When is an Assault Not an Assault?
The Canadian Public's Attitudes Towards Wife and Stranger Assault

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There is no distinction in the Canadian Criminal Code between assaults committed on strangers and assaults of spouses. Traditionally, however, wife assault has been considered a private affair, and it has been argued that this attitude continues to be reflected in the police response to domestic disputes. In this study of 240 adults' written responses to assault scenarios, the victim-offender relationship produced variations in ratings of seriousness, in the relative amounts of blame attributed to the victim and offender, and in the recommended police response. In general, nondomestic recidivist offenders tended to be treated most harshly by the subjects, as did offenders who assaulted their victims inside a private house. Additionally, female subjects gave higher ratings of seriousness of the offense, and considered future violence by the offender to be more likely, than did male subjects. The findings are explained in terms of the subjects' ability to identify with the offender, although the decision-making process in judging cases of assault is evidently complex. The implications of these findings for police officers with discretionary powers are considered.

KEY WORDS: attitudes; domestic dispute; police response; recidivism; wife assault.

INTRODUCTION

In the past 10 to 15 years, attention has increasingly been drawn to women as victims of family violence. In fact, a large proportion of assaults on women are committed by relatives. In Wolfgang's (1958) much cited report

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of criminal homicide in Philadelphia, women in particular were more likely to be killed by attackers from within the family than outside of it. More recently, in Quebec and Ontario, women were found to be the victims in 95% or more of domestic disputes attended by police officers (Baril et al., 1983; Byles, 1980), and Canadian statistics to 1983 indicate that over 75% of spousal homicide victims are women (Wilson and Daly, 1987).

It is clear that "the home is a dangerous place for women" (Dobash and Dobash, 1979). Many authors, however, omit or deliberately exclude domestic assaults from their discussions of dangerous behavior, identifying "violence among strangers" as a less ambiguous area for policy considerations (Moore et al., 1984) or noting the lack of data concerning domestic events (Monahan, 1981). Others point to widespread belief in the "sanctity" of the home and marriage (e.g., Dobash and Dobash, 1979; Dow, 1976; Gregory, 1976). A growing literature on wife abuse testifies to the fact that the home is not a sanctuary for many women. This view of wife battering as a private, personal problem, a sign of a troubled marriage, or an incident provoked by the victim, is a "misperception of a crime that deserves public condemnation" (Ontario Legislative Assembly, 1982).

The Canadian Criminal Code states that an assault has been committed when a person intentionally applies force to another person without that person's consent (section 265). As a 24-hr emergency and public service, and the "gateway" of criminal justice (Faragher, 1985), the police are very often the first to intervene in a domestic violent incident. That the law does not excuse men from liability for assault on their wives was emphasized by a policy directive from the Solicitor General on November 1982 (Jaffe et al., 1986) and later also by the Ontario Provincial Police in November, 1986 (personal communication, Staff Inspector Brown of the Metropolitan Toronto Police). The police, however, have been repeatedly criticized for failing to provide an adequate response, since wife assault first became a salient public issue (e.g., Pizzey, 1974) until the present.

One reason often suggested for police reluctance to lay charges in domestic assaults is that there might be insufficient evidence (e.g., Dow, 1976). Faragher (1985) does note that the police tend to arrive after the dispute is over; however, the police are not required to witness the attack themselves. Fear of injury to the officers has also been cited (e.g., Bard, 1971a; Byles, 1980). Ellis (1987), however, has demonstrated that such fear is disproportionate to the risk actually faced. A more convincing explanation is that police policies have traditionally stressed avoidance of arrest in cases of domestic violence (Burris and Jaffe, 1983). For example, a program created by Morton Bard in New York promoted a social work, non-arrest response to violence in the home (e.g., Bard, 1969, 1971a,b). This received much praise, despite its failure to reduce the incidence of wife assault.