

DEFINING DOMESTIC VIOLENCE: HAS JOHNSON'S TYPOLOGY RESOLVED THE GENDER DEBATE?

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THE DEBATE

- Feminist perspective: Violence is patriarchal, and used by men to dominate and control “their” women
- Family Violence Researchers: Men and women are both violent; violence is a function of conflict
- This rift has been played out in public and professional debates over gender symmetry and asymmetry, and whether the feminist paradigm for domestic violence is correct

JOHNSON'S "RADICAL" THEORY

- First published in 1995
- Argued that both groups of researchers could be right
- They are focused on *different populations*
- Family Violence researchers rely on population surveys
- Domestic Violence researchers study populations seeking help (shelters, courts)
- Sample Selection Bias: Shelter and court populations are more frightened and in danger
- Population surveys pick up the less scary but more common family violence

JOHNSON'S TWO BASIC TYPES

- Situational Couple Violence:
“intimate partner violence that is not embedded in . . . a general pattern of controlling behaviors. . . It occurs when specific conflict situations escalate to violence”
- Intimate Terrorism:
“the attempt to dominate one’s partner and to exert general control over the relationship, domination that is manifested in the use of a wide range of power and control tactics, including violence” (Johnson and Leone, 2005)

THE TWO TYPES, cont'd

- Intimate Terrorism is what feminist writers have been talking about – it is almost entirely committed by men against women, and is heavily linked to patriarchal attitudes
- Situational Couple Violence is what the family violence researchers have been finding – it is committed roughly equally by men and women, and is not linked to gender attitudes, though it includes relationships in which only one partner is violent

THE TWO TYPES, cont'd

- Johnson has described CCV/SCV as less severe, less frequent, and less likely to escalate
- PT / IT “is the type most likely to be frequent and brutal” and to escalate (Johnson, JCC, 2005). Another study found factors associated with IT to be similar to those associated with femicide (Frye, Campbell et al)
- While counter-examples exist, the types do differ in these respects “on average” (Johnson and Leone, 2005). The defining factor in determining the type is the presence or absence of control motive.

DIFFERENTIATING THE TYPES BY IMPACT

- IT victims have more injuries, pain, health impact, post traumatic stress disorder and loss of work than SCV victims
(Johnson and Leone, 2005)

THE THIRD AND FOURTH TYPES

- “Violent Resistance:”
Women’s violence in response to Intimate Terrorism
Sometimes, but not always, self-defense
- “Mutual Violent Control:”
Very rare – a couple in which both parties vie for control with violence; Johnson is uncertain whether this is a real category
(Johnson and Ferraro, 2000)

BOTTOM LINE

**“It is no longer scientifically or ethically acceptable to speak of domestic violence without specifying, loudly and clearly, the type of violence to which we refer.”
(Johnson, JMF, 2005)**

THEORETICAL CONTEXT

- Note that an emphasis on coercive control as the key factor is *not new*
- Other researchers have also developed typologies (Holtzworth-Munroe, 1994; Pence, 2005)
- Johnson's unique contribution is his purported resolution of the debate between "feminist" and "family violence" researchers by claiming that they are both right
- In so doing, he legitimizes both perspectives

IMPLICATIONS FOR PRACTICE

- **SERVICES:** Couple counseling may be appropriate for SCV, but not for IT. Possibly same for individual counseling
- **CRIMINAL SANCTIONS:** May be especially needed/appropriate for IT, more than SCV
- **EDUCATION:** SCV suggests dv does not always escalate; and is not always about power and control
- **WOMEN'S VIOLENCE:** "From a feminist standpoint, women's entrapment in personal life because of male oppression is the appropriate target for justice interventions." (Stark, 2006)

IMPLICATIONS FOR CUSTODY

- Ideally, Johnson's emphasis on coercive control should improve custody courts' adjudications (Ver Steegh, 2005)
- But if, as I and Frye/Campbell suspect, SCV is not the dominant proportion of dv, the danger is great of custody courts erroneously trivializing dv as "mutual" and/or not particularly dangerous (which they already do)
- It has been argued that IT is no more than 2-3% of custody/dv cases; courts should stop thinking of dv as male-perpetrated (Dutton Reply to Johnson, 2005)
- SCV and VR *may* not be associated with risk to children as much as IT (Johnson, JCC, 2005)
- Query how viable and effective high quality "differentiated case management" (Jaffe; Ver Steegh) would be

QUESTIONS RAISED

Is Johnson's typology empirically supported?

JOHNSON'S METHODOLOGY

- Reanalyzes existing data sets, using “cluster” analysis of different behaviors to distinguish between “high” and “low” control couples
- His findings are limited by the data sets, which were not necessarily measuring coercive control in any depth.
- In one study, swearing at, accusing, saying things to spite, are treated as “control” measures (while economic control, isolation, etc, are not measured) (Leone, Johnson, et al, 2004)
- He acknowledges the pressing need for an “operational” instrument to measure coercive control

METHODOLOGY, cont'd

- Johnson categorizes relationships with “low control” (e.g., less than 3 control behaviors) as SCV rather than IT. He has thus found IT to be only 10% (Johnson & Leone, 2005) or 35% (Johnson, 2001)

- A recent study by others found relationships with one controlling behavior to be *69% of violent families* (Frye, Campbell et al).

Noting that each of the four controlling behaviors measured was “not innocuous” the authors state:

“it is the frequency with which tactics are used and how much control is achieved, rather than the number of different tactics that makes a difference.... The choice of 3 as a cut-point for controlling behaviors for assaulted women seems high.”

The authors concluded that SCV may be “the least common” form of domestic violence “at the population level.”

QUESTIONS, cont'd

Are these categories really distinct relationships or are they aspects of the same relationships over time?

Are these the same relationships?

- Some “SCV” may be merely an early stage of a relationship that will progress to IT (Frye, Campbell et al)
 - One study found that women in IT group were “significantly older” than women in SCV group
- Johnson does not address this, nor does his methodology rule it out
- If so, then SCV is not innocuous, and all dv *does* escalate over time, as dv advocates have said
- However, research also indicates that some proportion of abusive men desist over time; perhaps these are SCV cases (Frye, Campbell et al)

QUESTIONS, cont'd

**Is Intimate Terrorism too Narrow
a Term?**

Coercive Control = Terrorism?

- What about relationships with relatively little overt violence, but high degree of control and fear (e.g., upper class abuse)?
- Coercive control, even without extreme violence, is extremely oppressive and destructive (Stark, 2006). Does “terrorism” capture this?
- Frye, Campbell et al may have identified two levels of coercive control – moderate and severe

QUESTIONS, cont'd

Is Even Situational Couple Violence Really Ungendered?

Even SCV is gender asymmetric

- “As a general rule, women simply do not inspire fear in men” (Swan and Snow, 2002)
- Given that women are more fearful and suffer greater injury from male violence, (Johnson, JMF, 2005) gender is unavoidably still important
- Moreover, where the victim is fearful, some control seems implicit, even if overt “control behaviors” are not identified

“The idea that women who experience physical assault within their relationships often do so within an otherwise non-controlling relationship is not supported by the data.” (Frye, Campbell, et al)

IMPLEMENTATION CONCERN

The validation of situational couple violence risks reinforcing courts' existing predilections to trivialize domestic violence as merely mutual or common couple violence.

In one study of prosecution and defense attorneys, the researchers found that attorneys' "discourse of woman battering reflects *batterers'* accounts of battering, and portrays intimate violence that reaches the court, by and large, as common couple violence. Victims' battering experiences, which are likely to reflect patriarchal terrorism, are denied, minimized, or at best referred to as a few 'true' or 'real' cases of domestic violence." (Erez & King, in Ver Steegh, 1400)[emphasis added]

CAUTION IS NEEDED

- Overly facile applications of this typology could make it harder to protect battered women and children
- A lot depends on where the numbers shake out: Case by case differentiation is not a panacea, given the inevitable tendency for evaluators to assume one or the other image is the norm
- Increased research to improve our knowledge of the empirical realities and a new analytic emphasis on coercive control is optimal

WHERE FROM HERE?

- Empirical research: Developing a validated measure of coercive control is the critical next step (MA Dutton and others)
- Law reform: New theoretical and legal proposals elevate coercive control:
 - Evan Stark, *COERCIVE CONTROL* (2007)
 - Tuerkheimer's (and Burke)'s proposals for a new crime of domestic violence based on pattern of domination and control (GW Law Review, 2007)