

# **Tackling Domestic Violence**



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Theories, policies and practice

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# **Preface**

This book is inspired by the work undertaken by the authors across the last ten years during which we developed and delivered a 'University Certificate in Professional Development (Domestic Violence)'. Initially this was embarked upon as a response to a request from Cleveland Police in the late 1990s. Subsequently, it has been delivered several times a year at The University of Teesside and around England, Wales and Northern Ireland at the request of police forces, domestic violence forums and Women's Aid groups. Culturally sensitive versions of the course have also been delivered in Kazakhstan and Turkey, to police, lawyers, women's organisations and domestic violence groups with the support of the British Council. This book shares the course aims of bridging the gaps between 'academic' and professional/practitioner understandings of domestic violence in an academically rigorous but accessible way and thereby enriching both perspectives.

# **Acknowledgements**

We would like to thank all those professionals and practitioners, from the voluntary and state sectors, who have contributed their knowledge and experience to this book. Their frontline experiences of dealing with domestic violence have highlighted best practice and shown some of the difficulties in implementing policy. This is reflected in some of the case studies contained in this book, and in the content generally.



# Introduction

The recognition of domestic violence by the United Nations as a human rights abuse in the 1990s (CEDAW, 1992; Beijing Declaration and Platform of Action, 1995) has meant that domestic violence has achieved a much greater profile in terms of law and policy development in many countries. In the UK, recent changes at local and national levels have been far-reaching and domestic violence is now high on the agendas of many professionals, practitioners and policy-makers.

Centred on the UK, but located in a context of global change, this book aims to provide an informed background for those professionals and practitioners whose remit is to respond to domestic violence. Taking a multi-disciplinary approach and drawing on contemporary research findings, policy developments, innovative practice and case studies contributed by professionals on the front line, it is also highly relevant to those academics and students whose specialisations or studies include 'domestic violence'.

## Key themes

### Women's and children's safety

A major theme throughout this book is to consider how far changes in policy and practice have increased the safety of women and children experiencing domestic violence and enabled them to rebuild their lives free from violence. Although such aims are central to current policy, they do not always translate into practice, either because of resistance or misunderstandings in implementation or because other agendas take over. One example of this is in the implementation of criminal justice policy, where a focus on achieving managerial targets, such as improved conviction rates or 'sanctioned detections', can displace this primary goal. At the same time, we highlight examples of best practice where women's and children's safety has improved as a result of these initiatives.

### Complexity and social inclusion

Another important aspect is highlighting the broader and more complex understandings of domestic violence, which have been developing in recent years. There is now a wider recognition that domestic violence is about

perpetrators' power and control over women and involves not only physical and sexual violence, but can include a number of behaviours such as intimidation and threats, isolation and humiliation, behaviour often named as psychological coercion or 'violence'. Recent understandings are also more inclusive of a range of different women's experiences. For example, some of the differences for women living in 'honour' communities are reflected in recent government policies to address forced marriage and 'honour' killings and there is now a recognition that domestic violence can be perpetrated by other family members, not only partners, in official definitions of domestic violence. There is also more knowledge about the problems faced by women living in rural and travelling communities, and of the interconnections between domestic violence and women exploited and abused through prostitution.

Nevertheless, some social exclusions and problems remain. The experiences of disabled women are only beginning to be addressed, despite recent legislation against disability discrimination in the delivery of services. Furthermore, immigration laws continue to work against women with insecure immigration status, who seek and gain protection from different services. Young women below the age of 18 experiencing violence from boyfriends or partners are also often excluded from official definitions of domestic violence.

In addition, there remain problems about knowing the extent of domestic violence and its impacts, given some of the continuing social exclusions mentioned above. Further, despite overwhelming evidence that women in heterosexual relationships form the vast majority of victims of domestic violence, there remain ongoing debates about the extent of male victimisation and violence in lesbian and gay relationships. These are issues which are discussed in depth in Chapters 1 and 2 in looking at the nature and extent of domestic violence, its impacts on women and how perpetrators' power and control strategies, as well as limitations in some policy areas, can considerably affect the possibilities of obtaining safety. Such understandings are crucial for professionals in health, social care and criminal justice agencies if they are to be enabled to alleviate some of these impacts and take appropriate action to increase protection. Recent initiatives and case studies to address these impacts are discussed in Chapter 2.

### **A focus on perpetrators and the criminalisation of domestic violence**

Another welcome development in recent years has been the increasing criminalisation of perpetrators of domestic violence. All too often in the past, blame has been placed on victims and the perpetrators' responsibility for the violence is ignored, as is the fact that they have committed serious crimes. Gradual changes in police policy and practice as well as recent legal changes and initiatives to improve prosecution and conviction rates have indicated a significant shift in government policy and are the result of extensive

campaigning by women to achieve the recognition of domestic violence as a crime in criminal justice policy. Nevertheless, there remains unevenness in criminal justice practice and resistance to such changes, most obviously in the derisory sentences frequently handed out to chronic domestic violence offenders and in the differential treatment of men and women by the legal system when partners are killed in the context of domestic violence. Further resistance to change is highlighted in the civil law, which can be used to obtain injunctions against a perpetrator, since the conduct of survivors is still taken into account, in the granting or otherwise of certain orders, by the courts. In addition, the family courts remain a bastion of patriarchal reaction in their failure to recognise some fathers as violent perpetrators, who pose considerable risks to children and their mothers, when making decisions about child contact and residence post-separation. These themes are outlined and developed in Chapters 1 to 4.

Chapters 3 and 4 take a critical historical look at legal developments and policing practice, including recent initiatives to target prolific offenders and high-risk victims. Changes to support survivors through the prosecution process with multi-agency interventions represented in the specialist domestic violence courts initiative are examined as we question what more needs to be done to improve 'victim safety' and place survivors' needs at the heart of the criminal justice system.

### **The impacts of domestic violence on children**

There has been a growing recognition of children as 'hidden victims' of perpetrators' domestic violence and of the interconnections between their violence towards mothers and their subsequent abusive parenting of children in families. This knowledge and understanding has been considerably enhanced by research that asks children themselves about the impacts of domestic violence, the many ways it has affected their lives, their feelings towards violent fathers and their ways of coping with the violence. However, children's views, particularly if they are under the age of eight, have continued to be ignored by professionals in some policy areas, most often by legal and welfare professionals in private family law proceedings and sometimes in criminal proceedings, when children want to act as witnesses to the violence against their mothers. In addition, discourses of child welfare and child protection, in contrast to those of criminalisation, can continue to blame non-abusing parents (usually mothers) and make them responsible for children's safety and protection, when it is impossible for them to do so because they live in fear of the perpetrators' violence. Since mothers and children constitute the majority of those affected by domestic violence, children's experiences and the implications for practice are discussed in detail in the second half of Chapter 2 and all subsequent chapters.

### **Preventing domestic violence**

An understanding of domestic violence as a social problem implies that it is not inevitable and consequently that such violence can be prevented before it happens. Strategies and initiatives aimed at achieving this (known as ‘primary prevention’), both public awareness campaigns and school education, have vastly increased in recent years. Nevertheless, considerable cultural toleration of men’s violence towards women and children continues to exist in all its forms and this toleration and the way it can counter-act primary prevention interventions is discussed in the penultimate chapter in this book.

This chapter also discusses ‘tertiary prevention’ (secondary prevention being support to survivors), most significantly in efforts to change and rehabilitate perpetrators in the form of perpetrator programmes. These have vastly increased under New Labour, as a solution to dealing with offenders convicted by the criminal justice system, and are viewed by the family courts as a means of making violent fathers safe to have contact with their children, post-separation. This chapter takes a critical look at the difficulties involved in changing perpetrators, by examining how such offenders conceptualise their own violence and abuse and the effectiveness of different explanations and subsequent approaches to achieve such change. It also discusses whether these programmes are working to improve women’s and children’s safety and the evidence base for these developments.

### **Multi-agency working**

Multi-agency and partnership approaches and co-operation in local areas have been viewed by government since the early 1990s as an ‘inevitably good idea’, since survivors require services from many different agencies if they are to achieve safety. Nevertheless, the research indicates that such approaches can produce mixed results and vary considerably within and between different local areas, with competition for funding between different services, conflicts over approaches and different understandings of domestic violence and the marginalisation of voluntary sector women’s services occurring in some localities. More recently, research evaluations have shown the significance of women’s independent advice and support services in enabling multi-agency approaches to work in improving the safety of women and children. The use of multi-agency approaches in specific recent initiatives is discussed and critically assessed in the final chapter, which addresses improving practice.

# 1 The nature and extent of domestic violence

Domestic violence exists in many but not all cultures throughout the world (Heise, 1995). Until the late 20th century, it was socially accepted in male dominant cultures, justified in customs and traditions and condoned by law. Women have also been expected to suffer in silence. Hostile criticism has been directed at feminists and women's liberation movements worldwide for challenging this violence and its condoning by governments at different points in history, most recently and powerfully in the last quarter of the 20th century.

Since the 1970s, albeit in the face of criticism, feminists successfully transformed domestic violence from a private trouble into a public issue, now high on the agendas of local, national and international governments. In the UK, feminist work in this period also included the establishment of a nationwide chain of refuges and other support services, which subsequently contributed to the vibrant women's voluntary sector of the 21st century. Other achievements included instigating research into the nature, extent and impact of domestic violence and successful campaigns for its recognition as criminal violence by the government, police and the criminal justice system.

The questions of 'exactly what is domestic violence' and 'how common it is' have been subject of much discussion within feminism, amongst policy-makers, practitioners and in research since its (re)discovery as a social problem in the 1970s. This chapter explores these questions, beginning with an examination of the nature of domestic violence before moving on to explore its prevalence.

## The nature of domestic violence

One starting point for an exploration of the nature of domestic violence is the 'Imagine' poster produced by Women's Aid Federation of England in 2002.

As illustrated in this powerful poster, domestic violence is a broad concept incorporating many forms of physical violence, sexual violence and a range of

## 2 TACKLING DOMESTIC VIOLENCE

### **So what is domestic violence?**

We all know what a bully is . . .

- Imagine . . . living with a bully all the time, but being too scared to leave.
- Imagine . . . being afraid to go to sleep at night, being afraid to wake up in the morning.
- Imagine . . . being denied food, warmth or sleep.
- Imagine . . . being punched, slapped, hit, bitten, pinched and kicked.
- Imagine . . . being pushed, shoved, burnt, strangled, raped, beaten.
- Imagine . . . having to watch everything you do or say in case it upsets the person you live with – or else you'll be punished.
- Imagine . . . having to seek permission to go out, to see your friends or your family, or to give your children a treat.
- Imagine . . . being a prisoner in your own home – imagine being timed when you go out to the shops.
- Imagine . . . that you believe what he tells you – that it's your fault. That if only you were a better mother, lover, housekeeper, kept your mouth shut, could only keep the children quiet, dressed how he liked you to, kept in shape, gave up your job – somehow things would get better.
- Imagine . . . that you don't know where to get help, what to do, or how to leave.
- Imagine . . . that you can't face the shame of admitting what's really going on to family or friends.
- Imagine . . . his threats if you dare to say you will leave. How could you ever find the strength to leave? Will you ever be safe again?
- Imagine . . . threats to find and kill you and your children, wherever you go.
- Imagine . . . permanent injuries and sometimes death.

Domestic violence is physical, sexual and psychological abuse.

Women's Aid Federation of England (2002)

coercive, intimidating and controlling behaviours. It is damaging physically, psychologically and socially. Domestic violence can occur in any intimate or familial relationship, irrespective of whether the parties are living together or not, whether they are married or cohabiting or living in three-generational extended families. It is this relational element, rather than location that defines the violence as 'domestic', because while it commonly occurs in the home, it can spill out into the streets, bus stops, bars or even result in road traffic 'accidents'. It is the fact that the perpetrator and victim are not only well known to each other, but are (or were) in intimate or familial relationships,

that makes it particularly hard to deal with by the survivor or victim, support and criminal justice agencies and the law.

### Experiencing domestic violence

For those without personal experience, appreciating its nature requires the recognition that domestic violence is real and serious violence that can result in permanent injuries and sometimes death (Home Office, 2005). The 'Imagine' poster identifies and illustrates key elements of domestic violence including those summarised in the 'physical, sexual, psychological and financial violence' strap line of many formal definitions, and which form the basis of criminal offences in many legal systems, including those of England and Wales, Scotland and Northern Ireland.

### Physical violence

Physical violence is represented in the 'Imagine' poster in its references to 'being punched, slapped, hit, bitten, pinched, kicked, pushed, shoved, burnt, strangled and beaten', as an illustrative but not exhaustive list. Although not specified there, it can involve the use of weapons and objects, which may be household items like knives, belts, scissors, furniture, hot irons, cigarettes or indeed anything that comes to hand.

#### **Association of Chief Police Officers (ACPO) definition of domestic violence**

Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners regardless of gender. It will also include family members who are defined as mother, father, son, daughter, brother, sister, grandparents, in-laws and step family.

ACPO Centrex (2004)

In societies where gun ownership is widespread, guns can be and are used in the perpetration of domestic violence. As McWilliams (1998) notes, in societies characterised by civilian or sectarian violence, like Northern Ireland, the availability of fire-arms is reflected in the forms of domestic violence and in the higher prevalence of domestic homicide.<sup>1</sup> Although less well documented in research, in rural areas too, the higher prevalence of shotgun ownership, as well as the availability of a range of farm implements that in the hands of perpetrators can become nasty weapons, shape the nature of domestic

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violence.<sup>2</sup> These examples illustrate the ways the forms of domestic violence can reflect their social and political context.

Similarly the cultural context can influence the forms taken by domestic violence. For example, The Human Rights Commission of Pakistan noted an increase in deaths by kitchen fires, reporting that at least four women a day are burned to death by husbands and family members as a result of domestic disputes (UNICEF, 2000). In India, although the institution of dowry has been abolished, dowry related violence is increasing and over 5,000 women a year are killed, burned in kitchen fires by husbands and in-laws (UNIFEM, 2003). In the UK, in 2002, Southall Black Sisters sought a judicial review of a coroner's decision not to hold an inquest after the collapse of a criminal trial against the husband of a woman who was burned to death with her child (Gupta, 2003). This illustrates the pervasiveness of cultural traditions in shaping forms of violence and the failure of authorities in the UK to recognise this.

##### **Women's Aid definition of domestic violence**

###### **What is domestic violence?**

In Women's Aid's view domestic violence is physical, sexual, psychological or financial violence that takes place within an intimate or family-type relationship and that forms a pattern of coercive and controlling behaviour. This can include forced marriage and so-called 'honour crimes'. Domestic violence may include a range of abusive behaviours, not all of which are in themselves inherently 'violent'. Crime statistics and research both show that domestic violence is gender specific (i.e. most commonly experienced by women and perpetrated by men) and that any woman can experience domestic violence regardless of race, ethnic or religious group, class, disability or lifestyle. Domestic violence is repetitive, life-threatening, and can destroy the lives of women and children.

Women's Aid (2005)

##### **Sexual violence**

The 'Imagine' poster identifies rape as a form of domestic violence, making the connection between sexual and domestic violence, which unfortunately is lost in UK law and much service provision (Kelly and Lovett, 2005). Sexual violence is a wide term used to describe rape and the humiliating range of unwanted, pressured and coerced sex that may be experienced in domestic violence contexts (Kelly, 1988). Sexual violence is often linked to physical violence, often perpetrated immediately after a physical assault and commonly accompanied by verbal violence (Johnson, 1995). It is normalised in mainstream representations of heterosexuality, where sex was, and in some



cultures still is, represented as a 'duty' for women. The continuing strength and prevalence of this myth is such that many women, including women in some minority communities in the UK, don't name rape in marriage as 'rape' (NISAA, 2004). Further, as Walby and Allen (2004) report, the media stereotypes of rape and the continuing stigma associated with it, is such that many women who suffer this crime do not identify it as 'rape'. The British Crime Survey 2001 asked women, who had experienced rape from a current or former intimate partner, how they would describe this experience. Only 28 per cent selected the option 'rape' with other women selecting 'sexual assault' (20%), forced sex (23%), sexual abuse (18%) and 12 per cent rejecting all these options, opting for 'something else' (Walby and Allen, 2004).

This difficulty with the language of rape, together with the fact that it is an intimate and intrusive violation of the self, makes sexual violence one of the hardest aspects of domestic violence for its victims to talk about. But it is nevertheless a common aspect of domestic violence (Painter, 1991; Dominy and Radford, 1996). The British Crime Survey 2001, found that 54 per cent of the 237,000 estimated incidents of rape or serious sexual assault perpetrated against women were perpetrated by intimate partners or former partners, and that 40 per cent of the women had told no-one prior to that survey (Walby and Allen, 2004).

### **Coercion and control**

The 'Imagine' poster also identifies a range of coercive and controlling strategies commonly used by perpetrators; for example, 'having to seek permission to go out, to see your friends or your family'. In some cases women are prevented through violence or threats from seeing any family or friends or having social contacts with the outside world, unless accompanied by the perpetrator. They may also have their mail opened and their phone calls monitored, or literally be locked in the house when the perpetrator goes out. While this latter example constitutes the crime of false imprisonment, less extreme strategies of isolation and control that limit women's autonomy, freedom of movement and association with others, although not necessarily defined as criminal in themselves, are profoundly undermining and can constitute psychological abuse and maltreatment.

'Mind games' represent another form of emotional or psychological violence: 'Imagine . . . that you believe what he tells you – that it's your fault'. These are illustrations of psychological or emotional violence, which survivors commonly report as being the hardest form of domestic violence to bear (Kirkwood, 1993). As Kirkwood notes, because physical and sexual violence are also psychologically distressing, and reflected in anxiety, depression, eating and sleeping disorders, the psychological toll of domestic violence is a heavy one. Kirkwood (1993) offers a typology of six inter-related coercive and

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controlling strategies which serve to trap a victim in a violent relationship: threats, degradation, objectification, deprivation, an overburden of responsibility and a distortion of subject reality so that some women may begin to lose confidence and belief in themselves. As Mullender (1996) argues, perpetrators use these tactics in combination with physical and sexual violence to gain and reinforce their control:

Once the fear of further attacks is established, threats, gestures and glares will be enough to maintain a constant atmosphere of fear. . . . Any behaviour that engenders fear can be used such as shouting, hitting walls, driving recklessly, displaying weapons, stalking, prolonged silence, destruction of objects, injuries to children or pets (inflicting the double torture of making her watch, with the clear implication that she will be next). Women live in constant terror and fear for their very lives.

(Mullender, 1996:23–4)

Mullender (1996:25) further highlights the devastating nature of psychological violence pointing to its similarity both with the torture of hostages and the ‘brainwashing of political prisoners’, who similarly are ‘stripped of all freedoms and deprived of sleep, never knowing when the next beating will be’. Due to its pervasiveness and continuing presence, as Kelly (1988) notes, psychological violence/emotional cruelty is hard to pinpoint and name, which adds to the difficulty of help-seeking or reporting to the police.

Pence and Paymar (1993) have emphasised that although domestic violence takes many forms, it is the physical and sexual violence or threats of these forms of violence, that serve to keep the other forms in place, because despite its pernicious nature, psychological violence and emotional cruelty take their power from the threats and realities of physical and sexual violence which contextualise it. Whether outside the context of this violence, such coercive and controlling behaviours constitute ‘violence’ in their own right is a matter of continuing definitional debate.

### **Economic control and material deprivation**

Additionally the ‘Imagine’ poster makes reference to ‘being denied food, warmth and sleep’. These can be part of the psychological violence discussed above and sleep deprivation is now recognised as a form of torture by Amnesty International (2004). However, other deliberate forms of material deprivation have been defined as economic deprivation or financial abuse in some definitions of domestic violence. Financial abuse refers to the distribution and control of income between the parties, and is not to be confused with poverty per se, as women with wealthy partners, as well as those from average or low

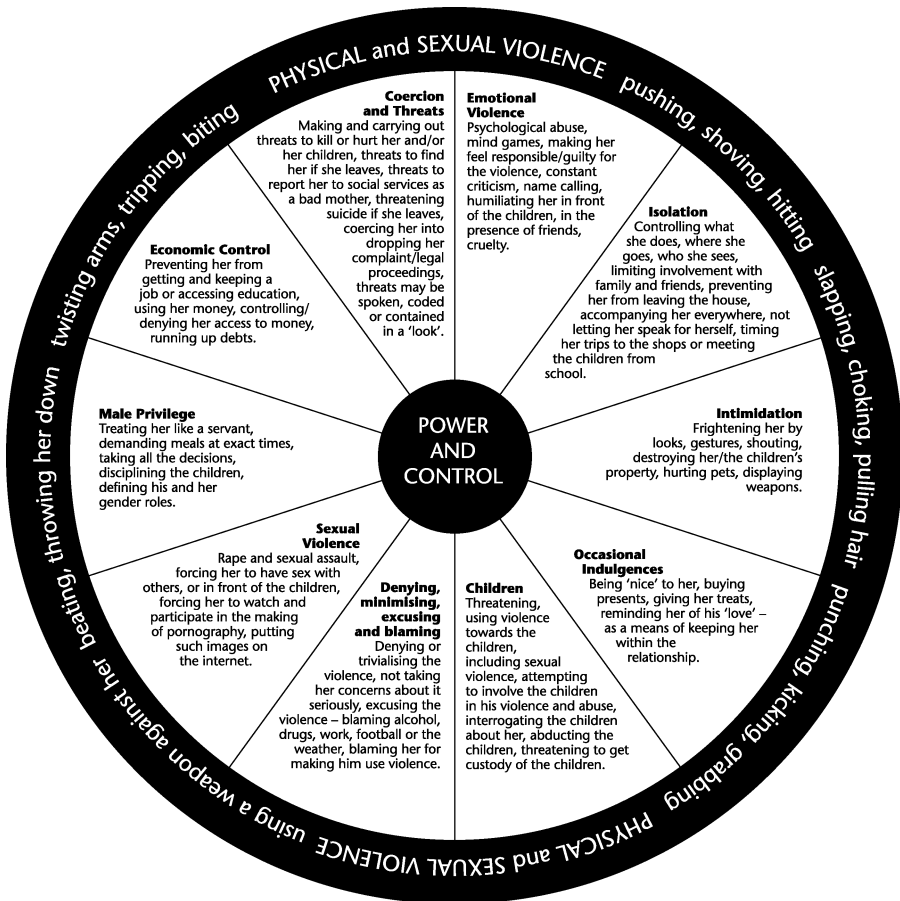
income backgrounds, can be subjected to deliberate economic deprivation. Where women work or have their own income, one aspect of financial control by violent perpetrators is to take women's wages or social security benefits away from them through physical violence or threats of physical violence. Perpetrators may also deliberately harass women at work so that they lose their jobs and the degree of economic independence that employment provides (Pence and Paymar, 1993).

## **The power and control wheel**

Engagement with the 'Imagine poster' has facilitated a discussion of the dynamics and nature of domestic violence. It illustrates its serious nature, which can result in death, serious injury or disability and mental distress, paralleling the violence of war and torture. The poster highlights its range of forms, physical and sexual violence and associated coercive and controlling behaviours, which are deeply embedded in the dominant and minority cultures of a society. It also illustrates a 'clustering' of its different forms, which can be combined in incidents, which may last for minutes, hours or days (Mullender, 1996). For example, the serious physical and sexual violence described above – 'being pushed, shoved, burnt, strangled, raped, beaten' – is frequently accompanied by threats, threats of more severe violence and threats of more dire consequences. These can include, as the poster illustrates, threats to kill women and/or their children if they dare to attempt to leave the relationship, speak out or seek help to escape the violence. The Duluth Domestic Violence Intervention Project has represented the different elements of domestic violence in a wheel of power and control.

The power and control wheel is an analytic model developed by the Domestic Abuse Intervention Project, Duluth, Minnesota, USA, to illustrate the power dynamics of domestic violence and how it constitutes an overall pattern of power and control. The hub of the wheel illustrates its gendered nature, highlighting how traditional power relations of male dominant societies not only make the choice to use violence more available to men than women, but also facilitate their ability to use a range of controlling strategies rarely available to women. For example, in a society like the UK, where the average weekly income of all men is twice that of all women (Women's Equality Unit, 2003) and gender inequality in wealth continues to accumulate over the life course (Warren *et al.*, 2000) despite women's increased participation in the workforce, men have greater access to strategies of economic control.

The examples in the wheel are illustrative, not definitive or exhaustive, but highlight some of the most common strategies of domestic violence identified in Western cultures. The gendered power at the hub of the wheel is also mediated by other power structures. For example, historically in the UK



The power and control wheel (Adapted from Pence, 1987)

domestic violence has been legitimised in law, religion, and in cultural ideologies of male dominance and women’s inferiority. Further, although there have been some legal changes, cultural discourses of masculinity continue to inform men’s justifications for violence (Hearn, 1998).

In some other male-dominant cultures, the notion that women are responsible for upholding family honour<sup>3</sup> remains a major force influencing law, religion and cultural values and shaping the nature of and responses to domestic violence. In such cultures it may be difficult for women to leave or seek help to escape domestic violence because to do so would bring shame on the whole family and could result in community ostracisation, further violence or even murder in the name of family honour (Gill, 2004).

Further, the re-emergence of fundamentalist religious practices and

structures in all major religions including Christianity, Judaism, Islam, Hinduism and Sikhism also play a major part in justifying and legitimising domestic violence against women (Saghal and Davies, 1992).

### **Domestic violence as hate crime**

The operation of the strategies of power and violent control described above has parallels with the ways in which those with power have the ability to commit other hate crimes against less powerful groups; for example, racist and homophobic violence. In hate crimes, those with power exploit cultural stereotypes to deny, minimise, excuse or justify their use of violence against vulnerable members of minority groups. In relation to domestic violence, perpetrators draw on the sexist attitudes, gender stereotypes and misogyny still endemic in the cultures of modern society. It is important to realise that personal relationships are not immune or isolated from dominant sexist cultural beliefs, power structures and discrimination of the wider society which contextualise them. This is why domestic violence is also considered by the police to be a hate crime.

## **Diversity in women's experiences of domestic violence**

### **Black and minority ethnic women's experiences**

Power structures constructed around 'race' and ethnicity, economics and class, age, disability and sexuality interact with those of patriarchy in constructing the prejudice and discrimination in the wider culture. While, as argued above, the occurrence of domestic violence does not respect social divisions, its nature reflects the wider power relations and cultural norms of specific societies. In consequence, while there are many common forms of domestic violence, some forms are culturally specific and others impact in particular ways on minority ethnic groups of women. The use of fire, for example, in the perpetration of domestic violence against some South Asian groups has already been illustrated (see page 4).

As part of the 1970s to 1980s feminist campaigns to transform domestic violence into an issue of public concern, UK feminists encouraged women to speak out about it. Many women, including some from black and minority ethnic communities, felt able to do this. For example, groups such as Southall Black Sisters and Brent Asian Women's group in London began their own campaigns highlighting the specific experiences of domestic violence in Asian communities (Patel, 2000).

Other black and minority ethnic women, however, concerned about the high levels of racism and racist violence in Britain in the 1970s and 1980s, took the view that, the time was not right.<sup>4</sup> Speaking out against domestic

violence in their own communities could be seen as publicly criticising already stigmatised communities, and/or lead to racist suggestions that it was a specifically 'black' issue, thereby appearing to endorse negative racist stereotypes of black men. It was not until the publication of Mama's research in 1989, tellingly entitled 'The Hidden Struggle', that the specific impact of domestic violence on black women was recognised more broadly. Mama pointed to the complex gender and power relations embodied in black families, which can be both a source of strength and affirmation in struggles against racism, and a source of gender oppression. Consequently, struggling simultaneously against domestic violence and racism has posed contradictions for black women. Ten years later, Bernard (2000) identified similar complexities facing black mothers whose children disclosed sexual abuse:

Black mothers struggle with inherent contradictions in conflict of loyalties to their male partners, their families and communities. These important factors will significantly influence how they make choices for themselves and their children. Social belonging in their families and communities is of the utmost importance to many black women in a society where race is a significant marker for experience . . . Black mothers may thus find it more difficult to resist the pressure not to involve outside agencies, as the consequences for women involving social services or the police could be exclusion or marginalisation from their wider families and communities.

(Bernard, 2000:110)

South Asian Women's groups such as Southall Black Sisters and Brent Asian Women's Refuge in London have been in the foreground of feminist activism against domestic violence, highlighting South Asian women's experiences and campaigning to achieve legal and social change. During the early 1980s, they organised a number of public protests over the killings of Asian women by their husbands. It was also at this time that their famous slogan 'Black women's tradition, struggle not submission' was used in the UK and alliances with other feminist campaigns against domestic violence were formed (Gupta, 2003).

In 1986 Southall Black Sisters helped produce a film – 'A Fearful Silence' – on domestic violence in Asian communities and in 1990 they published 'Against the Grain', which celebrated ten years of 'struggle and survival' in supporting Asian women fleeing domestic violence. 'Against the Grain' revealed SBS to be feminist advocates in the fullest meaning of the word. Their work included personal support and advocacy in respect of a complex legal system, perceived as sexist and racist, and detailed casework to evidence their legal advocacy. Using the strategies of street campaigning and protests outside the Appeal Courts and the Home Office, while simultaneously acting as advocates in court, including taking cases to the High Court and House of Lords, SBS

helped secure beneficial law changes. Through their campaigning, research and writing they have been influential in facilitating understanding, amongst government, politicians, policy-makers, researchers and practitioners of the specific forms and impact of domestic violence on South Asian women, as well as challenging dominant discourses that domestic violence in Asian communities should be tolerated as 'a traditional cultural practice'. Other examples relate to their engagement with and interventions in the struggle to seek wider recognition of and policy responses to women with insecure immigration status and forced marriage as a form of domestic violence.

### **Forced marriage**

Forced marriage came to wider public attention in the UK in 1999 following the murder of a 19-year-old-woman, Rukshana Naz, in Derby, considered by her family to have shamed them, by refusing to remain in a forced marriage (Siddiqui, 2003).

Forced marriage is a gross violation of women's human rights. It is a form of domestic violence and/or child abuse . . . Although men can be forced into a marriage, research indicates overwhelmingly this affects women and young women adversely. In forced marriage situations, there can be a number of influencing factors for example, emotional blackmail, social pressure, threatening behaviour abduction, imprisonment, physical violence, rape, sexual abuse and even murder. . . .

Forced marriage cannot be regarded as a cultural practice that is respected or tolerated because it is a violation of human rights.

Asian Women's Resource Centre (2005)

Forced marriage is a violation of Article 16 of the Universal Declaration of Human Rights and contrary to the laws of all major religions, including Christianity, Judaism, Islam, Sikhism and Hinduism. As a human rights abuse, forced marriage is now acknowledged in domestic violence discourse, but as in so many aspects of both discourses, problems exist in understanding and defining the problem. Most commentators have followed the government in drawing on consent to make a clear distinction between forced and arranged marriages in order to avoid accusations of racism or being seen to criticise 'the tradition of arranged marriage (which) has operated successfully within many communities and many countries for a long time' (Home Office, 2005).

In arranged marriages, the families of both parties take a leading role in arranging the marriage but the choice of whether to accept the marriage remains with the young people. In forced marriage, one or

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both spouses do not consent to the marriage and some element of duress is involved.

(Foreign and Commonwealth Office, 2004)

However, others argue that reality is more complex. An-Na'im and Candler (2000) state that without stigmatising arranged marriages, it needs to be recognised that such a sharp dichotomy can be misleading because while some cases involve abduction, imprisonment and physical violence, in others the pressure is more subtle. Hannanah Siddiqui of SBS similarly argues that:

the line between an arranged marriage and a forced marriage is a fine one . . . Many women feel that in practice, there is little difference between the two. The desire to please parents who exert emotional pressure is itself experienced as coercion.

(Siddiqui, 2003:70)

### **Women with insecure immigration status**

The situation of women with insecure immigration status experiencing domestic violence has been brought to public attention by the campaigning of Southall Black Sisters and other women's groups such as Imkaan. Yet while there has been some policy concessions,<sup>5</sup> these women's experiences continue to remain marginalised in public policy and are often hidden because of discriminatory immigration rules, which operate to entrap them in increasingly violent and often life-threatening relationships (Southall Black Sisters, 2006).<sup>6</sup> Although this kind of discrimination particularly affects South Asian women, as a consequence of capitalist globalisation and the demise of communist states, it also impacts on the increasing number of 'male order' brides from Eastern Europe and women who may marry UK 'sex tourists' in countries such as Thailand and the Phillipines. The experiences of domestic violence suffered by many 'female marriage migrants' to EU countries including the UK have recently been highlighted by cross-European feminist research (Daphne 11 Project, 2005), where researchers found that they can be compounded by immigration rules set up under the concept of Fortress Europe to deter immigration through denying access to social welfare provision. Such rules mean that women experiencing domestic violence cannot have access to public funds and they may therefore be unable to access refuge or other housing provision and can be left destitute if they contemplate leaving the relationship. Thus, perpetrators can use women's insecure immigration status as a strategy of power and control.



### **Travelling communities**

Despite their diversity, which problematises their definitional status in terms of race, ethnicity and culture, women in travelling communities represent a group whose experiences of domestic violence have generally been hidden. For the women in these communities such experiences can be exacerbated by the negative attitudes of the dominant settled communities and ideologies of preserving family honour, which exist in some of the travelling communities. These present a conflict of loyalties for travelling women, making speaking out against perpetrators or help seeking difficult.

### **Young women**

It is perhaps not surprising that young women's experiences of domestic violence are often hidden, since some official definitions are limited to adults, as in the ACPO definition, above. Yet there is increasing evidence that young women under 18 years, that is below the legal age of adulthood, may experience domestic violence from boyfriends or partners. This has been highlighted in self-selected surveys in teen magazines (NSPCC, 2006) as well as in research on teenage pregnancy and young women's involvement in prostitution. Because some definitions may exclude their experiences,<sup>7</sup> young women may have problems in naming their experiences as domestic violence – viewing it only as something that happens to older women, making help-seeking even more difficult. The extent of domestic violence experienced by young women in their teens is not yet known. But the British Crime Survey (2001), which looked at incidents of domestic violence, stalking and sexual assault from the age of 16, found that the younger women were, the more likely they were to experience any form of 'interpersonal violence,' and that young men were most likely to be the perpetrators of such violence (Walby and Myhill, 2004:84).

### **Women abused through prostitution**

Also marginalised in the early feminist campaigns against domestic and sexual violence were women exploited and abused through prostitution. For some young women being forced into prostitution has been part of their experience of domestic violence from boyfriends/pimps where it has been used to groom and coerce them into selling sex (Barnardos, 1998). As well as being at risk of violence from punters, women involved in prostitution can experience domestic violence from partners/pimps in order to keep them in prostitution (Hester and Westmarland, 2005). In addition, the prevalence of drug use, including its use by pimps/partners as a form of control, together with the stigma associated with the sex industry and its links with crime, make speaking

out, help-seeking and escaping domestic violence even more difficult for the women involved.

**Case study: Domestic Violence and Prostitution: the need for specialist support**

Karen left home at the age of 15, after witnessing domestic violence by her father towards her mother and being physically abused herself. She was homeless and sleeping on friends' floors when she met Jimmy who offered her a place to stay for the night. Shortly after, they started a relationship and Jimmy began to isolate Karen from her friends and became physically violent towards her. As a drug user, he also introduced her to heroin and Karen used it to help her to cope with the violence. As a result of money problems and debt due to heroin use, Jimmy forced Karen into prostitution making her have sex with his friends and taking her to places where men were looking to purchase sex. At aged 16, Karen became pregnant and the physical violence became more severe. At this point Karen decided to end the relationship and sought the help of a local service that supports young people involved in prostitution. She was referred to Women's Aid, because of her experiences of domestic violence. She was able to go into the local refuge, after going on a methadone programme to help her withdraw from heroin. When she entered the refuge, she had very low self-esteem and believed that she had deserved the violence. She was supported in the refuge and soon realised that it was not her fault. Unfortunately, before she was due to move into a new home with her baby, it was discovered that she had been using heroin and had to leave. Although she continued to be supported by Women's Aid, she continued to use heroin and her baby was removed by social services.

(Based on information provided by Janet King, Eva Women's Aid)

**Disabled women's experiences**

Disabled women's experiences of domestic violence have been significantly marginalised both in public policy and feminist research until fairly recently in the UK.<sup>8</sup> This is despite the fact that it has long been recognised in the refuge movement that domestic violence itself can cause permanent injuries and impairment (Radford *et al.*, 2005). International research has suggested that disabled women may experience domestic violence for much longer than non-disabled women (Young *et al.*, 1997; Cockram, 2003) and this can partially be explained by disabling and discriminatory social barriers and attitudes which make it much more difficult for them to gain access to the same services and protection of the law, that are available to non-disabled women.

In disabling societies social barriers such as inaccessible buildings, communication systems and transport as well as social stigma and prejudice

continue to marginalise disabled women's experiences and has led to a focus on impairments by some agencies as an excuse for inaction, rather than focusing on disabled women's equal rights to safety and justice (Radford *et al.*, 2005). Thus, agencies may assume that physically disabled women are dependent on non-disabled violent partners and are therefore better off staying in the relationship, despite the violence. Such approaches can also be characterised by patronising attitudes where choices are made for disabled women, rather than consulting with the women themselves about what actions they want agencies to take (LIAP, 2005).

Disabled women are not a homogenous group and as with groups of non-disabled women, their experiences of domestic violence can vary and take different forms (LIAP, 2005). For example, as well as inflicting or threatening physical and sexual violence, non- or less disabled perpetrators may remove aids, means of communication and transport from physically disabled women, as a form of power and control to deny women their means of independence and prevent help-seeking. Non-disabled partners may also use prejudices about disabled people combined with patriarchal ideologies to humiliate their partners, undermine their sense of self-worth and tell them they will not be believed if they report the violence (Cockram, 2003). Where domestically violent perpetrators are also women's carers they may withhold medication, food or essential assistance which themselves should be viewed as serious forms of violence, because such actions can be life-threatening (Erwin, 2000).

Perpetrators can also use prejudices about mental illness to reinforce commonly held prejudices and successfully deny the violence if women with mental health problems seek help from agencies. In some communities mental illness may carry a particular stigma, and these women may find themselves ostracised or forced into marriages to the 'lowest bidder' (Siddiqui and Patel, 2003).

Women with learning difficulties face particular prejudicial attitudes and because of this often have to endure repeated physical and sexual violence – most frequently from boyfriends or partners who also have learning difficulties (McCarthy and Thompson, 1997). The reluctance of certain services to act against such violence means that women with learning difficulties experience higher rates of rape and sexual assault from boyfriends/partners than any other group, to the point where sexual violence has become a normalised part of their experience (McCarthy, 1999). This situation is a continuing scandal that still needs to be addressed adequately in policy approaches today. For example, by 2006, Powerhouse (established by women with learning difficulties) was the only specialist refuge in the UK for this group of women, despite key recommendations made by McCarthy in 1999.

### Violence in lesbian relationships

Although domestic violence can occur in some relationships between women, there exists a profound lack of knowledge about its extent and a lack of understanding about differences between violence in intimate lesbian relationships and violence in heterosexual relationships. One problem, which has arisen in relation to the research and analysis undertaken in this area, is that much broader definitions of what constitutes domestic violence have been used in lesbian populations, leading to exaggerated claims that lesbian violence is highly prevalent. Such claims themselves can lead to heterosexism, and prejudicial attitudes and responses towards lesbians. These definitions, used in both US and UK research, often define domestic violence as 'disrespectful treatment' or 'manipulative behaviour' without the occurrence of other strategies of power and control, such as physical violence or intimidation or threats of violence, used in heterosexual definitions. This expansion of the definition of domestic violence renders it virtually meaningless, since disrespectful or manipulative behaviour can occur in almost any intimate relationship (Kelly, 1996). A further problem is that there have been no random prevalence studies asking questions about lesbian violence and current knowledge is therefore limited to small self-selected surveys where participants usually respond to advertisements asking them about their experiences of domestic violence. This makes it difficult to make any claims about the extent of domestic violence amongst lesbians.

Existing knowledge suggests that the continuing marginalisation of lesbians, and their lack of social power compared to that of heterosexual men provides a different context for conflicts, which can sometimes lead to violence. As Kelly has highlighted

Lesbians frequently have to manage contradictory public and private identities and meanings and struggle to develop positive identities for themselves in a context of invisibility, being defined as 'abnormal' and frequent subjection to hostility and abuse.

(Kelly, 1996:39)

Although there is now more formal recognition of discrimination against lesbians, this different context is illustrated through the findings from one recent self-selected study, which suggests that the fear of being 'outed' to relatives or work colleagues may lead to violence against a partner who does not have the same fears (Donovan *et al.*, 2006). Such studies also suggest that lesbians who experience violence from a partner are less likely to seek assistance from mainstream agencies for fear of prejudice and some may prefer to deal with it within their own networks and communities.

### **Violence in gay men's relationships**

Although gay men's relationships are more visible and less marginalised in mainstream society, knowledge about violence is again limited to self-selected studies and because of this claims of extensive violence in men's gay relationships, as in lesbian relationships, are likely to be exaggerated. Self-selected studies suggest that sexual violence is more frequent than in lesbian relationships and gay men are slightly more prepared to report sexual violence such as rape to the police. However, under-reporting and actual agency responses indicate that in some cases homophobia continues to be a block to obtaining appropriate services in some geographical areas (Donovan *et al.*, 2006). Existing evidence therefore suggests that some agencies do need to develop appropriate responses to same-sex domestic violence and there may be a need for some specialist services. But, simultaneously, it also needs to be recognised that while it has become fashionable in current 'equality discourses' to simply represent violence in lesbian and gay relationships as similar to and occurring at the same rate as violence in heterosexual relationships, there is no credible evidence that this is the case. As with claims that women are equally as violent as men in heterosexual relationships, such representations often serve to disguise the main occurrence of domestic violence as a gendered problem.

### **Domestic violence as gender violence**

Despite the cultural variability in the forms of domestic violence, there is one clear pattern in its occurrence. The gendered nature of domestic violence, the fact that its perpetrators are overwhelmingly men and its victims mostly women and children, has led to its recognition as a form of 'gender violence' by the United Nations and in international discourse, where it is recognised as a worldwide 'major public health and human rights problem' (World Health Organisation, 2005). Gender violence can be defined as: Violence involving men and women, in which the female is usually the victim and which arises from unequal power relations between men and women (UNIFEM, undated).

As illustrated, the concept 'gender violence' identifies it as a problem with roots in women's subordinate gender status in all cultures, and is reflected in the beliefs, norms, morals, laws and social institutions that legitimise and normalise it, and, in so doing, perpetuate this violence. Gender violence is a broad human rights concept which:

. . . encompasses a wide range of human rights violations, including sexual abuse of children, rape, domestic violence, sexual assault and harassment, trafficking of women and girls and several harmful

traditional practices. . . . Violence against women has been called ‘the most pervasive yet least recognized human rights abuse in the world’.  
(United Nations Population Fund, undated)

Identifying the embeddness of gender violence in male dominated or patriarchal cultures importantly brings a critical focus to the wider culture as well as to the need for specific strategies of prevention, protection and justice and support for survivors of domestic violence. Reasons why carefully developed domestic violence crime reduction strategies can fail to realise their potential may be located in the wider culture, if this is not also addressed. Consequently, in male dominant or patriarchal cultures, effective action to end domestic violence must include changes to that culture, as well as specific preventative strategies.

### Myths of domestic violence

Tangible evidence of the power of cultural attitudes towards domestic violence lies in the myths generated in many cultures, which convey popular ‘woman-blaming’ and excusatory attitudes to domestic violence. Some of these cultural myths are illustrated in this poster from Northern Ireland, Women’s Aid.

As this summary illustrates, these myths can impact on domestic violence survivors, deterring help-seeking. They can also impact on the wider public, including professionals in the law and order industry, care or welfare services and the media and inevitably influence representations of domestic violence in popular discourse and influence the attitudes of and responses to survivors on the part of judges, lawyers, police and the caring professionals.

#### **Women’s Aid Federation, Northern Ireland**

There are many popular myths and prejudices about domestic violence. Not only do these myths lead to many women feeling unable to seek help, but they can cause unnecessary suffering. They may come to believe these myths in an attempt to justify, minimise or deny the violence they are experiencing. Acknowledging these cultural barriers can be an important part of coming to terms with what is really happening.

***‘It’s just the odd domestic tiff, all couples have them.’***

**Fact:** Violence by a man against the woman he lives with commonly includes rape, punching or hitting her, pulling her hair out, threatening her with a gun or a knife or even attempting to kill her. Often women who have been abused will say that the violence is not the worst of their experiences – it’s the emotional abuse that goes with it that feels more damaging.

***'It can't be that bad or she'd leave.'***

**Fact:** Women stay in violent relationships for many reasons ranging from love to terror. There are also practical reasons why women stay; they may be afraid of the repercussions if they attempt to leave, they may be afraid of becoming homeless, they may worry about losing their children. Some women who have experienced domestic violence just don't have the confidence to leave.

They may be frightened of being alone, particularly if their partner has isolated them from friends and family. If they leave, they may decide to go back because of . . . fear and insecurity or because of a lack of support. Some women believe that their partners will change and that everything will be fine when they go home. (Sometimes the separation does provide a catalyst for real change.)

***'Domestic violence only happens in working-class families.'***

**Fact:** Anyone can be abused. The wives of doctors, lawyers, businessmen, policemen and teachers have all sought help as a result of domestic violence. Domestic violence crosses all boundaries including: age, sexuality, social and economic class, profession, religion and culture.

Unemployment and poverty are circumstances which can of course be very distressing, especially to those trying to bring up children. However, unemployed and financially challenged people do not have a monopoly on domestic violence. Many people survive the misfortune of unemployment and poverty retaining dignity, good humour and a caring response to their families.

***'They must come from violent backgrounds.'***

**Fact:** Many men who are violent towards their families or their partner come from families with no history of violence. Many families in which violence occurs do not produce violent men. The family is not the only formative influence on behaviour. Blaming violence on men's own experience can offer men an excuse for their own behaviour, but it denies the experiences of the majority of individual survivors of abuse who do not go on to abuse others.

A violent man is responsible for his own actions and has a choice in how he behaves.

***'It's only drunks who beat their partners.'***

**Fact:** Domestic violence cannot be blamed on alcohol. Some men may have been drinking when they are violent but drink can provide an easy excuse. Many men who are violent do not drink alcohol.

***'She must ask for it.'***

**Fact:** No one 'deserves' being beaten or emotionally tortured, least of all by someone who says they love them. Often prolonged exposure to violence has the effect of distorting perspectives so that the woman believes that she deserves to be hurt. It also distorts her confidence and some women may start to rationalise their partner's behaviour. Often, the only provocation has been that she has simply asked for money for food, or not had a meal ready on time, or been on the telephone too long.

**Domestic violence as crime**

The pervasiveness of the myths in the cultural context against which new laws and policies are introduced can generate resistance to, misunderstandings of and confusion about changed policy, often leading to its delayed and partial implementation. For example in the UK, 1990 marked government recognition of the criminal nature of domestic violence, in a guidance circular which advised the police that force policies were needed to deal with this serious violent crime. But subsequent evaluations found the development and implementation of police policies to be patchy and partial (Grace, 1995; Plotnikoff and Woolfson, 1998). In highlighting the need for professional (re)education in terms of recognising and responding to domestic violence as criminal violence and a human rights violation, these studies revealed the continuing currency of such myths. This directs attention to contradictions involved in attempting to eradicate gender and domestic violence, without a wider cultural transformation of gender power relations.

Nevertheless, government recognition of domestic violence as a serious violent crime marked a significant historical moment in domestic violence discourse. Historically, and still to a considerable extent today, the privacy accorded to the family shielded perpetrators from the public gaze, police intervention and criminal prosecution. In the UK, this was reflected in another patriarchal myth that 'a man's home is his castle'. This myth is a legacy of the tradition that the man is the head of the family or household with the legitimate authority to protect and control its members. However, during the past two hundred years, (some) women have secured citizenship rights and have been accorded formal legal equality and are no longer legally subject to the rule of the husband and father. In consequence, the status and form of the family has undergone significant changes. In the UK, although marriage is still common, the increased popularity of cohabiting relationships and legal recognition of lesbian and gay partnerships means that marriage is no longer a defining characteristic of family. As legal persons in their own right, it is now recognised that women, including married women, have civil rights and are entitled to



protective remedies and criminal sanctions against domestic violence. Nevertheless, a continuing reluctance to recognise women's citizenship status is reflected in the belief that home and family are private spheres, beyond the reach of law. This partially explains why domestic violence continues to be a hidden crime.

The long-standing failure of governments around the world to recognise the criminal nature of domestic violence was highlighted at the United Nations 4th World Conference on Women, Beijing 1995. The Declaration and Platform of Action adopted by 189 nation states, including the UK, recognised violence against women as a 'critical issue'.

Violence against women is an obstacle to the achievement of the objectives of equality, development and peace. Violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms.

(Para 112 Violence Against Women, Diagnosis, UN, 1995)

The Platform of Action (UN, 1995) among other things called for governments to:

Enact and/or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls who are subjected to any form of violence, whether in the home, the workplace, the community or society;

and

Adopt and/or implement and periodically review and analyse legislation to ensure its effectiveness in eliminating violence against women, emphasizing the prevention of violence and the prosecution of offenders; take measures to ensure the protection of women subjected to violence, access to just and effective remedies, including compensation and indemnification and healing of victims, and rehabilitation of perpetrators.

(United Nations 1995 Strategic objective D.1. para c and d)

These strategic objectives, agreed at the Beijing 1995 conference by the governments of 189 nation states, formed the basis of new approaches to law and policy in relation to a range of forms of gender violence, including domestic violence in many countries of the world.<sup>9</sup>

### **Square pegs and round holes**

Central to this new approach was the recognition of domestic violence as criminal violence and as a human rights abuse. Many countries, including the

UK, had begun to move in this direction in the years leading up to the Beijing conference, but while some European countries, like Cyprus and Sweden, introduced specific domestic violence legislation that attempted to address its complexity, the UK has relied on a less radical, more piecemeal strategy of applying existing criminal law provisions to domestic violence incidents. The difficulty in this approach is that much of this legislation, primarily that relating to 'violence against the person' was introduced over a hundred and fifty years ago, to deal with the problem of stranger violence and public order. Its efficacy in relation to domestic violence, in the contemporary era, is limited because it fails to address the additional complexities presented by violence perpetrated by familial men, most commonly in the privacy of the home. Domestic violence differs significantly from stranger violence, which occurs in public and community locations. Exploring the differences between stranger and domestic violence explains the limited efficacy of this legal strategy as well as providing further insight into the nature of domestic violence.

### **Similarities and differences between stranger violence and domestic violence**

While the forms and seriousness of the physical violence, as measured by physical injury, can be similar in stranger and domestic violence situations, there are significant differences, between the two. Firstly, although domestic violence is now recognised as criminal violence, existing legal provisions relate to physical violence, sexual violence and threats, but generally do not cover the range of coercive strategies also associated with domestic violence,<sup>10</sup> and consequently labelled 'sub-criminal' in Home Office guidance documents. So, the first problem is that not all aspects of domestic violence are criminalised.

Further, assaults perpetrated by intimate partners are aggravated by several factors, which do not generally arise in stranger violence contexts. Domestic violence is aggravated by a betrayal of trust entailed in assaults perpetrated by intimate partners. Being assaulted by an intimate partner generates massive emotional distress and sense of loss, leading to insecurity and a questioning of life decisions. It forces an uncomfortable recognition on the part of the survivor that the home, the heart of personal life often considered a haven of security, is no longer safe. This recognition entails real fears about the future, future violence and future life. In contrast, while stranger attacks most commonly occur in public places, and may make its victims nervous about that space, there is the possibility of escaping to the safety of the home, an option not available to victims of domestic violence.

This fear of future violence points to another significant difference between stranger assault and domestic violence. The former usually constitutes a one-off incident, however unpleasant, whereas domestic violence is continuing violence. Studies indicate that without effective intervention,

domestic violence increases in frequency and severity and so is very rarely a 'one-off' episode with resolution and ending (Kelly, 1988; Hanmer, Griffiths and Jerwood, 1999; Kelly *et al.*, 1999). Thus, the continuing nature of domestic violence produces a cumulative impact. A survivor/victim is not simply affected in an incident-by-incident way, as presumed by the criminal justice system. On the contrary, the impact of an incident is shaped by previous incidents and the fear of future ones. Agencies sometimes express surprise that it is not always the most serious incident that leads a woman to begin help-seeking or to make an official report.

For a survivor, acknowledging that domestic violence is occurring heralds a new, unsought, frightening chapter in life. It is likely to involve re-thinking or ending the relationship and starting over, raising worries about how and where to live safely. Deciding to leave a violent perpetrator may constitute a further more dangerous episode in a woman's life, as he seeks revenge against her for daring to leave (Kelly, 1999). She may also have to decide how to support herself and the children and tell relatives and friends, as well as deal with incident related matters like calling the police, seeing solicitors, giving evidence in court and dealing with injuries and psychological harms.

Another significant difference is the stigma attached to gender violence, a powerful legacy from the recent history of social acceptance, reflected in the series of cultural myths, proverbs, folk or fairy tales found in many cultures, which aim to blame women for the violence used against them. In male dominant societies, this victim blame is attached to all forms of gender violence and has been most visible in relation to sexual violence, which tends to receive more media coverage because rape trials are, for example, usually heard in the Crown Court.

Although domestic violence has been recognised as a crime since the 1990s in the UK, the failure to introduce specific domestic violence legislation, which could reflect its complexity, has resulted in a series of difficulties which have limited the effectiveness of legal responses and in part explains why it continues to be largely a hidden crime.

## **Prevalence of domestic violence**

Returning briefly to the Women's Aid 'Imagine' poster, there is one further point to be made. Although the hidden nature of this problem means that exact prevalence figures are hard to find, all sources indicate that many women, including readers of this text, will have no need to 'imagine' domestic violence, as its reality may be all too well known to them. While the methodological difficulties involved in estimating its extent are explored later, the Home Office headline figure indicates that as many as one in four women in the UK have experienced domestic violence at some point in their life-times

(Home Office, 19/2000). This high prevalence figure means that in whatever context domestic violence is discussed, if women are present, regardless of their social status, there is a possibility that as many as a quarter of them may have been subjected to domestic violence, whether or not they choose to identify as either survivors or victims.<sup>11</sup> Logically too, to the extent that men are present, there is a possibility that perpetrators are amongst them.<sup>12</sup> This highlights the need for care, caution and sensitivity in all discussions of and work around domestic violence because personal dynamics are intrinsic to all domestic violence contexts.

### **Domestic violence as a gendered crime**

Understanding domestic violence in the conceptual framework of gender violence reflects the reality that in the UK, as internationally, the overwhelming majority of its survivors who seek help from the police and support agencies and who require medical attention are women and the vast majority of its perpetrators are men (Home Office, 19/2000). When seen in the context of crime more broadly, this becomes less surprising, as men commit the vast majority of violent crime and sexual offences, indeed the majority of all crime:

Men outnumber women in all major crime categories. Between 85 and 95 per cent of offenders found guilty of burglary, robbery, drug offences, criminal damage or violence against the person are male. Although the number of offenders is relatively small, 98 per cent of people found guilty of, or cautioned for, sexual offences are male.

(Home Office, 2002/2003)

Given the gendered nature of crime and particularly violent crime and sexual offences, the gendered nature of domestic violence should not be surprising. This gendered patterning, the operational reality for police, health authorities and support agencies, does not mean that men are never its victims, yet as will become clear, there is no evidential support for claims from the UK's men's movement that there is an increasing number of men amongst its silent victims. Rather than being an equal opportunities crime, all sources (official crime statistics, national crime surveys, local and international studies) indicate that the gender patterning of domestic violence is stronger than that found for general crime categories.

### **Problems occasioned by the lack of accurate statistics**

While this patterning is clear, considerable methodological difficulties have plagued the many different approaches to ascertaining precise statistics, which makes assessing the scale of this problem, and whether it is increasing or

decreasing, difficult. It also means that it is hard to know with certainty whether domestic violence impacts on all groups of women to the same extent and this enables stereotypes and misperceptions to flourish.

These methodological difficulties create problems for policy-makers and practitioners in ascertaining the scale of resources needed to address the problem, both on the part of statutory agencies like the police or voluntary sector agencies like Women's Aid. Further, it makes for problems in assessing 'what works' in terms of domestic violence reduction policies and strategies because the lack of reliable 'base-line' figures means the effectiveness of interventions cannot be assessed with any accuracy. By the same token, the lack of reliable statistics undermines risk assessment tools used by practitioners in attempting to assess risks posed by perpetrators to individual clients.

As this section reveals, there are many reasons why it is hard to assess the prevalence of domestic violence. One problem is the recording of domestic violence as a crime in official statistics. For example, although criminological wisdom holds that the official statistics for murder are the most accurate because it is a hard crime to conceal, recent events like the Harold Shipman murders have cast doubt on this wisdom. In relation to domestic violence, Southall Black Sisters have expressed concern that the murders of some South Asian women have been concealed as accidents or suicides (Gupta, 2003). The recognition that murders can be concealed suggests that official statistics can be undercounted. The possibility that the figures for domestic murder of women (on average two a week (Home Office, 2005)) are an underestimate is a real issue and not merely an academic quibble, because a reduction in the level of domestic homicide is now used as the primary 'proxy' performance indicator against which the government intends to measure 'the medium- to long-term success' of their domestic violence strategy.

### **Problems with reporting domestic violence**

For a series of reasons, women may be reluctant to report the violence and some women are unable to speak out. Disabled women experiencing domestic violence may be particularly isolated, for example, and have no independent access to telephones or other means of communication (Radford *et al.*, 2005). Women from some minority ethnic communities may be isolated by language and have no independent access to help-seeking outside of their own communities, where cultural values may mitigate against reporting to or seeking help from an outsider (NISAA, 2004).

### **Naming domestic violence**

Some women may be unaware that what is happening to them counts as domestic violence (Walby and Allen, 2004). Radford and Kelly (1991) have

argued that recognising that domestic violence is occurring is itself a process involving several steps. The first involves recognising that what is happening is unacceptable. Whether this is recognised will be influenced by many things, including what actually happened, how family life was experienced in childhood or how it is represented in influential cultural portrayals of 'family life', whether by the media or in different cultures and religions.

The second step involves naming the behaviour as violent. This may seem straightforward, and sometimes it can be but, on the other hand, a 'push', 'shove', or even a slap may be dismissed as accidental or playful. Radford and Kelly (1991) found that what triggered a recognition of the behaviour as violent was different for different women. For some it was being seriously injured and needing medical treatment, for others the presence of a third party enabled them to view the incident through the eyes of another and see it as violence, and for some it was its impact on their children. The complexities involved in naming perpetrators' actions as 'violent' is an important, but neglected, reason why many women are reluctant to name or report domestic violence. Yet this study found that listening to women's accounts of 'violent' incidents also revealed a range of subtle violations that can have long-term repercussions. Even where there had been serious physical injuries, women tended to minimise the violence, perhaps accepting it was serious, but not frequent. The study identified a range of reasons for this including: not wanting to deal with the consequences of naming incidents as violent; not seeing any alternatives, but putting up with it; focusing on day-to-day survival.

Research on perpetrators (Hearn, 1998) shows they hold very narrow definitions of violence, largely restricted to punching with fists or use of weapons. Further, Hearn found that denying or minimising the violence is a common strategy adopted even by convicted perpetrators and it seems likely that they would attempt to persuade their partners to their point of view. Walby and Allen (2004) report that it was women who had experienced repeated victimisation who were more likely to name their experiences as domestic violence. Consequently, in familial or intimate contexts, recognising behaviour as 'violent' can be complex for those experiencing it. Discussing or speaking out about it, even to family or friends can also be embarrassing because of the continuing stigma associated with domestic violence. Further reluctance may stem from the fact that naming the violence, even to friends and family, carries with it an imperative to do something. The British Crime Survey (BCS) 2001 found that 31 per cent of women victimised by domestic violence had told no-one.

### **Reporting to the police**

Beyond this, making the decision to seek outside help requires courage. Calling the police or making an official report requires the further recognition that the

behaviour in question is criminal violence. Again the 2001 BCS found that 64 per cent of women who had been subject to domestic violence in the previous year did not name their experiences as 'crime' and only 23 per cent of women reported it to the police.

The police themselves were only advised that domestic violence should be considered and treated as a crime in 1990. Despite publicity campaigns, and given the longevity of folk myths, it is not surprising that some victims might not think of domestic violence as a police matter, or that it has to be very serious violence to warrant police involvement. Others may be deterred from reporting by remorseful apologies and promises that 'it won't happened again', or be persuaded that it was somehow their fault, again pointing to the power of the myths. Others again may be discouraged by fear or threats of 'consequences' if they do report. The BCS (2001) found that 43 per cent of women did not report domestic violence because they thought it would be considered 'too trivial', 38 per cent considered it a private family matter, 7 per cent wanted to avoid further humiliation and 13 per cent thought involving the police would trigger further violence.

For many women reporting domestic violence can feel like a betrayal, although the actual betrayal was the perpetrators' decision to use violence. Some women may simply want the violence to be stopped, rather than their former/partner or family member to be labelled and dealt with as a criminal. Earlier in the chapter the acute conflict of loyalties experienced by some black and minority ethnic women in respect of help-seeking in a society where racism is a continuing problem was discussed. This becomes even more pertinent to decisions on reporting to the police, an institution labelled as 'institutional racist' as recently as 1999.<sup>13</sup> The fear of exposing themselves, or even the perpetrator, to racism can be a further deterrent to reporting to what may be perceived as 'white authorities'. Other women, particularly those involved in prostitution and women from travelling communities, may for these reasons fear police intervention, given again very mixed histories of previous encounters with the police. Asylum seekers and refugees may also be reluctant to involve the police, perhaps as a consequence of negative encounters with the police in their home countries or through fear that police involvement could impact negatively on their claims for asylum. Other migrant women may be deterred through fears in relation to nationality and immigration law. Barron (1990) found that, on average, a woman experiences 35 incidents before making a report.

While this reluctance to report raises many issues, in relation to assessing the extent of domestic violence, it means that all official figures relating to domestic violence generated by the police and criminal justice system are likely to be undercounted and consequently unreliable as a basis for policy-making, planning, risk assessment or research. Statistics generated by Women's Aid or other support services count the number of women accessing their

services, so while demonstrating a real need for these services such figures are not comprehensive as estimates of domestic violence, given women's reluctance to help-seek.

### **Community studies of violence against women**

Prior to 1990, the official crime figures were even less help as domestic violence was not considered as a crime, so was rarely reported and rarely recorded by the police. As a response, feminist academics began undertaking research, as part of the wider feminist campaign, to secure effective public and political responses to the problem and to provide statistical support for Women's Aid campaigns to secure public funding for refuges. An early study was undertaken by Hammer and Saunders (1984) in West Yorkshire, who found that 59 per cent of women interviewed had experienced at least one incident of domestic violence in the previous year. Radford (1987) found 70 per cent of women interviewed in the London Borough of Wandsworth had experienced at least one incident of domestic violence, again in the year prior to interview. These were both community studies, and were based on the concept of 'violence against women', rather than 'crime'. They both used random sampling techniques and adopted women-centred interviewing methods, employing women as interviewers. They rejected the 'hit-and-run' methodology of formal research, and ensured that women received details of the limited sources of help and support available at the time. These studies together with Edwards' (1989) study of the police responses to domestic violence in north London led to changes in police policies in London and West Yorkshire, changes which foreshadowed those introduced nationwide from 1990. These 1980s studies were followed by Painter's (1991) study of relationship rape which found, contrary to public perceptions, that 'rape' by husbands or male partners was seven times more common than stranger rape. 1994 saw the publication of Mooney's Islington randomised study of 500 women which found that between one in three and one in four women had experienced domestic violence in the previous year, a finding very similar to that of Dominy and Radford (1996) in Surrey.

Although local, these studies have played an important role both in highlighting domestic violence as a serious and prevalent problem and in developing knowledge regarding its nature. The 1980s studies also highlighted the failure of statutory agencies in terms of their lack of response to this serious and prevalent problem. Importantly too, they drew attention to the limitations of the official crime statistics as a measure of domestic violence.

### **Problems with British Crime Surveys (BCS)**

Recognising that there is a large number of crimes not reported to the police, or not recorded by them as crimes, the Home Office introduced the BCS in



1982.<sup>14</sup> It is primarily a 'victimisation' survey in which respondents are asked about particular incidents of crime they have experienced in the previous year. The rationale is that these figures are more accurate than official crime statistics because they are not affected by the problem of under-reporting, or police policies in recording crime. However, it was soon realised that women's reluctance to talk about domestic violence, particularly to a stranger on the doorstep who was not in a position to access help, resulted in domestic violence being seriously undercounted in the early sweeps of the BCS.

In the 1996 BCS the Home Office introduced a new methodology, which recognised that the disclosure of sensitive and potentially distressing incidents, like domestic violence, could be affected by the way interviews were conducted, the presence of other household residents and the gender of the interviewer (Mirrlees-Black, 1999). This innovation was further developed in the 2001 BCS and included a detailed 'interpersonal violence' computerised self-completion schedule designed to produce an 'accurate estimate of the extent of domestic violence, sexual assault and stalking' (Walby and Allen, 2004:v). It was considered that this approach would be less embarrassing for respondents who would be more likely to disclose incidents.

However, several problems remained, a major one being that only residents in private households were interviewed, so women and children who had fled to refuges or were living in temporary accommodation continued to be excluded. Although the authors of the report considered these numbers too small to be significant, they also noted that they received more reports pertaining to the earlier part of the research year. This could suggest that the lower numbers in the second half of the year were explained by the fact that some women were still in refuges and/or other temporary accommodation. Thus in concentrating on private households, the BCS is still likely to exclude considerable numbers of women experiencing domestic violence.

Another problem in crime surveys relates to definitions. The 2001 BCS counted separately the numbers of women and men reporting domestic violence, sexual assault and stalking, yet these crimes can all occur in a domestic violence context. Although it found that 54 per cent of rapes, 47 per cent of serious sexual assaults and 37 per cent of aggravated stalking were perpetrated by current or former partners, it was not possible to know whether all these assaults were carried out by the same perpetrator who was also domestically violent.

A further problem with crime surveys asking about domestic violence is that they do not reflect the context in which the violence takes place. Thus, in asking about particular incidents of physical assault of women and men, it is not clear whether physical assaults carried out by women partners are mainly 'self-defence' in response to male partners' violence (see Dobash and Dobash, 1992). One key qualitative study which looked at the incidents of violence between 100 UK heterosexual couples found that when they were just asked

about these incidents, rates between women and men appeared to be similar. However, when each partner of the couple were asked about the context and impacts of the violence, it was found that women's use of violence (except in three cases) consisted of one-off acts such as a slap or throwing an object and usually occurred in self-defence. In contrast, all of the 100 men interviewed used 'threatening violence' which was based on a combination of repeated physical attacks, intimidation and humiliation of their partners and was intended to inflict both physical and psychological harm (Nazroo, 1995). Further, the vast majority of men in this study stated that women's (self-defence) violence was 'laughable' and had had no impact on them in relation to causing them fear or concern.

More recent crime surveys have attempted to reflect some of the differences in impacts between heterosexual men and women, particularly with regard to repeated assaults and impacts in relation to ill-health and injuries and employment (Mirrlees-Black, 1999; Walby and Myhill, 2004) and these are discussed in the next chapter.

The British Crime Survey (2001) continued to highlight the overall gendered patterning of domestic violence. It concluded:

While some experience of inter-personal violence (defined as domestic violence, sexual violence and stalking) is quite widespread, a minority is subject to extreme violence, consistent with exceptional degrees of coercive control. . . . Women are the overwhelming majority of the most heavily victimized group. Among the people subject to four or more incidents of domestic violence . . . 89% were women.

(Walby and Allen, 2004:vii)

Despite this gendered patterning, the numbers relating to male victimisation were surprisingly high and appeared to suggest that large numbers of men were experiencing domestic violence. This clearly raised questions about male victimisation and was addressed in a follow-up study to the Scottish Crime Survey (2000), which used similar methods to the BCS.

The Scottish Crime Survey (SCS) found that 6 per cent of women and 3 per cent of men reported being victimised by domestic violence (McPherson, 2002). These figures were far higher than the numbers of men reporting to the police or help-seeking from local agencies. Concerned that the needs of these men were not being met, the Scottish Executive commissioned a follow-up study. But far from revealing a hitherto unrecognised group in need of domestic violence services, this study, which involved retracing and re-interviewing the men who had participated in the SCS, found that some had misinterpreted the questions and believed they were being asked about non-domestic assaults, vandalism and property crimes occurring near their homes when they ticked the domestic abuse box in the survey. Others, on

re-interview, admitted to being the main perpetrators of domestic violence. The authors of this second study found that only 9 of the men interviewed from the original survey claimed to be victims of domestic violence, where women's violence caused fear or concern. They reported:

Only a minority of the men referred to as 'victims' within published reports about the Scottish Crime Survey 2000 actually perceived themselves as victims. This remained the case even when the responses of those men who misinterpreted the remit of the self-complete questionnaire were omitted from the calculation.

(Gadd, Farrall, Dallimore and Lombard, 2002:2)

These authors also cautioned that future researchers 'should pay particular attention to ensuring respondents fully understand the nature of the experiences they are being asked to disclose' (Gadd *et al.*, 2002:2) to prevent inappropriate comparisons being made. There is a clear message for future British Crime Surveys here, given the similarities of their methodologies.

These findings are significant given the periodic revival of debates in the UK around men's victimisation as new researchers (re)discover the limitations of official statistics and crime surveys in terms of estimating the prevalence of domestic violence and attempt to present it as an 'equalities' issue, with a view to securing funding for new projects or meeting local authority equalities targets.

## **Conclusion**

This introductory chapter has examined the nature of domestic violence and its global recognition as a form of both gender violence and hate crime. It has discussed recent research into its prevalence in the UK. The final question addressed here relates to its naming. Several criticisms have been aimed at the term domestic violence, but it is the one used in this text because it reflects the historical struggle by women for such violence to be recognised as criminal, despite its problematic gender-neutral connotations. This is in contrast to the increasing use of the term 'domestic abuse' by various agencies and statutory bodies. The term 'domestic abuse' has been adopted by some agencies because it is regarded as reflecting a broader range of harmful experiences than is contained in the word 'violence'. But, problematically, 'abuse' is also a minimising term and has, for example, commonly been used to accord lesser status to children's experiences of physical and sexual assault and rape. The term 'domestic' can also be limiting because not all domestic violence takes place in the home and violence from partners, ex-partners or family members can occur in other settings. Nevertheless, it continues to convey a common aspect of many women's experiences of violence.

Another area of debate has been in relation to the terms ‘victims’ and ‘survivors’ when referring to women’s experiences of violence. In the criminal justice context ‘victim’ is a useful term to denote who has been on the receiving end of a crime and consequently is used here when discussing policing and the law. But apart from this context, many women prefer the term ‘survivor’ where they have struggled against domestic violence and rebuilt their lives. But not all survive, and some are still struggling to cope with continuing violence and its impacts and feel the latter term is inappropriate (Radford and Hester, 2006). The next chapter discusses these impacts for women and children in more depth and highlights some of the real barriers to escaping domestic violence.

## Notes

- 1 During ‘the troubles’ the level of domestic homicide in Northern Ireland was higher than that in both the Irish Republic and England and Wales, McWilliams (1998).
- 2 From work undertaken by the authors with North Wales Domestic Violence Forum.
- 3 Cultures of honour include many in Eastern and Southern Europe and South America and not only those in South East Asia, the Middle East and Africa.
- 4 Benjamin Bowling (1998) describes the late 1970s as the period in which the extent and ferocity of violent racism in Britain was unprecedented.
- 5 The domestic violence concession allows women to apply for indefinite leave to remain if they can ‘prove’ they have experienced domestic violence.
- 6 Such rules apply to women who enter the UK as the wives, unmarried partners or fiancées of UK citizens who have not gained indefinite leave to remain in this country, because they have not been in the relationship for two years. They also apply to women who enter as the partners of EEA citizens who come here to work.
- 7 Some official definitions include these experiences under child abuse and child protection and in this regard it could be argued that this diminishes young women’s experiences, since they may not be entitled to the same protection under the law as adults.
- 8 National research is currently being undertaken in conjunction with Women’s Aid at the time of writing on the experiences of physically disabled women. In 2000 disabled women were recognised as a ‘hard to reach group’ in equal opportunities statements by domestic violence agencies in the statutory sector.
- 9 Leading to the present authors, along with other UK domestic violence experts, being invited to work with law makers, members of the judiciary and police officers in developing and implementing new domestic violence legislation in countries as diverse as Japan, Turkey and Kazakhstan.

- 10 The exception to this is the Protection from Harassment Act (1997) which recognises psychological violence, but only in circumstances where partners are not living together.
- 11 Language issues are important in discussions of domestic violence – the debate around the identities ‘victim’ or ‘survivor’ is explored later in this chapter.
- 12 The Home Office figure that one in four women have been subjected to domestic violence in their life-times cannot be directly transposed to suggest that one in four men are domestic violence perpetrators, because it is recognised that perpetrators may commit violence in more than one relationship, i.e. victimise more than one woman. Nevertheless, these figures do suggest a significant prevalence of ‘hidden perpetrators’.
- 13 The Stephen Lawrence Inquiry Report (1999).
- 14 Initially the scope of the BCS was UK wide but in more recent years Scotland and Northern Ireland have conducted their own. Eight crime surveys were conducted prior to 2001, subsequently they have been conducted annually.

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