

[Novaseeker](#) says:

August 20, 2013 at 1:08 pm

State and local practice can and does differ on these points in the details, but in broad brush a court can and often will issue a temporary protective order on the basis of the testimony of the cops, whether the wife corroborates or not (out of concern that she may have “battered wife syndrome”, so that she may be feeling like she wants to de-escalate regardless of what happened – so her testimony isn’t really dispositive if she decides to back off – it’s discounted, in many cases, if she decides to do that).

As to the “triggers”, again it varies by state/local, but what constitutes “abuse” is often determined by reference to the Duluth-type standards, which include some very interesting things, many of which are common in the context of marital arguments:

Example, Link: Rutgers University Domestic Violence Project: <http://org.law.rutgers.edu/o-dvp/Handbooks/ProtectingYousef.pdf>

The idea behind these laws is to be “prophylactic” – that is, to err on the side of protecting women, even if it overdoes it by impacting situations where there was no physical violence. This is done by describing mundane spousal arguments as abuse – which essentially renders virtually every marriage as one which contains domestic violence. This can also be reported by people other than the wife – the law doesn’t require the wife to be the complainer, or the person who brings the “violence” to the attention of the cops. Anyone can, as with respect to any other crime. And the definition of “abuse” is wide enough in at least some states to cover most of the Duluth-type stuff that Scott is talking about. So, yes, someone is at your dinner party who is a feminist, doesn’t like the dynamic between you and your wife and sees it as Duluth abuse, can have you arrested for domestic violence even over your wife’s objections, and once that happens it’s likely that you will be sucked into the entire DV legal system as he outlines (and as Baskerville does in his book as well).

Phantoms my ass.