



THE SEVERITY OF DOMESTIC ABUSE

—Jonathan Herring*

Abstract This article argues that domestic violence should not be regarded as simply an assault which takes place in the home. Rather, domestic violence has some special wrongs which are not present in an assault in the home. This chapter highlights four such wrongs. *First*, that domestic abuse commonly involves coercive control. *Second*, that domestic abuse needs to be seen as a serious abuse of trust. *Third*, that it causes serious harms to children present in the home where the abuse takes place. *Fourth*, that it contributes to, and reflects the inequalities faced by women. Once these harms are appreciated, it is clear that combatting domestic abuse should be a top priority for any government.

I. INTRODUCTION

In the past, domestic abuse was not seen as seriously as violence in the street or other public places. It was a ‘marital argument’ or a ‘private matter’, and therefore, best left to the couple to resolve between themselves and their families. It was not considered to be a matter which required the involvement of the police.¹

In more recent times, it has become more widely accepted that violence in the home is just as serious as violence in the street. A popular view is that the location of violence does not matter. A punch in the bedroom is just as bad as a punch in the pub. The same was sought to be established in early feminist writings. The fact that the violence was ‘just domestic’ should not lead to its severity being diminished.²

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¹ MICHELLE MADDEN DEMPSEY, PROSECUTING DOMESTIC VIOLENCE (2009).

² Jonathan Herring, *The Serious Wrong of Domestic Abuse and the Loss of Control Defence*, in LOSS OF CONTROL AND DIMINISHED RESPONSIBILITY (Alan Reed & Michael Bohlander eds., 2015),

This article goes a step further, and posits that domestic violence should be regarded as more serious than violence between strangers. It does this by identifying some wrongs that are particular to cases of domestic abuse, and do not arise in situations of violence between strangers. These wrongs are grave, and their appreciation indicates the importance of formulating an effective response to domestic abuse.

This article will start by briefly defining domestic abuse. It will then elaborate in detail on the four particular wrongs of domestic abuse, before finally reaching the conclusion that these wrongs necessitate an urgent response of the law to domestic violence.

II. DEFINING DOMESTIC VIOLENCE

As per the World Health Organisation ('WHO'):

“Worldwide, almost one-third (30%) of women who have been in a relationship report that they have experienced some form of physical and/or sexual violence by their intimate partner in their lifetime. Globally, as many as 38% of murders of women are committed by a male intimate partner.”³

In the South-East Asian region, 37.7% of women report having been the victim of domestic abuse.⁴ A recent major review of studies into domestic abuse in India found that 41% of women reported experiencing domestic violence during their lifetime, and 30% reported experiencing the same in the past year.⁵

The WHO uses the term “intimate partner violence” rather than domestic abuse. It defines the term as: “Behaviour by an intimate partner that causes physical, sexual, or psychological harm, including acts of physical aggression, sexual coercion, psychological abuse, and controlling behaviours.”⁶

The UK Government uses the following definition:

“Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family

from which this article draws.

³ WORLD HEALTH ORGANISATION, *VIOLENCE AGAINST WOMEN* (2017).

⁴ *Id.*

⁵ Ameeta Kalokhe et al., *Domestic Violence Against Women In India: A Systematic Review of a Decade of Quantitative Studies*, 12 GLOBAL PUBLIC HEALTH 498 (2017).

⁶ World Health Organisation, *Responding to Intimate Partner Violence and Sexual Violence against Women: WHO Clinical And Policy Guidelines* (2013).

members regardless of gender or sexuality. The abuse can encompass, but is not limited to:

- psychological
- physical
- sexual
- financial
- emotional

Controlling behaviour

Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour

Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.⁷

There is much that could be said about these definitions, but they provide a sufficiently clear picture of the central theme of this paper.⁸ As is clear from both these definitions, we are considering the abusive behaviour of people in an intimate relationship. This need not be restricted to married couples, but can be extended to anyone who is a part of a close cohabiting relationship.

The focus of this chapter is not on defining domestic violence, but rather identifying the wrongs that are particular to it. This shall be the subject of the next section of this paper.

III. DOMESTIC ABUSE AS ‘COERCIVE CONTROL’

Traditionally, criminal lawyers define crimes in terms of the injury done to the body. Does the defendant’s act cause a cut or a bruise? Is it just an unwanted touching? Yet, an assessment of the severity of the harm by focusing on the

⁷ Her Majesty’s Government, *Domestic Violence and Abuse* (2015).

⁸ Michelle Madden Dempsey, *What Counts as Domestic Violence*, 13 WILLIAM AND MARY JOURNAL OF WOMEN AND THE LAW 301 (2006).

extent of bodily impact at the moment in time is a narrow construction of harm. This way of understanding crimes does not capture the wider context of the relationship between the parties, and the broader social circumstances within which the act is done.⁹ In this way, the law can miss important elements of the wrong.

A good example is the English case of *R. v. Dhaliwal*.¹⁰ The husband in this case continually undermined and demeaned his wife for a long period of time, before she finally committed suicide. Each act looked at separately might have been regarded as no more than an unpleasant remark, a cruel insult at worst. The English Court of Appeal was unable to find an offence committed by him.¹¹ However, once the final act of suicide is seen in the broader context of prolonged and regular subjection to belittling remarks, the impact of which were such that she was reduced to committing suicide, it is difficult to miss the severity of the alleged behavior.

This is why it is so important to appreciate that domestic abuse is best understood not as simply a series of violent or abusive acts, but rather as a program of “coercive control” (to use Evan Stark’s phrase),¹² or “patriarchal terrorism”, or “intimate terrorism” (to use Michael Johnson’s phrase).¹³ Michael Johnson distinguishes intimate terrorism from what he calls ‘situational couple violence’ or ‘mutual violence’. Patriarchal terrorism is, “violence enacted in the service of taking general control over one’s partner.”¹⁴ By contrast, in situational couple violence or mutual violence, the violence exists, but not with an attempt to control the relationship. Rather, it is an incident of violence that arises in a moment of conflict in an intimate relationship, which is not generally marked with inequality. It involves a lashing out in self-defense, anger, or frustration, rather than an attempt to exercise control.

We can, therefore, begin to see one of the reasons why an incident of domestic violence can be more serious than an attack on the street—because it is often part of a programme of coercive control. Psychologist Mary Ann Dutton explains:

“Abusive behaviour does not occur as a series of discrete events. Although a set of discrete abusive incidents can typically be identified within an abusive relationship, an understanding of the dynamic of power and control within an intimate relationship goes beyond these discrete incidents. To negate the impact of the time period between discrete episodes of serious

⁹ Deborah Tuerkheimer, *Recognizing and Remedying the Harm of Battering*, 94 JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY 959 (2004).

¹⁰ 2006 EWCA Crim 1139.

¹¹ It might now fall under Serious Crime Act 2015, § 54.

¹² EVAN STARK, COERCIVE CONTROL (2007).

¹³ Michael Johnson, *Apples and Oranges in Child Custody Disputes: Intimate Terrorism vs. Situational Couple Violence*, 2 JOURNAL OF CHILD CUSTODY 43 (2005).

¹⁴ *Id.*, at 44.

violence—a time period during which the woman may never know when the next incident will occur, and may continue to live with on-going psychological abuse—is to fail to recognize what some battered woman experience as a continuing ‘state of siege’.”¹⁵

Mary Ann Dutton and Lisa Goodman, examining the experiences of victims of domestic abuse, have explored forms of coercion. They view coercion as covering nine areas of control: “personal activities/appearance”, “support/social life/family”, “household”, “work/economic/resources”, “health”, “intimate relationship”, “legal”, “immigration”, and “children”.¹⁶ Evan Stark comments on the role of control in domestic abuse:

“Perpetrators commonly spy on or stalk partners even when they are living together and control their access to and means of transportation, monitor them at work, and use beepers, cell phones, or human proxies to monitor their activities.”¹⁷

According to a study, in a third of cases involving domestic violence, the man had sought to prevent the woman from working. In about half the cases, the man had taken steps to ensure that she remained at home, looking after the children.¹⁸ As these descriptions make clear, the aim of this domestic abuse is to dominate the victim. By diminishing her sense of self-worth, restricting her access to work, money, and friends, and psychologically manipulating her, the abuser seeks to render the victim utterly dependent on him. The programme of coercive control may involve violence, but that may be only one of the tools that are used.¹⁹ Where it is used, it ensures and enables further compliance.

The extent of control exercised can be extraordinary. Consider this case:

“Mark restricts Vanessa’s access to money and employment. At home, Mark keeps all household supplies and toiletries under lock and key. If Vanessa or her three children need anything they must prove it is necessary; and only then will he unlock a cabinet and provide them with it. This includes tooth paste, tampons, laundry detergent. At dinner, Mark tells the children to ignore their mother because Vanessa is too stupid to be able

¹⁵ Mary Ann Dutton, *Understanding Women’s Response to Domestic Violence*, 21 HOFSTRA LAW REVIEW 1191, 1204 (2003).

¹⁶ MARY ANN DUTTON & LISA GOODMAN, DEVELOPMENT AND VALIDATION OF A COERCIVE CONTROL MEASURE FOR INTIMATE PARTNER VIOLENCE (2006).

¹⁷ Evan Stark, *Commentary on Johnson’s “Conflict and Control: Gender Symmetry and Asymmetry in Domestic Violence”*, 12 VIOLENCE AGAINST WOMEN 1019 (2006).

¹⁸ Stark, *supra* note 12.

¹⁹ Orly Rachmilovitz, *Bringing Down the Bedroom Walls: Emphasizing Substance over Form in Personalized Abuse*, 14 WILLIAM & MARY JOURNAL OF WOMEN & LAW 495 (2007).

to understand their conversations. Instead, Mark tells them she is there simply to make the food and serve it. Privately, Mark often tells Vanessa that if they ever separated, the children would never choose to live with her because they do not respect her.”²⁰

These physical restrictions can be backed up by emotional abuse. One victim reports:

“He always found something wrong with what I did, even if I did what he asked. No matter what it was. It was never the way he wanted it. I was either too fat, didn’t cook the food right... I think he wanted to hurt me. To hurt me in the sense... to make me feel like I was a nothing.”²¹

This can, tragically, lead to cases where the victims end up blaming themselves for the abuse they are suffering. They come to see the abuse as due punishment for their failure to comply with their partner’s demands.

The coercive control model not only helps explain why some victims fail to recognize domestic abuse for what it is, but also how others so readily fail to acknowledge it. Paula Nicolson quotes from Connie:

“At the time I didn’t really know, I did not recognise it for what it was because I mean it was things like not speaking to you, like nudging you and bumping into you and at one point he pulled my hair and pushed me over, things like that. I just thought that was sort of life a bit over zealous but I did not really recognise it from the start off.”²²

As this quote shows, the abuse is difficult to prove or explain to an outside authority. The act of bumping into a person appears trivial when referred to in isolation. How easy it is to dismiss the concerns as paranoid. Yet as the control develops, it creates the conditions in which escape from the controller becomes harder. As Victor Tadros argues: “domestic abuse is not just that the defendant denies the victim options, but also that he denies her the freedom to recognize and exploit the options that she has.”²³

²⁰ Margaret Johnson, *Redefining Harm, Reimagining Remedies and Reclaiming Domestic Violence Law*, 42 U.C. DAVIS LAW REVIEW 1107 (2009).

²¹ Tuerkheimer, *supra* note 9.

²² PAULA NICOLSON, DOMESTIC VIOLENCE AND PSYCHOLOGY 35 (2010).

²³ Victor Tadros, *The Distinctiveness of Domestic Abuse: A Freedom Based Account*, 65 LOUISIANA LAW REVIEW 989, 999 (2005).

The coercive control model of domestic abuse also, I suggest, provides an explanation for something that has long puzzled commentators—the strong link between pregnancy and domestic abuse. Indeed, domestic abuse is the leading cause of maternal mortality.²⁴ The most plausible explanation for this link is that the abuser perceives pregnancy as diminishing his control over the body of the victim. He is no longer the centre of the woman’s attention.²⁵ This leads to violence in an attempt to reassert control.

As this discussion shows, the problem of domestic abuse raises a very particular wrong done to the victim: that of coercive control. This is not captured by the traditional criminal law wrongs of an assault or battery. It means an act which might, when viewed on its own, be considered trivial, but may take on a far greater significance when viewed in context.²⁶ It also shows us that we should not restrict the concept of domestic abuse simply to violent acts. English law has made some progress in recognizing the wrong of coercive control by creating an offence which addresses it specifically in S. 45 Serious Crime Act 2015:

“(1) A person (A) commits an offence if—

(a) A repeatedly or continuously engages in behaviour towards another person (B) that is controlling or coercive,

(b) at the time of the behaviour, A and B are personally connected,

(c) the behaviour has a serious effect on B, and

(d) A knows or ought to know that the behaviour will have a serious effect on B”.

A programme of coercive control is not just a single attack on the body of the victim. It is a challenge to their whole way of life, an attempt to rob them of their autonomy and their dignity.

IV. DOMESTIC ABUSE AS A BREACH OF TRUST

The second particular wrong of domestic abuse which I wish to highlight is that it involves a grave breach of trust. Our intimate relationships are keys to our

²⁴ Rebecca O’Reilly et al., *Screening and Intervention for Domestic Violence During Pregnancy Care: A Systematic Review*, 11 *TRAUMA VIOLENCE ABUSE* 190 (2010).

²⁵ Joan Kelly & Michael Johnson, *Differentiation among Types of Intimate Partner Violence*, 46 *FAMILY COURT REVIEW* 467 (2008).

²⁶ Alafair Burke, *Domestic Violence as a Crime of Pattern and Intent*, 75 *GEORGE WASHINGTON LAW REVIEW* 552 (2007).

identities.²⁷ Without those close to us to love us, and to be loved by us, our lives would have little meaning. It is through our caring and loving relationships that we flourish. John Eekelaar has argued that trust is at the heart of intimacy, and that it enables love and autonomy to develop.²⁸ It is in being able to be completely honest and vulnerable with a partner that relationships can deepen, an understanding of self can grow, and lives can flourish. But, all of that requires a deep sense of trust. In a case of domestic abuse, the access gained in the relationship to private information, bodies, and spaces is misused against the victim. It is a profound breach of trust. I want to explore three interconnected aspects of that wrong.

First, in intimate relationships we share “thick interpersonal trust”.²⁹ The ways in which we expose both physical, emotional, and geographical places is very different in intimate relationships than between, say, work colleagues. We are only willing to be that open because we trust those we love to take care of us, and not misuse the information or access that they gain. Yet, in domestic abuse, the privileged access is used against the victim. Notably, the law seems more ready to protect confidential information disclosed in a professional relationship, than to control the misuse of information gained in a personal relationship to exercise power or control over the other party.

Second, the breach of trust causes a particular harm to the self. Since intimate relationships are central to our identity and sense of self, when they are used to send negative messages about us, or degrade our sense of self, the harm is uniquely personal.³⁰ As Evan Stark writes:

“In the romantic vernacular, love and intimacy compensate women for their devaluation in the wider world. Personal life does something more. It provides the state where women practice their basic rights, garner the support needed to resist devaluation, experiment with sexual identities, and imagine themselves through various life projects. Coercive control subverts this process, bringing discrimination home by reducing the discretion in everyday routines to near zero, freezing feeling and identity in time and space, the process victims experience as entrapment. Extended across the range of activities that define women as person, this foreshortening of subjective development compounds the particular liberty harms caused by coercive control.”³¹

²⁷ JONATHAN HERRING & CHARLES FOSTER, *IDENTITY, PERSONHOOD AND THE LAW* (2017).

²⁸ JOHN EEKELAAR, *FAMILY LAW AND PERSONAL LIFE* 47 (2006).

²⁹ Dmitry Khodyakov, *Trust as a Process: A Three Dimensional Approach*, 41 *SOCIOLOGY* 116 (2007).

³⁰ Rachmilovitz, *supra* note 19.

³¹ Stark, *supra* note 12, at 363.

As it is through our relationships that we form our identities as to who we are, and try and makes sense of the world, domestic abuse turns what should be a tool for self-affirmation and self-identification into a tool for alienation and self-betrayal. The victim almost becomes used as a tool against herself.³² It is not surprising, therefore, that domestic violence causes a wide range of mental health problems for its victims, ranging from anxiety, depression, post-traumatic stress, and substance abuse, to suicidal tendencies.³³

Third, domestic abusers make use of the information gathered during the relationship so that the abuse can be personalised, in order to maximise the pain caused to the victim.³⁴ In *Attorney General's Reference (No. 90 of 2009)*, where a sentence of ten years was increased to eighteen in a case of marital rape, the Court of Appeal explained:

“This is an extreme case of its kind: rape by a husband of his wife from whom he was separated. The facts that we have narrated demonstrate, and the conduct of his defence confirms, that the offender deliberately chose to use sexual intercourse with his wife without her consent as a weapon with which to dominate and humiliate her. This was the woman with whom he had once had a relationship of genuine affection and who had borne him two children. There was a grave breach of trust. The offender used the kind of knowledge that couples have of each other, which he would have acquired during their moments of warm intimacy, about a sexual practice that she found wholly unacceptable. With that knowledge he forced her to submit to it. Apart from the sheer humiliation and horror, she suffered physical pain. Having done that, he added to her degradation by raping her vaginally. The offender's actions were quite merciless.”³⁵

Therefore, in these three ways, we can see that the abuse of trust in a case of domestic violence is a very particular and serious kind of wrong.

³² Lynne Arnault, *Cruelty, Horror, and the Will to Redemption*, 18 *HYPATIA* 155 (2003).

³³ CATHERINE ITZEN et al., *DOMESTIC AND SEXUAL VIOLENCE AND ABUSE* 61 (2010); Ximena Arriaga & Nicole Capezza, *Targets of Partner Violence: The Importance of Understanding Coping Trajectories*, 20 *JOURNAL OF INTERPERSONAL VIOLENCE* 89 (2005).

³⁴ Stark, *supra* note 1 2, at 376.

³⁵ 2009 EWCA Crim 2610, ¶21. For further discussion of marital rape see Jonathan Herring, *No More Having and Holding: The Abolition of the Marital Rape Exemption*, in *LANDMARKS IN FAMILY LAW* (Stephen Gilmore, et al. eds., 2011).

V. DOMESTIC VIOLENCE AND CHILDREN

A third particular wrong in domestic abuse is that of harm to children, which has been amply evidenced.³⁶ It is not surprising that children who witness domestic abuse suffer. However, the evidence shows that there are harmful effects even where the child has not witnessed the violence, but is living in the same household as the abuse.³⁷ Children raised in families characterised by domestic violence are 30-60% more likely to suffer child abuse themselves.³⁸ The impact on children includes behavioral, cognitive, and emotional problems, leading to depression, anxiety, truancy, and low educational achievement. It also can lead to interpersonal problems, and poor social skills.³⁹ 10% of children who had witnessed domestic violence, witnessed their mother being sexually assaulted.⁴⁰

In a major review of the evidence, Professor Stephanie Holt concludes:

“Not only can the experience of living with the abuser of their mother be considered a form of emotional abuse for children, but may also be considered as a risk factor for the physical and sexual abuse of children. Furthermore, compromised parenting capacity on the part of both mothers and fathers, and the presence of additional adversities, may increase the stressors in children’s lives whilst simultaneously increasing the risk for negative outcomes for children.”⁴¹

All of this means that in cases where children are present in the house, the domestic violence can correctly be regarded as a form of child abuse.⁴²

The impact of this abuse can extend into adulthood, including, tragically, the children becoming victims of abuse or abusers themselves. The Royal College of Psychiatrists explains:

³⁶ The research is summarised in Stephanie Holt, *The Impact of Exposure to Domestic Abuse on Children and Young People*, in THE ROUTLEDGE HANDBOOK OF GLOBAL CHILD WELFARE AND ROYAL COLLEGE OF PSYCHIATRISTS, DOMESTIC VIOLENCE: ITS EFFECT ON CHILDREN (P. Dolan & N. Frost eds., 2010).

³⁷ Catherine Humphreys & Charlotte Bardbury-Jones, *Domestic Abuse and Safeguarding Children: Focus, Response and Intervention*, 24 CHILD ABUSE REVIEW 213 (2015).

³⁸ CATHERINE ITZEN et al., DOMESTIC AND SEXUAL VIOLENCE AND ABUSE 4 (2010).

³⁹ MARIANNE HESTER, WHO DOES WHAT TO WHOM? GENDER AND DOMESTIC VIOLENCE PERPETRATORS 2 (2009).

⁴⁰ AUDREY MULLENDER, TACKLING DOMESTIC VIOLENCE: PROVIDING SUPPORT FOR CHILDREN WHO HAVE WITNESSED DOMESTIC VIOLENCE (2005).

⁴¹ Holt, *supra* note 36, at 367.

⁴² Todd I. Herrenkohl et al., *Intersection of Child Abuse and Children’s Exposure to Domestic Violence*, 9 TRAUMA VIOLENCE ABUSE 84 (2008); PATRIZIA ROMITO, A DEAFENING SILENCE: HIDDEN VIOLENCE AGAINST WOMEN AND CHILDREN (2008).

“As adults, children who have witnessed violence and abuse are more likely to become involved in a violent and abusive relationship themselves. Children tend to copy the behaviour of their parents. Boys learn from their fathers to be violent to women. Girls learn from their mothers that violence is to be expected, and something you just have to put up with.”⁴³

The law generally recognizes that crimes against children involve a greater wrong than crimes against others. It recognizes the particular obligation that adults, particularly those in a parental role, owe to children. It also recognizes that children often lack the physical, emotional, and social capabilities to respond to harmful incidents. All of these concerns emphasize the particular wrongfulness of domestic violence.

VI. DOMESTIC VIOLENCE AND PATRIARCHY

The fourth and final point is that domestic violence helps promote patriarchy. Domestic violence reinforces and relies upon power exercised by men over women in society.⁴⁴ As the *Committee on Equal Opportunities for Women and Men* puts it:

“Violence against women is a question of power, of the need to dominate and control. This in turn is rooted in the organization of society, itself based on inequality between the sexes. The meaning of this violence is clear: it is an attempt to maintain the unequal relationship between men and women and to perpetuate the subordination of women.”⁴⁵

Domestic violence reflects the negative attitudes and forces that women face in society. It also contributes to them. Michelle Madden Dempsey explains:

“The patriarchal character of individual relationships cannot subsist without those relationships being situated within a broader patriarchal social structure. Patriarchy is, by its nature, a social structure – and thus any particular instance of patriarchy takes its substance and meaning from that social context. If patriarchy were entirely eliminated from society, then patriarchy would not exist in domestic arrangements and thus domestic violence in its strong sense would not exist... Moreover, if patriarchy were lessened in society generally then *ceteris paribus* patriarchy would be lessened in domestic relationship as well,

⁴³ Holt, *supra* note 36, at 2.

⁴⁴ Stark, *supra* note 12.

⁴⁵ Parliamentary Assembly, Council of Europe, Committee on Equal Opportunities for Women and Men Domestic Violence, 12 (2002).

thereby directly contributing to the project of ending domestic violence in its strong sense.”⁴⁶

Michelle Madden Dempsey describes patriarchy as “wrongful structural inequality”. The wrongfulness she separates into sex discrimination, sexism, and misogyny. Structural inequalities, she explains, are functions of social structures. A “set of rules and principles that govern activities in the different domains of social life. When social structures sustain or perpetuate the uneven distribution of social power, they can be understood as structural inequalities.”⁴⁷ Domestic abuse plays this role because it works to reinforce the other social structures that inhibit women’s access to places of power. Further, it replicates the disadvantages present in the outside world within the domestic sphere. Of course, it is not just sexist inequalities that domestic violence perpetuates. It reflects and reinforces marginalisation in other spheres as well.⁴⁸ For example, attempts by male perpetrators of abuse to prevent their female partners from entering the workplace or public arena are imitations of broader attempts to restrict women’s access to the workplace.

The specific ways in which domestic abuse reinforces patriarchy include the following: Domestic abuse reinforces the messages sent more broadly by patriarchy that women should be subservient to men and are inferior to them. The Convention on the Elimination of all Forms of Discrimination Against Women *General Recommendation No. 19* states that domestic abuse is based on, “traditional attitudes by which women are regarded as subordinate to men”.⁴⁹ Gender stereotypes typically underpin domestic abuse. Consider, for example, this incident in the American case, *State v. Norman*:

“John Norman asked Judy Norman to make him a sandwich; when Judy brought it to him, he threw it on the floor and told her to make him another. Judy made him a second sandwich and brought it to him; John again threw it on the floor, telling her to put something on her hands because he did not want her to touch the bread. Judy made a third sandwich using a paper towel to handle the bread. John took the third sandwich and smeared it in Judy’s face.”⁵⁰

⁴⁶ Michelle Madden Dempsey, *Towards a Feminist State*, 70 MODERN LAW REVIEW 908, 921 (2007).

⁴⁷ *Id.*, at 910.

⁴⁸ Discussed in Shazia Choudhry, *Towards a Transformative Conceptualisation of Violence Against Women - A Critical Frame Analysis of Council of Europe Discourse on Violence Against Women*, 79 MODERN LAW REVIEW 406 (2016).

⁴⁹ UN Women, *Convention on the Elimination of all Forms on Discrimination Against Women General Recommendation*, General Recommendation No. 19, <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom19> (1992).

⁵⁰ *State v. Norman*, 366 SE 2d 586, 588 (NC App 1988).

The incident echoes the societal message that a woman's primary role is to care for her husband and family. That women should try and meet the wishes of their spouses and children. Accounts of domestic abuse commonly involve behavior which is designed not just to humiliate a partner, but to reinforce a particular role for women (e.g. as home maker), and a particular status (e.g. as lesser than men).⁵¹ This echoes similar messages found in advertising, street harassment, and the media.

Domestic violence also reinforces the practical barriers that exist to restrict women's access to the labour market, and reinforces traditional roles for women. Evan Stark reports how domestic abuse intensifies when women seek to gain independence by, for example, finding employment.⁵² More broadly, domestic abuse is often used to deny access to an autonomous life, by restricting movement, economic independence, and association with friends.

The impact of this is that, as Rachel Pain argues, domestic violence results in, "chronic fear which builds up over the long term and leads to significant trauma and negative effects on health and well being."⁵³ This means that victims are scared to break out of the traditional roles that their abusers demand of them.

Not only does domestic abuse help sustain patriarchy, domestic abuse is sustained by and supported by patriarchy. Ruth Gavison explains:

"When women are battered at home, it is not because each particular victim has triggered an unfortunate 'individual' tragedy... Social structures are involved, social structures which are not simply 'natural'. They are person-made, and they benefit males."⁵⁴

Michelle Madden Dempsey develops this theme in this way:

"The patriarchal character of individual relationships cannot subsist without those relationships being situated within a broader patriarchal social structure. Patriarchy is, by its nature, a social structure – and thus any particular instance of patriarchy takes its substance and meaning from that social context."⁵⁵

The arguments outlined above make the case for identifying cases of domestic violence which promote patriarchy as raising a very particular kind of wrong

⁵¹ Stark, *supra* note 12.

⁵² Stark, *supra* note 12.

⁵³ REBECCA PAIN, *EVERYDAY TERRORISM: HOW FEAR WORKS IN DOMESTIC ABUSE* (2016).

⁵⁴ Ruth Gavison, *Feminism and the Public/Private Distinction*, 45 *STANFORD LAW REVIEW* 1, 3 (1992).

⁵⁵ Dempsey, *supra* note 46, at 909.

which deserves a separate isolation and focus. The wrong produced is not simply one to the individual victim, but is a broader social wrong which reflects and reinforces patriarchy.

VII. CONCLUSION

This article has sought to argue that domestic abuse should not be simply understood as a violent act in a private setting. This understanding fails to appreciate the relational, personal, and social impacts of domestic abuse. When this is taken into account, the severity of domestic abuse can be revealed.

This article has sought to highlight four particular wrongs contained in domestic abuse. *First*, that it reflects an attempt to control all aspects of the victim's life through coercive control. *Second*, domestic abuse is a serious breach of trust that wrongs the very essence of the person. *Third*, domestic abuse causes serious wrongs to children, the most vulnerable and precious resource of any society. *Finally*, domestic abuse reflects and reinforces negative attitudes and forces that work against the interests of women. Any society committed to combatting gender inequality must make combatting domestic abuse a priority.