

Catfights and Masculinity or Domestic Violence? Understanding the Discourse and  
Attitudes that Surround Same-Sex Domestic Violence

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## TABLE OF CONTENTS

ABSTRACT.....	#3
INTRODUCTION.....	#4
NOTE ON REFLEXIVITY.....	#5
THEORY.....	#7
LITERATURE REVIEW.....	#10
METHODS/METHODOLOGY.....	#18
DISCUSSION.....	#19
FURTHER DIRECTIONS.....	#21
CONCLUSION.....	#22
REFERENCES.....	#25

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By: Michaela Harris

Domestic violence has been an issue in front of the courts for decades. Formerly considered to be an issue that only women faced, it has now shifted to include men and people of non-binary identification, including those who are members of the LGBTQ populations. This essay argues that although the literature now includes these categories, the Criminal Justice System in North America does not take non-heterosexual domestic violence as seriously, many claims are discredited by police, the Criminal Justice System, as well as community members. This paper takes a critical look at why the literature on same-sex domestic violence appears to offer some insight into the issue but not how to address the problem. This is problematic because while it is important to understand that there is a significant problem of domestic violence in the LGBTQ community, to end the cycle of violence within same-sex couples, it is important to offer solutions and some understanding as to why this continues to happen.

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## **Introduction**

Historically, domestic violence was an issue that affected mostly women due to the societal image that women are subordinate and weaker than their male counterparts. The laws written, when making claims of domestic violence were therefore women-centered as victims, and exclusively heteronormative. This left those who do not fall into the binary of male or female and those who are not heterosexual, at risk of harsh judgement compared to women who fit into the binary.

In comparison, domestic violence is a subjective issue in front of the courts on its own. Since abuse is not always black and white, it is not always a simple guilty or not-guilty conclusion in many cases of domestic violence. Proving prolonged abuse and violence can be difficult in most cases of physical abuse, and it only gets harder when emotional and psychological abuse are involved. People of any gender, or any sexual orientation are subjected to reliving their traumatic abuse, and are responsible for proving to the court that they were truly the victim of abuse. This poses extreme risk, particularly for those who are the victims of psychological or emotional abuse, because those leave no physical scars.

Women and men who do not fit the typical heteronormative binaries, are not only subjected to disbelief by the court system, but also by neighbors, friends, and community members. The lack of understanding and belief by close family and friends, along with police and authority figures, leaves people be subjected to severe trauma

with nowhere to go.

Taking a critical look at the scholarly literature currently available on same-sex domestic violence, this essay aims to problematize the literature. Also, it seeks to understand why there is a marked gap between claims that do not get processed properly or in due justice, when compared against those that do fit into the heteronormative binary. This critical review of available scholarly literature looks at how the discourse on same-sex domestic violence differs from heterosexual domestic violence. This review also analyzes why there is a gap in the literature between the problem and potential solutions, whereas that same disconnect does not exist in heterosexual literature.

Finally, this paper looks at what happens because of the disconnect. For many, there is an understanding that violence among same-sex couples is a reality, but there is little being done about it. This leaves many vulnerable people at risk for violence. The Criminal Justice System as well as the community tends to virtually disregard same-sex domestic violence. Therefore, many men and women in same-sex relationships are at risk for being stuck in the cycle of violence.

#### **Note on Reflexivity**

While reading this, you may wonder who I am and why I claim some authority over this topic. For one, I have always had a passion for human rights, and social justice. But, I need to acknowledge that I am an outsider on this topic. I do not belong to the

community referenced in this paper, nor have I ever been the victim of a domestic violence incident. I am a female though, which puts me in a similar category for being at risk of domestic violence at some point in my life, and therefore I feel the need to bring light to this devastating topic.

While I was still completing my undergraduate degree, I ran into a peculiar situation one night at a bar which inspired me to investigate this topic when I witnessed a couple in a verbal argument in the middle of the street at a pub. These arguing people were mutual friends with a very close friend of mine. I had commented on the fact that these two were getting close to a physical argument right in front of everyone, and the reply I received was that *this happens every time*. Interestingly, for something that happens *all the time* no one seemed at all concerned that this relationship fit the standards for domestic violence. I had seen similar things happen in a heterosexual relationship that was not even to this magnitude and people who did not even know that couple were standing up for the *female* victim.

This interesting social experience started me on the notion that we tend not to take domestic violence as seriously, when the victim is not female and when the perpetrator is not male. Thus, I have taken on this project to explore whether or not we as a society tend to not take female-on-female, female-on-male, and male-on-male claims of domestic violence as seriously or even as credible.

## **Theory**

The theoretical concepts that underpin this project are taken from gender studies, as well as queer and feminist theory. The core concepts of these three theories overlap and provide the basis for understanding this topic. To understand domestic violence, there must be a fundamental understanding of how masculinity and patriarchy affects the masses. A psychoanalytical theory of gender produced by James Hansell (2011), concludes that societal gender norms such as masculine and feminine can place extreme burdens and cause major anxieties for those who do not fit directly into those binaries. Often, the constraints of gender norms and rules are imprisoning for those who do not conform to the norms of society. The questioning and problematizing of gender can understandably cause mental and psychological instability, in such individuals.

Sexual orientation comes into play via gender theory, when understanding how homosexuality and heterosexuality play into the development of gender. During the time of Sigmund Freud, gender was considered to be a biological construct, whereas now it has shifted to be a more socio-cultural premise over biological (Hansell 2011). Understanding this shift points to the idea that gender is an important part of identity and that the way we construct our identities is influenced by our perspectives on culture (Hansell 2011). Many people may identify as lesbian or bisexual, but this often means something different for everyone. Although there is an agreed upon definition

for these terms, their implications can differ from person to person. As outlined within the literature, this differing of opinion on proper the terms and their meanings, can often cause both internal and external conflict. This can lead to internalized homophobia among those who feel differently with respect to the definitions of the terms (Balsam, Szymanski 2005; Tesch, Berkerian, English and Harrington 2010).

Judith Butler (1990/1999) argues that masculinity is dominant throughout all historical contexts such as the economic, political, and social, realms and in almost all aspects of our current life. Even those of us who do not subscribe to the binary, are influenced by masculinity in some form. For Butler, the key to overriding patriarchy is not to directly go against it, but rather to understand how it intersects with women and feminism. Feminist ideals aim to counteract the use of patriarchy, masculinity is often used to ensure the suppression of the Other (Butler 1990/1999).

As well, Butler questions the categorical use of the term 'woman' as does feminist and gender theory, more generally the term perpetuates the use of the binary and heteronormative ideals, and those who do not categorize themselves in that binary are excluded. The term also suits those who are privileged, and does not consider an intersectional approach among race, class and sexual orientation. The term continues to perpetuate masculine ideals as femininity is considered the opposite of masculinity, and therefore, using the term, woman, reproduces the notions of man by asserting that female is Other (Butler 1990/1999).

Relevant to gender and feminist theory, queer theory attempts to dismantle the patriarchal classification system, which controls the way society views people and their sexualities. Queer theory emerged significantly later than gender and feminist theory. The term 'queer' was not universally understood until the late 1980's and it has not been until the last decade, that the understanding of 'Queer Theory' became politically understood. Prior to the late 1980's the term queer was a derogatory term. The term was used to disenfranchise the LGBTQ community, but it has since been reclaimed to be empowering instead of disempowering. According to Galinsky, Wang, Whitson, Anicich, Hugenberg, and Bodenhausen (2013), using a term in self-labelling is the only way to reclaim it from being derogatory. This process is known as re-appropriation, the way in which one takes a stigmatized term and makes it a self-respecting term. Queer theory aims to expose the intersectionality between power, gender, and sexuality and works to show how these affect the lives of many people living within society (Kirsch 2000).

Queer theorists therefore work to deconstruct the labels of sexuality and gender, showing a far more fluid approach to sexuality. "All would seem to agree, for example, that the traditional 'heterosexual/homosexual' dichotomy should be abandoned, and that a third or more ways of describing and analyzing sex and gender should be proposed" (Kirsch 2000, pg. 34). Understandably, the heterosexual and homosexual categories are extremely harmful to those who do not subscribe to the

societal gender norms. Having a far more fluid and open approach to sexuality, sex and gender, would allow for a more open conversation of the multiple intersections of gender.

The above cited theories and theorists, underpin the concepts mobilized in this essay. Getting past the heteronormative understanding of society allows us to see why there needs to be a broader understanding of gender and sexuality. Due to the fact that traditional gender roles and hetero-sexuality are so engrained in both patriarchy and masculinity, these theories help to explain why domestic violence is seen so differently, almost looked down upon, in same-sex relationships over heterosexual relationships. As outlined above, masculinity is seen as strong and willing whereas femininity is the opposite. This illustration is central to understanding why woman-on-woman, male-on-male, as well as woman-on-male domestic violence is seen in a completely different light than male-on-female domestic violence. Clearly, a basic understanding of gender, queer, and feminist theory are foundational to this paper.

### **Literature Review**

When it comes to the causal reasons for domestic violence, there are many variables to consider. Hegemonic masculinity is a very common notion mobilized in the massive amounts of literature available. The term was coined decades ago by R.W. Connell in 1983, but the applications are still quite relevant today. It is defined as: Hegemonic masculinities can be constructed that do not correspond closely to the lives

of any actual men. Yet these models do, in various ways, express widespread ideals, fantasies, and desires. They provide models of relations with women and solutions to problems of gender relations. Furthermore, they articulate loosely with the practical constitution of masculinities as ways of living in every day local circumstances (Connell & Messerschmidt 2005 pg.838).

Hegemonic masculinity refers to dominant gender norms and the notion of how patriarchy affects our society (Connell, Messerschmidt 2005; Dufee 2011). Quite often, masculinity is studied by feminist scholars. Feminist scholars are particularly interested in masculinity because it not only affects males but it also has a significant impact on the rest of society. Hegemonic masculinity has appeared numerous times within the literature because of its strong connection with dominance.

Dominance and subordination are often at play when domestic violence occurs. This issue often arises when men believe they hold authority over women, who are subordinate to their male partners. A study of men who fit the common stereotype of masculinity yielded similar results to a study on Interpersonal Violence completed by Reid, Berke, Gentile, and Zeichner (2014). The former study concluded that men who were more masculine had often participated in some form of domestic violence against a female romantic partner. Hegemonic masculinity does not only affect heterosexual people. In the Lesbian, Gay, Bisexual, Queer/Questioning, Transgender (LGBTQ) group, it is also quite prevalent, but takes on a slightly different form as homophobia and

internalized homophobia, which has serious consequences for those in the LGBTQ community (Milletich, Gumienny, Kelly and D'Lima 2014). The diverse identity construction within the LGBTQ community means that there is often a disconnect between members and what it means to be a member of this community.

Understanding the common factors that affect women in violent heterosexual relationships, allows us to better understand why women and men in LGBTQ relationships are actually victimized in seemingly significant numbers. Studies tend to reveal that when domestic violence is perpetrated by females against other females, it is deemed as not severe. Community members who abide by the common ideologies of gender norms, do not see female-on-female domestic violence as serious as male-on-female violence, nor do they see it as reportable (McCarrick, Davis-McCabe & Hirst-Winthrop 2016; Seelau, Seelau 2005). Although community standards tend to take male perpetrated violence against females much more seriously, the statistics tend to show that the former is far more serious. A study compiled by Milletich et al in 2014, shows that 40.4 percent and 59 percent of lesbian and bisexual women respectively have been the victim of some form of domestic violence, whereas only 24 percent of heterosexual women have been victimized. In the same study the authors noted that in many of the cases of domestic violence, a major factor in the abuse was internalized homophobia. This clearly demonstrates that even people of the minority community internalize the violence and ignorance that has been used against them and can inflict it on others in

their romantic relationships.

Thus, internalized homophobia can cause major damage within a same-sex relationship. According to two different studies, internalized homophobia often causes tension within the LGBTQ community, and within individual relationships. When this issue arises, it leads to different forms of abuse including but not limited to physical, emotional, and sexual abuse (Balsam, Szymanski 2005; Tesch, Berkerian, English and Harrington 2010). Severe psychological abuse is often a key factor in same-sex relationships where internalized homophobia is prevalent (Tesch, Berkerian, English and Harrington 2010). In fact, approximately ten percent (Gehring, Vaske 2015) of both women and men in same-sex relationships report a much more severe level of psychological abuse over physical abuse from their partners (Frankland, Brown 2014)

People who are victims of same-sex domestic violence often struggle with long-term mental health problems, and those who are in violent relationships often struggle with society's ideas of gender. For some, gender can be fluid, while society does not see it that way. The issue of trying to please society, and trying to fit in, leads to poor self-esteem and other mental health problems (Reidy, Berke, Gentile and Zeichner 2014). For those who do stay in an abusive relationship, the consequences can be even more severe. Victims of domestic violence who stay with their abuser suffer more severe long-term health effects over those who were victims and left. These often include depression, and low self-esteem. Due to these mental health issues, women especially,

have their issues belittled by friends and the public because they choose to stay. Many victims stop believing that there is a problem and/or that they are in danger, leaving them exposed to what could be deadly consequences (Loveland, Raghavan 2014; Torres 2012).

Moreover, because of these beliefs by both victims and the public, there are very few laws in place protecting those who are the victims of same-sex domestic violence. Historically, because homosexuality was a crime, the Criminal Justice System (CJS) made it hard for those who were victims of domestic violence to come forward. The idea that homosexuality was not a crime against a person but in fact a crime against nature deterred victims from coming forward but also deterred anyone from doing research to address the problem (Baker, Buick, Kim, Moniz and Nava 2013). The way these laws were written still affect a large portion of the LGBTQ group today, even though many laws were rewritten to be more inclusive. Two studies conducted by Loveland and Raghavan (2014) and Seelau and Seelau (2005), show that people in same sex relationships are significantly less likely to come forward with allegations of abuse. For male same-sex relationships, many have reported to researchers that they were the victim of near-lethal domestic violence, often leaving them hospitalized or with permanent damage. Yet police reports of these incidents or incidents similar are almost non-existent. For those who do report to the police, authorities often do not pursue any leads, or even take the claims as seriously due to societal beliefs of who can be a

victim. Therefore, abusers are left out on the streets.

Furthermore, men who have called police during acts of domestic violence are often ignored altogether. Police either do not respond to the call, or are late responding and by the time police arrive, it is too late to end the violence (McCarrick, Davis-McCabe, Hirst-Winthrop 2016). Additionally, men who have called the police because of abuse by a female partner, report higher levels of fear and victimization (Laroach 2008). Men who do call for assistance from police are often the victims of emotional and verbal abuse. The violence is often not physical at first, but the damaging effects that can come from verbal and emotional abuse are significant (Dufee 2011). This abuse often escalates to a violent relationship, but men are still significantly less likely to obtain help from the state or spend any time in a shelter (Laroach 2008). When men do file reports against their partners, it is often categorized as fighting, assault, or other forms of altercations, as opposed to domestic violence charges, leaving the public with incorrect information about same-sex domestic violence. As well, men who do report bouts of violence against their person are often arrested, and charged in the beginning for being the abuser, the opposite of what our justice system is supposed to do (Loveland, Raghavan 2014; McCarrick, Davis-McCabe, Hirst-Winthrop 2016; Anderson and Umberson 2001).

Understandably, trust in the justice system is declining at significant rates among the LGBTQ and the heterosexual community. Per a study compiled by Barta in

2007, women who are the victims of domestic violence in any type of relationship have very little trust in the CJS. They are often not believed, and when they are believed, the process of trying to get justice is extremely painful and embarrassing. Comparatively, when victims are believed by the system, the abuser is most often male, and he has usually asserted some form of physical power over the victim. Therefore, women who report abuse by other women, especially emotional or psychological, are often put in the background until they have simply given up hope or become mentally drained. These women and men who are not believed have lost so much faith in the system, that they no longer report any kind of violence, due to the amount of stress placed on the victim.

The justice system has continued to fail those who belong to a minority community. LGBTQ members are often very afraid to report to police because of the fear of police brutality as well as not being believed. They also fail to believe in the justice system because the goals of victims and the goals of the system are not the same. The goals of the justice system are to enforce laws. Due to this goal, victim autonomy is often not even considered. Therefore, victims must relive and reiterate their abusive pasts and relive these terrible experiences with little consideration for mental and emotional health. Women of color also tend to face further persecution by police and courts due to bruising and other physical evidence being hard to see on those with darker skin (Bailey 2010). It often leaves the victim with a feeling of

hopelessness and thus many do not continue to report any new forms of abuse to the authorities (Goodlin and Dunn 2010; Bailey 2010; Baker et al 2013).

In contrast to female victims in same-sex relationships, men who are in same-sex relationships are often subject to a higher level of violence than females. According to Shorey, Febres, Brasfield, and Stuart (2012), men tend to stay longer in an abusive relationship than do women. Men compared to women, tend to see the violence as not serious or as something they can handle. Additionally, the rates for men who are the victims of domestic violence are shockingly high. Between 1999 and 2004, 1 in 18 men were the victims of domestic violence both in heterosexual and homosexual relationships. Seeing that most of the scholarly literature presented in this paper focuses on female domestic violence, that number is staggering. Laroche (2008), also noted that while the numbers are significantly higher for women, the abuse that men in both heterosexual and homosexual relationships face is much more severe, and often life threatening (Loveland and Raghavan 2014).

The literature cited above points to a problem within the system. For many members of the LGBTQ community, domestic violence is an imminent threat. Police, the judicial system and the LGBTQ community tend to take it as less than serious. This issue came to light in many of the articles examined for this paper. The common theme among them includes underreporting, and systematic disbelief. From this, the question arises with respect to whether or not the legal system in North America is

systematically biased against those in the Lesbian, Gay, Bisexual, Queer, Transgender community.

### **Methods/Methodology**

For this essay, this research question is investigated using the following practices. It employs a systematic review of the scholarly literature to better understand the discourse that surrounds domestic violence in same-sex couples. Finding information on LGBTQ domestic violence rates was far harder than originally anticipated. Simple searching practices were not possible because of the lack of available literature on same-sex domestic violence. Multiple search engines and different journals were investigated to find the information. When a few different sources were found that were linked to my topic, I used the keywords at the beginning of each abstract to continue searching. These keywords allowed me to dig deeper into the literature and find useful sources that may have otherwise gone unnoticed.

This practice was best for this essay topic because this is a relatively new topic of research. In short there is a very large knowledge gap concerning same-sex domestic violence. It is noteworthy that there is little knowledge in the field as well as very little research that is focused on changing the discourse in same-sex domestic violence. This invites the question of why the literature focuses on the problem with very few outcomes or results on ways to address the problem.

The data for this research project are from secondary sources, due to the

problem that there is a vast need to understand and problematize the literature that is already available to be able to change it. Due to the large gap within the knowledge, I believe that the only way to change the discourse would be to first understand what literature is out there. This will allow researchers like myself to know where to start with a larger project, and how to approach this topic using anti-oppressive research methods. This project should be done to ensure that future generations of LGBTQ people are not subjected to the same silence surrounding domestic violence as previous ones.

### **Discussion**

From the secondary sources investigated, it is clear why people belonging to the LGBTQ community do not report, or report significantly less often, than their heterosexual counterparts. There are a number of extenuating factors including a lack of trust in police, police misinterpretation, lack of support by community members and peers as well as lack of faith in the Criminal Justice System as a whole. Although numerous sources mentioned the above issues with domestic violence pertaining to same-sex couples, very few mentioned any ways to address the problem within the system.

Articles that examined perceptions and reactions to the Criminal Justice System, only scratched the surface of the problems that people face, although the literature is valuable in understanding why there is such a large subset of the population that feels

that the justice system has failed them. There is also a very large gap in the literature, with respect to, what happens after. Should there be more education and responsibility placed on police and judicial decision makers to understand the core issues that affect LGBTQ members when it comes to domestic violence? Should there be a larger emphasis on understanding the psychological and emotional dimensions of domestic violence? Since most abuse starts out as some form of psychological abuse, be it manipulation, coercion, or emotional, clearly it should be addressed before it escalates into physical violence.

Over the last decade, the literature on same-sex relationships and other LGBTQ relationships has increased dramatically, but it all seems to focus on a similar issue, the abuse in itself. Throughout all the literature that was analyzed for this project, there were very few articles that focused on outcomes. Literature focuses on the problem while not on how to address the problem. There appears to be stricter ways to deal with heterosexual domestic violence such as zero tolerance policies, sanctions, and criminal proceedings but, some suggestions are not applied to same-sex domestic violence.

This gap only further stigmatizes people within the LGBTQ community. There are no real ways to get out of the violence, as well as no severe punishments for committing the abuse. It appears as though the government and the justice system do not take the abuse as seriously. This is an issue that will continue unless there is an

overhaul within the system to ensure that all types of violence are understood, including those faced by the LGBTQ community.

### **Further Direction**

As mentioned earlier, these instances of domestic abuse are under-researched. Seeing as this project had to be completed in a very short amount of time, there is enormous room for a much larger project. If this topic were to be studied on a much larger scale, it would be interesting to see how judges ruled differently in cases of same-sex domestic violence versus heterosexual cases of domestic violence. A content analysis of court proceedings on domestic violence cases would give an insight into biases in judicial rulings.

Such a project could consider approximately 100-150 cases of domestic violence; looking at a 50/50 split of same-sex cases and heterosexual cases. The main goal of the research would be to show that judicial prejudice or bias exists in same-sex domestic violence that does not exist in heterosexual domestic violence. Looking at real cases, would allow the researcher to explore whether or not actual conclusions in court that lead to the presumptions of same-sex domestic violence as are considered less severe than heterosexual domestic violence. In turn, analyzing real cases should offer some educational insight into why there is this gap. Offering such insights could help the Department of Justice along with police agencies to reconsider policies as well as handling procedures. A content analysis of judicial court documents would serve most

useful in this analysis. Looking at comments and questions posed by judges, lawyers, and witnesses would provide an interesting perspective on domestic violence cases.

If the hypothesis on bias against same-sex domestic violence is true, then the evidence from court cases should prove that victims of homosexual cases of domestic violence are discriminated against. Language and sentencing should be the first indication of bias against those in same-sex domestic violence situations. Additionally, another indicator of bias would be the lack of a significant number of cases within the courts. As addressed earlier, there is significant underreporting and under-charging when it comes to same-sex domestic violence. This would clearly indicate judicial prejudice against victims.

### **Conclusion**

This project has taken a critical review of literature on domestic violence, a topic that plagues people of all genders, and sexual orientations. For men and women in the LGBTQ community, however, domestic violence is not taken seriously, even though a significant portion of the LGBTQ community is victimized each day. Police and community members tend to see same-sex domestic violence as not serious, or simply as a disagreement that can be tamed without intervention.

For an issue that supposedly has a zero tolerance policy with Canada, this type of domestic violence is often categorized by police as fighting, disturbing the peace or a

number of other offences. This becomes problematic when analyzing statistics on same-sex domestic violence and the charges that come from it. This project took a critical look at how the Criminal Justice System and community service organizations are biased against those in same-sex relationships when it comes to pressing charges of domestic violence. It has also uncovered a significant gap within academic knowledge that focuses on exactly how many people are at risk, and the best response to that. It thus fails to change or help those in need of services.

While analyzing the literature for this project, it was evident that many do not see same-sex domestic violence in the same light that they see different-sex domestic violence. Although violence in any relationship should be taken as seriously, the literature on people's experiences show that for many same-sex couples police often discredited or filed charges under different categories if they listened at all. This led to a significant number of victims losing faith in the system and feeling that they had nowhere left to go. This leaves many people stuck in a system of violence from which they cannot escape.

Overall the findings of this paper are harrowing. Many people in same-sex relationships are victims of domestic violence each day, and the more likely it is that the justice system denies their claims, the more they become re-victimized. Also, the existing gap in the literature only re-produces the problem because few ideas or considerations as given as to address it. For anyone who is a victim, the last thing they

should experience is that they do not matter. By not listening, agencies are perpetuating the cycle of victimization and offering no solutions, and thus leaving many to continue suffering in silence.

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