

November 17, 2002, Sunday

NEW YORK TIMES MAGAZINE DESK

Fierce Entanglements

Deborah Sontag

When Michael Wilkes left Sumter, S.C., two decades ago, he was trying to escape what he perceived to be his bloodstained fate. He was only 21, but he was already in trouble -- in petty trouble with the law, in big trouble at home. He didn't want to end up like his father: a career criminal, a wife beater and dead by his wife's hand. So, baby-faced and jittery, Michael boarded a Greyhound for New York, fleeing an urge to exact vengeance on the stepmother who killed his father. He was running, too, from a failed, violence-ridden marriage of his own.

At first, things went well. Michael quickly found a job as a gofer for an art studio in Manhattan. He worked hard, the owner took him under his wing and within two years he had settled into a cozy basement apartment in Queens. That's where he met Sylvia.

Sylvia, the landlady's daughter, was voluptuous and dark-skinned, with fine features and twinkly eyes. She thought that Michael was "adorable and nice," and she was impressed by his cooking, especially his barbecue sauce. It was only a matter of time before they got involved. Michael's plans to recreate himself suddenly became more complicated.

Michael had succeeded in starting over as an industrious working man. But he thought that his hostility toward women was something he could not choose simply to rise above. He just felt it in him; if he got passionate about a woman, he was prepared to be betrayed, and his guard went up. And with Sylvia, the passion was intense. "I loved her to death," Michael says. It's a phrase that a man given to battering women probably shouldn't use.

Right from the start, Michael found himself falling into familiar patterns with Sylvia. "The distrust of a woman -- I had it deep," he says. "I physically abused my first wife -- smacks, punches, kicks. And then I turned around and did it again with Sylvia. The least little thing, I would fight her. I would hurt her. And she didn't deserve none of it." Speaking now as a sober-minded 41-year-old, after all he has been through and more precisely all he has put others through, Michael is trying hard to shoulder full responsibility for his actions.

Sylvia, however, argues that the dynamic was mutual all along. Michael wasn't the only one who had issues, she says. When they met, she had just escaped from a violent relationship that deteriorated to the point where the man was stalking her, armed with a knife. She was defensive and her fuse was short. "It's inaccurate to say only that Michael would beat me," Sylvia says, more forgiving of Michael than he is of himself. "He did. But we would beat each other. We would destroy the house. It became kind of dangerous for both of us. I didn't know who was going to kill who."

It was a complex situation, murkier than the black-and-white portrayal of domestic violence that currently guides public policy. In that view, there's a batterer and a victim; the batterer is an ogre molded -- misshapen -- by patriarchal society; the victim, a mouse made helpless by it. There is only one happy ending: the batterer is punished, the victim liberated.

But Sylvia did not see Michael as a monster. She saw him as the product of a lousy childhood. She also saw him as a good provider and, in time, as the father of their two daughters. Nor did she see herself as defenseless but rather as the beneficiary of a good upbringing, as a self-reliant working woman and as someone who stood her ground. She never wanted Michael locked up; she wanted him to change. She wanted to rehabilitate her family, not to break it up. And in that way, Sylvia -- like so many other women who refuse to call themselves victims -- is a formidable challenge to doctrinaire thinking about the nature of domestic violence and how to combat it.

Since the end of the 19th century, American courts have been denying husbands the right to "chastise" their wives, but abusive men were rarely arrested, much less prosecuted. The police didn't want to get involved in what was going on behind closed doors or usurp a man's authority in his home. In most cases, they didn't even have the legal authority to make domestic violence arrests unless they had personally witnessed an assault. When they were called into a domestic situation, officers would extricate the man for a walk around the block and then return to the job of fighting what they perceived as "real crime."

As the feminist movement grew in the 1970's, advocates for women began to decry what they described as the government's collusion with batterers. They struggled to build a network of shelters for battered women and to get domestic violence redefined as a serious crime. They lobbied for new state laws that would remove the police's discretion and mandate arrests for domestic violence. And they succeeded. Over the last two decades, and especially in the last 10 years, mandatory arrests have become a linchpin of the government's effort to address the issue; they are seen as a way to protect women, punish offenders, deter future violence and send a message that spousal abuse won't be tolerated.

Now, though, a growing number of professionals are questioning the effectiveness of the mandatory arrest policies that advocates fought so long and hard for. Making more arrests and ensnaring more couples in the criminal justice system has not yet proved itself as a policy of deterrence, they say. And arrests sometimes backfire, especially in inner-city neighborhoods, causing unintended problems for some of the women that society is trying to protect. It would seem, they argue, that we are ignoring human nature, putting principle above the lives involved and creating an unproductive antagonism between the system and some victims. Many battered women, for instance, don't want their men arrested or put away. The questioners, who include academics, crime experts, black feminists and social workers, are wondering aloud if we have come to rely too much on the law to solve a problem that defies easy solutions.

After all, the criminal justice system is a blunt club for a problem as psychologically dark, emotionally tangled and intimate as domestic violence. At the very least, it cannot address the abuse that is not criminal. Serious violence, physical and sexual, is only part of the problem, and many experts are equally concerned about the psychological and emotional abuse that warps so many lives.

Then, too, there is the vastness of the phenomenon. In New York, the police field at least 200,000 complaints of domestic abuse a year. Even under the new laws, only tens of thousands result in arrests, the vast majority for misdemeanor-level abuse. But that is still a significant number of offenders for the system to process, and in the end only a fraction of offenders get prison time. Thus, many men are cycled through the system to little avail, sometimes ending up angrier and back with their partners.

It is indisputable that many women are protected, educated and freed from misery by the courts and the counselors. But many others resist or resent the intrusion of the government into their intimate lives. Often, they are still deeply involved with their abusers and feel belittled by professionals who presume to know what's in their best interest. They don't want to be humiliated for choosing their partners, pressured into leaving them or blamed. They don't want to be "battered by the system," as a recent workshop given by survivors of domestic violence in New York was called.

"Crimes of an intimate nature make it much more difficult for people to come forward, and the volume of cases dictates that it can be an impersonal and horrific experience," says Abena Darkeh, domestic violence coordinator for New York City's criminal courts. "I suspect that the majority of people working in the system would not choose to go through it" if they experienced domestic violence themselves.

Well-meaning professionals often find themselves in an uncomfortable and sometimes adversarial relationship with victims. Prosecutors, especially, become frustrated by the many women who balk at testifying against their husbands. Increasingly, social workers are pushing for an approach that is more clear-eyed and less judgmental.

As Ruth Schulder, a social worker in the Bronx, says: "Nobody has the right to say to a woman, 'You can't be with this guy.' So we have had to deal with the reality." And the reality is that abused women often make calculated decisions to stay with their partners. Sometimes a woman really has no choice; she's scared that leaving would make him more dangerous, or she doesn't think she can survive financially on her own. But other times she stays for the same reasons that people in other kinds of imperfect relationships do: because of the kids, because of her religion, because she doesn't want to be alone or simply because she loves him.

As they weigh the successes and inadequacies of the criminal-justice-dominated approach to domestic violence, a handful of experts are calling for a repeal of mandatory arrest laws altogether. Others, in larger numbers, are suggesting fine-tuning the criminal justice approach, making it both more humane and less central. They want more prevention and intervention on the community level. Still others, the therapeutically minded, are so bold

as to suggest not only working more collaboratively with families but also doing so in a way that includes the men.

"If we don't work with the men, we can't change the world," Geraldine Abelson, a social worker, said at a recent conference in New York. Her comment underscores the idealism of many in the field. They don't just want to make women safer. They want to break the cycle of violence. They want to change the world. And that may well be too utopian a basis for any public policy.

Linda Mills took the podium at a New York City-sponsored domestic violence conference this fall to give a keynote speech that she knew would rankle many. Her voice rang out with an accusation and a dare: "Mainstream feminism has maintained a stranglehold on our explanations of, and responses to, domestic violence, and it is time to take our voices back." Then Mills offered her credentials for making such a charge. Publicly, she is a legal scholar and social worker who is a vice provost at New York University. But, she told the crowd, she, too, is a feminist, and she, too, is a onetime victim of domestic violence -- at the hands of a man she described as a violence-prevention expert.

"He was passionate about his work, passionate about me," Mills said. "I loved the attention he gave me; I started to love him. When he socked me in the arm the first time, I was surprised. I was hurt and I was angry. He shared with me his history: an abusive mother, an absent father. He was sure that's where his anger, his aggression, came from. I listened; I felt sad for him. I told him that if he ever hit me again, I would leave him. When he pushed me and later spat at me, I made the same threats."

Still, Mills said, her gaze defiant, even though the violence later escalated to include rape, she wouldn't have wanted the police to know. She would never have testified against him. "Doing so would have robbed me of the little dignity I had left." And, she said, the "system" needs to respect women who feel that way. The system, she said, patronizes victims by failing to listen to them, usurping their decision-making power and underestimating them -- underestimating their ability to negotiate their own safety and underestimating their role in the abusive relationship. Domestic violence is construed as one-sided aggression, when often there is a warped dynamic of intimacy in which both the men and the women are players. It is dishonest, she went on, to stifle conversation about the ways in which women, too, are aggressive and violent.

Many in the audience shuddered. But Mills, who first created a stir when she published a 1999 Harvard Law Review article called "Killing Her Softly: Intimate Abuse and the Violence of State Intervention," was asking publicly questions that some in the field have been asking privately.

Some veteran advocates see Mills as an ivory-tower pontificator whose views are dangerous, capable of inspiring a backlash. They don't want to waste their energy engaging in an internal debate, not at a time when some government officials are asking them to justify the devotion of scarce resources to domestic violence. "Where's the bang

for the buck in terms of public safety?" a senior New York police official asked advocates earlier this year.

These advocates find themselves in an uneasy position: first, relying on a male-dominated institution -- the criminal justice system -- then, defending it despite their own ambivalence about the arrest policies they encouraged.

Sylvia never thought the police belonged in her home. She didn't call them when Michael gave her black eyes. She didn't call them when he broke her nose in a fit of delusional jealousy, although she sat him down and pointed to her bloody, disfigured face and said, "What if someone did this to your daughter?" But she did call 911 one time and one time alone -- about a decade ago, before New York passed its mandatory arrest law -- when Michael threatened to leave and take their daughters. Two female officers showed up. Sylvia taunted him in front of them, playing on his chronic fear that she was cheating on him, a holdover from his bad first marriage. She told the officers that Michael couldn't take the children because the girls weren't his (a bald lie).

The officers then tried to rile him. "I wish a man would hurt me," one said, hand on the butt of her gun. "I would blow his brains out." But in the end, all they did was tell him to get lost. Michael camped out in his mother-in-law's basement, scared that this time Sylvia wouldn't take him back. After a few days, he returned with trepidation and apologies to the scene of the crime, his home. "After a man abuses a woman," he says, "his famous thing is, 'I'm sorry.'"

Sylvia stood firm. She said: "I'm goddamn sick of your sorries. You're just one sorry [expletive]." She shut him up and talked at him about his suspiciousness, his possessiveness, his temper and his violence. And a light went on for him, Michael says. A light went on, and it stayed on, because, he says, "she spoke the truth. For the first time, I was listening to a woman, and she made much more sense than I did."

As she was talking, though, Sylvia was questioning herself. "Lord, history is repeating itself," she was thinking. "I'm going back down this way with another guy." But she believed that Michael was different, that he had a good heart. "Being that he went through so much, he had a real problem," she said. "But we were determined to be with each other."

Sylvia undertook to counsel Michael herself. "Sylvia's tongue-lashings," as Michael calls them, went on for years, always with the same bottom line. His actions had consequences. If he hit her again, she would leave. End of story. Unfortunately, though, it wasn't the end of the story.

The case of Tracey Thurman in Torrington, Conn., called national attention to just how dangerous -- and costly to government -- the old approach could be. In 1982, Thurman repeatedly and to no avail called the police to report brutal threats by her estranged husband. Then, in 1983, Thurman's husband, a short-order cook at a restaurant frequented by police officers, stabbed her repeatedly. When the police arrived, they didn't arrest him

immediately; they stood by as he kicked his bleeding wife in the head twice. Thurman survived and won an approximately \$2 million jury award against the local police department. Her story became a classic cautionary tale about police inaction in domestic violence cases.

An experiment in 1984 in Minneapolis played a defining role in reshaping the police approach. On the basis of 314 domestic violence cases, a study conducted by the criminologists Lawrence W. Sherman and Richard A. Berk concluded that arrests discouraged batterers from committing future acts of battery. The authors cautioned that the sample size was small and the findings preliminary, but their caution was not heeded. Citing their work, a federal task force recommended that arrest become the standard response to misdemeanor domestic violence cases. It did; most states now have mandatory arrest laws.

After his Minneapolis study, however, Sherman refined his thinking on the basis of further studies that revealed a far more complicated picture. He oversaw one such study in Milwaukee, which showed that arrest makes low-income men more violent than does a simple warning by the police. The low-income men in Milwaukee, most of whom happened to be black, were three times as likely to be arrested than employed white men were. Therefore, by his study's oddly precise calculations, mandatory arrest in Milwaukee prevented 2,504 acts of violence against primarily white women at the price of 5,409 additional acts of violence against primarily black women.

Although the results were expressed in racial terms, Sherman said the men's status in society was the determining factor. Arrests generally deterred employed offenders, the studies showed, but provoked unemployed offenders to commit up to twice as many more assaults. That is, if a goal of the arrest policy is to protect women, the policy seems to backfire when applied to the low-income population that is most likely to be arrested for domestic violence.

Sherman, now a University of Pennsylvania professor, began to argue that laws mandating arrests for misdemeanor domestic violence offenses should be repealed. "Until you admit that mandatory arrest is a failure in our inner cities, you won't get anybody to spend a penny on looking for other alternatives," he told me. Defenders of pro-arrest tactics say that mandatory arrest laws work much better when they lead to prosecution and treatment. But Sherman and others counter that prosecution and treatment are problematic, too. "It's because of O.J. that a lot of men are now catching the blunt end of it," Michael says. Indeed, some defenders of current policies like to cite the Simpson case to explain why mandatory arrest and no-drop prosecution policies are important, no matter what the studies show. During Simpson's trial, prosecutors played a 911 tape of a frightened Nicole Brown Simpson pleading with the police to rescue her from her husband. O.J. was never arrested because Nicole didn't want to press charges. If Los Angeles had had a mandatory intervention policy, Nicole Simpson's wishes wouldn't have mattered. The police could have built a case despite her. If prosecutors needed her testimony, they could have subpoenaed her, and if she refused to comply, a judge could have held her in contempt.

Cheryl Hanna, a Vermont Law School professor and former prosecutor, wrote in a 1996 Harvard Law Review article that it used to make her squeamish to use the state's powers to coerce a reluctant victim like Nicole Brown Simpson to cooperate. She preferred to dismiss or indefinitely postpone such cases rather than subject the women to revictimization by the state. She now says that she was wrong. She should have served the greater good by reaffirming the government's hard line against domestic violence.

Some cases are so unambiguous and gruesome that the government's instincts to override a victim's wishes seem entirely justified. In 1994 in New York City, Mario Russo stabbed his wife four times in the chest, missing her heart by just an inch. She was seriously injured, and Mario, then a new immigrant from Italy, told the police to arrest him. In the station house, he confessed to the stabbing in a torrent of broken English, saying his wife was mentally ill, that she "got out of line" and that he "went crazy." Yet, stunning prosecutors, Rosa Russo insisted on testifying in her husband's defense. She said she had been cooking, they got into an argument and she fell on her knife. On Valentine's Day in 1995, her husband was convicted of attempted murder and sent to prison. Nonetheless, at least for a while, the Russos kept up their relationship. He wrote to her, and she visited him. She even requested a conjugal visit, prosecutors said.

But then there are the cases in which the government seems overeager to take an unequivocal stance against spousal abuse. The case against Joseph P. Kirkner IV, in Chester County, Pa., for instance, was a simple assault case. Kellie Kirkner called 911 on July 4, 1999, to report that her husband had choked and shoved her. Kellie, however, decided that she didn't want to testify against her husband because she wanted to preserve her marriage. Prosecutors subpoenaed her; a judge quashed the subpoena. The prosecutors did not relent, appealing to the Pennsylvania Supreme Court and keeping the case open even as the Kirkners split up. In the end, the Supreme Court ruled that the judge's decision was inappropriate, and in October, three years after the incident, the case went to trial.

Kellie Kirkner requested immunity from prosecution -- she, too, had hit and struck her spouse, she eventually testified. As the jury understood it, what transpired was more of a battle royal over credit-card spending than spousal abuse. Joseph Kirkner was acquitted.

One unforeseen consequence of the mandatory arrest laws has been that many women are getting arrested along with their boyfriends or husbands. Police arrive at a home, face accusations and counteraccusations and arrest both parties. Advocates for women see this as an unfortunate way in which the new laws, as interpreted by poorly trained police officers, have hurt women. In New York, legislators were persuaded to amend the law, requiring police officers to determine the "primary physical aggressor" and arrest only that person. Mills argues, however, that the proliferation of dual arrests might signal that there is more reciprocal abuse than people want to acknowledge.

Defenders of pro-arrest policies say that the legal system can and should learn to handle domestic violence cases both aggressively and with sensitivity. They often point to the way that domestic violence is addressed in a place like Brooklyn, which has a felony

court dedicated to the issue. The court has an unusually low rate for dismissing cases while also assigning every victim an advocate who directs her to services. In preparing its cases, the D.A.'s office does far more social work than is traditionally done by prosecutors, says Wanda Lucibello, chief of the special victims division there.

"There's so much gray area in these cases," Lucibello says, with "land mines in every direction. It's a philosophical discussion, day in and day out."

As a result of some of those philosophical discussions, Galla Hendy, 33, is one former victim who says that the system was responsive enough to allow her to liberate herself from a dangerous relationship -- eventually.

When I met Galla last summer, her ambivalence was right out there, practically sitting on the red plastic table of a Popeyes in Far Rockaway. Fingering a gold hoop in her right ear, she talked wistfully about her ex-batterer and, as of six months earlier, her ex-boyfriend, too. "I miss him," she said. "Yeah, I do. I ain't going to lie. He's not so much of a bad person except for the violence."

When Galla first met him in 1996, she was working two jobs to support her three children. She was a home health aide by day, a stripper by night. One evening, he came into the strip club, and she asked him if he wanted "a wall dance or a lap dance." They ended up talking. She let him know she was dating someone, and he said: "Forget about Mr. Wrong. Here is Mr. Right." And for quite some time Galla agreed with him. They seemed to have so much in common -- both health care workers, both immigrants (she from Guyana, he from Jamaica), both parents.

They fell in love; four years ago they had a daughter. By Galla's account -- all of this is by her account; her ex-boyfriend could not be reached -- he was frustrated because he wasn't working. He has sickle cell anemia, and he had gone on disability after hip surgery. Galla tried to reassure him, to keep him from beating up on himself. She didn't mean for him to start beating up on her. It began on their daughter's first birthday. Galla's boyfriend was out of the apartment, and she left the baby in the care of her 11-year-old son to shop for a party. When she bustled in with her packages, he was back, and she could see the fire in his eyes. He was outraged by what he saw as her negligence; he struck her with his cane. She calmed him down "by making myself available to him," but things were never completely calm again.

After many unsettled months and one spectacular argument, she took their daughter and went to stay with a friend. When she returned home, he was angry, certain that she had been cheating on him. He hit her. She begged him to stop. He even put on a pair of boxing gloves and started using her as a punching bag. She felt as if she had nothing left in her to fight back with -- until he took out the rope. He encircled her neck, crazed to know if she was somebody else's woman. The more she denied it, the more he tightened the rope. "I actually thought I was a goner," she said. She lied, saying that she had been cheating on him. He let her go, and he left the room. But he returned with a gun, placing

it under a pillow in front of her face. Eventually, the fight drained out of him. "You see what you made me do?" he said.

At dawn, she said, he brought out a bottle of champagne, then forced her to have anal sex. The kids woke up and absorbed the tension in the apartment. Her son, then 12, got into an argument with her boyfriend, who ended up throwing his gun at the boy and daring him to shoot. Galla sent her son outside and told him to call the police. They came quickly and just as quickly had him on the ground in handcuffs as they searched for the weapon. Galla felt a twinge of betrayal.

He was taken to jail. Galla went to the district attorney's office. She was unsure if she should help prosecutors make a case against the father of her daughter. But counselors there advised her to think about the possibility that the violence could escalate and about the safety of her children. She listened.

When she went before the grand jury, though, she found it excruciating to recount her story of physical and sexual abuse to a roomful of strangers, mostly men. She saw horror in some eyes, boredom in others. She felt as if she were the one being judged.

He was indicted for assault, sodomy and child endangerment. Galla went to visit him in jail. She was hurt and confused to see the man she loved behind bars. "Why would I do this to him?" she asked herself. "Then again, why would he do this to me?" He still didn't think he had done anything wrong, but Galla began feeling sorry for him. It wasn't good for his health to be locked up. She herself didn't want to go through a trial. Enough was enough. She wanted him freed and she wanted him home.

So Galla went to the D.A.'s office and asked if some kind of deal could be worked out. Her boyfriend needed help, she told them; he didn't need to be locked up.

Lucibello's staff members arranged a plea deal; they eventually counted his six months in jail as time served, and he accepted five years of intensive probation and assignment to a batterers' intervention group. And when he was released from jail, the couple reunited.

But he came out of jail with a lot of animosity in him. He wanted to engage Galla in relentless conversations about the incidents that led to his arrest. He wanted her to agree that it was all her fault. He was angry about having to attend a program. He kept his fists to himself, but he did grab her hard by the shoulders a few times. Their little daughter would hide the phone. "Don't call the police on Daddy," she'd beg her mother. Earlier this year, after Galla refused to let him use her new pearl white car for his newspaper delivery job, he moved out.

Still, a month later, Galla found herself calling him when she was lonely. When she started dating someone else, he threatened to shoot the man, telling Galla she would see her name in the papers. She called 911. There is now a full order of protection that prohibits him from making any contact with her. Galla doesn't miss him anymore, she told me in late October.

On a typical lackluster fall day, a parade of sad and angry men and women filed before Judge John M. Leventhal in New York Supreme Court facing felony charges of assaulting, kidnapping or murdering their wives, husbands and same-sex partners. It was hard not to be struck by just how many of them there were, dealing in such a public way with intimate lives gone awry, and to multiply it out across the country and queasily feel the vastness of the phenomenon.

It was also hard not to notice that while the judge and almost all the lawyers were white, almost every defendant was black or Latino, either unemployed or taking time off from jobs cleaning houses or stocking grocery shelves for their court appearances. Lisa C. Smith, a Brooklyn Law School professor and former prosecutor, told me that she doesn't think domestic violence really is a crime that cuts equally across all social classes. "In order to get people to care about the concept, it was painted that way, but it's not true," she said. "It's far more prevalent in the lower socioeconomic level."

Indeed, federal statistics show that low-income women are far more likely to be victims of domestic violence. But Judge Leventhal said he thought that the class composition of his courtroom reflected instead an under-reporting of domestic violence by more affluent people. Other experts echo this; the more affluent have the means to handle their domestic violence problems privately -- using private physicians, therapists, hotels, divorce lawyers.

I asked the judge if it bothered him that the government was arresting more poor people for crimes that he believed to be committed by all classes. "Sure it bothers me," he said, looking discomforted. A week later, he called me back to say he really didn't look at it that way: "Don't lower-income people deserve protection, too?"

Dr. John Aponte, a former police psychologist who counsels batterers, says that he hates that the vast number of men referred to him by the courts are on welfare, unemployed or have prior criminal records. "That says to me that the system is rounding up the usual suspects. The system is only getting those available for capture. And let me tell you, the men know it. When the men in my groups see only other poor people in the program, it makes them think, I'm just here because I got caught, so I have to learn how to not get caught."

The issue of race sometimes seems inescapable. One Tuesday this fall, I sat in on a batterers intervention group, a room full of black and Latino men mandated into a 26-week program. After one man denied that he had ever hit his wife, a man named James, playing the self-appointed role of lie-detector, burst out with: "Well, that's not what the white man say! Why do you think you're here, bro?"

Melinda Hunter, 30, a teacher in the Bronx, told me that her partner used to "play the race card" to stop her from calling the police and that it worked. She was a college-educated woman from Ohio who met her boyfriend when she arrived in New York in 1995. She was a tour guide at Radio City Music Hall, and he was building sets. Unaware of her own attractiveness, she was so flattered by his attention that she overlooked her qualms when

she learned that he was in a work-release program. Having just finished "The Autobiography of Malcolm X," she told herself that most black men were going to pass through prison at some point.

Later, when her partner had grown abusive, he, by then the father of her children, restrained her from reporting him by saying: "They'll send me back to prison. Don't let the white man take me and break up another black family." Even when they finally did land in court, she covered up for him (encouraged by a police officer, she said, who told them, "These things happen"). The charges were dismissed, but her partner's probation officer made him move out. Hunter got herself into a support group, and when I met her last summer, she was adamantly liberated. Little by little, however, because he was familiar, because she is sentimental, because of the kids, she let her partner back into her life. She was embarrassed to tell me this, but, she said, they are going to church together, he is "reborn," and she is trying to have faith in the possible.

In the 1980's, Aponte moved from the police department to New York City's victim services agency to help domestic violence advocates figure out how to deal with the men. At the time, he said, the thinking was (and remains): punishment. "There was a lot of anger in the feminist community. It was: 'They're lost. They're no good. They're beyond redeeming. To deal with the men is to consort with the enemy.'"

Aponte felt differently. Many men were first offenders, and he thought they were capable of learning and changing. Beyond that, it was undeniable that a majority of women returned to relationships involving abuse -- "so it seemed kind of imperative to get the men into some kind of rehab."

Eventually, the system came to need comprehensive programs for men. Since only a small percentage of men arrested for domestic abuse get prison time, judges had to do something with the rest. Batterers intervention programs became a way of disposing of many cases, and they proliferated. Still, many judges view these programs skeptically, as do advocates for women, and New York State does not regulate them, so as to avoid giving them any stamp of approval.

"The jury is still out on whether they do any good," Judge Leventhal said, although he orders many into the programs as a condition of bail. "And there's a fear that they do some harm, that they give victims false hope that these men have been treated, so they welcome them back."

The very existence of the programs brings up the question of whether and how a batterer can be rehabilitated. Samuel Aymer, a psychotherapist in New York, says the belief that abusers can change is the guiding principle of his work. But he says that many of those running programs have doubts that limit or even poison the process. Indeed, many programs don't even try to be rehabilitative; they consist of didactic lectures based on feminist theory: domestic violence results not from individual personal or moral deficits but from an abuser's belief that he has the right to inflict his will on his partner. In these

programs, needless to say, there is little sharing of personal histories; the circumstances and concerns of the men are not discussed.

"These men are not simply puppets of the patriarchal system who must unlearn their pigheaded thinking," Aymer said. "The patriarchal system doesn't make all men abusers. So what is it about these guys? Let's help them develop insights into their behavior. That does not mean excuse the abuse. Reject it. But don't reject him."

Aymer, who used to counsel battered women, was recruited into working with men by Aponte, who trains social workers to combine education and group treatment in 26-week programs that use a lot of role playing. One such program is run on Tuesday nights by Ruth Schulder and Carlos Scott at a Salvation Army office under an elevated subway line in the Bronx.

I attended the eighth and ninth weeks of the program this fall, before the men's resistance to being there had completely broken down. They sat in metal chairs in a semicircle, arms folded across their chests protectively, defiantly. Wearing hooded sweatshirts or jean jackets, they rocked backward on the institutional blue carpet, jiggling their legs. Many of the men asserted not only that they had never hit their wives but also that it was a matter of principle for them not to do so. I asked Schulder if I had come to the wrong class. "No," she said. "They're lying."

One, a chubby, talkative man said that everything was fine in his home except that his Maria was in a depression. Schulder, who has flaming red hair and a tough, jokey, compassionate manner, snorted and said out of the side of her mouth, "Oh, you can tell the new people."

Then she addressed the man, Alex, directly: "What was your act to get here?" He began, "Well, she--." Schulder cut him off. "Not she -- you. You -- what was the word you used? You shmushed her face, right?" Well, Alex said, after 12 years in a relationship, nobody's perfect. Twelve years and one thing, and suddenly you have the police at your door. That's when James, the self-appointed lie-detector, told him to get real.

Schulder played a horrific tape recording of a 6-year-old girl who calls 911 to report that her mommy and daddy are having a fight. The girl is crying so hard that she is choking. Against the audible commotion in her home, she is screaming "Stop it!" and "Mommy!" and "No, don't take the baby!" The situation and her agitation escalate as her father apparently strikes her sister and tries to choke her mother. The call abruptly ends when, it seems, her mother discovers her on the phone and hangs it up.

"How does that make you feel?" Schulder asked the group. James jumped in first. "Like I want to kick somebody's butt." Several men said that they would never fight with their wives in front of their children, and Schulder pointed out that the parents of the girl on the tape didn't realize that she was there or on the phone. "Kids always see; kids always hear," she said. Schulder told the men that when she played the tape for women in her

parenting classes, they all cried. "I was crying inside," one man said. Schulder asked why he held it in. "I am among men," he said.

At another point, Schulder asked the men if their partners respected them. "Every day I'm closer to asking my wife, "Do you fear me?" James said. A bulky man who wears a purple scarf over his plaited hair, James said that he doesn't think he has given her any reason to, but Schulder, letting that pass, asked if his present wife knows he was violent toward his ex. James explained how he dealt with his first wife: "To me it was like, you don't beat her, you can't get nothing from her. All her other babies' fathers, they punch her in the face and she act better. She did what she was supposed to do." Schulder asked what she was supposed to do, what was in her "contract." James said that she was supposed to look after the kids while he went to work. But when he came home from work, he used to find the kids alone in the apartment. So he would "smack her face." Schulder said that she fully understood why it upset him to find his children unattended. "But you don't have the right to hit her," she said. "What happens when you don't do your job at work, do you get smacked?"

At the end of one 26-week class, one of Aponte's men asked if he could hug him. Aponte was taken aback. He doesn't really do hugging. He asked the man why. The man told him that he had never before met a powerful man who wasn't abusive. Aponte hugged him.

After Sylvia laid down the law, Michael was intensely motivated to change. "I never really laid a hand on her again," he said. "I would want to, but I knew if I would do it, I'd lose this woman I really loved." But while he forced himself to stop hitting Sylvia, he couldn't rise up out of himself entirely. He didn't like any inkling that he was being disrespected in his home. He would feel overwhelmed by the need to assert his control. He would lose his temper and his palms would start sweating, and if not Sylvia then someone else was going to bear the brunt of it.

"I guess I kind of switched my pattern toward the kids," Michael mumbled, fingering his wisp of a mustache. He was embarrassed. He glanced over at Sylvia, who was asleep in the brass bed in the adjacent bedroom. Fully dressed, she was underneath a fluffy quilt blocking out all conversation, since she had just come home from work at a group home for disabled adults and was due to head out to a second shift, an all-nighter. Their daughters, 15 and 11, were in their rooms, giggling with friends.

"I would spank them," Michael said. "It started as spanking. But I overdid it."

One night a couple of years ago, his older daughter, then 12, crossed some kind of a line and angered him; Michael doesn't remember the precipitating incident. Her daughter really angered Michael, Sylvia told me later. "She was a big girl, too old to be spanked. But he spanked her anyway, and worse." Michael beat his daughter with a stick.

The girl, who is overweight and very sensitive, was hurt physically and devastated emotionally. When she went to school the next day, she showed her bruises to a teacher. The school called the child-welfare authorities. They took away the girls and put them in

a foster home. Sylvia was furious and sad. Michael said he was disgusted with himself, the old familiar remorse that would sweep over him like a wave of nausea after he struck Sylvia.

Looking back, Sylvia draws from her bottomless supply of compassion for Michael, but it is hard-edged. "I don't think Michael intended to hurt the child," she said. "He never intended to hurt me either. But in the eyes of society today, abuse is abuse, and if you don't fix things in your own home, the system's going to fix it for you."

After a few weeks the girls returned home, and Michael left for several weeks on the court's order. He and Sylvia were made to take a parenting class. During the intake process, Michael acknowledged his history of domestic abuse. It was the first time Michael had ever identified himself to the authorities as a batterer. He was put on a waiting list for a batterers group.

Then, in the spring of 2001, while he was still waiting for a group to open up, Michael got into an argument with one of the housekeepers he supervised at a Manhattan hotel where he is facility manager. She wanted the weekend off, and he turned her down. He claims that she began swinging at him, he grabbed her hands and she kneed him. He then punched her "out of reflex," he said, breaking her eye socket. "When I saw the damage I inflicted on her. . . . She was a beautiful young lady, and after I struck her, it was like the beauty and the beast," Michael said. The police came. Michael was handcuffed, jailed for a night, charged and released. Despite his disgust with himself, it angered him that the police didn't arrest the housekeeper, too, because, he said, she had started it.

The system treated the case as a domestic assault, assuming that Michael and his subordinate were boyfriend and girlfriend and that Michael was the "primary physical aggressor." He pleaded guilty to a misdemeanor. His bosses at the hotel, where he has worked for 18 years, suspended him for two months and ordered him to go for counseling. Since the hotel was willing to pay for counseling, Michael was able to forget about the waiting list for a free class and enroll in a private program in Brooklyn.

Although Michael resisted at first, he came to see the group as his salvation. Schulder -- "Miss Ruth" to Michael -- led it along with "Mr. Q," Quentin Walcott. "I don't know what it was about Michael, but he was driven to be honest," Walcott says. "That really helped the group dynamic." Michael found it an exhilarating revelation to consider that his behavior was learned and could be unlearned. He was not crazy and he was not doomed. Battering was a choice.

Sylvia says the program started Michael soul-searching, which was alien to him. "They put everything in perspective for him, and he was amazed. He would talk to me about his past and how much it damaged him and how he could finally put it behind him." Still, Sylvia said, Michael did not undergo a miracle transformation. He continues to say things he shouldn't say and think in ways that undermine him. "When his job stresses him out, I tell him, "Honey, your title means a lot," Sylvia says. "You are a professional. Act like a

professional." Michael cools down by taking walks around the block. He takes a lot of walks around the block.

When I first met Michael, he struck me as a man who was tormented by the consequences of his abusive behavior. He didn't like it that his daughter kept reminding him that she had a lawyer's number in her pocket, that she had rights, that he couldn't touch her. He didn't like it when his subordinates at work teased him if he tried to discipline them. "Don't be thinking you can do us like you did" that housekeeper, they'd say. Yet he was driven to be confessional, to hold himself accountable for his behavior.

He talks to himself every morning when he brushes his teeth, he told me, trying to focus his energy on how it's in his best interest to keep his cool, to be "a man in the new way I understand that word." It seems to me that a combination of forces over many years -- Sylvia laying down the law, the city's taking away his kids, his arrest at work and the subsequent treatment program -- has finally convinced him how much is at stake. "I don't want to lose my wife, I don't want to lose my girls and I don't want to lose my job," he says. "I don't want to hurt no one no more no way."

Whether his motivation will be sufficiently powerful to overcome a lifelong pattern remains to be seen. For the moment, Michael and Sylvia are setting their sights on a more concrete goal: a vacation in the Poconos.
