

The Big Question: Why women stay in abusive relationships

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It has been argued that DFV is not taken as seriously by the criminal justice system because of the perception that women willingly stay in abusive relationships (Hayes, 2014). The use of mitigation in court by defence lawyers has been discussed above. However, apart from fear of further violence or the use of intimidation to cause women to reconcile with their abusive partners, other much more complex factors also come into play in many cases. Hayes (2014) canvassed a range of feminist, psychological and political studies as well as the lived experience of victims' through their stories of abuse and their efforts at leaving the situation to discover the underlying beliefs that abused women have about intimate relationships. In particular, it was how women's expectations of, and participation in, intimate relationships are linked to beliefs about romantic love, health, and gender that provided some answers to the big question of why women stay. These dynamics underpin a major part of why police, judges and legal professionals fail to understand the seriousness of IPV in general, and coercive control in particular.

Beliefs about relationships

Because we as a society are very prolific in examining relationships from the perspective of folk psychology, often abusers are identified as severely damaged in some way. And because women are socialised into taking on the nurturing role in relationships, they may feel empathy for their abuser and take some responsibility for "fixing" them (Hayes and Jeffries 2013). Consequently, many women don't understand they are being abused at the start. For example, when one partner wants to know the whereabouts of the other every minute of the day, makes numerous phone calls to her, exhibits jealousy or discourages her from seeing her friends so that every waking moment can be spent together – this may be interpreted as an endearing demonstration of love rather than a 'red flag' (Power, et al., 2006: 177). Prior research suggests that it can take time for "women to figure out" that these types of behaviours are not "passionate" but "scary and disabling" (Fraser, 2005: 15). Even then, women may see little choice but to stay and endure the abuse.

Social beliefs about relationships, marriage and motherhood typically associate women with acts of undying loyalty requiring them to commit to and work on maintaining their relationships even when they are abusive (Fraser, 2005: 15). Belief in romantic love prioritises relational maintenance above all else and suggests that, "love itself can overcome all obstacles", even abuse. Thus, researchers and service providers frequently note the tendency of women to blame themselves for the abuse they experience. Women often believe that if they just try harder, love more, or be a more worthy person, then the abuse will stop because they will no longer be deserving of it (Fraser, 2005: 17; Power, et al., 2006: 181; Wood, 2001: 253). Leaving an abusive relationship may be difficult for a woman because the thought of existing outside an intimate relationship is often more painful than staying in an abusive one. This is because social understandings of romance frequently endorse the intimate relationship as the central reason for women's existence (Fraser, 2005: 17). It has been argued that leaving an abusive relationship can be difficult for women because "the desire to be loved, and to love romantically is pivotal to understandings of self as properly feminine subjects" (Power 2006: 183).

Discussion of the explicit connection between romantic love and abuse is only relatively recent, occurring primarily within the realms of academic research and scholarship. In other words, while the discourse of romantic love may be a public narrative, its connection to abuse within this space is not, and as such, women are more likely to accept distortions when they occur.

In her analysis of the online discussion forums specifically tailored to IPV victims, Hayes (2014) found that women often understood their situation as just part of the pain of being in a committed relationship. Popular culture valorises pain and trauma in relationships – consider, for example, the plethora of love songs, films and literature devoted to the tragedy of love. Romantic love is idealised, but so is the pain associated with it, and women's role in nurturing and maintaining an intimate relationship.

The notion that love can be saved and that it is a woman's role to try harder mirrors the romantic beliefs that entreat women to take responsibility for relationship success (Wood, 2001: 253; Fraser, 2005: 17; Power, et.al., 2006: 181). Women may accept their abuse as part of the destiny of true love and the need to maintain love in the face of all obstacles (Hayes & Jeffries, 2013). The role of woman as saviour of relationships is a clear theme in the cultural studies and psychological literature (Wood, 2001: 253; Fraser, 2005: 17; Power, et.al., 2006: 181). Nevertheless, criminologists and CJS professionals alike fail to understand the psychology behind coercive control in abusive relationships.

Psychological Characteristics of Domestic Violence

Don Hennessey (2012) makes a distinction between skilled and unskilled abusers. Skilled abusers use controlling behaviour to keep their victims from leaving. Controlling behaviour is defined as “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, depriving them of the means needed for independence, resistance and escape” (Hennessey, 2012). Skilled abusers also engage in coercive behaviour, which includes not only assault, but also “threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten their victim” (Hennessey 2012). Many of these kinds of behaviour are difficult to explain and to prove in court, and yet, they may result in the victims feeling terrorised.

The emotional and psychological tactics used by perpetrators of domestic violence to keep their partners compliant and stop them leaving is a form of terrorism. Such terrorism is often subtle, as in the film *Gaslight*, where the husband skilfully manipulates his wife into believing she is mad, but also may present as outright verbal, emotional, financial or physical abuse (Hayes 2014). The key characteristic of such abuse – and what gives it the label of ‘terrorism’ – is the way in which perpetrators use the element of surprise to perpetrate extreme action, both unwarranted and out of proportion to the situation. This causes the victim/survivor to ‘walk on eggshells’ around the abuser, and to live in constant fear of an attack.

Much research has been undertaken to demonstrate prevalence, and there are even studies that report the experiences of victims/survivors. None of these to date accurately depict the terrorist nature of abuse, particularly emotional abuse. The victim of intimate partner abuse is often subjected to random attacks that seemingly spring out of nowhere, surprising her and over time, causing her to live in constant fear. Tactics of intermittent calm and even romance may create a false sense of security, only to be shattered by an inevitable attack, which reinforces the fear level. Gaslighting is another tactic, where the abuser 'changes the truth', challenging the victim's memory of events in a way that is so convincing that she begins to question her own sanity. Perpetrators often blame the victim for their abuse, claiming that certain behaviours or lack of such are causative. Finally, abusers often submit the victim to long barrages of abuse lasting hours, the effect of which is that she backs down and complies just to gain some relief (Hennessey 2012).

Other tactics include threats of suicide, and threats of killing the victim or her children or pets, or of children being removed from their mother. Often abusers will threaten to sue for sole custody of the children and will offer examples of others who have been successful in doing so. They may engage in jealous accusations of infidelity, or constant paranoid checking of the whereabouts of the victim (Hennessey 2012). Abusers are often extremely devious, employing such paranoid and psychopathic strategies in ways that keep the victim under their control. Often it takes months or even years of therapy – if the victim has access to it - to convince a woman that she is a victim of abuse (Hennessey, 2012).

Domestic Violence in the Court

When abusers are arrested by police for assault, the victim may become even more terrified, particularly of the repercussions on herself. As discussed above, research demonstrates that domestic assaults receive much more lenient sentences than stranger and other assaults. Often there is no context within which to assess the damage done to the victim. Isolating specific incidents from a victim's broader history of violence can damage the credibility of her evidence in respect of the offences being prosecuted. This failure can make the victim's account of a specific incident incoherent and unpersuasive. In addition, the offender is almost certain to minimise the offences (Hennessey, 2012).

In addition, offenders often appear charming and in control, while victims may appear unconfident, frightened and upset. A defendant's positive good character and provocation may be used as mitigating factors, as is reconciliation. Some real-life responses by magistrates to DV offences include:

"Are there any courses the woman can attend to avoid being hit?"

"If a woman knows what is going to happen, why does she carry on winding up the man?"

"I would say that the husband is justified in being aggrieved of things not being ready."

“The man was under stress.” (Hennessey 2012)

Sometimes prosecutors will downgrade an offence in order to increase the chances of a prosecution, thereby minimising the violence, and allowing the offender to get off more lightly. Often the law itself is a barrier to sentencing because the evidence needed to be tried as an indictable offence is, in practice, very difficult to prove – for example, the near impossibility of proving “fear of violence” (Wood, 2001).

In both Australia and the UK, the most common penalty imposed on domestic violence offenders is a bond or fine, and the most common violence-related charge is common assault (VicHealth, 2004; Women’s Aid, 2013). Again, this fails to take into account the history and context of the violent relationship, and leaves victims feeling disempowered and discouraged from seeking future legal recourse.

In research conducted in the UK by Women’s Aid (2013), victims shared that negative experiences of the criminal justice system left them wishing that they had not reported the domestic violence in the first place. They felt unable to report again due to the experience of feeling like they were being treated as the criminal rather than a victim and of the loss of control and disempowerment they felt from the system. One woman reported that she felt “destroyed”, while another remarked, “I can fully understand why women don’t report now” (Women’s Aid, 2013). Clearly the psychological impact of connecting with the CJS has left many women injured and disheartened.

Finally, women are often bullied by their partners into withdrawing statements and even into reconciling by subtle or direct threats as outlined above. Since the victims often do not attend the court, this means the court relies on the offenders statement, which will almost always minimise the offences. For example, words like “pushing” will be used to describe being thrown on the floor or the bed. He will say he held or restrained her, when in reality she was bruised or choked. A “slap” may refer to any blow by his hand, fist closed or not. In these ways the court becomes convinced that the violence was less than it really was (Hennessey, 2012).

Conclusion

With these issues in mind, where do we go from here? How might the courts better address victims’ concerns? What restorative practices might be appropriate in that context?

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