

## **Review of Battered Women in the Courtroom: The Power of Judicial Responses By James Ptacek**

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### **Abstract:**

Westervelt reviews "Battered Women in the Courtroom: The Power of Judicial Responses" by James Ptacek.

**Keywords:** Book Review | Criminal Justice System | Domestic Violence | Battered Women

### **Article:**

Battered Women in the Courtroom: The Power of Judicial Responses, by James Ptacek. Boston: Northeastern University Press, 1999. 240 pp. \$50.00 cloth. ISBN: 1-55553-391-4. \$20.00 paper. ISBN: 1-55553-390-6.

The criticisms levied at the legal and criminal justice systems' handling of domestic violence have produced several significant changes in how these disputes are treated by the police, prosecutors, and courts. One such change is the increased use of civil restraining orders as a mechanism of dispute mediation and resolution. These orders are now available in all 50 states and serve as one of the most common "official" remedies used by women seeking refuge from family violence.

However, few studies have examined the use of these orders. Those that have done so focus on police enforcement of restraining orders and the implications of enforcement (or lack of enforcement) for the behavior of male abusers. In *Battered Women in the Courtroom*, James Ptacek takes a different approach: He examines the negotiations between abused women and judges during the restraining order hearings in two large court districts in Massachusetts. Ptacek asks What are the characteristics of those women seeking restraining orders? How do judges treat those women coming to court? What do judges believe is the impact of judicial behavior on the battered women before them? And how are battered women affected by the demeanor of the judge who rules on their case? Ptacek argues that the true value of restraining orders in reducing woman battering begins in the courtroom, before police enforcement, during the interactions among judges, the abused women, and sometimes the abusive men. These interactions are essential to increasing or diminishing the impact of restraining orders on a battered woman's level of fear, desire for recognition, sense of safety, and belief in justice.

Ptacek defines woman battering not merely as a form of physical abuse but as a mechanism of social entrapment, thereby emphasizing "the inescapably social dimension of women's vulnerability to men's violence, women's experience of violence, and women's abilities to resist and escape" (p. 10). Such an approach allows Ptacek to connect the private violence suffered by battered women with the official responses offered by the courts. Judicial responses can help women resist and escape violence or can make matters worse by further isolating them. Ptacek finds that the demeanor and type of authority used by the judge (for example, a "good natured" judge versus a "harsh" or "condescending" judge) determines whether a battered woman believes that she has been heard in court, believes she is safer because of going to court, and believes that she would return to court for assistance if necessary. Ptacek concludes that some judges are now more aware of the impact of their own behavior on the battered woman's ability to resist violence and are attempting to be more sympathetic and helpful, although he also notes that these attempts by even the most forward-thinking judges are limited by numerous factors: failures to perceive racial and class inequalities, institutional pressures, and limited resources.

In the final chapter, Ptacek provides a useful adaptation of the "power-control wheel" of domestic violence called the "judicial entrapment" wheel. This new wheel-diagram emphasizes the ways in which judges can reinforce the patterns of power and control that abusive men use over women. A second "judicial empowerment" wheel illustrates the ways that judicial responses can empower women to resist and escape violence. These diagrams are important in highlighting the role of the judiciary in reducing or increasing a woman's social entrapment.

In addition, the definition of woman battering as a form of social entrapment provides a way to examine how woman battering can be aggravated by gender, class, and racial inequalities. Ptacek argues from the outset that class- and race-based differences among battered women must be brought to the forefront of analyses of how battered women are treated, and he provides, in Chapter 2, an excellent evaluation of the politics of why these class and racial distinctions are frequently ignored in discussions of battering in both the media and in the research. However, his actual attempts in later chapters to examine class- and race-based variations in why women seek restraining orders (Chapter 4), how judges treat women who seek restraining orders (Chapter 5), and how women are affected by this judicial treatment (Chapter 7) fall short. Small sample sizes and incomplete data on race in particular constrain his ability to make any meaningful statements about the class and/or racial distinctions among women who seek restraining orders and the women's perceptions of their interactions with judges. Given the initial emphasis in the book on the importance of "moving class, race, poverty, and racism from the margins to the center" (p. 32), the failure then really to address these concerns in the data analyses is somewhat disappointing.

However, this is not to discount the true contribution that this book makes to current understandings of how judicial behavior can impact on the efficacy of the use of restraining orders to respond to woman battering. Also, embedded deep within the middle chapters is an intriguing synthesis of Goffman's ([1967] 1982) theory of the display of demeanor in social interactions and Hochschild's (1983) theory of emotional labor, which Ptacek uses to explain the "quality to the courtroom atmosphere that the judge produces with his or her emotional expressiveness or inexpressiveness" and the impact of that atmosphere on "the emotional nature [of] the women seeking help and [on] the men identified as violent and abusive" (p. 111). An earlier discussion of this theory would have helped an otherwise halting introductory chapter and

would have helped to connect the questions posed at the outset of the book with the discussions to follow. Despite these few shortcomings, Ptacek provides a well-written, multifaceted look at a subject that deserves more attention.

## **References**

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