

## Boundaries between psychological intimate partner violence and dysfunctional relationships: psychological and forensic implications

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**Título:** Límites entre la violencia psicológica y la relación de pareja meramente disfuncional: implicaciones psicológicas y forenses.

**Resumen:** El objetivo principal de este artículo es establecer las diferencias entre la violencia psicológica en la pareja como estrategia habitual de relación y las relaciones de pareja meramente disfuncionales, en las que sus miembros no saben cómo afrontar los problemas cotidianos o cómo negociar el proceso de ruptura y abordar adecuadamente los problemas emocionales surgidos. En este artículo se describen las pautas de conducta características de una relación violenta y se analizan las consecuencias psicológicas sufridas por la víctima. Estos dos aspectos son fundamentales para distinguir una relación de pareja con violencia psicológica de una pareja meramente disfuncional sin conductas violentas sistemáticas. Esta diferenciación es fundamental para abordar el problema de una forma adecuada. Algunas parejas pueden malinterpretar una relación disfuncional como una relación de pareja violenta. Las implicaciones para la práctica forense son muy distintas en ambos casos. Se sugieren algunas vías de actuación derivadas de la buena práctica en este ámbito.

**Palabras clave:** violencia psicológica de pareja, relación abusiva, relación disfuncional, psicología forense.

**Abstract:** The main purpose of this paper is to point out the differences between psychological intimate partner violence (IPV) as usual strategy and relational process and a dysfunctional relationship in which partners do not know how to deal with everyday problems or how to negotiate the break-up process and manage the negative emotional states. In this paper behavior patterns of the psychologically violent intimate relationship are outlined and psychological consequences for victims are described. Both of them are useful for distinguishing a psychological IPV from a dysfunctional relationship without systematic violent behaviors. This differentiation is very relevant in order to deal with the problem in an adequate way. Some couples can misinterpret a dysfunctional relationship as intimate partner violence. Implications for forensic practice are very different in each case. Suggestions for good practice in this field are commented on.

**Key words:** psychological intimate partner violence, abusive relationship, dysfunctional relationship, forensic psychology.

### Introduction

A good relationship between members of a couple is increasingly identified as a very important source of emotional well-being and an effective antidote against the setbacks of everyday life (Cuenca, 2013).

Harmony in a relationship depends, among other factors, on sexual attraction, feelings of tenderness, communication, and mutual companionship. The difficult thing, however, is not finding love, but keeping it alive. In general, a relationship survives when both partners enjoy satisfactory communication, maintain a level of mutual support and understanding, are satisfied with regard to sex, and adequately address problems that emerge during cohabitation, such as those related to finances, the children's education, the use of free time, privacy issues, or relationships with the extended family (Yela, 2000).

In contrast, a couple begins to deteriorate when partners engage in few pleasant and many unpleasant interactions; when discrepancies emerge regarding the degree of desired intimacy (between a desire for independence and the need for a relationship); when there is dissonance between expectations and reality; and when unexpected setbacks occur, including infidelity, job loss, the birth of an unwanted child, or a decrease in recreational activities. In such cases, a relationship may be perceived on balance as unsatisfactory and may lead to discontent of greater or lesser intensity (Gottman and Silver, 2012).

An additional issue is unrealistic expectations regarding the essence of long-term love. Many couples become disillusioned when passion disappears, and this leads to frustrations that worsen cohabitation issues. Passion is always transitory and is limited, in most cases, to the early months/years. In contrast, loving relationships (the space where idealization ends and love without illusions begins) can be stable and gratifying. Authentic love is based not on great storms, but on small seeds that take root over time (Ortiz-Tallo, 2001). There are couples who are not madly in love but who love one another peacefully and who suffer when a partner passes away. However, when people do not achieve or do not accept the change from a passionate to a loving relationship, unhappiness, lack of communication, intolerance of the other person's behavior, and mutual boredom emerge, setting the stage either for a breakup or for monotony (Gottman and Silver, 2012).

It is a small step from criticism to contempt, and contempt is the poison that kills relationships. Fighting isn't bad. What is bad is when one partner loses respect for the other and when arguments are charged with criticism, sarcasm, or insults and are not followed by sincere apologies (Serrat-Valera and Larrazábal, 2008).

While some deteriorated relationships last a lifetime, for various reasons (financial interests, religious beliefs, fear of being alone, or fear of family disintegration), and the duration of a relationship on its own is not an unequivocal sign of well-being, many couples that have experienced a loss of affection opt to separate or divorce (Cuenca, 2013). The deterioration of a relationship results in a more or less lengthy process and may affect each member of the couple differently. During this emotional breakup process, especially in its final stages, one

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partner may begin to behave inappropriately toward the other. Such behaviors are rooted in the overflow of emotions involved in the breakup. These behaviors can border on psychological abuse (Feliú, 2000). It is not surprising that an intimate partner relationship generates great expectations and involves a significant investment of effort, to the point that it often becomes the backbone of a person's life project (Martínez, 2013).

Violence in intimate partner relationships, the topic of this study, is often a two-way, heterogeneous, and multi-causal phenomenon that is independent of gender, though women suffer the most serious consequences. The majority of studies and measures taken by policymakers and the criminal justice system that address intimate partner issues have focused on violence towards women (Muñoz and Echeburúa, 2016).

Physical violence is easily visible, but psychological abuse can manifest in various ways that may be subtle, making it more difficult to objectify (table 1). Additionally, physical injuries are reflected in bruises, sprains, broken bones, and other visible manifestations, while psychological wounds (psychological harm) are not linked as explicitly or in as widely-recognized a manner to specific clinical problems, including post-traumatic stress disorder, anxiety-depressive symptoms, chronic stress, and other mental health issues (Muñoz, 2013). Consequently, this article aims to differentiate between psychological violence (as a habitual relational strategy within a couple) and a dysfunctional and conflictual relationship (derived from inappropriate management of day-to-day problems and the inappropriate management of a breakup process). In the forensic context, this differentiation is especially important, given the different legal consequences associated with each of these situations (Muñoz and Echeburúa, 2016).

**Table 1.** Forms of expression of psychological violence. Created by the authors using Labrador et al., 2004, Hirigoyen, 2005, and Rodríguez-Carballeira et al., 2005.

<b>ISOLATION</b>
-Controlling what the other person does, who they see and speak with, what they read, where they go, etc.
-Not respecting her privacy (monitoring her mail, social networks, telephone, etc.)
-Limiting her commitments outside the intimate partner relationship
-Devaluing her family members or friends and rejecting interactions with them
-Organizing activities or commitments that conflict with the other person's proposals
<b>DISTORTION OF REALITY</b>
-Normalizing abuse, equating it with conflicts inherent to the couple's cohabitation
-Recognizing abuse but playing down its importance
-Blaming the other person for one's own violent behavior
-Convincing the other person that the violence is a way of correcting her improper behavior and is thus for her own good
<b>INTIMIDATION (INDIRECT VIOLENCE)</b>
-Instilling fear through looks, actions, or gestures

-Breaking objects, furniture, etc. during arguments
-Destroying the other person's property, especially property that has sentimental value
-Abusing pets
-Wielding weapons or blunt objects
<b>USE OF THREATS</b>
-Threatening to inflict physical harm on the other person
-Threatening to commit suicide
-Threatening to abandon the other person or to have an affair
-Threatening to throw the other person out of the house
-Threatening to take away custody of the children if the other person files a complaint
-Threatening to abuse the children if the other person files a complaint
<b>EMOTIONAL ABUSE</b>
-Self-serving provocation of positive emotions in the other person (honeymoon)
-Belittling and/or rejection of the other person's personhood and/or her roles
-Manipulation of feelings of guilt. Using love to justify abusive behaviors
-Indifference towards the other person's demands
-Using emotional blackmail
<b>FINANCIAL ABUSE</b>
-Asking constant questions about money
-Controlling the other person's money
-Confiscating the other person's earnings
-Restricting the other person's access to family money
-Preventing the other person from obtaining or keeping a job
<b>USING CHILDREN</b>
-Undermining the other's authority in front of the children to provoke disrespectful behavior from them
-Manipulating the children to weaken their relationship with the other parent
-Using the children to spy on the other parent
-Using the children to deliver threats and devaluations
-Introducing tension while picking up and dropping off children
<b>HARASSMENT AND STALKING</b>
-Provoking interminable arguments, constantly repeating the same message. This undermines the other person's critical ability and judgement, leading her to accept the aggressor's claims
-Physically following the person
-Calling her constantly on the phone
-Subjecting her to lengthy interrogations when she returns from an individual activity
-Waiting for her outside her workplace

In 2015, according to the quadrennial macro survey on Violence against Women conducted by Spain's Ministry of Health (Centro de Investigaciones Sociológicas, 2015), which included in-person interviews with 10,171 women, 12.5% of Spanish women (close to 2.5 million) over the age of 16 described having been mistreated by a partner or ex-partner at some point in their lives. Psychological violence is especially pronounced among young women and adolescents. So-called *coercive control* (in which the aggressor prevents the victim from seeing her friends, tries to avoid forming a relationship with the victim's family, insists on knowing where the woman is at all times, displays unjustified suspicions of infidelity, demands that the woman ask permission to go out on her own, etc.) affected

25% of 16- and 17-year old adolescent women over the last year, compared with an overall average of 9.6%.

### When does a conflictive intimate partner relationship end, and when does psychological violence begin?

When a couple decides to end a relationship, it can do so via a mutual agreement or through a contentious process involving Civil Courts or Family Courts in judicial districts where these exist (Muñoz and Del Campo, in print). However, according to Law 1/2004, when a woman alludes to psychological abuse in the relationship, the breakup process is handled by the Violence Against Women Courts with both civil and criminal consequences, including measures to protect the victim and limit the rights and freedoms of the defendant (Castillejo, 2009).

It is not always easy to precisely determine what constitutes a couple's final phase prior to a breakup. It may include repeated reproaches, accusations, and disrespectful behavior, a type of psychological violence that aims to control and negate the other person. This distinction has important repercussions for the future of the members of the couple. In other words, it is important to distinguish criminal activity from behavior that is just ethically and socially reproachable (for example, infidelity, economic and material neglect, etc.) (Follinstad, 2007).

#### *The development of intimate partner violence*

Strange as it may seem, the intimate partner relationship—in principle a mark of affection and mutual companionship that satisfies human beings' basic needs—can involve a risk of violent behavior (Rennison, 2003; Rojas Marcos, 2008). Violent behavior against one's partner involves an attempt to control the relationship using an abuse of power.

Once the first instance of violence has occurred, and despite the aggressor's apologetic displays, the probability of subsequent episodes—sparked by increasingly insignificant triggers—is much higher. As inhibitions associated with respect for the other person break down, the use of violence as a strategy to control the other person's behavior becomes increasingly frequent. The woman's suffering, far from deterring violence and generating affective empathy, becomes a trigger for aggression (Alcázar and Gómez-Jarabo, 2001).

It is not easy to answer the question of what causes a man to behave violently towards his partner, a person to whom he is emotionally bonded in a shared life project. Violence results from an intense emotional state—rage—that interacts with hostile attitudes, a poor behavioral repertoire (deficient communication and problem-solving skills), precipitating factors (stressful situations, excessive consumption of alcohol, jealousy, etc.), and perceptions of the victim's vulnerability. Consequently, violent behavior comprising the following components (Dutton and Golant, 1997; Echeburúa and Corral, 1998):

- a) *A hostile attitude.* This may result from chauvinistic sexual stereotypes regarding the need for a woman to be submissive, from pathological jealousy, or from the subjective legitimation of violence as a problem-solving strategy.
- b) *An emotional state of rage.* This emotion, which varies in intensity from mild irritation or annoyance to intense anger and leads to an impulse to do harm, is fostered by a hostile attitude towards the woman and by sources of discomfort that are independent of the couple (work-related setbacks, economic difficulties, problems related to the children's education, etc.).
- c) *Direct precipitating factors.* Excessive consumption of alcohol or drugs, especially when this interacts with the small frustrations of day-to-day life in an intimate relationship, contributes to the onset of violent behavior.
- d) *A poor behavioral repertoire.* More concretely, deficits in communication and problem-solving skills prevent conflicts from being channeled in appropriate ways. The problem is aggravated when personality disorders exist, such as suspiciousness, jealousy, low self-esteem, lack of empathy, or an extreme need for approval.
- e) *Perception of the victim's vulnerability.* An irritated man may take out his rage on another person (*frustration-anger-aggression* mechanism), but he may tend to do so only with women whom he perceives as being more vulnerable and in an environment—the home—in which it is easier to conceal what has occurred (Sarasua, Zubizarreta, Corral, and Echeburúa, 2012).
- f) *The results of prior violent behavior.* Very often, the abusive man's previous violent behaviors will have achieved his desired goals. Violence can be a very fast and effective method for getting what he wants. At the same time, the woman's submission may be reinforced because it allows her to initially avoid the consequences of her partner's violent behavior; however, subdued behavior may cause the abusive man's violent behavior to intensify over time.

According to Dutton's ecological model (1995, 2006), which strives to evaluate the risk factors of intimate partner violence, the variables that contribute to violence exist on several levels: macro-structural or social; exosystem (regional); micro-level (group); and ontogenetic (individual).

#### *Patterns of behavior implicated in psychological violence*

In a dysfunctional intimate partner relationship, there is a slow loss of affection and communication, conflicts and attacks become frequent, and the desire to end a relationship that appears dysfunctional begins to grow stronger. The duration of the breakup process can vary from one case to another and depends in large part on the balance of the relationship over time (Ortiz-Tallo, 2001). If there are no children involved and the relationship is perceived as having been unsatisfactory from the start (or for a long time), the breakup process is fast; if the relationship has been gratifying

for a long time but is not anymore, and if the couple has children, the breakup may take longer, and the process may involve more vacillation. In general, all breakups lead to symmetrical, if not identical, suffering in both members of the couple, unless one member has an alternative partner and perceives the breakup as a road to freedom to pursue a new relationship. The pain involved in a breakup is not necessarily proportional to the years spent in a relationship. Rather, it is a function of the degree to which one fell in love, the rapport with the other person, and the resources and experiences of the person left behind (Serrat-Valera and Larrazábal, 2008).

In contrast, violence and psychological abuse towards one's partner as a habitual practice in a relationship is a recurring phenomenon (and as such is not limited to specific moments) that manifests itself in a variety of ways: the use of insults, public devaluation and shaming, in the form of constant criticisms that undermine the victim's self-esteem; the continuous use of controlling behaviors, which are made easier by the widespread use of new technologies (especially *WhatsApp*); turning to various types of threats, often accompanied by coarse and coercive language; the imposition of social and financial restrictions; and continuous harassment once the victim has decided to end the relationship (Echeburúa and Corral, 1998; Follinstad, 2007; Navarro-Góngora, Navarro-Abad, Vaquero, and Carrascosa, 2004). There are also manifestations of psychic violence, including the imposition of degrading sexual behavior or other types of coercive sex, the revelation of secrets, or the repeated claim that the victim is crazy or is the cause of misfortunes or hardships experienced by the aggressor. A list of these violent behaviors can be observed in Table 1. All of this creates a situation of domination and profound fear in the victim. Additionally, psychic violence can be a first step towards physical violence, though this does not occur in every case (Sarasua, Zubizarreta, Echeburúa, and Corral, 2007).

The behaviors involved in psychological violence in young couples include startling, screaming, constant phone calls, and absolute control, sometimes enveloped by weeping. Additionally, it is common to distance the victim from her friends, to accompany her constantly, to be angry if she stops to speak with anyone or if she makes plans to go to the gym. Many victims do not interpret these behaviors as a form of victimization, and as a result, they underestimate the risk involved in staying in the relationship (González-Ortega, Echeburúa, and Corral, 2008).

Systematic psychological abuse may emerge gradually, in such small steps that even the affected person may not notice. Abusers may begin with subtle behaviors towards the victim, such as explicitly devaluing her intellectual ability, her attractiveness, or her abilities at work, and begin to control her way of dressing, her expenditures, or her social relationships before moving on to explicit psychological violence. In this last phase, the belittling of one's partner, shaming, and attempts to isolate her are the backbone of the abuser's

strategy to achieve domination or control over the victim (Hirigoyen, 2006).

Victims can endure abuse for a long time because women's values are permeated by a misguided interpretation of romantic love ("one must have a partner, whatever the cost"; "it is good to give everything for the person you love, to sacrifice yourself for him and forgive him for everything"). As a result, young women can endure a great deal when they are seduced by a dominant and protective figure. At the same time, men may think of love as exclusive, possessive, and everlasting and think of a breakup as the worst possible failure. That is, the virus of romance can poison the thinking of both the victim and the aggressor (Ferrer, Bosch, and Navarro, 2010). Furthermore, many victims demonstrate an urge to redeem their partner and an attitude of sacrifice ("love can move mountains; I will get him to change"), or they deceive themselves ("he is a good person, and deep down, he loves me").

However, there are couples for whom psychological abuse is reciprocal, a type of mutual violence, without a clear relationship of domination. In these cases, a mutual relationship is built based on unhealthy behaviors in which the roles of victim and abuser vary depending on the circumstance (Muñoz-Rivas, Graña, O'Leary, and González, 2007).

#### *Psychological consequences of psychic violence*

The adversities of day-to-day life, such as the unwanted breakup of an intimate partner relationship or the acknowledgement that a joint life project has been unsuccessful, lead to emotional discomfort and pain (Gottman and Silver, 2012). However, most people possess psychological resources and a network of family and social support that allows them to overcome these challenges and regain control of their lives without experiencing mental health problems or requiring professional assistance; however, this is not the case for people who are very emotionally unstable, who have a personality disorder (dependent, obsessive, or narcissistic), or who have a history of victimization (Echeburúa, Sarasua, and Zubizarreta, 2014).

A separate issue arises when psychological violence is a habitual strategy used to gain control and negate the other member of the couple. In such cases, the victim's coping strategies may be overwhelmed, and she may suffer psychological damage (psychic wounds and emotional consequences), which often makes it necessary for her to seek professional help (psychological or medical) (Echeburúa and Corral, 1998). The psychological damage arising from this situation can manifest itself as clinical symptoms, such as post-traumatic stress disorder, anxiety-depressive adjustment disorder or the imbalance of a personality disorder; or as symptoms that interfere with emotional well-being and quality of life (low self-esteem, irritability, loss of sexual desire, feelings of guilt, carelessness with appearance, or social isolation) (Picó-Alfonso, Echeburúa, and Martínez, 2008).

Another expression of psychological harm is use by the victim of damaging coping strategies, including self-

medication or alcohol abuse, excessive consumption of food, or risk-taking behavior.

Additionally, it should be noted that habitual psychic violence is a form of chronic stress, during which high cortisol levels are excreted. Stress triggers changes in the nervous and endocrine Systems, which can subsequently affect the cardiovascular and immune systems. If stress becomes chronic, the risk of infection, diabetes, hypertension, and heart attack increases. The victim may display chronic fatigue; headaches, stomachaches, and joint pain; dizziness or gastrointestinal problems; and a higher probability of obesity (Picó-Alfonso et al., 2008). As a result, victims may visit primary care doctors more frequently, but they might not dare to mention the intimate couple violence they are experiencing. In other words, psychic violence may produce both psychological harm and physical harm. The somatic symptoms described and the emotional turmoil experienced by the victim may result from compensatory overexertion or from adapting to a situation of overwhelming chronic stress (Cobo, 2006).

Lastly, because habitual psychological violence towards one's partner creates a violent climate, it may provoke negative psychological reactions in children who share the couple's home: poor academic performance, fear and anxiety, difficulty sleeping, feelings of guilt, low self-esteem, and a lack of emotional control may emerge. In girls, spontaneous weeping is the most common reaction; in boys, an aggressive response is most common (Echeburúa and Corral, 2009). In any case, children's psychological state will depend on the duration of their exposure to the violence (length of time of abuse), on the seriousness of the abuse, on whether the child is directly affected, and on the intensity of the child's emotional bond to the abuser (Arruabarrena, De Paúl, Indias, and Ullate, 2013; Patró and Limiñana, 2005; Tailor, Stewart-Tufescu, and Piotrowski, 2015).

### Legal approach to psychological violence

#### *Definition in the penal code*

The penal code treats habitual psychic violence towards one's partner or ex-partner as a crime, regardless of whether the violence leads to a psychic wound in the victim (art. 173.2). The crime is punishable by between six months and three years of imprisonment. The legal asset protected in this case is mutual respect and equality between the members of the couple.

Psychic violence is defined as habitually violent behavior on the part of the aggressor, which establishes a permanent situation of domination over the victim and which intimidates her and prevents her from living her life freely (STS, November 10, 2009). As such, it is not defined by a specific number of behaviors but by the establishment of a habitual violent behavior style towards the victim (STS, February 22, 2006). Among these types of behaviors are psychological harassment, coercion, and intimidation.

#### *Supreme Court jurisprudence*

Although habitual psychological abuse is difficult to institute as a concept and to distinguish from a relationship that is simply dysfunctional, Supreme Court jurisprudence has defined it as "*continuous, methodical, and deliberate harassment and shaming, which aims to achieve domination...*" (STS 932/2003, June 27), as "*repeated harassment and disparagement, intimidating expressions, death threats...*" (STS 1750/2003, December 18), and as "*repeated and permanent threats, and subjugation of the victim and her family to a situation of true harassment*" (ATS, September 12, 2002).

In other words, psychic violence must include a relationship of habitual domination of the victim by the aggressor that generates deep emotional distress in the victim (intense fear, hopelessness, limits on freedom, reduced self-esteem), regardless of whether a formal mental disorder develops.

#### *Challenges in evaluating evidence*

Psychological abuse does not leave as obvious a mark as physical violence, despite the fact that its consequences for the victim can be even more serious than those of physical violence (Labrador, Fernández-Velasco, and Rincón, 2010). There are fundamentally two types of evidence:

- a) *Habitual behavior within the intimate partner relationship.* In addition to the victim's account, the testimony of people (children, relatives, or others close to the victim) who have witnessed abusive situations (insults, harassment, belittling, or shaming) play an important role in establishing this aspect of psychological abuse, as long as those witnesses are willing to testify about the abuse in a court of law. Though unlikely, if voicemails or text messages are available on a cell phone, these should be transcribed and shared with the court so that the Judicial Secretary may create a transcript of the messages.
- b) *The psychological consequences experienced by the victim as a result of the habitual psychological abuse to which she has been exposed.* Here, the essential element is the connection between emotional discomfort and the regular abuse experienced. The key here is to differentiate between a psychological wound, which is relevant under criminal law, and the emotional discomfort experienced during the unwanted breakup of an intimate partner relationship or the emotional exhaustion involved in staying in a dysfunctional relationship for a long period of time. While some people are more resilient or more vulnerable than others, certain psychological responses are more closely related to the experience of continuous abuse (Muñoz and Echeburúa, 2016). These consequences should be objective, sufficiently significant, and provable (clinical diagnosis) because victims' perceptions of their own psychic state and its relationship with the violence they experienced can vary greatly from one case to another.

Proving the facts of the case can be particularly complicated when the reported violence is psychological. There are several reasons for this (Navarro-Góngora et al., 2004):

- a) *In most cases, the crime occurs between the couple in private, that is, without witnesses.* Consequently, the only evidence available to the judge is the contradictory statements of the plaintiff and the defendant.
- b) *When the violence in question has persisted over time, the probability of psychological deterioration in the victim is high.* In such cases, women may adopt a passive attitude that limits the supply of evidence and may not provide useful facts during the instruction phase.
- c) *The affective relationship between the victim and perpetrator is ambivalent.* Feelings of love and affection towards the aggressor explain why victims minimize the aggressor's violent behaviors and the victims' hopes for change. This situation explains some victims' ambivalence towards reporting the violence and the high number of retractions among victims (for example, withdrawing a complaint during the instruction phase, using the exemption from the requirement to testify against the accused, or retracting her initial statement). Other situations that may explain this phenomenon include the establishment of an emotionally dependent relationship with the aggressor, the fear of repercussions later on, economic dependency, fear of an irregular administrative status and the risk of deportation among foreign victims, or a desire to avoid harming one's children (Consejo General del Poder Judicial, 2013).

Additionally, psychological violence does not leave behind easily discernable damage (it does not produce external signs on the victim), making the consequences more difficult to objectivize (Guija, 2009). Similarly, the psychic impact is easy for the victim to hide (by concealing or attributing it to other causes), which is relatively common in this type of victimization scenario. This is why such cases are sometimes called "invisible" violence (Rodríguez-Carballeira et al., 2005).

The difficulty of assessing evidence derives from the complexity of defining abusive behaviors in the real world, from a lack of clinical specificity, and, on occasion, from the victim's prior vulnerability or the existence of other stressors, which make it more difficult to establish a causal relationship between current psychological damage and the dysfunctional intimate partner relationship (Muñoz, 2013). It is also important to establish whether the psychic wound is mild, moderate, or serious, in accordance with the degree to which it interferes with the victim's daily life and emotional stability. The causal nexus between the abuse experienced and emotional impairment is even more complex in cases of chronic psychic violence (including that which began at the start of the relationship). In other words, continuous emotional abuse in an intimate partner relationship produces a breakdown of the victim's sense of security, but the extent of the psychological damage will depend, among other cir-

cumstances, on the victim's prior level of emotional stability, her degree of resilience, and other psychosocial factors (psychological resources, social class, level of education, social support, workplace satisfaction, etc.) (Echeburúa and Corral, 2009; Esbec and Echeburúa, 2014).

#### *Instrumentalization of reports of abuse*

The topic of instrumentalization of complaints in the framework of Law 1/2004 has led to numerous social and legal controversies (Serrano, 2012; Pérez and Bernabé, 2012). The data provided by the Ministry of Justice's Observatory on Domestic and Gender Violence, which are collected from all jurisdictional bodies, reveal a high rate of acquittals (38.8%), in addition to dismissals (3.9%) and provisional dismissals (37.5%) (CGPJ, 2015). While a lack of criminal evidence is not synonymous with the instrumentalization of a complaint, it is also true that false accusations and complaints are inherent to the Justice System, as demonstrated by their mention in the most ancient laws, such as the Code of Hammurabi (Maqueda, 1999). As a result, there is nothing that would allow us to rule out their existence in the context of Law 1/2004.

As in other areas of criminal law—for example, those that address reports of child sexual abuse (Pereda and Arch, 2009)—two sources of distortion have been identified in the process of lodging of a complaint against a partner:

- a) An erroneous interpretation of reality resulting from an accumulation of discomfort or frustration caused by the continuation of an intimate partner relationship that has become unsatisfactory and in which conflicts frequently occur that may significantly erode the psychic stability of one member of the couple, in this case, the woman.
- b) Premeditated fabrication of an abuse report related to the pursuit of secondary benefits (acceleration and benefits during the civil divorce process or securing the social benefits recognized in Law 1/2004) or to fulfilling a desire for revenge or rage towards one's partner out of spite or because of a dysfunctional breakup process.

Meanwhile, the acquittal (closing) of a complaint, or absolution, does not necessarily indicate a false complaint. After filing a complaint, many women back away from the legal process and do not testify against their partner out of fear, affective ambivalence, or environmental pressure. In such cases, the judge applies the presumption of innocence and closes the case for lack of evidence.

Performing a differential diagnosis in the case of psychological violence is a complex activity for a forensic psychologist. It is hindered by the limitations of forensic evaluation instruments and by factors that modulate psychic impact, which impede the establishment of a unique psychopathological profile for women who are victims of intimate partner violence (Echeburúa, Muñoz, and Loinaz, 2011).

Suitable preparation of the forensic evaluation process that addresses the various factors that modulate psychic im-

pact (factors related to the victimizing intimate partner relationship, biopsychosocial vulnerability factors, and biopsychosocial protective factors), the adoption of a multi-method-multidimensional perspective, and the comparison of information drawn from diverse sources of data will contribute to more effective psychic intervention (Muñoz, 2013). A list of instruments used to evaluate psychological harm in victims of violence may be found in Echeburúa, Corral, and Amor (2002).

## Discussion

The study of psychological violence within the intimate partner relationship is essential in the forensic context. The dearth, in many situations, of physical evidence or witnesses who can corroborate the victim's and the aggressor's claims make the study of psychological violence central to criminal proceedings (Subijana, 2009).

One characteristic of psychological violence against a partner is the aggressor's denial of the behavior. When thinking clearly about a behavior causes discomfort, or when the behavior is socially rejected, strategies are employed to avoid responsibility. These strategies include excuses, claiming that the problem is strictly between the two partners, blaming the partner or other types of problems, thinking of the behavior as "normal" in all couples, or underestimating the negative impact of the behavior on the victim (Cobo, 2006).

Likewise, many victims of regular psychological abuse are not conscious of their victimization. In fact, they may treat the behavior as unimportant, attributing the humiliating behavior they experience to their partner's way of being and not perceiving the direct relationship between the emotional discomfort they feel and the abuse they experience (Follinstad, 2007). As a result, while psychological abuse is difficult to quantify numerically, it is a significantly darker figure than physical abuse.

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