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The Home Front: Notes from the Family War Zone

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THE HOME FRONT: NOTES FROM THE FAMILY WAR ZONE. By Louise Armstrong. New York: McGraw-Hill Book Co. 1983. Pp. xix, 252. \$14.95.

"If a man assaulted a pregnant friend of yours on the street and beat her until he broke her jaw, punched her repeatedly in the stomach, broke two of her ribs . . . who would you call? A psychiatrist, or a cop?" (p. 1). So begins Louise Armstrong¹ in *The Home Front*. While the answer to her query may seem obvious when the assailant is a stranger to his victim, society has adopted a therapeutic approach to its treatment of family violence (p. 3). As a result, the perpetrator of such acts generally is treated medically rather than prosecuted criminally, as he would be if he were unrelated to his victim. While the vast majority of the literature advocating reform in the societal response to domestic violence operates within the framework of the established therapeutic system,² *The Home Front* stands apart in its denunciation of that system. Instead, Armstrong argues that acts of violence which would be crimes if directed toward strangers³ should also be criminalized if perpetrated in the home (pp. 196-211).

Armstrong criticizes the therapeutic approach, both as a rationalization of the traditional male dominated society,⁴ which has only grudgingly come to accept that acts of domestic violence and sexual abuse directed by men against their wives and children are serious problems needing attention (pp. 2, 6),⁵ and as a distortion, which

1. Louise Armstrong chairs the Family Violence/Incest Committee under the National Women's Health Network and is the author of *KISS DADDY GOODNIGHT: A SPEAKOUT ON INCEST* (1978), as well as a number of children's books.

2. See, e.g., V. DEFRANCIS, *PROTECTING THE CHILD VICTIM OF SEX CRIMES COMMITTED BY ADULTS* (1969); Areen, *Intervention Between Parent & Child: A Reappraisal of The State's Role in Child Neglect and Abuse Cases*, 63 *GEO. L.J.* 887 (1965).

3. Specifically, she is speaking of aggravated assault, assault with intent to kill, rape and child molestation. P. 3.

4. Armstrong provides examples of the historical dominance of males in the Biblical commands that the man be the head of the household and the wife be subject to her husband and in the ancient Greek rule that the child was the father's absolute property. Pp. xv-xvi. She responds to the argument that because men who inflict domestic violence generally have no history of aggression against anyone else, the motive for violence lies in the personal relationship and should not be treated as an ordinary crime, by suggesting that "what is being said is that a wife is a system-endorsed safety valve for males, who might otherwise pose a threat to regular people." P. 5.

5. The celebrated case of Daniel Paul Schreber, whose memoirs were analyzed by Freud,

tends to shift the blame for such incidents from the perpetrator to the victim (pp. 12-13, 37-49).⁶ These criticisms are graphically illustrated in the case of "Jan Samuels" (pp. 52-62, 124-31, 210-11). After her divorce, Jan discovered that her two-year-old son was returning from visits to his father complaining of sexual molestation. Armstrong traces Jan's prolonged struggle with the State in her ultimately unsuccessful attempt to protect her two children from further abuse. The message is clear. Women and children who are the victims of domestic abuse are further victimized by the system. They are personally scrutinized and evaluated, charged with neglect or with provoking the abuser, accused of collusiveness with the male abuser, or of lying to obtain custody. Divorce is no solution. Because men are generally found more mentally stable and more believable,⁷ fathers are often able to obtain custody,⁸ or at least retain visitation rights — and the abuse continues.

The Samuels case is an example of the insidious manner in which diagnosis may substitute for factual determination, as "a fancily decked-out way of deciding that a felony was not committed because the man is simply Not the Type" (p. 52). Armstrong contends that there are "virtually limitless possibilities for governmental excesses inherent in the unchecked therapeutic state" (p. 10). Factual determinations by judge or jury are supplanted by medical diagnosis from

is an example of the historical acceptance of the physical and sexual abuse of children. Born in 1842, Schreber was the son of a renowned orthopedic physician who had written many well-received books on child rearing. Considered to be an excellent father in his day, Dr. Schreber advocated destruction of the child's autonomy and the breaking of his will by such torture-like techniques as a head-compression machine. P. 23. Dr. Schreber's use of these techniques on his son was not considered child abuse, notwithstanding his son's later development of mental problems. Moreover, Armstrong claims that "it must be assumed that his creative techniques were not only applauded but widely practiced," since Schreber's books were so widely read and praised. P. 25.

6. Armstrong contends that "a great deal of the therapeutic understanding attached to intervention, as presently marketed, stems from a discipline begun by Freud," and that Freud "consistently identified the effects of the crime as located, in cause, in the unconscious wishes of the victims." P. 16.

7. For example, Jan Samuels was subjected to the same psychiatric testing as her ex-husband George. The test categorized him as an "Introverted Sensing Type" ("conservative, consistent, responsible, stable, painstaking, systematic, hard-working, and patient with detail and routine"), p. 55, and her as an "Extroverted Feeling Type" (impulsive, sexually sensitive). P. 56. "Obviously," concludes Armstrong, "such a Type has nowhere near the reliability of Mr. Samuels' Type." P. 56. "The more Jan Samuels presses her case, trying to protect her children, the more likely it is that the custody of Sheldon and Kim will be removed entirely from her and given to the calmer, and increasingly more rational-seeming (by comparison) George." P. 129.

8. With the rise of the "father's rights" movement, the issue of custody after divorce has become a mine field for mothers. Calls for "equal rights" for men threatens [sic] to "progress" us back to the 1700's, and the presumption of men's natural guardianship rights.

In 63% of *contested* custody cases, the children are now awarded to the father. So if 90% of all child-custody awards are made to the mother, it is only because the fathers are not contesting in most cases.

P. 50 (emphasis in original); see also note 7 *supra*.

which there is no appeal (p. 11), and procedural and substantive legal safeguards are regarded as counter-productive to the nonpenal aim of medical treatment (pp. 10, 70-71).

The dangers to liberty posed by this therapeutic approach are demonstrated by the case of Jackie, known as the respondent J.R. in *Parham v. J.R.*⁹ Jackie was placed by his family in a mental institution at the age of six, where he remained for five years. Although by all testimony he did not need hospitalization, but had simply been put in the institution because he was an inconvenience to his mother, he had no legal means to obtain release. His case ultimately reached the Supreme Court and was decided against him. The Appellant's briefs before the Supreme Court, which Armstrong covers at length (pp. 174-79), argued for the parents' right to decide how their mentally ill child should be treated without the nuisance and delay of procedural safeguards allegedly deleterious to the patient's cure (an argument that assumes Jackie was indeed mentally ill when first committed).

While Jackie's case and that of Jan Samuels are moving demonstrations of the potential defects of the therapeutic approach, Armstrong's inference that these cases are characteristic of the system is unsupported. Her strongest arguments against the therapeutic system are based, not on its underlying rationale and objectives, but on its failures. She offers no evidence that the criminal justice system is more likely to produce a greater percentage of "right" outcomes, as measured by its own criteria, than the therapeutic system.¹⁰ She does not suggest how the criminal justice and penal systems could absorb the number of cases involved — literally millions based on the estimates of spousal and child abuse cited in her preface (p. xii) — nor does she acknowledge the profound effects that imprisonment of so many would have on both the affected individuals and society.

The Home Front does focus attention on a serious problem that has all too frequently been neglected and distorted. Armstrong accomplishes more, however, by exposing the failures of the system through accounts of emotionally compelling case histories, than she does by her arguments against the therapeutic approach itself. Heightened public consciousness of the problem and efforts to build greater safeguards into the system seem preferable to Armstrong's chosen solution of criminalization.

The historical background in *The Home Front* is well-researched, and its conversational, informal style makes this book

9. 442 U.S. 584 (1979).

10. The fact-finding problems would be particularly difficult in the numerous cases in which small children would be called upon to testify. See, e.g., Note, *A Comprehensive Approach to Child Hearsay Statements in Sex Abuse Cases*, 83 COLUM. L. REV. 1745 (1983).

easy to read and suitable for a layman unaccustomed to legal writing. If nothing else, *The Home Front* is a thought provoking challenge to many accepted societal values.