

AALS Workshop on Family Law
Plenary Panel: Empirical Research on Domestic Violence
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**Has the Debate between Feminists and non-Feminist Researchers been Resolved?
Michael Johnson's Two (or Four) Kinds of Domestic Violence**

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I. DIVISION BETWEEN FEMINIST AND NON-FEMINIST PERSPECTIVE ON FAMILY VIOLENCE

Feminist Perspective: Violence is patriarchal, highly gendered; control-based

Family Violence Perspective: Women are equally violent; violence is a function of conflict

II. MICHAEL JOHNSON'S WORK (1995 to date)

Reanalyzes existing data sets

Argues that the two camps are discussing *different* populations:

Family Violence researchers administer anonymous population surveys

Feminists study shelter and point of service populations

- A. Analyzes sample selection bias
- B. Argues that data show that two different kinds of family violence exist:
Common (Situational) Couple Violence
Patriarchal (Intimate) Terrorism
- C. These phenomena are distinguished by motive (conflict vs. control), gender (CCV is gender-equal), frequency/severity, and escalation. More recent analysis suggests that they also have different impact on victims.
- D. More recently, Johnson elaborates his model to add two more types:
Violent Resistance (sometimes but not always self-defense) and
Mutual Control (both parties controlling and violent)

“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, 2005, *Journal of Marriage and Family* 67)

III. IMPLICATIONS (huge)

- A. Services – Counseling may be appropriate for SCV; not for IT
- B. Strict legal accountability may be critical for IT; not for SCV
- C. Custody determinations – D. Dutton/Johnson/Van Der Steegh
- D. How we talk to victims of abuse: e.g., SCV may *not* escalate; may sometimes stop without intervention
- E. May help force greater attention to coercive control

IV. QUESTIONS / CRITIQUES

A. Quantification:

Not clear what proportion of population is actually subject to IT as opposed to SCV. Johnson may have under-counted:
Cut-offs for defining amount of control necessary to qualify as IT are debatable: Depending on these choices, IT constitutes 10%, 35%, or 69% of violent families (Frye, Campbell et al)

B. Definitions Murky and may Collapse:

Not clear whether SCV is generally less severe, or not
IT generally considered more “brutal,” but significant evidence suggests that in many relationships (especially upper income) there is extreme control and minimal violence – *what do we call this?*
Some confusion between whether SCV is “mutual” violence (Johnson says not, but many think so) or simply evenly distributed across genders
It is possible that SCV cases are merely early stages of relationships that become IT
Even in SCV, Johnson acknowledges that women are more often injured and more fearful – thus gender analysis is still relevant

C. Concern that recognition of SCV will reinforce courts’ tendency to trivialize dv, see it as mutual, and merely a function of “conflict”

D. If women are more harmed and more fearful even in SCV, the feminist perspective may actually be applicable beyond “Intimate Terrorism” cases. What does this mean for these categories?

E. Johnson is “behaviorist:” Neglects the socio-political context that makes men’s use of violence and control more destructive than women’s. Perhaps men’s and women’s different uses (and impacts) of violence call for distinctions in moral, practical or legal judgments (Stark, 2006)

V. WHERE IS THE FIELD GOING? RELATED RESEARCH and THEORIES of COERCIVE CONTROL

A. A number of researchers are beginning to empirically investigate Johnson’s theory – M. A. Dutton is a leader in this work

B. Evan Stark, COERCIVE CONTROL (2007) is a comprehensive, concrete and detailed depiction of how men use coercive control with partners and how the system’s failure to recognize this leads to dysfunctional responses

C. Tuerkheimer/Burke proposals for “crime of domestic violence” use the pattern of power and control as a defining element of the crime