be ineligible for

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136 Which was, after all, the vehicle for the amendment of the 1997 Act

137 Some free legal advice and representation outwith the legal aid system may be available in a local law centre. It should also be borne in mind that good advice on the law (as opposed to legal advice) may be available from, e.g., a Citizen's Advice Bureau or other advice agency and that these may even offer assistance with an application to the courts although their workers will not be able to represent clients in court.

138 the position is set out in detail in the chapter on "Legal Expenses – Civil Legal Aid and Private Fees" in Hughes 2011; see also Miles, J "Legal aid reform and domestic violence" in Probert and Kingston 2012 for an exploration of recent reforms to the legal aid system in England and Wales

139 as of 10 April 2012, see Scottish Legal Aid Board "Key Card" at http://www.slab.org.uk/profession/documents/KeyCard2012Final.pdf accessed 30 August 2012

legal aid – between those figures contributions to costs are requires which are often substantial.

The difficulties faced by many abused women in paying for applications for civil protection orders are detailed in Scottish Women's Aid's recent submission to the Taylor review of Expenses and Funding in Civil Litigation in Scotland (Scottish Women's Aid 2012). It is likely that many men will also find the cost of civil protection an obstacle over and above the difficulties in relation to lack of support services and lack of sympathy or at least knowledge on the part of those concerned with running the legal system which is considered in the next part of this review.

The difficulties men may face in accessing civil protection orders (in the US) were noted above in Chapter 5 (Durfee 2011). Another US study of domestic abuse interdicts ("domestic violence temporary restraining orders (TRO)") in one US court (Sacramento Superior Court, California) examined 157 petitions and graded them for the level of alleged violence so that similar types of cases could be compared. The results show a significant disparity by gender.

Overall, 94.6% of petitions by female plaintiffs were granted compared to 57.7% of petitions from male plaintiffs. The disparity was most marked in cases with "low" levels of alleged domestic violence where men were granted a TRO in 25% of cases compared to 91% of cases where the plaintiff was a woman. For "moderate" levels of alleged domestic violence 89% of men were granted a TRO compared to 98% of women. For "high" levels of alleged domestic violence 80% of men and 95% of women were granted a TRO. Although there is clearly a marked disparity in all categories between the proportion of TROs granted to men as compared to women (perhaps more striking if one considers the proportions rejected – 11% for men and 2% for women in alleged "moderate" cases and 20% for men and 5% for women in alleged "high" domestic violence cases) the authors speculate that the disparity is less in "moderate" and "high" cases than in "low" because in moderate and high cases the judges are more often deciding the issues on the facts (which is, of course, what they should be doing in all cases) -

> "... we found evidence for preferential treatment of women in ex parte requests for protective orders alleging low levels of violence, but found no evidence of discrimination in moderate to high violence cases. In other words, there was a shift from a situation in which facts mostly predict the Court's response (moderate/high violence) to a situation in which plaintiff sex largely predicts the response. This suggests that judges rely on heuristics and extra-evidential information for low-level violence cases in which adjudicative fact is relatively sparse, but make decisions on legitimate evidence in more severe restraining order requests in which adjudicative fact is typically more abundant. One explanation for this finding is that judges may be undecided regarding whether the temporary restraining order is needed in cases alleging low-level violence. As a result, judges may increase reliance on heuristics and extra-evidential information, such as plaintiff sex, to arrive at a resolution not available in the petition itself." (Muller et al 2009, 633)

It should go without saying that this possible reliance on "heuristic and extra-evidential evidence", where the granting of protection is determined not on an examination of the evidence but on the judge's intuition as to whether an application is likely to have merit on the basis of the sex of the plaintiff, should be worrying for those concerned with rational, equitable, reviewable decision making.

The effectiveness of civil protection orders in Scotland was reviewed from a feminist perspective in 2001/2 through an examination of court records and detailed postal questionnaires complete by 32 women who had left an abusive relationship (Connelly and Cavanagh 2007).[140] In some, though not all, cases the granting of an order was found to

140 this article develops arguments based on data set out in much greater detail in Cavanagh, Connelly and Soular, 2003

assist in empowerment of the female applicant, in reduction of levels of fear and in harm prevention/reduction. However the authors identified difficulties in enforcing orders where there was a breach which were, in part, attributed to a level of "victim blaming" among professionals in which the victim's failure to co-operate with prosecutions was seen by some of these professionals as the major obstacle to effective enforcement. The authors also found evidence of criminal justice professionals making "[b]lanket statements of 'normal' or 'expected' behaviour" in respect of victims (Connelly and Cavanagh 2007, p.276).

Connelly and Cavanagh looked at all applications for civil protection orders in Glasgow, Stonehaven, Dumbarton and Stirling sheriff courts during a seven month period in 2001/2002. Of these only 2.5% (n = 3) were sought by a male applicant. The authors classified two of the three cases where the applicant was male as involving the applicant instigating the violence; [141] unfortunately the authors fail to give any indication of the number of cases in which, in their view, the court record "revealed" that the male defender's violence was in response to abuse from the female pursuer. Not only were there very few male applicants but the researchers failed to locate any abused men to complete their questionnaires.[142] Although there remain significant difficulties due to the absence of support services attentive to the needs of all victims of domestic abuse it should now be possible to conduct a study which would more effectively engage with abused men to explore their experiences of seeking civil protection orders.

> *"I think another whole problem as to how the domestic abuse issues are viewed, my child is unable to get support because it is not their mother but their father that was being abused. If it was happening to a woman they would get help…. But they are funded by the government's violence against women unit. It is, particularly for children, [important that for] any service whether it be the male or female that is suffering domestic abuse, it should be open to the child."*
>
> Derek, Scotland (Scottish study, mixed-sex relationship, Scottish Human Rights Commission 2012)

More recently concern has been expressed specifically in relation to s. 4 of the 1981 Act which allows for the exclusion of an alleged abuser from the home regardless of their property right to remain (Avizandum Consultants and AAJ Associates 2011). The review found that exclusions orders were raised in just 34 of the 3,227 family law cases the authors examined (i.e. 1%) and that of these 30 were sought by a female pursuer and 4 by a male pursuer. It is not clear whether any applicants were in same-sex relationships (28 were married and 6 cohabiting). Although this study included the 4 male applicants in the figures the contextualising qualitative work involving interviews with service providers and service users were exclusively concerned with women's experiences. While in some cases it appears that there is no need for an exclusion order (either because the cohabitation is continuing or the abuser has already left) the authors identify a wide range of obstacles faced by those who seek, or would like to seek, an exclusion order and also found that orders were generally not effective in securing occupancy for the pursuer and exclusion for the defender. It is likely that the results of the review apply to abused men though the particular barriers they face should also be taken into account.

141 "[i]n two of these cases the court record revealed that the women defender's violence was in response to initial violence by the man" Connelly and Cavanagh 2007, p.265

142 The authors attribute this to the "difficulties in contacting male victims of abuse in the absence of a dedicated organisation" as well as the small number of men who apply for protection orders (Connelly and Cavanagh 2007, p.265).

Local Authorities

A full survey of the local authority response to domestic abuse is outwith the scope of this limited review. However, AMIS has been working on this issue and may be in a position to pursue this work in the future.[143]

Much of the local authority response to domestic abuse rightly focusses on the impact on children, though there is very little evidence of attempts to acknowledge or explore the specific needs of children who are affected by domestic abuse directed against their father or other adult male carer (e.g. Brunner 2010, COSLA and Scottish Government 2008; Houghton 2008 and Humphreys et al 2008). Reference may be made to Keeling and van Wormer 2012 in relation to exploring the effectiveness of interventions by local authority social workers: though the authors are in fact only concerned with women and their children and not men and their children, the author's centring of the values of respecting the experiences of, and agency of, their subjects should inform any exploration of social workers' interaction with all persons experiencing domestic abuse (see also, e.g., Eriksson 2012). Keeling and van Wormer also refer to literature relating to, e.g., the importance of "treating people with equality", promoting "social justice" (Keeling and van Wormer 2012, p.1355) and, somewhat ironically given their exclusion of men and their children, the Department of Health document *Every Child Matters* (Keeling and van Wormer 2012, p.1367). The literature located on men's experience of marginalisation in social welfare services is rather insubstantial (e.g. Hall 2012 and Kosberg 2002).

There appears to have been a shift in recent years from addressing *domestic abuse* in the early post-devolution years (e.g. Scottish Partnership on Domestic Abuse 2000a and Scottish Executive 2004) to addressing *Violence Against Women* (e.g. Scottish Government and COSLA 2009). This move away from addressing domestic abuse coincided with requests that the existence of abused men and their children be acknowledged and their needs addressed and so, whether deliberately or inadvertently, has had the effect of continuing the marginalisation of such men and their children. While there may be benefits from such an approach, especially in a jurisdiction where, for example, forced marriage and 'honour' crimes are excluded from the official definition of domestic abuse, there is a real danger that this further marginalises abused men and their children. The lack of acknowledgement or interest in men's experience of domestic abuse may cause children affected by that abuse to be confused, embarrassed or even angry with their dads for being so "unmanly" as to be the victim of abuse. Such marginalisation should be condemned on its (de)merits but may also be challenged as a breach of the statutory Equality Duty discussed above.

We may take the author's home local authority, Dundee City Council, as an example both of previously poor practice but also of the responsiveness of at least this one local authority when difficulties with their publicity around domestic abuse were put to them.[144] At the beginning of 2013 Dundee City Council's online "A-Z Directory of Services" did not include an entry on "Domestic abuse". Anyone looking for support in relation to domestic abuse would have had to have known that the information is to be found under the heading "Protecting People". On visiting that section of the Council's website the abused man, his child or anyone else concerned about his position would have found the following information –

> "Protecting People in Dundee is a new and reinforced Dundee multi-agency strategy to protect people of all ages in the city.

143 In 2012 an AMIS volunteer conducted a survey of domestic abuse information available on Scottish local authority websites.

144 This is not to suggest that Dundee City Council was typical or better or worse than any other local authority. It was chosen as an example simply because the author's home is within the Council boundaries and so he has greater personal knowledge of Dundee City Council than of others.

The Protecting People in Dundee banner brings together local specialists from agencies concerned with: adult support and protection, *the prevention of domestic violence against women*, protection of children and young people and multi- agency public protection arrangements.

This new focus further strengthens the partnerships which have already been forged between Dundee City Council, Tayside Police, NHS Tayside and a range of partner agencies across the city.

Protecting People in Dundee involves 4 key public protection forums:

- Dundee Children and Young Persons Protection Committee (CYPPC)
- Dundee Adult Support & Protection Committee
- *Dundee Violence Against Women Partnership*
- Tayside Multi-Agency Public Protection Arrangements (MAPPA)"[145]

It would not have been unreasonable for an abused man or his children to conclude that the intentional and clear public message was that the Council and related agencies were not concerned with men who experience domestic abuse but were exclusively concerned with "the prevention of domestic violence against women". This would have been so notwithstanding that it was within the author's personal knowledge that there were officers and Councillors in Dundee City Council who would *not* wish to marginalise abused men and their children. Fortunately the recently launched "Protecting People in Dundee" booklet[146] did not make clear that the initiative was to address only domestic abuse experienced by women and so, at least to that extent, did not contribute to the discriminatory "public story" of domestic abuse.

> *"I went to the GP because I was having a hard time with an abusive partner. They said they didn't have the experience and just suggested I sought help within the gay community. Looking back now I realise that the issues involved in an abusive relationship are the same whether you are gay or straight and that I should not have been told that they could not help because I was gay."*
> Alastair, 47, Scotland UK study, same-sex relationship, Guasp 2012

As noted above, this is not to suggest that Dundee was better or worse than any other local authority but all authorities need to review their services and publicity at least in light of the Equality Duty if not in the spirit of ensuring that the needs of all adults and children in their area are acknowledged. In fact following the launch of the AMIS service user and service provider guides (AMIS 2013a and AMIS 2013b) in Dundee in April, within weeks the information on the Dundee City Council website was significantly improved which is a very welcome indication that the council will begin to address the problem of domestic abuse against men in its area.[147]

Housing

The relative lack of academic or practitioner literature on housing issues and domestic abuse (other than, to some extent, in relation to the Matrimonial Homes (Family Protection) (Scotland) Act 1981 considered above) is surprising given that –

145 http://www.dundeecity.gov.uk/socialwork/protpeodund/ emphasis added.

146 http://www.dundeecity.gov.uk/dundeecity/uploaded_publications/publication_2264.pdf

147 see http://www.dundeecity.gov.uk/socialwork/infoformen

> "[g]aining access to safe, affordable housing is a necessity if a woman is to leave a relationship in which she is experiencing domestic abuse. … the housing needs of women who have experienced domestic abuse have been recognised as a priority in legislation. Having this right realised at a practical level is now the major difficulty women face." (Ozga 2009, p.4)

Anecdotal evidence from the AMIS helpline indicates that housing is also a significant issue for men who are experiencing domestic abuse.

The most up-to-date statistics on the operation of homeless persons legislation in Scotland give some information on the proportion of those seeking help who have become homeless because of violence or abusive disputes within the household (National Statistics 2012).[148] These figures are not specifically related to domestic abuse between partners but will include a range of other situations (for example disputes between parents and adult children) and they are not broken down by gender however –

> "[o]f the 4,112 applications assessed as homeless in 2011-12 where the main reason for presenting as homeless was a violent or abusive dispute within the household, 4,072 (99%) were assessed as priority homeless." (National Statistics 2012, p.10)

The most recent Scottish study, despite being entitled *Domestic Abuse, Housing and Homelessness in Scotland: An Evidence Review* (Scottish Government Communities Analytical Services 2010), shows little interest in the experience of abused men and no interest in the children affected by that abuse. On the few occasions that men are mentioned, it is as abusers, or so closely interlinked with abusers as to fail to differentiate male victims from perpetrators[149] or else to emphasise the claim that abused men are less likely to be victims and that "domestic abuse is overwhelmingly a far greater problem for women than it is for men".[150] Such treatment of abused men and their children is quite astonishing.

An article published by Shelter Scotland and Scottish Women's Aid on the legislative response in Scotland includes reference to some qualitative information (Ozga 2005). Citing research from 2003 Ozga notes the poor quality of local authority housing –

> "Local authorities are the main suppliers of affordable rented housing, but the treatment the women received from local authorities was on the whole unsympathetic and in some cases callous. This was compounded by the quality of the accommodation offers the women received, which was usually in the most unpopular and difficult-to-let neighbourhoods. …
>
> It is almost as if the women were being further punished for being abused by having to experience a significant deterioration in their residential quality of life." (Ozga 2005, p.5 citing Edgar et al 2003)

The quality of housing association accommodation was found to be generally higher. The issue of quality of accommodation and choice of location is likely to be as significant a problem for men who have experienced domestic abuse as for women but there appears to be no information available. The significant changes to the provision of social housing in recent years, along with the impact of the financial crisis on housing security for individuals and families, makes the need for up-to-date research all the more pressing.

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148 my thanks to Sara Tilley for this reference

149 E.g. "It has been out with the remit of this evidence review to look at evidence on the perpetrators of domestic abuse, but it is evident that the lack of policy attention has meant there is a lack of evidence on the provision of alternative accommodation and therefore homelessness outcomes for perpetrators and male victims of domestic abuse." Scottish Government Communities Analytical Services 2010, p.12

150 "Two points are particularly important here. Firstly, that official statistics only reveal the number of domestic abuse incidents reported to the police and therefore do not reveal the real extent of the problem; and secondly, that domestic abuse is overwhelmingly a far greater problem for women than it is for men." Scottish Government Communities Analytical Services 2010, p.12

The difficulties faced by children and young people in Scotland who have to move home because of domestic abuse against their mother are well established (Stafford et al 2007).[151] Whether the experiences of children and young people affected by the domestic abuse directed at their fathers are similar or different given the possible impact of lack of information about domestic abuse against men should be explored by researchers concerned with the impact of domestic abuse on all children.

A review of housing policies in various parts of the US found that there were unintended consequences from particular funding models which, for example, may promote longer-term housing options rather than services for women "in crisis" (Baker et al 2010). Such unintended consequences are also likely to impact on abused men though it may be that inappropriate and unbalanced service provision might be less of an issue for men given that the issue will more often be the complete absence of any service provision rather than its nature. There may also be issues which particularly affect men experiencing abuse such as the provision of single-person accommodation which may not allow for appropriate space for visits from children. The particular issues for gbt men seeking assistance with housing issues are hinted at in a recent Stonewall England report (Stonewall Housing 2008).

> *"I have never hit my wife, but today I came close to doing this. It should be noted she has hit me more times than I can remember and kicked me. I grabbed her arms in self defense and held her to the floor. I am a very big and strong man, my wife is tall but thin, not strong at all. I know I will be the one who goes to jail even though she is the one hitting and kicking."*
> US study, Hines and Douglas 2010

One issue that has dogged the question of responding to men's experience of domestic abuse is the provision of refuges. Refuge provision for women has been hard fought for and is significantly under-resourced. For some reason there is a perception among some activists and politicians that abused men are demanding exactly equivalent refuge provision though I have been unable to locate the origin of that fear. When involved in Community Safety Partnership work in Edinburgh in 2002 I was told, on an unattributable basis, by a senior government figure that the Gadd research had been commissioned so that the then Scottish Executive would not have to provide refuges for men. It would appear that the proposition that abused men and their children should receive some meaningful recognition and appropriate support has been interpreted in some powerful circles as an attack on recognition and support for abused women and their children. What can be said with certainty is that the housing needs of men who experience domestic abuse in Scotland are unknown to policy makers and probably also unknown to service providers. That position should change. It should also be made clear that attending to the experiences of abused men and their children need not, and should not, take away from the recognition of the needs of abused women and their children.

The NHS

That domestic abuse has a significant impact on the physical and mental health of those who are subject to it is well established in the literature.[152] In addition, the importance of health care workers seeking out and responding to the needs of patients who are experiencing, or who have experienced, domestic abuse is indicated by the relatively large body of literature

151 As is often the case the report title (*The support needs of children and young people who have to move home because of domestic abuse*) fails to make clear that it is not concerned with the experience of all children and young people but only with those affected by abuse directed at their mothers.

152 See the relevant sections of chapters 3 and 4 above and also, e.g., Buranosky et al 2012, Humphreys and Thiara 2005, Scottish Women's Aid 2010a and Scottish Women's Aid 2010b.

produced by, or targeted at, health care services and health care workers (see, e.g., Du Plat-Jones 2006; Gibbons 2011; Litherland 2012; Roberts et al 2006; Roush 2012; Shakesby and Wallace 2012 and Trevillion et al 2011). This literature is far greater in extent than, e.g., literature in relation to the response of lawyers or housing professionals.

Or rather, there is engagement with and concern in relation to the needs of, and appropriate responses to, women who experience abuse (generally assumed in the literature to be heterosexual women) but not with the needs of and appropriate responses to abused men and their children.[153] There are, however, occasional expressions of concern that policies and research which make no mention of the needs of abused men and their children not only ignore abused men and their children but unnecessarily increase the likelihood that men will avoid seeking support and that even if they do they will not be heard or believed (e.g. Dutton 2006, esp chapter 7). A paper delivered at the 2010 British Psychological Society conference presented evidence indicating that counsellors and psychologists found difficulty in responding to abused male clients (Hogan et al 2012) and that clients were put in the difficult position of having to educate their therapist –

> "This leaves the abused male with a tough job to do, educating his counsellor as well as helping himself."[154]

Several participants in a debate on men's experience of domestic abuse at the 2008 conference of the Royal College of Nursing pointed to the barriers to men seeking help and the lack of services for those who do disclose but also expressed regret that

> "some people [at conference] still find domestic violence against men something to laugh about at coffee break".[155]

We saw in chapters 4 and 5 some of the health impacts on men who experience abuse and also that men experience difficulty in help-seeking. In the absence of information about men's health and domestic abuse in Scotland, and before reviewing the NHS Scotland response to domestic abuse against women, the issue of men's access to health care generally might be considered. A range of research reports in relation to men's help-seeking on other abuse issues (e.g. childhood sexual abuse) and, e.g., men's self-harm through alcohol or suicide can be found on the Men's Health Forum Scotland website.[156] One particularly interesting development highlighted by the Forum is the importance of the new Gender Equality Duty on service provision by public bodies including NHS Scotland.[157] The Duty requires public bodies to promote equality of opportunity between men and women and

> "means that public bodies have a legal requirement to ensure that men and women, boys and girls are treated fairly, with the different needs of men and women being built into all public policies, practices and services."

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153 Even Peckover's article "Focusing upon children and men in situations of domestic violence: an analysis of the gendered nature of British health visiting" (Peckover 2002) is concerned exclusively with mothers who experience domestic abuse; it does reveal that health visitors impose their gender stereotyped concepts on families but does not engage with the assumption that men who are experiencing abuse and their children are worthy of "focus". For one rare example of an article written for the benefit of fellow nurses reviewing the literature in relation to men who experience abuse from female partners (but not male partners) see Barber 2008.

154 "Male abuse victims face extra barriers", Herald, 9/7/2010. In the newspaper report Hogan also indicates that abused (heterosexual) men will fear women ("Male counsellors stereotype who can be a victim and women counsellors fare no better, since such male clients naturally fear being with women.") which would merit further investigation as it appears not to be something evidenced in other literature or by anecdotal evidence from the AMIS helpline.

155 Delegate David Mathers who also said "As professionals, we should be treating this issue with the respect and dignity it deserves", http://www.rcn.org.uk/newsevents/congress/2008/2008_congress_agenda/20_men_can_be_victims_too

156 http://www.mhfs.org.uk/research.php

157 http://www.mhfs.org.uk/Gender_Duty.php

An example given by the Men's Health Forum Scotland of improvements that will be necessary is "equal access to health services for women and men".

Recent research with almost 7000 respondents shows that gay and bisexual men feel neglected by the NHS, including in relation to domestic abuse (Guasp 2012, p.14). In the introduction the commissioner of the research, the lesbian, gay and bisexual campaign group Stonewall, comment –

> "These men feel demonstrably neglected by a healthcare system than now has a legal duty to treat everyone equally … These findings send a stark message that Britain's health services need to rethink how they approach many of their patients. We hope they will rise to that challenge." (Guasp 2012, p3)

It should be noted that equality of treatment does not necessarily mean that the same services must be provided in the same way to all groups but rather that, taken as a whole, there is equality of treatment taking account of the particular needs of different groups. This may mean that different types of services may require to be made available to men and their children experiencing domestic abuse (aiming for equality of outcome rather than equality of service provision). To defend against a charge of failing in the equality duty, public bodies would have to show that they have applied their minds to the needs of different groups and sought to meet these and not, e.g., simply to say that as the majority of domestic abuse victims they are aware of are (heterosexual) women then their services will be exclusively geared to their needs and not, e.g., trans, bi and/or gay men or heterosexual men (or, indeed, lesbian, bi or trans women).

Returning specifically to the NHS response to domestic abuse, in 2003 the Scottish Government produced a small booklet presumably for wide distribution to NHS staff and patients with the misleading title "Responding to Domestic Abuse in NHS Scotland" (Scottish Executive Health Department 2003a). Despite a brief statement that "[t]here is no typical abuser, although domestic abuse is most commonly perpetrated by men against women", the booklet presents the appropriate response to domestic abuse for NHS workers as being exclusively about supporting women and their children. All images used in the booklet (which are to be presumed to be of "victims" or survivors) are of women and all examples of situation of abuse present "victims" exclusively as female. The booklet is, therefore, not about domestic abuse but rather about domestic abuse as experienced by heterosexual women.

If anything, the full document on which the booklet is based is worse (Scottish Executive 2003b). In the foreword the then Minister for Health, Malcolm Chisholm, presents the matter as exclusively one of supporting women –

> "There is much that NHS Scotland can do to help and support women experiencing abuse. It is vital that health case staff have the confidence and knowledge to be able to give help to those women who seek it. These guidelines should help clinicians and health professionals identify and respond to women experiencing abuse." (Scottish Executive 2003b, p.iii)

The message could not be clearer though there was a single, fleeting reference to the fact that

> "[d]omestic violence (sic) can take place in any relationship, including gay and lesbian partnerships and abuse of men by female partners does occur." (Scottish Executive 2003b p.3)

Given such an approach, abused men can have no confidence that genuine efforts were being made in 2003 to consider their needs let alone develop the services to meet those needs and there is no evidence of improvement since, at least at an institutional level.

The negative impact of such material which marginalises men can be long-lasting. For example, the (UK) Royal College of Nursing's similarly misnamed *Domestic violence: Guidance for nurses* (RCN 2000), a remarkably unbalanced document, still has the power to mislead despite its age. This is evidenced by the fact that it was cited as recently as 2011 in a

Scottish study as justification for the proposition that "more than 90% of domestic abuse is committed by men against women" and, therefore, the restriction of that research to the experiences of women in mixed-sex relationships (Bradbury-Jones et al 2011).[158] The English Department of Health document on the subject – misnamed *Responding to domestic abuse; A handbook for health professionals* (Department of Health 2005), and again cited as recently as 2011 (Bradbury-Jones et al 2011), is little better. The then Parliamentary Under Secretary of State for Public Health Caroline Flint MP asserted in her foreword –

> "The handbook takes a national vision and puts it into practice. As well as helping frontline staff recognise and give appropriate support to women and children who are being abused, it will promote networking and information-sharing amongst domestic violence agencies. As such, it is an important response to domestic abuse that will create safer futures and better health for thousands of women and children". (Department of Health 2005, p.vii/viii)

The English "response to domestic abuse" is, therefore, clearly not intended to bring safer futures and better health for men and their children and such a document should be rejected as a basis for justification of further exclusion of men's experiences.

In addition to employing "gender based violence nurse advisors", which raises questions of whether there is any intention of meeting the needs of abused men and their children as patients, NHS Scotland also responds to issues of abuse within its workforce. However, rather than doing so through policies on domestic abuse, it approaches the issues as "gender-based abuse" thereby again raising serious questions about whether it is seeking to appropriately support all of its workforce (see NHS PIN 2011).

Some empirical work is being conducted in Scotland on heterosexual women's experience of healthcare responses to domestic abuse, focussing on service provision and uptake (cf screening) (Bradbury-Jones C et al 2011 and Chief Scientist Office nd ?2011).[159] The experiences of, in one case, 17 patients and in the other 14 patients and 29 health care professionals, were analysed to explore NHS systems, interpersonal issues between patient and professional and also individual psychological factors. It found that the experiences of the women interviewed were mixed, from very supportive to undermining. The authors conclude that "nurses working in primary care settings can do a great deal to support women who have experienced domestic abuse" by providing "non-judgemental, supportive care" (Bradbury-Jones et al 2011, p.39). Given the lack of concern shown in NHS policy and practice to the needs of men who experience domestic abuse and the needs of their children it seems highly unlikely that their needs are being met even to the inadequate levels that women's needs are as revealed by Bradbury-Jones.

Screening ("routine enquiry")

We have already encountered "screening" of abused men, but not abused women, who seek support. In the health care context screening generally refers to interventions to uncover experiences of being abused among patients who are presenting for treatment for any number of conditions. The screening of patients for domestic abuse is presented in the literature as both highly important and highly problematic (e.g. Chang et al 2005; Kapur and Windish 2011 and Roush 2012). Screening is presented as not only important in identifying and responding to patients who have experienced, or are still experiencing, abuse but is also

158 There can, of course, be a range of legitimate reasons for focusing on one aspect of an issue (coherence, resources etc) but citing an unsound document which displayed no interest in the health care experiences of abused men and their children as justification for a focus exclusively on heterosexual women's experiences is not sound.

159 It is gratifying to see that the title of Bradbury-Jones et al 2011 makes it clear that it is only women's experiences that are being presented rather than suggesting that the article deals with domestic abuse as a whole.

an opportunity to "raise patient awareness of IPV, communicate compassion and provide information" even if, at that particular point, the patient cannot effect significant change in their situation (Chang et al 2005 p.145).

There appears to be a wide range of screening tools[160] and a shortage of robust evidence on their relative efficacy[161] (Rabin et al 2009, Ernst et al 2004, Shakil et al 2005, Weiss et al 2003). There is evidence, however, that such tools are often useful both for men and women (Shakil et al 2005) though –

> "it is unclear whether IPV screening tools, such as PVS, that were originally designed to screen women are the most appropriate tools for men. The etiology of violence may be different in situations in which women are violence. If this is the case, then screening questions likewise may need to be adjusted. Also, given social desirability bias, male patients may respond to brief IPV screening questions differently than female patients. Continued study in this area is clearly warranted." (Rabin et al 2009, p.443)

Roush identifies the barriers to effective screening of women in mixed-sex relationships as including –

> "lack of knowledge, negative attitudes towards violence, sociocultural norms and setting constraints" (Roush 2012, p.115)

"Lack of knowledge" in relation to what action to take if abuse is disclosed by the patient is identified as an especially strong barrier. Given the lack of options for referral and the lack of attention to men's experiences of abuse within NHS Scotland generally, these barriers are likely to apply all the more to the possibility of facilitating disclosure of abuse experienced by men even should the attempt ever be made.

A pilot NHS Scotland training scheme to improve skills in asking patients about both domestic and sexual abuse was launched in 2010 though the results of that initiative are not yet available. Interestingly, although the text of the government press release and the quotes it contained from the then Health Secretary Nicola Sturgeon and then Housing and Communities Minister Alex Neil are gender neutral and do not seek to exclude abused men,[162] Neil was quoted in the press as saying –

> "The health service is a good starting point for a more universal approach to capturing the number of women who are abused and also making sure that they and their children are properly looked after and catered for."[163]

Given that NHS Scotland policy towards domestic abuse is embedded within its violence against women initiatives, the conduct of the pilot and the question of what resources were drawn on in relation to working appropriately with abused men (in both mixed-sex and same-sex relationship) must be subject to close scrutiny.

A rare study to evince concern for abused men in the health care setting recognised that they were "a large, but under-addressed, population" (Kapur & Windish 2011, p.2337). The article explores the literature and seek to establish conclusions about the optimal methods for screening. The authors found, e.g., that among their sample of patients at an urban primary care clinic in Connecticut, face-to-face screening for domestic abuse resulted in significantly

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160 E.g. Abuse Assessment Screen (AAS), HITS (Hurt-Insult-Threaten-Scream), Index of Spousal Abuse (ISA), Ongoing Abuse Screen (OAS), Ongoing Violence Assessment Tool (OVAT), Partner Violence Screen (PVS), Women Abuse Screening Tool (WAST).

161 such that the US Preventative Services Task Force concluded in 2004 that there was "insufficient evidence to recommend for or against screening of women for IPV" Rabin et al 2009, p.439

162 "NHS spotlight on domestic abuse", Scottish Government Press release, 4/7/2010

163 "Pioneering scheme to train NHS staff to spot victims of domestic abuse", Carolyn Churchill, Sunday Herald 4/7/10.

lower identification as having experienced domestic abuse among women than did self-administered questionnaires (6.5% as compared to 20.5%) but that for men the results were not significantly different between the two methods (9.4% compared to 11%). They report that only 11.7% of male patients were screened by physicians compared to 38.4% of women patients. Although the implications of the difference in results between male and female patients in this study are unclear, the authors suggest that their results –

> "imply that unique screening instruments and methods may be needed for men, an understudied population in IPV [Intimate Partner Violence] research". (Kapur & Windish 2011, p.2348)

Despite the marginalising approach of *Responding to Domestic Abuse: Guidelines for health care workers in NHS Scotland* the suggestions for responding effectively to women who have experienced abuse would also be appropriate in relation to men in a health care service which was also concerned with their needs and those of their children –

- Listen carefully. The woman may talk around the subject before getting to the point. Often requests for help are veiled or oblique and must be identified and amplified. If necessary, clarify that you have understood she is talking about domestic abuse.
- Believe her and say so.[164]
- Reassure her that she was right to disclose. Be careful not to make her feel inadequate for not having sought help sooner: remember, she may have sought help and been rebuffed. Reaffirm that she is a valuable person and that her needs are as important as anyone else's.
- Affirm the strength the woman has shown in enduring continued abuse, and the courage she has displayed in asking for help. Acknowledge her experience and accept her evaluation of the danger of her current situation. Stress that she does not have to continue in her situation and that you want to help.
- Be honest and sympathetic. Explain why questions are being asked so that the woman has a concrete focus, and avoid making her feel judged or defensive. At this stage it is useful to ask direct questions that require direct answers. *Under no circumstances should the woman be led to believe that she is in some way to blame for what has happened.*
- Let her control the discussion. Talking about abuse may be very difficult, so allow her to go at her own pace. She may only reveal a proportion of the abuse she has experienced.
- Respect confidentiality. Remind the woman that anything she chooses to tell you will be confidential, but also explain the limitations of your confidentiality, for example if there are children involved who may be at risk from the abuser. (See section 2.7)
- Be constructive. In addition to being supported and believed, the woman may need accurate information on the law, benefits, local resources and local support groups, and the worker should have these to hand. Be realistic about what help can be offered and be aware that giving inaccurate information such as wrong telephone numbers, addresses or times of opening could further discourage or endanger the woman.
- Be prepared to deal with the disclosure over several contacts.
- Avoid saying 'why don't you?' - it's never that simple.

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164 Suggesting that the NHS in Scotland should reject that other kind of screening, where those who disclose and seek help are subjected to an evaluation by the worker to determine, e.g., whether the victim ever acted in such a way that might "frighten" their abuser.

- Don't try to solve everything. Every woman has the right to make her own decisions. She should be allowed to ignore the advice of health care workers if she wishes, or cease contact, without being judged. Women whose lives have been controlled by abusive men need time and space to learn to take control of their own lives again.
- Make sure she knows she can approach NHS staff again in future.

(Scottish Executive 2003b, p.18/19)

Voluntary organisations

The obstacles to accessing support from voluntary sector organisations are as formidable as they are for public services. As noted at various points in this review, men who experience domestic abuse are often unable to identify the abuse they experience *as abuse* or to identify the negative impacts it has on their well-being.[165] Add to this the effect of the public story and the fear of ridicule. Then add the fact that some of the organisations which promote themselves as working with abused men do not necessarily believe the men who approach them for support (in contrast to organisations which work with women in mixed-sex (but not same-sex) relationships): there may be no "you will be believed" for abused men approaching these services. Then add the fact that men from particular groups may experience particular barriers to accessing support. Finally, it appears to be the case that few charities or other voluntary sector organisations make any effort to address the particular needs of men or, if they are doing so, to advertise that they are available to men who experience domestic abuse. Given all this, it would not be surprising if abused men and their children did not seek help from charities and other organisation in the voluntary sector any more than they do from, e.g., the police or the NHS. The difficult question of the extent to which failure to make services accessible to abused men and their children places organisations in breach of the statutory Equality Duty or the related regulatory regime imposed by OSCR has been considered above in "Equality Duty".

> *"My wife has depression and has tried to take her life three or four times. This is the first time I've had the confidence to keep the kids. They usually go to her parents. She was getting medical attention but stopped the tablets and the appointments. I've been her main carer. I can't take it any more physically or mentally."*
> Scottish unpublished, mixed-sex relationship, AMIS Helpline

While a comprehensive survey is outwith the scope of this limited review, some indication of the current situation may be had by examining the websites of the list of "agencies who offer support" from the recently published *Domestic Abuse and Scots Law* (Hughes 2011). It must be stressed, however, that due to restrictions of time and resources the investigation of these organisations was limited to examination of their websites and an online search: any identified failure to advertise services to abused men and their children is not to suggest that these organisations do not, or would not, attempt to offer support if they were approached.

The first thing to note is that although, quite rightly, several women-only organisations are listed,[166] Scotland's support agency for men experiencing domestic abuse, AMIS, is not. Of the two men's organisations which are listed, the Men's Advice Line applies screening to men who seek their help (see discussion above) and YMCA Scotland does not appear to mention

165 As noted above the US study of male help-seekers found that 43.7% approached a domestic violence agency and 44.8 of these men found the response useful in some measure and 23.4% approached a domestic violence helpline with 31.4% of these men finding the response useful to some extent (Douglas and Hines 2011, p.479).

166 Amina Muslim Women's Resource Centre; Engender; Hemat Gryffe Women's Aid; National Domestic Violence Helpline; Rape Crisis; Scottish Women's Aid; Shakti Women's Aid; Women's Support Project.

support for men experiencing domestic abuse on its website but does make reference to working with young men to reduce their offending.[167]

Of the non-gender specific support organisations –

- Barnardo's Scotland appears to make no mention of domestic abuse on its website and, if it does support children affected by domestic abuse perpetrated against their fathers or other male carers, it does not make that plain on its website.[168]
- Broken Rainbow makes explicit that it works with (gbt) men experiencing abuse.[169]
- Childline addresses domestic abuse as an issue that affects children and while it adopts a gender neutral approach (i.e. it refers to the impact of domestic abuse on a parent or carer) it does not explicitly refer to supporting children whose father or other male carer is experiencing abuse.[170]
- Children 1st addresses domestic abuse as an issue that affects children and while some material is not gender-specific and is therefore inclusive of children who are affected by domestic abuse directed at their fathers,[171] other material and projects exclude such children.[172]
- Citizens Advice Scotland addresses domestic abuse and is expressly inclusive of men.[173]
- Eighteen and Under addresses domestic abuse as an issue that affects children but uses a gendered example (types of abuse a children can experience include "witnessing your mum being beaten up by her partner").[174]
- the National Stalking Helpline does not appear to have any specific information about domestic abuse on its website. The information on the website is gender neutral.[175]
- Samaritans do not appear to have any specific information about domestic abuse on their website.[176]
- Scottish Child Law Centre does not appear to have any information about domestic abuse on its website.[177]
- Scottish Domestic Abuse Helpline expressly includes men and their children and, contrary to the information in Hughes 2011, does not merely "signpost" for male victims (cf provide support). The SDAH website, relaunched after Hughes 2011 was

167 http://www.ymcascotland.org/. In contrast the YWCA website has a number of references to domestic abuse.

168 http://www.barnardos.org.uk/what_we_do/who_we_are/scotland.htm accessed January 2013. The Barnardo's UK website does have a page on domestic violence but presents it entirely in terms of supporting a child and his or her mother - http://www.barnardos.org.uk/what_we_do/our_projects/domestic_violence.htm

169 http://www.brokenrainbow.org.uk/ accessed January 2013.

170 see http://www.childline.org.uk/explore/homefamilies/pages/domesticviolence.aspx accessed January 2013.

171 http://www.children1st.org.uk/services/77/letsbsafe2 accessed January 2013.

172 http://www.children1st.org.uk/news/447/launch-of-cedar-project-in-moray accessed January 2013.

173 www.adviceguide.org.uk/scotland/relationships_s/relationships_relationship_problems_s/domestic_abuse_scotland.htm accessed January 2013.

174 http://www.18u.org.uk/ accessed January 2013.

175 http://www.stalkinghelpline.org/ accessed January 2013.

176 http://www.samaritans.org/your-community/samaritans-work-scotland accessed January 2013.

177 http://www.sclc.org.uk/ accessed January 2013.

written, now clearly states that "[m]ale victims of domestic abuse are offered respect, courtesy, support and information".[178]

- Victim Support Scotland does not appear to have specific information about domestic abuse on its website but the information about "Sexual Violence and abuse" expressly includes men.[179]
- Who Cares? Scotland does not appear to have any specific information about domestic abuse on its website.[180]

Taking these charities as a convenient sample of the organisations most likely to be responding to domestic abuse we see a range of practices in relation to the position of abused men, from treating the issue as exclusively one of challenging young men to stop their supposed offending behaviour abuse to an inclusive approach which makes clear that the service acknowledges that men and their children can experience abuse and should receive support.

Given this inconsistency even among those handful of organisations identified in the only legal text on the subject as likely sources of support and in light of the likely impact of the Equality Duty and the regulator's interest in promoting equality, a rigorous survey of the Scottish voluntary sector response to men who experience abuse is urgently required. This should encompass what policy development each organisation can demonstrate in relation to supporting all those who experience abuse and specifically what evidence they draw on in relation to men and their children; how they identify the needs of men with different characteristics or from different social groups; how they train their staff in the needs of abused men and their children; how the organisation monitors the effectiveness and responsiveness of its practice in relation to abused men and their children and how the organisation communicates that it seeks not to exclude abused men and their children.

> *"Reluctantly I started making complaints against her, because of her actions. Police say if I see her I have to walk away. If she sees me she comes and sits beside me and then complains. I was sitting reading my paper and my wife saw me from a distance. The police say that's stalking her."*
> Scottish unpublished, mixed-sex relationship, AMIS Helpline

In something of an understatement a recent research report commissioned by the BIG Lottery looking at voluntary sector failure to attend to the needs of men found –

> "Services are not always designed around the needs of men, and men's needs have been neglected or not adequately attended to in some services. Research points to gaps in provision for particular groups of men, including older men, divorced men, male victims of domestic abuse and survivors of sexual abuse, gay and bisexual men, fathers, bereaved men, men in rural areas, and young offenders." (Johal et al 2012, p.12, references removed)

The BIG Lottery Fund have also produced a "good practice" guide which shows that stopping excluding men need not be considered rocket science –

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178 www.scottishdomesticabusehelpline.org.uk accessed January 2013.

179 http://www.victimsupportsco.org.uk/page/resources/informationleaflets/sexualviolenceandabuse.cfm accessed January 2013. The VSS response to the recent consultation on the Domestic Abuse (Scotland) Bill 2010, for example, is gender neutral http://archive.scottish.parliament.uk/s3/committees/justice/inquiries/DomesticAbuse/Written%20submissions/DA5VictimSupportScotland.pdf though the possibility of providing a service which does not meet abused men's needs while asserting a gender-neutral approach is shown in Patterson, D "Victim Support" in Probert and Kingston 2012.

180 http://www.whocaresscotland.org/ accessed January 2013.

"Consult with men about their needs and preferences

Many projects make sure that they seek the views of a wide range of potential beneficiaries from the planning stage. There is no reason why you shouldn't consider men as a group as part of this.

Don't assume that you know what men want or what their needs are.

Consider active efforts to seek men's views – for instance, through outreach. This should involve going to venues that men use and tapping in to men's networks. …

Speak to other projects that have good contact with your target group and find out how they did it.

…

You can contact men's networks indirectly – for instance by working with occupations that are dominated by men (such as taxi drivers).

…

Make sure that your use of language and images shows that you're interested in male involvement.

Remember that men make up half the population and that their interests and priorities vary.

Make sure that you continue to consult men throughout the life of your project and that you show how you've taken their concerns into account." (BIG Lottery Fund 2012)

Media and public debate

Media representations can affect perceptions of domestic abuse within society whether by way of fictional representations (primarily through television) or factual reports of court cases, the statements of politicians, the reporting of statistics and so on through television or print media. This can have a powerful effect on who recognises themselves as being affected by domestic abuse, who is recognised by others as a victim, how such people are expected to behave, what actions "count" as abuse and so on. Many (usually feminist) commentators have criticised the media representation of women's experience of domestic abuse. For example, Nancy Berns' book *Framing the Victim: Domestic Violence, the media and social problems* is most compelling in the way it exposes the problematic representation of women who experience abuse and may hold many insights as to how to investigate the issue in relation to male victims (Berns 2004).[181]

In their application of the concept of the "public story" to domestic abuse (discussed above in in "Introduction"), Donovan and Hester have produced arguably one of the most important tools to understanding the marginalised position of abused men and their children (Donovan and Hester 2010). However, very little is known about the representation of domestic abuse in Scotland and its impact on the "public story": the position should be urgently reviewed to the same high standard as the exemplary work of the Glasgow University Media Project/Group.[182]

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181 Berns also examined selected American publications (Playboy, Penthouse, National Review &and New Republic and Reason) and their coverage of men's experience of domestic abuse in the 1990s and concluded that these articles were not genuine attempts to address the needs of men but were part of a patriarchal backlash (Berns 2001). Whatever the validity of her analysis of these particular pieces, the extent to which her conclusions may be relevant to present conditions may be doubted.

182 See, e.g., Beharrell, P et al (1976) *Bad News* (Routledge: Abingdon) and Greg Philo (1999) *Message Received* (Longman: London)

"When you look on their websites as well … you find that there is a tendency to lean towards domestic abuse against women … whereas it should be 'domestic abuse must be stamped out,' … zero tolerance on all domestic abuse … it dis'nae matter if it's a man, woman or a child … domestic abuse should'nae be accepted … or any form of abuse … but unfortunately if you look at [former Scottish police force] website, or any other organisation's website … you'll see a picture of a child and underneath there'll be a caption saying, 'Mummy, I hear it every time daddy hits you.'"
"Harry", Scottish, mixed-sex relationship, Slater 2013

Court proceedings are almost always held in public and, even where the public is excluded, the media will be present and entitled, within limits, to report proceedings if they so wish. The court process is difficult for all victims but men may have particular concerns of being held up to ridicule given the "public story" and may have less access to support. This may be particularly the case in rural areas where local newspapers often continue the tradition of reporting even mundane matters from local courts. The law on media reporting of domestic abuse, including defamation and contempt of court, and non-legal regulation of the media in relating to privacy and fairness (e.g. by the Press Complaints Commission) are dealt with in Margaret Hughes' chapter "The News Media" in Hughes 2011.

Turning specifically to the representation of abused men, a relatively early example of the issue being raised on television was the *Dispatches* programme "Domestic Violence on Men" broadcast on Channel 4 on the 7 January 1999 (Dewar Research nd). Given the lack of knowledge about the experiences of men, the programme's producers commissioned what was at the time the most comprehensive survey of men's experience of abuse, the results of which were analysed by a leading academic in the field (Browne nd and Dewar Research nd). Dewar Research has also published an annotated compilation of selected references to male experiences of domestic abuse in the UK media up to 2007, including key television and radio broadcasts as well as newspaper and magazine articles (Yarwood 2008). However, programmes on abused men are still sufficiently rare as to be reported as "events".[183]

The issue most recently came to prominence when the long-running, Manchester-based television soap opera Coronation Street ran a story about "lovable mechanic Tyrone Dobbs" being abused by his girlfriend.[184] In November of 2011 the trial and acquittal of Scottish former athlete Liz McColgan on charges of domestic abuse against her husband received significant coverage in the Scottish media.[185]

Some evidence is available in relation to the impact of the Government's annual Xmas advertising campaigns (e.g. Solomon and Fraser 2009; TNS System Three 2006). The various reports give details of what proportion of the population recall seeing or hearing the adverts, whether they had personal experience of domestic abuse and whether key aspects of the Government's message have entered the viewer's consciousness.[186]

The role of the popular media in affecting perceptions of who is at risk of domestic abuse was highlighted in the report on the 2008/09 campaign. One key message of that campaign as all the others in that series was supposed to be that "domestic abuse can happen to any person – of any age and social class", though in fact only women were represented as experiencing abuse. Therefore the fact that –

183 "Welsh men speak of the domestic abuse they suffered for new S4C show", Rachel Mainwaring, Wales On Sunday, 23/9/12.

184 e.g. "Coronation Street actor Alan Halsall on shocking domestic abuse storyline", Sue Crawford, *Daily Record*, 19/5/12.

185 "Olympics star Liz McColgan cleared of assaulting estranged husband at home they shared", no attribution, *Daily Record*, 21/11/11.

186 For an interesting exploration of the limited effectiveness and unintended consequences of a highly gender stereotyped mass media campaign in relation to domestic abuse see Keller et al 2010.

> "[t]he number of respondents saying that domestic abuse is something that happens in all age groups dropped from 45% in Wave 11 [2007/08] to 32% this Wave [2008/09], whilst the number of people saying that domestic abuse was most common amongst younger people remained steady at 76%"

could be seen as a cause for concern (Solomon and Fraser 2009, p.7). The researchers noted that responses to this question may have been influenced in part by a storyline in the young person's television programme "Hollyoaks" in the course of the previous year.

Because "the main aim of [2008/09's] domestic abuse campaign was to communicate that there were services available to help women who were experiencing domestic abuse" the impact survey asked about awareness of such services. To the question -

> "I believe there are enough services available to help women who may be experiencing domestic abuse"

the responses were –

11% agreed strongly
24% agreed slightly
34% neither agreed nor disagreed
23% disagreed slightly and
7% disagreed strongly (Soloman and Fraser 2009, p.16)

Despite the fact that the main aim of the campaign was specifically *not* to communicate to participants that services were available to abused men and their children a similar question about perceptions was asked. To the question –

> "I believe there are enough services available to help men who may be experiencing domestic abuse"

the responses were –

2% agreed strongly
11% agreed slightly
37% neither agreed nor disagreed
29% disagreed slightly and
20% disagreed strongly (Soloman and Fraser 2009 p.16)

The spread of views on each question was only slightly affected by the gender or the respondent (men slightly more of the view that there were enough services for women and women slightly more of the view that there were enough services for men). There is no indication from the report that anything was done with the evidence that both men and women disagreed with the view that there were sufficient services available to abused men. On the contrary the researchers chose to highlight that "only a third of respondents (36%) either agreed or agreed strongly with" the proposition that they believe there are enough services available to help women (Solomon and Fraser 2009, paragraph 3.40) but they chose not to highlight that the figure in relation to men was not "only" 36% but a mere 13%. Although the researchers do note that "nearly half (49%) disagreed or disagreed strongly with the statement "I believe there are enough services available to help men"" (Solomon and Fraser 2009, paragraph 3.42) they were of the view that –

"She would physically attack me, tear the glasses off, kick me in the testicles five, six, seven times … you couldn't control her. A couple of times, I would wrestle her to the ground, pin her arms around her, and wrap my legs around her, and tell her to calm down, calm down. She'd say "O.K. I'm calm now, I'm under control now." And you let her go, and she'd be right back at you, doing it again."
US study, Cook, 2009

> "the most interesting figures here are those that neither agree nor disagree with these statements. With such a high "neither/nor" response (and no "don't know" option) it is clear that a large number of respondents just lacked knowledge of the subject area." (Solomon and Fraser 2009, paragraph 3.43)

While that may well be true, many more were willing to expressly disagree with the proposition that there were enough services for abused men (49%) than replied "neither/nor" (37%) and that might be thought to qualify as not only interesting but significant and perhaps worthy of being highlighted.

When asked about acceptability of abusive behaviour the responses to the following propositions were –

> "Sometimes men can have a good reason for hitting their partner" –
> 7% agreed or strongly agreed
> "Sometimes women can have a good reason for hitting their partner" –
> 18% agreed or strongly agreed
> "Sometimes men can have a good reason for abusing their partner" –
> 7% agreed or strongly agreed (Solomon and Fraser 2009, p.17)

It is notable that participants were not asked for their views on women abusing their partner and also that the question about whether women can sometimes have a good reason to hit their partner (question 3a) is not placed next to the question about whether men can have a good reason for so doing (question 1b). Placing the questions one after the other might have cause respondents to consider issues such as fairness and equality or, on the other hand, gendered difference.

Recommendations

- All funders and service providers which seek to provide support to adults who experience domestic abuse and/or to their children should review their practice in light of evidence of the existence of barriers to abused men accessing support.
- Services which seek to support only persons from certain groups (e.g. men, women, older persons, people from bme communities) should make that explicit in their materials and not present themselves as addressing the totality of domestic abuse.
- Where examples of good practice are identified these should be shared and implemented. For example, where services wish to make themselves available to abused men and their children that should be stated clearly in their print and web-based literature and by way of inclusive images and case studies. Organisations that aspire to offer support should be able to point to steps they have taken to communicate that to abused men seeking support.
- Public bodies must, as a matter of urgency, review their compliance with their legal obligations under the Equality Duty. Elements of good practice within, e.g., Police Scotland and also the work of Children in Scotland's "Making the Gender Equality Duty Real for Children, Young People and their Fathers" should be examined by local authorities and NHS Trusts given the absence of evidence of serious engagement with the needs of abused men and their children on the part of these publicly-funded services.
- The welcome trend among politicians to avoid asserting that all abusers are male and all victims female should be maintained and strengthened by explicit mention of abused men from diverse groups within society and also of any affected children or other family members.
- The Crown Office and Procurator Fiscal Service (COPFS) review into the working of its Joint Protocol with Police Scotland, and in particular COPFS concern with false

allegations of abuse as a manipulation of the criminal justice system, should be pursued to a conclusion. As a matter of urgency, COPFS should instigate appropriate mechanisms of ensuring that men's experiences of the criminal justice system are captured and addressed.

- In light of evidence of significant underreporting and high levels of "attrition" (i.e. cases not proceeding to court), Police Scotland and COPFS should develop specific mechanisms for ensuring that men are able to report the abuse they experience and are supported through the court process. The reasons for the high levels of attrition should be identified by both Police Scotland and COPFS.
- Those responsible for the provision of specialist domestic abuse courts should review services and policies to ensure that these demonstrably take account of the needs of abused men and their children.
- Judicial education should be developed to include both recognition of and exploration of the experiences of abused men.
- Local authorities should review their services in light of the Equality Duty. Where domestic abuse services have been replaced with "violence against women" services authorities should identify how the experiences and needs of abused men and their children are being addressed and how such men can locate those services. Where services are presented under gender inclusive titles but in fact fail to include any means of understanding men's experiences that situation should be addressed as a matter of urgency.
- As a major recipient of public money, provider of services and employer, the NHS in Scotland should urgently develop means to effectively address the needs of abused men both as patients and as employees. Literature in relation to domestic abuse and health should include accurate and up to date evidence of the experiences of abused men.
- Voluntary sector organisations should seek to meet the equality and diversity requirements imposed by the Office of the Scottish Charity Regulator by following the examples of good practice demonstrated by, e.g., Citizen's Advice Scotland and Victim Support Scotland and ensuring that literature makes plain that men and their children can be affected by domestic abuse and deserve recognition and support.
- The importance of representation in various forms of media, including newspapers, magazines and television, should be acknowledged and appropriate research on the subject undertaken. Media outlets should consider to what extent their coverage reflects the reality of men's experience of domestic abuse and the impact this has on them, their children and others.

Chapter 8 – Understanding perpetrators of abuse against men

This final chapter considers our state of knowledge in relation to perpetrators of abuse against men, whether in mixed-sex or same-sex relationships. We note the near total absence of services in Scotland but also some interesting recent work from the USA which may provide guidance for appropriate interventions. Although it is clear that there has been very little interest in engaging with perpetrators this may also be seen as an opportunity to develop a response that is appropriate to the needs of abused men and their children.

Just as there has been little policy or academic interest in men's experience of domestic abuse there has been little or no interest in Scotland in the perpetrators of such abuse.[187] There appear to be no programmes for either female or male perpetrators of domestic abuse against male partners and no concern with the issue of perpetrators of abuse against men among, e.g., local authorities.[188] Not only does this leave abused men and their children in danger with the option of perpetrator treatment unavailable, it leaves unaddressed the legitimate needs of those perpetrators who might seek help to change their behaviour.

However, this historic and current lack of attention to perpetrators of abuse against men does at least open the possibility that any response, should it be forthcoming, need not repeat the missed opportunities or replicate the mistakes made in the response to male perpetrators of abuse against their female partners. Although domestic abuse perpetrator programmes met

> "resistance and opposition to their early development in the UK … from the combined voices of feminist researchers, activists and practitioners engaged in the protection and support of victims/survivors (usually women), and children, who suffer at the hands of violent and abusive men" (Morran 2010, p.23)

the evidence from Scotland and elsewhere is that such programmes can be effective in reducing offending when judged both statistically in terms of the number of subsequent attacks and also in terms of the perceptions of the (female) victim (Morran 2010; see also Wilson 2003). The response to men and women who abuse their male partners should take into account lessons that may be learned from the impact on individuals of violence experienced as a child and other psychological and environmental issues and not limit services to a primarily criminal justice response (see e.g., Dutton 2006 and Mills 2003).[189]

The lessons as to what works in "desistance" from abuse in relation to male perpetrators in mixed-sex relationships may be used, with due care, to inform programmes for perpetrators of domestic abuse against men, whether those perpetrators be male or female. But such programmes should also be allowed to develop to meet the needs of both victim and

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187 Very recently there has been a marked increase in academic articles from other jurisdictions on female perpetrators of domestic abuse in mixed-sex relationships though these are often produced from the perspective of viewing such abuse as unusual and attempting to explain how it differs from heterosexual men's use of domestic abuse: in addition to materials such as Dobash and Dobash 2004, Johnson 2008 and Stark 2007 see, e.g., Carney et al 2006, Cross and Campbell 2011, Graham-Kevan 2009, Hester 2012, Larance 2006, Miller and Meloy 2006, Rhatigan D L 2011, Ridley and Feldman 2003, Ross 2011, Simmons et al 2008, Stuart et al 2006, Swan and Snow 2006 and Testa et al 2011.

188 Though, as discussed below, both men and women concerned about their behaviour towards a partner can approach the Respect helpline in London.

189 For example the CHANGE programme, established in 1989 as a pilot project and which was used by the Pilot Domestic Abuse Court in Glasgow and which has subsequently merged with other services to become the Caledonian System was described as a "criminal justice-based men's programme founded on a shared understanding of domestic abuse informed by women's experiences and by agencies working with women. The goals for intervention were victim protection, offender accountability, and changing the existing social climate." (Scottish Executive 2003d, p.26) which indicated a lack of interest in the men's experience of treatment, with an exclusive or at least overbearing emphasis on offender accountability through criminal justice responses. Such a bias should be avoided in future perpetrator intervention schemes.

perpetrator, drawing on a treatment approach as well as a criminal justice approach. It has been argued convincingly that (legal) responses to perpetrators of domestic abuse within female same-sex relationships must be grounded in "lesbian judgments" rather than allow the imposition of a (legal) response which may (or indeed may not) be appropriate for women in mixed-sex relationships –

> The violence among us is a serious problem. I do not think we should tolerate threats to our survival, even when they are self-generated. Again, this requires that any reforms hard won from the rule of law should be available to lesbians. Nevertheless, as lesbians dealing with self-generated threats to our survival, we need to develop a complex discussion about our resort to the rule of law in cases of violence among us. Centering lesbians is vital, but this means centering all the lesbians involved: the ones who fit within the legal category of perpetrator and the ones who fit within the legal category of victim. At the very least, we need to remember that perpetrator and victim are categories of the rule of law." (Robson 1992, p.163. See also, e.g., Ristock 2002 and Dempsey 2012).

Just as the response to domestic abuse in female same-sex relationships need not adopt the feminist-dominated response to male perpetrators of abuse against their female partners, the response to abuse by male perpetrators against their male partners, or female perpetrators against their male partners could combine holding the perpetrator to account with a greater emphasis on treatment and rehabilitation (e.g. Dutton 2006 and Mills 2003). Whether joint working with couples is a safe or effective response might be explored in relation to the evidence, e.g. Stith and McCollum 2011.

We now consider examples of the responses to perpetrators of abuse against men in same-sex relationships before then considering the responses to perpetrators of abuse against men in mixed-sex relationships.

Some limited and potentially rather dated reflections on possible perpetrator programmes for those who abuse men in same sex relationships can be found in the work of Island and Letellier (Island and Letellier 1991). They assert that –

> In the more established area of straight batterer treatment, points of view, treatment strategies, and intervention philosophies change rapidly. Therapy, treatment, imprisonment, education, counselling – what should the approach be? Our position is that everything is needed. Batterers are people in serious psychological, legal, and interpersonal trouble, and a limited approach is not going to meet with success. With awareness and education, some batterers will alter their behaviour. Many will require jail time. All need to make amends to their victims. Still others will need to be sued in civil court by their ex-victims to recover monetary damages for injury and destruction of property. Some will need intensive individual or group therapy. Most will require treatment in groups to re-socialise them so that they stop their abusive conduct. Sex-role and masculinity concept restructuring will need to occur. All batterers need to learn, probably for the first time, how to make decisions to be non-violent in emotionally-charged situations. Re-education is necessary. Communication skills need to be acquired, as all batterers need to learn better ways to resolve conflict with their next mates." (Island and Letellier 1992, p.81/2)

The Caledonian Project, available in Edinburgh and also in parts of central Scotland[190] for court-mandated work with offenders implies that it works with male perpetrators –

> "We run a programme to help men change their behaviour and a support service for their partners or ex-partners"[191]

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190 The Caledonian system is also available in parts of central Scotland, delivered by the criminal justice charity SACRO, http://www.sacro.org.uk/GWS_DAG_leaflet_FAL-314.pdf

191 http://www.edinburgh.gov.uk/info/1400/domestic_abuse/1803/caledonian_edinburgh

"[Katriona] throughout my marriage was abusive, both physically and mentally, financially and in a lot of different ways. When I asked for services, initially when it started in 2002 or thereabouts, I phoned up the social work's domestic violence unit saying that I was getting physically assaulted, emotionally abused and threatened at night where she would pick up knives and threaten to stab me while I was asleep and mentally tortured to the extent where I was going in to a high pressured job the following morning with absolutely no sleep and then having to take days off because of scratches on my hands and face or whatever. So I phoned up to report that and to see if she could get some help and support to deal with her aggression in different ways and I never got any reply. The letter that [Katriona] got though, which was following quite a violent incident where she had thrown a deep fat fryer at me with hot fat in it, which splattered all over me … she got a letter from them asking if she was ok and if she needed any support with regards to the domestic violence, I never got any further support or offers of support."

Derek, Scotland (Scottish study, mixed-sex relationship, Scottish Human Rights Commission 2012)

but in fact it then becomes clear that the project excludes men in same-sex relationships –

> "We also have a women's service. Your partner or ex partner can decide if she wants to meet with a worker from the women's service."[192]

This makes clear that the Caledonian project expects the male perpetrators they work with to have female partners and that male partners will not be supported. Another Edinburgh service, Working With Men, which is not court mandated and accepts self-referral, similarly only works with heterosexual men.[193] SACRO are also reported as leading a pilot voluntary programme in 2013 in North Ayrshire and Drumchapel, but again only working with men (and not women) who are concerned about their behaviour and again only men in mixed-sex relationships.[194] The exclusion of male perpetrators in same-sex relationships (and indeed of female perpetrators) and the resulting non-engagement with the interests of the children affected by that abuse appears to be based on doctrine and possible lack of resources rather than need.[195]

Although the London-based organisation Respect strongly asserts a feminist analysis of domestic abuse (Respect 2008) it nonetheless provides a telephone service to women in mixed-sex relationships and to men in same-sex relationships who are concerned about their behaviour towards their partners.[196] The Respect leaflet directed at "men who have intimate relationships with men" acknowledges that it is often difficult to admit that one's behaviour is abusive, urges men to take responsibility for their behaviour and stresses that it is not the victim's fault. As to the causes of domestic abuse in male same-sex relationships these are said to be about what Stark would call "coercive control" –

> "So, why does abuse happen?
> Abuse doesn't just happen. Rather than being about loss of control, most of the time it's about you trying to be in control. …
> You might have wanted to:
> Stop him doing something
> Shut him up

192 Ibid, see also http://www.scotland.gov.uk/Topics/People/Equality/violence-women/CaledonianSystem

193 http://www.edinburgh.gov.uk/info/1400/domestic_abuse/786/men_who_abuse/1

194 http://www.heraldscotland.com/news/home-news/pilot-scheme-targets-domestic-abuse-suspects.19379148

195 http://www.scotland.gov.uk/Topics/People/Equality/violence-women/CaledonianSystem

196 The helpline number is 0808 802 4040, see also http://www.respectphoneline.org.uk/pages/for-gay-and-bi-men-i-have-violent-or-abusive-and-i-need-help.html

Punish him for doing something you didn't like
Punish him for hurting your feelings
Show him who's boss
Win the argument
Get your own way." (Respect no date, p.18/19)

As we will see, this message to gay and bisexual men who abuse their partners is very different to the message given to women who abuse their male partners.

Just as there are no programmes for men who abuse their male partners there are no domestic abuse perpetrator programmes in Scotland for women who abuse their partners. There is a reference in the evaluation of the Glasgow Domestic Abuse Court pilot to a small number of female perpetrators (five) who "were sentenced to probation with a condition that they attend the 218 Project" (Reid Howie Associates 2007, p.53). An evaluation of the 218 Project published shortly after the introduction of the Domestic Abuse Court Pilot makes no mention of any specific work with women perpetrators of domestic abuse and stresses that the Project is a support service for female offenders "designed to address the root cause of women's offending" (Loucks 2006, p.9).

As noted above, Respect offers a UK-wide telephone service to women concerned about their behaviour towards their partners.[197] The Respect leaflet directed at "women who are concerned about their behaviour towards male partners" acknowledges that it is often difficult to admit that one's behaviour is abusive just as does their leaflet for men who are concerned about their behaviour towards male partners. But then, rather than urging women seeking help in relation to their abusive behaviours to take responsibility for their behaviour in the way that gay men are urged to do, the leaflets answers the question "why am I being violent?" by asserting that –

"Women use violence and abuse for varying reasons:

Some women are in relationships with men who are systematically abusing them. …

Some women in these situations use violence in self-defence to try to protect themselves, their children or to escape from their abusive partner.

Some women in these situations begin to use violence to try to resist their abusive partner's controlling/bullying behaviour. …

Some women may also use violence to retaliate to their partner's violence …

Some women feel angry about things that other people have done to them in the past, and they may be taking that out on their current partner.

Some women use violence to try to gain control over their partner and/or the situation …." (Respect 2012b, p.3)

This list of possible excuses for abusive behaviour is not offered to men who are concerned about their abusive behaviour towards their male partners. The men who are concerned that they may be abusing their male partner are told at the beginning that "no matter how angry you feel, it is never ok to scare your current or former partner" and "no matter how he behaves, it is never ok to hurt him" whereas women who are concerned that they may be abusing their male partner are not presented with this clear message but rather with a list of possible excuses for abusive behaviour.

What seems a much more appropriate response to women who abuse their male partners is found in possibly the most "complete and detailed" guide to therapeutic work with abusive women (Robinson 2010, 455), that is *Domestic Violence Treatment for Abusive Women* (Bowen, 2009). The book draws on the author's experiences of such work in her role as a

197 The helpline number is 0808 802 4040, see also http://www.respectphoneline.org.uk/pages/for-women-i-have-been-violent-or-abusive-and-i-need-help.html

clinical social worker, does not seek to excuse women's abusive behaviour but sets out practices to ensure that the abusers take responsibility for their actions and is particularly designed to address the needs of women rather than being a more or less adapted version of a male perpetrator programme (see also Buttell and Carney 2005).

A similarly serious, more academically inclined intervention is a collection of pieces edited by Brenda Russell under the title *Perceptions of Female Offenders: How stereotypes and social norms affect criminal justice responses* (Russell 2013) with key chapters exploring the evidence in relation to female perpetrated intimate partner violence (see in particular White and Dutton 2013, Buttell and Starr 2013, Ferraro 2013 and Hamel and Russell 2013).[198] The evidence is that, in the US at least, "female-perpetrated IPV [domestic abuse] is neither viewed with the same degree of seriousness nor imbued with the same degree of concern or urgency" as male-perpetrated abuse (White and Dutton 2013, p.114).

> *"In the worst case I was kept awake for three days, with no food. … Having a kettle of water poured on your groin, having it reboiled and poured on you again …. She did tell me that this time it was going to be different, she was going to kill me … and I am so thankful for the neighbour who made that anonymous call and to the work that the police did when they rescued me."*
> Ian McNicholl, "Male domestic abuse victim wants equality of treatment", http://www.bbc.co.uk/news/uk-england-humber-15460049

The failure to provide domestic abuse programmes for men and women who perpetrate abuse against their male partners may well be a breach of the Equality Duty discussed above. What shape those services should take should not be determined solely by reference to the current programmes for men who are abusive to their female partners but should draw on the expressed needs of both victims and perpetrators to ensure better outcomes. Men and women concerned about their behaviour towards their partner should not be offered excuses for their abusive behaviour.

Recommendations

- Some level of service provision for perpetrators of abuse against their male partners should be developed in Scotland in the interests not only of abused men and their family members but also of the perpetrators of the abuse.
- Responses to both female and male perpetrators of abuse against their male partners should be robust and avoid the danger of offering excuses for abusive behaviour. However, such responses should not simply mirror those already in existence for male perpetrators of abuse against female partners but must take account of the wishes of abused men, whether in same-sex or mixed-sex couples and in particular their concerns for the well-being of their children which in many cases appears to include a desire to preserve good relationship between the children and the man's abusive partner.
- Best practice from other jurisdictions and from, e.g., the insights gained from work in response to domestic abuse within female couples, should be engaged with seriously to develop innovative and effective interventions with perpetrators.

198 Given its focus on female-perpetrated abuse the volume has very little to say directly about abuse against men in same-sex relationships.

Appendix 1 - Useful contacts

AMIS (Abused Men in Scotland)
Support for all men who are experiencing or have experienced domestic abuse and those concerned about such men.
Helpline - 0808 800 0024 (7 to 10pm every night, consult website for any alteration)
http://www.amis.org.uk

Broken Rainbow UK
National LGBT domestic violence helpline.
Helpline - 0300 999 5428 (Mon & Thurs 10 am to 8 pm; Tues & Wed 10am to 5pm)
http://www.brokenrainbow.org.uk/

Citizens Advice Direct
Helpline – 0808 800 9060 (Mon to Fri 9 am to 8 pm & sat 10 am to 2 pm)
http://www.cas.org.uk/

Eighteen and Under
Dundee-based service supporting under 18s who have experienced any form of abuse including emotional abuse.
Helpline - 01382 206222 (Mon to Fri office hours)
http://www.18u.org.uk/

Families Need Fathers Scotland
Helpline 0300 0300 363 (Mon to Fri 6 pm to 10 pm)
http://www.fnfscotland.org.uk

Forced Marriage Unit
Helpline – 0207 008 0151
http://www.fco.gov.uk

LGBT Domestic Abuse Project
Scottish service which provides information to individuals and service providers via its website but no helpline.
http://www.lgbtdomesticabuse.org.uk/

Mankind Initiative
Supports male victims of domestic abuse across the UK.
Helpline – 01823 334244 (Mon to Fri 10am to 4pm and 7pm to 9pm)
http://www.mankind.org.uk/

Parent Line Scotland
Service run by Children 1st Scotland for anyone with concerns about a child.
Helpline 0800 028 2233
http://www.children1st.org.uk

Respect
London-based service for perpetrators and victims of domestic violence.
Helpline - 0808 801 0327 (Mon to Fri 10am to 1pm and 2pm to 5pm - note, men seeking help will be screened and may be designated as perpetrators)
http://www.respect.uk.net/

Samaritans
Support for anyone feeling down or unable to cope.
Helpline 08457 909090 (24 hours)

http://www.samaritans.org/your-community/samaritans-work-scotland

Scottish Child Law Centre
Free legal advice for under 18 year olds.
Helpline - 0800 328 8970 (Mon to Fri 9.30 am to 4pm)
http://www.sclc.org.uk/

Scottish Domestic Abuse Helpline
Service for anyone affected by domestic and/or sexual abuse.
Helpline - 0808 027 1234 (24 hours)
http://www.scottishdomesticabusehelpline.org.uk

Shelter Scotland
Housing and homelessness advice and services.
Helpline – 0808 800 4444 (Mon to Fri 9am to 5pm)
http://scotland.shelter.org.uk/

Victim Support Scotland
Support for victims of crime.
Helpline - 0845 603 9213 (Mon to Fri 8am to 8pm)
www.victimsupportsco.org.uk

Appendix 2 - Further reading

Bowen, E J (2009) *Domestic Violence Treatment of Abusive Women: A treatment manual* (Routledge: Abingdon)

Cook, P W (2009) *Abused Men: The hidden side of domestic violence* (2nd ed) (Praeger: Westport)

Dutton, D G (2006) *Rethinking Domestic Violence* (University of British Columbia Press: Vancouver)

Hamel, J (ed) (2008) *Intimate Partner and Family Abuse: A Casebook of Gender Inclusive Therapy* (Springer Publishing Company: New York)

Hughes, H (2011) *Domestic Abuse and Scots Law* (W Green: Edinburgh)

Island, D & P Letellier (1991) *Men who beat the men who love them* (Harrington Park: New York)

Mills, L G (2006) *Insult to Injury: Rethinking our response to intimate abuse* (Princeton University Press; Princeton)

Appendix 3 - Bibliography

In addition to general texts on family law etc. the items below were examined in the course of producing this review. Some of the items not directly related to men's experience of abuse and indeed some are opposed to recognition of men who experience domestic abuse but are included as potentially providing starting points for further research.

ACPOS and COPFS (2004) *In partnership, challenging domestic abuse: joint protocol* (ACPOS & COPFS: Glasgow & Edinburgh))

Action on Elder Abuse (2004) *Hidden Voices: Older people's experience of abuse* (Help the Aged: London)

AMIS (2013a) *Men in Scotland: Surviving domestic abuse* (AMIS: Edinburgh)

AMIS (2013b) *Service Provider Guide: The male experience of domestic abuse* (AMIS: Edinburgh)

Anderson, M L et al (2011) "Intimate partner violence against deaf women: A review" 16 *Aggression and Violent Behaviour* 200-206

Angus Council (nd) *Safe not scared: A teacher's toolkit to promote positive healthy relationships and the prevention of domestic abuse* (Angus Council: Forfar)

Archer, J (2007) "A cross-Cultural perspective on physical aggression between partners" 6 *Issues in Forensic Psychology* 6, 125-131

Avizandum Consultants and AAJ Associates (2011) *Research Report: The use and effectiveness of exclusion orders under the Matrimonial Homes (Family Protection) (Scotland) Act 1981 in preventing homelessness* (SWA: Edinburgh)

Backett-Milburn, K and S Jackson (2012) "Children's concerns about their parents' health and well-being: Researching with ChildLine Scotland" 26 *Children & Society* 381-393

Baird, K et al (2011) "Experiences of researchers in understanding domestic violence" 21 *Primary Health Care* 25-30

Baker, C K et al (2010) "Domestic violence, housing instability, and homelessness: A review of housing policies and programme practices for meeting the needs of survivors" 15 *Aggression and Violent Behaviour* 430-439

Baker, H (2008) "Constructing women who experience male violence: Criminal legal discourse and individual experience 29 *Liverpool Law Review* 123-142

Ball, B et al (2012) "Expect Respect Support Groups: Preliminary Evaluation of a Dating Violence Prevention Program for At-Risk Youth" 18 *Violence Against Women* 746-762

Barber, C F (2008) "Domestic violence against men" 22(51) *Nursing Standard* 35-39

Barrett, K A et al (2009) "Intimate partner violence, health status, and health care access among women with disabilities" 19 *Women's Health Issues* 94-100

Barron, J (2012) *The Domestic Abuse and Money Education Project (DAME): Final report* (Women's Aid: London)

Barter, C et al (2009) *Partner exploitation and violence in teenage intimate relationships* (NSPCC: London)

Bayarri, E et al (2011) "Exposure to intimate partner violence, psychopathology, and functional impairment in children and adolescents: Moderator effect of sex and age" 26 *Journal of Family Violence* 535-543

Bell, N S (2009) “Health and occupational consequences of spouse abuse victimisation among male US army soldiers” 24 *Journal of Interpersonal Violence* 751-769

Bender, K and A R Roberts “Battered women versus male batterer typologies: Same or different based on evidence-based studies” 2007 *Aggression and Violent Behaviour* 519-530

Berns, N (2004) Framing the Victim; Domestic violence, media and social problems (Transaction Publishers: New Brunswick)

Berns, N (2001) “Degendering the problem and gendering the blame: Political discourse on women and violence” 15 *Gender & Society* 262-281

Best, C et al (2011) *Voices unheard: Domestic abuse; Lesbian, gay, bisexual and transgender young people’s perspectives* (LGBT Youth Scotland: Glasgow)

Big Lottery Fund (2012) *Engaging men in your project: a good practice guide* (National Lottery: London)

Blain, L M et al (2010) “Gender differences in recovery from posttraumatic stress disorder: A critical review” 15 *Aggression and Violent Behaviour* 463-474

Bowen, E J (2009) *Domestic violence treatment of abusive women: A treatment manual* (Routledge: Abingdon)

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