

Emanuel Tanay,¹ M.D.

Family Violence

REFERENCE: Tanay, E., "Family Violence," *Journal of Forensic Sciences*, JFSCA, Vol. 29, No. 3, July 1984, pp. 820-824.

ABSTRACT: Violence within family differs in significant respects from criminal assaultiveness. Failure to differentiate these two forms of violence contributes to the ineffectiveness of the criminal justice system. Love relationships account for the majority of homicides; however, the fiction of the criminal as the killer persists because of the entertainment media. Prevention requires comprehension of the causes and construction of typology of violence.

KEYWORDS: psychiatry, family relations, violence, jurisprudence

There are many definitions of family. For our purposes, the "family" is used here to describe close relationships.

A man and woman who have been married for nearly a decade live and work in faraway cities. They meet every few months and spend summer vacations together. For our purposes, they are not family.

Another man and woman have been having an affair for 18 years. They have sexual relations a few times a week and speak to each other on the telephone at least three times a day. Both are married; however, their relationships with their spouses are not meaningful.

Nonsexual relationships like those between business partners, co-workers, and neighbors sometimes acquire such intensity that these people can be considered family.

Functionally speaking, the term "family" at present denotes a relationship designed to gratify the emotional needs of the family members. The various traditional functions of the family have been taken over by a variety of other institutions.

Perhaps it would be simpler to speak of love relationships instead. When it comes to love, we use that one term to denote a variety of relationships which have in common libidinal attachment. We use it to describe a desire for people, things, and activities—the sexual involvement between a man and a woman, the interest a person has in food, or the attachment a mother has to her child. Love denotes desire and self-sacrificing altruism. Love gratifies the lover and compels him or her to desire the gratification of the object of his love. Love and desire are difficult to distinguish. Aquinas writes:

For nobody desires anything nor rejoices in anything except as a good that is loved [1].

The use of the term "love" instead of "family" does not convey the fact that we are actually talking about love-and-hate relationships. The critical aspect is that such relationships are of high intensity. For our purposes, the significant operational feature of love and hate is the magnifying effect these emotions exert upon personality features. Under their influence the suspicious become paranoid; the altruistic, self-sacrificing.

Received for publication 30 June 1983; revised manuscript received 3 Oct. 1983; accepted for publication 4 Oct. 1983.

¹Clinical professor of psychiatry, Wayne State University, Detroit, MI.

Love and the family merely distills into a lethal dose what exists in the culture at large [2].

Individual violence is defined here as the infliction of physical harm by one person upon another. This definition includes a wide range of behavior. Violence may occur in order to achieve a purpose or to express an emotion, or it may be the result of a breakdown of controls.

Another way to classify violence is according to the state of mind of the perpetrator at the time when he or she engaged in violent behavior. For example, a parent may administer physical punishment to a child because he or she believes that this is essential to the child's well-being. On the other hand, a parent can inflict physical punishment upon the child because of a deep-seated need to impose suffering upon the child. In the first instance, we are dealing with discipline; in the second, with child abuse.

Self-harmonious, egosyntonic behavior is conscious, reflective, and subject to reason. Self-dysharmonious, egodystonic behavior is, by and large, outside the control of the actor and is generally resistant to persuasion, punishment, or disapproval. A person who engages in violence for rational reasons can be influenced by rational reasons to restrain from being violent. If an individual robs banks to get money, that person is likely to cease if he or she inherits a million-dollar estate or is likely to get caught and punished. If the thief robs a bank to suffer, neither money nor risk of punishment will be a deterrent.

Some people behave violently because they want to. Some people behave violently because they have to and do so contrary to their wishes. There are three *sources* of individual violence in our society:

- (1) subculture of violence,
- (2) episodic breakthrough of violent impulses, and
- (3) psychotic breakdown of personality structure.

There are three *causes* of violence:

- (1) biological,
- (2) social, and
- (3) psychic.

Societal methods of dealing with violence are based upon three *fiction*s:

- (1) violence is rational,
- (2) punishment prevents violence, and
- (3) criminals are responsible for most violence.

Violence and crime are almost synonymous in our collective awareness. And yet most violence is committed by noncriminals, and most crime is nonviolent. Psychiatric doubletalk? No! Just plain facts that none of us like to acknowledge.

Many law enforcement officials regard white-collar crime as the fastest growing sector of crime. Bribes, kickbacks, payoffs, computer-related crimes, consumer fraud, illegal competition and deceptive practices, fraud by credit card and check, embezzlement and pilferage, insurance fraud, receiving stolen property, and security theft and fraud are only a few of the crimes that raise eyebrows but do not inflame passions. So-called white-collar crime is widespread, profitable, but not very exciting. Making money by illegal means is rarely the subject of a best-seller or a Hollywood thriller. Violence, on the other hand, is the backbone of our entertainment industry. Sex and violence play a dominant role in literature, movies, and TV dramas because they gratify universal, deep-seated needs. People watch or read about people killing people because it is fun.

Anything that satisfies a need is fun; people kill people because it is fun. Before you dismiss this statement as psychiatric speculation, reflect for a moment about our entertainment industry, television, literature, theaters, movies, and comic strips. All of these are consumed for fun; they gratify a need. We all have a need to fill. Our daily speech reflects it: "I felt like killing him!" "If you say that again, I'll kill you!"

Yes, there is a force within us that strives toward murder. Fortunately, there are also counterforces, controls, and restraints within us. Both killing and not killing are the result of an interplay of dynamic, psychic, and social forces. If we wish to control violence, we have to understand it.

Violence is always rewarding in the short run but very often self-defeating in the long run. It is rarely necessary, and often it occurs without reflection.

Violence is exploited for political purposes. The conservatives say: punish violence; make it sufficiently unrewarding, and people will choose peaceful means to secure their goals. The liberals say: improve deplorable conditions, like unemployment, poor housing, poverty, and so on and violence will become unnecessary. Both points of view legitimize violence in the here and now and promise freedom from violence if we line up behind the respective political goals of our self-proclaimed advisors.

It is true that making certain crimes unrewarding will diminish their occurrence. The death penalty would eliminate such crimes as jaywalking, tax evasion, and embezzlement. Sexual unfaithfulness, spouse killing, child abuse, and similar unreflective offenses are not affected by severity of punishment.

Even if punishment were effective in rehabilitating criminals, there would remain the problem of apprehension. It is generally accepted that 50% of most violent crimes are never reported to the police. The majority of criminal offenses are never solved, and only a small number of criminals arrested are convicted.

In a study conducted in 1965, it was discovered that only 49% of criminal events led to police notification. This constituted 2077 episodes in that survey. Police responded in 77%, which reduced the number to 1024. Seventy-five percent were considered by the police to be crimes which reduced the number to 787. Out of this number, 593 were arrested, and only 50 were convicted [3].

Our approach to violence is irrational. It defies comprehension, even by a psychiatrist. If a citizen conducted the affairs of daily living with such irrationality, he or she would be declared insane. Because we deal with violence irrationally, we are ineffective in controlling it—proof that we have mixed feelings about its prevention.

The major defect in our approach to violence is our failure to recognize that there are varieties of violence. Intrafamilial violence is a distinct variety of violence that requires a different approach than criminal violence. Homicide is the best example of our failure to differentiate family violence from criminal violence. Homicide victims are most commonly people who have had an intense emotional relationship with the perpetrator.

Homicide is truly an affair of the heart. If it were an affair of money, bankers would be the most likely victims. If it were related to property, rich people would be most likely to get killed. If it were related to political differences, murder would become an occupational hazard of politicians. None of this is true in significant numbers. Occasionally bankers are killed, and rich people are murdered in robbery attempts. Politicians are, at times, assassinated. However, for every banker murdered, there are thousands of wives killed by their husbands. There are more husbands killed by their wives than rich people killed by robbers. There are more children killed by their mothers than politicians killed by political assassins. Murder is a family affair because family members have a need to be aggressive with each other.

In the city of Tulsa, OK, a mother of two children, ages seven and nine, was abandoned by her husband, became depressed, and decided to kill herself and her two children. She went to sleep with her children, set the alarm clock to awaken her at midnight, and then shot the two children lying by her side. She then placed two bullets in her heart region and attempted to fire a third one, but a piece of bedding interfered. She was found unconscious six days later and lived. The prosecutor charged her with first-degree murder, which in Oklahoma is punishable by death. The first trial ended in a hung jury. A second trial was conducted. I testified as the only expert in support of the insanity defense and was able to

prove to the jury that the mother of these two children was not in her right mind when she killed them.

What was the expense of this exercise in futility? If one considers the time of all involved in the two trials, a conservative estimate would be \$150 000. Had Mrs. X been convicted of first-degree murder, most likely she would not have been executed but would have served a life sentence instead. Having been acquitted by virtue of insanity, she became a free woman, enrolled in college, and has led a productive life ever since. In the long run, the people of Oklahoma were the winners because they lost the case. Had they won, they would have had to support Mrs. X for the rest of her life in a penitentiary, without any practical or moral gain.

In a small Illinois town, a young father of two children was abandoned by his wife who not only was unfaithful to him, but tormented him with her unfaithfulness. He became depressed and decided to commit suicide with his two children, ages three and five. He went into the garage, started the car, closed all of the windows, and sang religious songs with his children until they all lost consciousness. His children died; he survived and was charged with first-degree murder. Once again, my testimony led to an acquittal by virtue of a so-called insanity plea. Many such cases, however, lead to conviction and incarceration, which serves no useful purpose.

Confronted with such tragedies, our society has only one response: criminal prosecution and punishment. Such a response is not motivated by preventive goals, but by retribution. Punishment and prevention are not closely related; at best, they are cousins. The primary purpose of punishment is "to inflict pain, loss or other suffering upon a person for his sin, crime or fault [4]." The motivation of punishment is to revenge or avenge a wrongdoing. Punishment evens the emotional score between the wrongdoer and the aggrieved.

Prevention, on the other hand, is the act of forestalling an occurrence. The produce of prevention is a nonevent. Punishment can, at best, affect recurrence of wrongdoing. After the evil deed is done and the offender punished, let us assume he never does it again. Does this prove the preventive effectiveness of punishment?

Mr. Jones, after 20 years of marriage, kills Mrs. Jones in a family quarrel. He spends ten years in jail and never kills anyone again. Did the ten years in jail cure him of his wife-killing propensity?

Mr. Smith kills Mrs. Brown in a holdup. He spends 15 years in the penitentiary. Two days after discharge from jail, he kills Mr. Roberts in another holdup. Is this failure of prevention?

I submit that it was an error from the standpoint of violence prevention to keep Mr. Jones in jail for ten years, and to release Mr. Smith after 15 years. The unique episode in the life of Mr. Jones did not make him a violence risk for the community. The habitual propensity for violence of Mr. Smith was predictably aggravated by the exposure to the brutal environment of a prison. Mr. Jones emerged from the jail a broken, useless man. Mr. Smith, on the other hand, made an excellent adjustment in prison and emerged invigorated and full of criminal plans.

Taking the purely behavioristic approach, one could argue a killing is a killing, or a beating is a beating is a beating. There are, however, important differences between intrafamilial violence and the garden-variety criminal violence. The criminal does not discriminate but bases his criminal activity upon realistic needs of his own. His aim is to gain money, goods, and job satisfaction. The relationship between the criminal and his victim is not essential to the occurrence of violence. A street robber will attack young and old, male and female, black and white, and so forth. His choice of victims is determined by realistic considerations. He may choose old people or women because they are weaker. He may choose men because he derives more satisfaction from robbing men than women. Or he may be entirely nonspecific, robbing whoever happens to be in the wrong place at the wrong time.

Intrafamilial violence, on the other hand, occurs within a love relationship. The perpetrator is usually violent only with this particular person. A husband who beats his wife does not beat his female co-workers or other men. When a wife is beaten by her husband, the par-

ticipants and observers experience different emotions than those that accompany an assault of a stranger upon another stranger.

What is described here is common knowledge; however, it has not led to appropriate action. Individual violence can never be completely eliminated, but it can be reduced relatively easily. No one can seriously question the capacity of our society to take effective action and produce desired results. We put a man on the moon, eliminated polio, and curtailed airplane hijacking. On the other hand, we have terrible public transportation, increasing cancer rates from cigarette smoking and other chemical carcinogens, and the highest murder rate in the civilized world. We are effective only when we want to be effective.

References

- [1] Aquinas, St. Thomas, "Great Books, I," *Encyclopedia Britannica*, p. 105.
- [2] Henry, J., *Pathways to Madness*, Random House, New York, 1971.
- [3] "Do Mandatory Prison Sentences for Handgun Offenders Curb Violent Crime?", Technical Report I, The United States Conference of Mayors, 1976, p. 5.
- [4] *Websters Dictionary of Synonyms*, G. & C. Merriam Co., Springfield, MA, 1951, p. 66.

Address requests for reprints or additional information to
Emanuel Tanay, M.D.
2400 Fisher Bldg.
Detroit, MI 48202