

Garden State CLE presents:

# Domestic Violence in Cinema



## Lesson Plan



# Introduction

(2014)

**Ray Rice elevator video**

# Development of the law in New Jersey

## **1981 – The Prevention of Domestic Violence Act**

The Legislature finds and declares that domestic violence is a serious crime against society; that there are thousands of persons in this State who are regularly beaten, tortured and in some cases even killed by their spouses or cohabitants; that a significant number of women who are assaulted are pregnant; that victims of domestic violence come from all societal and economic backgrounds and ethnic groups; that there is a positive correlation between spouse abuse and child abuse; and that children, even when they are not themselves physically assaulted, suffer deep and lasting emotional effects from exposure to domestic violence. It is therefore, the intent of the Legislature to assure the victims of domestic violence the maximum protection from abuse the law can provide.

**[NJSA 2C:25-18].**

**Current law codified at NJSA 2C:25-17 *et seq.***

**“Prevention of Domestic Violence Act of 1991.”**

## **State v. Kelly, 97 NJ 178 (1984)**

**In the past decade social scientists and the legal community began to examine the forces that generate and perpetuate wife beating and violence in the family. What has been revealed is that the problem affects many more people than had been thought and that the victims of the violence are not only the battered family members (almost always either the wife or the children). There are also many other strangers to the family who feel the devastating impact, often in the form of violence, of the psychological damage suffered by the victims.**

**While common law notions that assigned an inferior status to women, and to wives in particular, no longer represent the state of the law as reflected in statutes and cases, many commentators assert that a bias against battered women still exists, institutionalized in the attitudes of law enforcement agencies unwilling to pursue or uninterested in pursuing wife beating cases.**

**Another problem is the currency enjoyed by stereotypes and myths concerning the characteristics of battered women and their reasons for staying in battering relationships. Some popular misconceptions about battered women include the beliefs that they are masochistic and actually enjoy their beatings, that they purposely provoke their husbands into violent behavior, and, most critically, as we shall soon see, that women who remain in battering relationships are free to leave their abusers at any time.**

**As the problem of battered women has begun to receive more attention, sociologists and psychologists have begun to focus on the effects a sustained pattern of physical and psychological abuse can have on a woman. The effects of such abuse are what some scientific observers have termed “the battered-woman's syndrome,” a series of common characteristics that appear in women who are abused physically and psychologically over an extended period of time by the dominant male figure in their lives.**

**Violent behavior directed at the woman occurs in three distinct and repetitive stages that vary both in duration and intensity depending on the individuals involved.**

**Phase one of the battering cycle is referred to as the “tension-building stage,” during which the battering male engages in minor battering incidents and verbal abuse while the woman, beset by fear and tension, attempts to be as placating and passive as possible in order to stave off more serious violence.**

**Phase two of the battering cycle is the “acute battering incident.” At some point during phase one, the tension between the battered woman and the batterer becomes intolerable and more serious violence inevitable. The triggering event that initiates phase two is most often an internal or external event in the life of the battering male, but provocation for more severe violence is sometimes provided by the woman who can no longer tolerate or control her phase-one anger and anxiety.**

**Phase three of the battering cycle is characterized by extreme contrition and loving behavior on the part of the battering male. During this period the man will often mix his pleas for forgiveness and protestations of devotion with promises to seek professional help, to stop drinking, and to refrain from further violence. For some couples, this period of relative calm may last as long as several months, but in a battering relationship the affection and contrition of the man will eventually fade and phase one of the cycle will start anew.**

**The cyclical nature of battering behavior helps explain why more women simply do not leave their abusers. The loving behavior demonstrated by the batterer during phase three reinforces whatever hopes these women might have for their mate's reform and keeps them bound to the relationship. Some women may even perceive the battering cycle as normal, especially if they grew up in a violent household.**

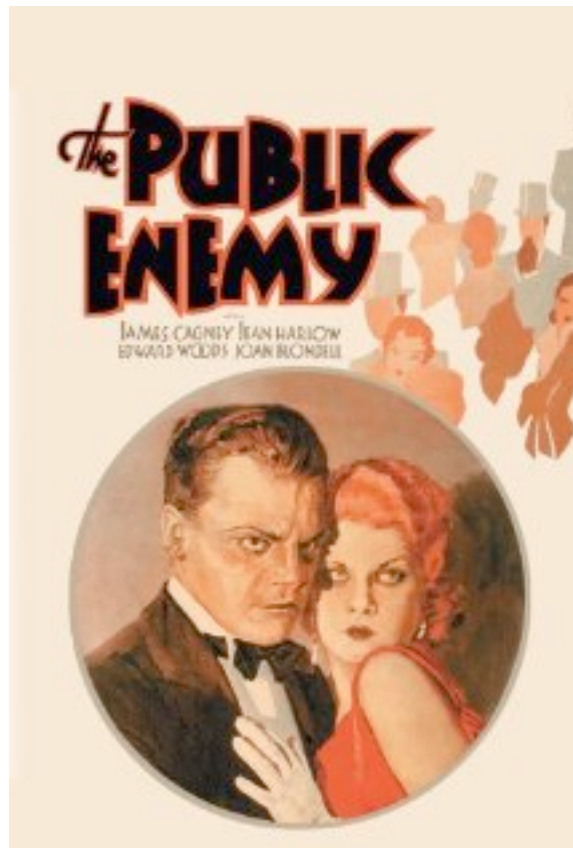
**In addition to these psychological impacts, external social and economic factors often make it difficult for some women to extricate themselves from battering relationships. A woman without independent financial resources who wishes to leave her husband often finds it difficult to do so because of a lack of material and social resources.**

**Even with the progress of the last decade, women typically make less money and hold less prestigious jobs than men, and are more responsible for child care. Thus, in a violent confrontation where the first reaction might be to flee, women realize soon that there may be no place to go. Moreover, the stigma that attaches to a woman who leaves the family unit without her children undoubtedly acts as a further deterrent to**

**moving out.**

## **Part I**

# **Societal Attitudes & Use of Domestic Violence in Cinema: 1931 – 1972**



(1931)

**Director:**

**William A. Wellman**



(1939)

**Directors:**

**Victor Fleming & George Cukor**



(1949)

**Director:**  
**Raoul Walsh**

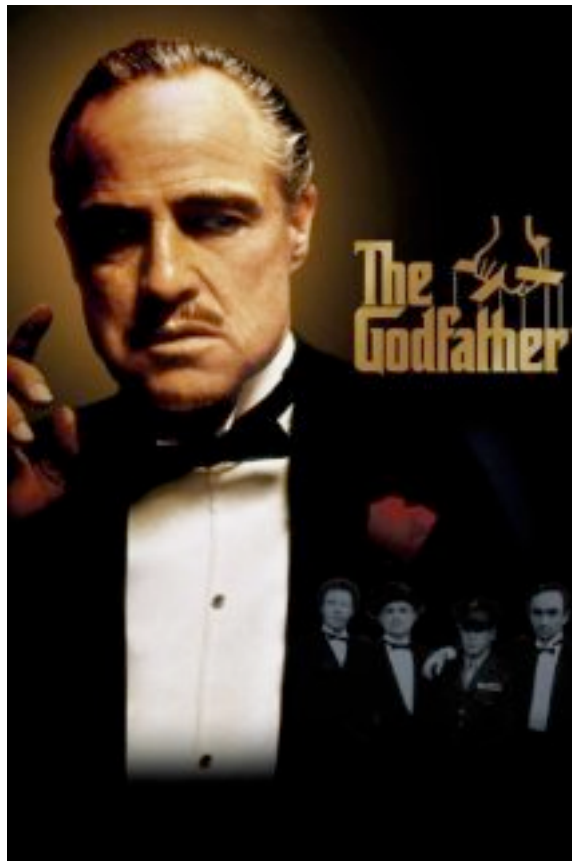


(1964)

**Director:  
Don Siegel**

## Part II

**The Film that Changed It  
All - 1972**



(1972)

**Director:**  
**Francis Ford Coppola**

## Part III

**Post-modern treatment:**

**The Victims Fight Back**

**Examples:**

**Sleeping with the Enemy**

**What's Love got to do with it?**



(2002)

**Director:  
Michael Apted**

# **Part IV**

## **Police Attitudes as Portrayed in Cinema**

### **NJSA 2C:25-18**

**The Legislature further finds and declares that even though many of the existing criminal statutes are applicable to acts of domestic violence, previous societal attitudes concerning domestic violence have affected the response of our law enforcement and judicial systems, resulting in these acts receiving different treatment from similar crimes when they occur in a domestic context. The Legislature finds that battered adults presently experience substantial difficulty in gaining access to protection from the judicial system, particularly due to that system's inability to generate a prompt response in an emergency situation.**

**It is the intent of the Legislature to stress that the primary duty of a law enforcement officer when responding to a domestic violence call is to enforce the laws allegedly violated and to protect the victim. Further, it is the responsibility of the courts to protect victims of violence that occurs in a family or family-like setting by providing access to both emergent and long-term civil and criminal remedies and sanctions, and by ordering those remedies and sanctions that are available to assure the safety of the victims and the public. To that end, the Legislature encourages the training of all police and judicial personnel in the procedures and enforcement of this act, and about the social and psychological context in which domestic violence occurs; and it further encourages the broad application of the remedies available under this act in the civil and criminal courts of this State. It is further intended that the official response to domestic violence shall communicate the attitude that violent behavior will not be excused or tolerated, and shall make clear the fact that the existing criminal laws and civil remedies created under this act will be enforced without regard to the fact that the violence grows out of a domestic situation.**

## **Mandatory police training – NJSA 2C:25-20**

### **Mandatory Arrest – NJSA 2C:25-21**

**a. When a person claims to be a victim of domestic violence, and where a law enforcement officer responding to the incident finds probable cause to believe that domestic violence has occurred, the law enforcement officer shall arrest the person who is alleged to be the person who subjected the victim to domestic violence and shall sign a criminal complaint if:**

- (1) The victim exhibits signs of injury caused by an act of domestic violence;**
- (2) A warrant is in effect;**
- (3) There is probable cause to believe that the person has violated [N.J.S. 2C:29-9](#), and there is probable cause to believe that the person has been served with the order alleged to have been violated. If the victim does not have a copy of a purported order, the officer may verify the existence of an order with the appropriate law enforcement agency; or**
- (4) There is probable cause to believe that a weapon as defined in [N.J.S.2C:39-1](#) has been involved in the commission of an act of domestic violence.**

**b. A law enforcement officer may arrest a person; or may sign a criminal complaint against that person, or may do both, where there is probable cause to believe that an act of domestic violence has been committed, but where none of the conditions in subsection a. of this section applies.**

**c. (1) As used in this section, the word “exhibits” is to be liberally construed to mean any indication that a victim has suffered bodily injury, which shall include physical pain or any impairment of physical condition. Where the victim exhibits no visible sign of injury, but states that an injury has occurred, the officer should consider other relevant factors in determining whether there is probable cause to make an arrest.**

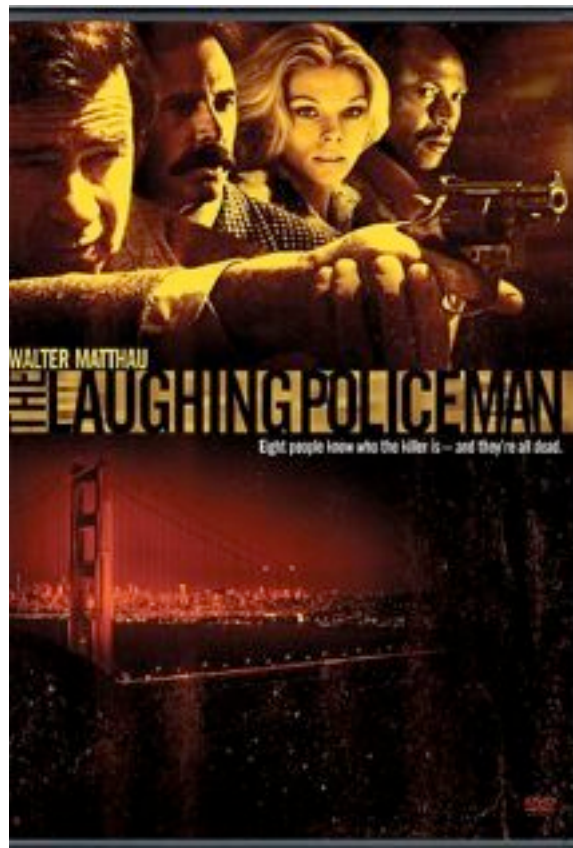
**(2) In determining which party in a domestic violence incident is the victim where both parties exhibit signs of injury, the officer should consider the comparative extent of the injuries, the history of domestic violence between the parties, if any, and any other relevant factors.**

**(3) No victim shall be denied relief or arrested or charged under this act with an offense because the victim used reasonable force in self defense against domestic violence by an attacker.**



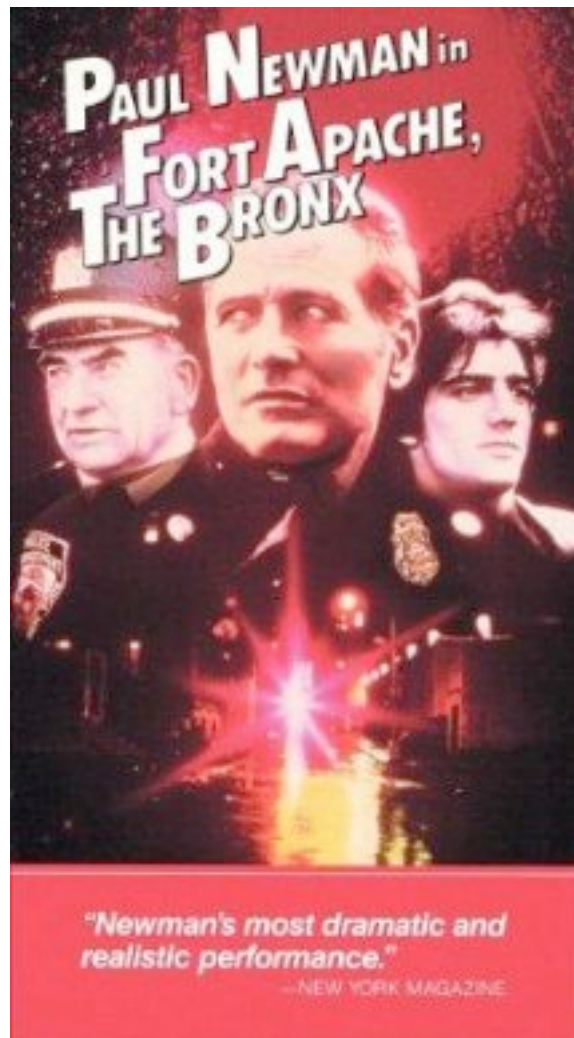
(1972)

**Director:  
Richard Fleischer**



(1973)

**Director:**  
**Stuart Rosenberg**



(1981)

**Director:**  
**Daniel Petrie**

# Part V

## **Males as victims of Domestic Violence**

### **NJSA 2C:25-19**

**“Victim of domestic violence” means a person protected under this act and shall include any person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present or former household member. “Victim of domestic violence” also includes any person, regardless of age, who has been subjected to domestic violence by a person with whom the victim has a child in common, or with whom the victim anticipates having a child in common, if one of the parties is pregnant. “Victim of domestic violence” also includes any person who has been subjected to domestic violence by a person with whom the victim has had a dating relationship.**



(1930)

**Director:**  
**James Parrott**



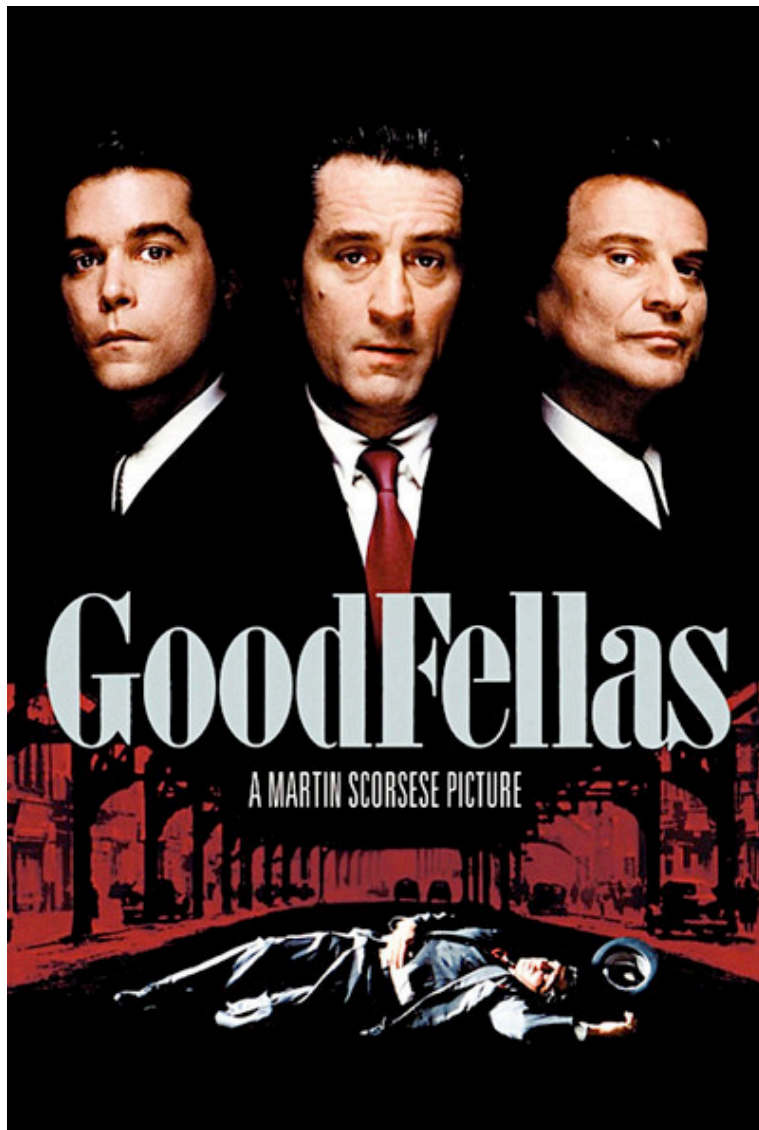
(1931)

**Director:  
James W. Horne**



(1994)

**Director:  
Tim Burton**



(1990)

**Director:**  
**Martin Scorsese**

# Part VI

## Acts Constituting Domestic Violence

NJSA 2C:25-19

**Domestic violence” means the occurrence of one or more of the following acts inflicted upon a person protected under this act by an adult or an emancipated minor:**

- (1) Homicide [N.J.S. 2C:11-1 et seq.](#)**
- (2) Assault [N.J.S. 2C:12-1](#)**
- (3) Terroristic threats [N.J.S. 2C:12-3](#)**
- (4) Kidnapping [N.J.S. 2C:13-1](#)**
- (5) Criminal restraint [N.J.S. 2C:13-2](#)**
- (6) False imprisonment [N.J.S. 2C:13-3](#)**
- (7) Sexual assault [N.J.S. 2C:14-2](#)**
- (8) Criminal sexual contact [N.J.S. 2C:14-3](#)**
- (9) Lewdness [N.J.S. 2C:14-4](#)**
- (10) Criminal mischief [N.J.S. 2C:17-3](#)**
- (11) Burglary [N.J.S. 2C:18-2](#)**
- (12) Criminal trespass [N.J.S. 2C:18-3](#)**
- (13) Harassment [N.J.S. 2C:33-4](#)**
- (14) Stalking [P.L.1992, c. 209 \(C. 2C:12-10\)](#)**



(2000)

**Director:**  
**Mary Harron**