BOOK NOTE
DOMESTIC TERRORISM: THE DEBATE AND GENDER DIVIDES

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Domestic violence is an enormous problem in the United States. According to statistics:¹

- Two to six million women experience violence from their male partners each year;
- Twenty-five to thirty percent of women who seek emergency room treatment are there as a result of domestic violence;
- In 2004, over 1000 women were murdered by their husbands or boyfriends.

For decades, researchers, agencies, therapists, and scholars have been grappling with the issue of domestic violence, trying to understand the phenomenon in order to deal with it on a real world level.² Some progress has been made in the courts with the recognition of the battered wife syndrome,³ and the implications of its effects in child custody cases.⁴ However, experts frequently disagree, claiming that research numbers are wrong and that studies on victims and abuse do not correlate with each other.⁵

There are two ongoing debates. One is the gender debate. The predominantly feminist view of domestic violence is that it is patriarchal; the female is abused, dominated, and controlled by her male partner.⁶ The other side argues that women

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³ See Joan B. Kelly & Michael P. Johnson, Differentiation Among Types of Intimate Partner Violence: Research Update and Implications for Interventions, 46 FAM. CT. REV. 476, 476–77 (2008); but see Castle Rock v. Gonzales, 545 U.S. 748, 758–62 (2005), where the Court ruled police were not required to enforce restraining orders, even if a state statute required enforcement.


⁶ See Mary Zeiss Strange, From Domestic Terrorism to Armed Resolution: Women’s Right to Self-Defense as an Essential Human Right, 2 J.L. ECON. & POL’Y 385, 389 (2006), see also Deborah M. Weissman, The Personal is Political—And Economic: Rethinking
can be as violent as men,\textsuperscript{7} and men are battered as well.\textsuperscript{8} The stereotypical concept female victimization results in laws and legal systems that focus on male domination and sex inequality to protect the female, thereby overlooking the substantive characteristics of violence.\textsuperscript{9}

The second debate concerns the numbers of female victims of domestic abuse. As indicated above, the estimated figures span a wide range—from two to six million—and depend on which particular parameters the researcher used to conduct the study. \textit{A Typology of Domestic Violence},\textsuperscript{10} by Michael P. Johnson, is the product of the author’s extensive examination of studies, statistics, and surveys, including his own research, which attempts to resolve the conflict between these two approaches.\textsuperscript{11} Johnson reconciles the research discrepancies for couple violence by providing an umbrella concept that legitimizes each of these polarized viewpoints.\textsuperscript{12} Still at issue, however, is the “battered husband” syndrome. First, this note will examine the assertions of Johnson’s book.\textsuperscript{13} Second, it will address the concept of female coercive control and dominance in a relationship, and look at statistics indicating that there is no myth to battered husbands. This approach highlights the current research while acknowledging that victimized men need legal protections just as much as women do in the context of domestic violence.

\section{Coercive Control}

Johnson places the concept of “coercive control” at the center of his theory, believing that it is the key to reconciling the aforementioned debates. By reviewing the statistics and anecdotal research, he argues that patterns as to the extent of coercive control exerted by one (or both) partners in a relationship are evident.\textsuperscript{14} Coercive control is defined as an ongoing pattern of sexual mastery by which abusive partners (almost exclusively males) interweave repeated physical abuse with “three equally important tactics: intimidation, isolation, and control.”\textsuperscript{15}

\begin{thebibliography}{99}
\bibitem{Kelly_2001} J. Kelly & Johnson, supra note 3, at 480–81.
\bibitem{Steinmetz_1978} See generally Suzanne K. Steinmetz, The Battered Husband Syndrome, 2 Victimology 499 (1978) (discussing research supporting the idea that men can also be victims of domestic violence).
\bibitem{Johnson_1999} Johnson is a Professor Emeritus of Sociology, Women’s Studies, and African and African-American Studies at Pennsylvania State University.
\bibitem{Johnson_2007} JOHNSON, TYPOLOGY OF DOMESTIC VIOLENCE, supra note 1, at 1–2.
\bibitem{Id_2007} Id.
\bibitem{Id_2007_2} Id. at 2–4.
\bibitem{Id_2007_3} Id.
\bibitem{Stark_2007} EVAN STARK, COERCIVE CONTROL: HOW MEN ENTRAP WOMEN IN PERSONAL LIFE 5 (2007); see also JOHNSON, TYPOLOGY OF DOMESTIC VIOLENCE, supra note 1, at 7 fig.2 (showing “The Power and Control Wheel,” which explains how abusers use coercion and threats, intimidation, emotional abuse, isolation, minimizing, denying, and blaming,
\end{thebibliography}
Johnson’s theory is that intimate partner violence is not a unitary phenomenon, but manifests itself in several ways depending on the amount of coercive control exhibited by the abusive partner. It is as much about the level of control as it is about the violence, and each type of intimate partner violence is distinguished by different patterns of behavior and different levels of violence. Coercive control is not necessarily gender based. While Johnson was one of the first to recognize the differences in types of domestic violence, the theory that not all domestic violence is the same, and therefore should not be treated the same, has gained considerable acceptance.

II. INTIMATE PARTNER VIOLENCE

“Intimate Partner Violence” is an umbrella term that encompasses all the types of domestic violence recognized by Johnson. When violence plays a role in an intimate relationship, he claims, the relationship can be categorized by the amount of control exerted by one of the partners. By quantifying the extent of the control one partner manifests against the other, all domestic violence can be classified as one of four types:

- Intimate terrorism
- Violent resistance
- Situational couple violence
- Mutual violent resistance

In his syllabus for a Domestic Violence Seminar at Penn State, Johnson says that these “four major forms of domestic violence . . . have different causes, different developmental trajectories, and different effects [which] require different types of intervention.” He goes on to say that researchers must identify and

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16 Johnson, Typology of Domestic Violence, supra note 1, at 5–6.
17 Id.
18 Stark, supra note 15, at 91.
21 Johnson, Typology of Domestic Violence, supra note 1, at 6 fig.1.
22 Id.
separate these distinct types of abuse in the body of the current scientific understanding to be able to make an accurate assessment of domestic violence.24

A. Intimate Terrorism

Intimate terrorism is violence deployed to gain general control over one’s partner, and is different than violence that is not motivated by control.25 It is the type of intimate partner violence that is generally called “domestic violence.”26 As shown by the Power and Control Wheel diagram, the control tactics used by abusers include isolation, emotional abuse, using children as pawns, threats, and intimidation.27 The more such tactics are employed with regularity, the greater the control exerted, and the greater the likelihood of physical or sexual violence.28 The physical violence is not merely another way of exerting control, but becomes even more powerful than any individual tactic—it is a signal that the abusive partner will do anything to maintain control.29 This results in a typical scenario where the powerful male partner controls and abuses the female partner, and the cycle of violence repeats and escalates.

B. Violent Resistance

Violent resistance occurs when an abused partner has had enough and physically strikes back.30 Because of the typical size difference between men (generally the controller) and women, although women react in different ways, they often believe that killing the abusive partner is the only way to escape the abuse.31 The critical defining pattern of violent resistance is that the woman acts out violently, but there is no control exerted by her, and her abusive partner is both controlling and physically violent.32 Fortunately, this idea is recognized in many courts through the concept of battered woman syndrome,33 there is a legal movement to elevate the crime of domestic violence from a misdemeanor to a

24 JOHNSON, TYPOLOGY OF DOMESTIC VIOLENCE, supra note 1, at 12–24 (discussing how to research partner violence by asking the right questions—and what to do if the researcher fails to ask the right questions).
25 Id. at 6; see also Kelly & Johnson, supra note 3, at 478–79.
26 D’Ambrosio, supra note 19, at 656.
27 See supra note 15.
28 Rachmilovitz, supra note 9, at 503–04.
29 JOHNSON, TYPOLOGY OF DOMESTIC VIOLENCE, supra note 1, at 9.
30 Id. at 10–11.
32 JOHNSON, TYPOLOGY OF DOMESTIC VIOLENCE, supra note 1, at 10.
33 See, e.g., Francis v. Miller, 557 F.3d 894, 900 (8th Cir. 2009) (explaining expert testimony on “Battered Woman Syndrome” is admissible because it “may show that a defendant had a reasonable belief that deadly force was required to protect her from serious harm at the hands of the victim”).
human rights violation, and there is growing recognition of the extent and effect of extreme mental and physical abuse by a controlling partner on a victim.

C. Situational Couple Violence

Situational Couple violence occurs when the domestic violence is provoked by a current situation but does not involve an attempt by either party to control the relationship in general. It arises out of normal conflicts occurring within any intimate relationship—either from a singular incident of a minor conflict which escalates, or a chronic issue where partners regularly resort to mild or severe physical violence. It is potentially no less dangerous than intimate terrorism or violent resistance, but the element of control is absent from the equation. The critical difference between these acts of violence and intimate terrorism relate to motive, not to the nature of the act. If the tactics of control are missing, that is if neither partner is attempting to control the other but rather is lashing out physically in anger or frustration, then Johnson views it as situational couple violence, not intimate terrorism.

D. Mutual Violent Control

This type of domestic violence occurs when both parties employ coercive control tactics and attempt to control the relationship through physical violence. It is seen more often in same-sex relationships where it is more likely that the size and strength of the two individuals are equivalent, so the more-aggressive party can intimidate the other. Johnson believes that, in the past, research studies misinterpreted this type of violence by viewing it as either an act of intimate terrorism resulting in violent resistance from the abused partner, or situational couple violence.

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36 JOHNSON, TYPOLOGY OF DOMESTIC VIOLENCE, supra note 1, at 11–12.
37 Id.
38 Id.
39 Id.
40 Id.
41 Id. at 12.
42 Id.
43 Id.
III. RECONCILING THE RESEARCH

In *A Typology of Domestic Violence*, Johnson reviews and reconciles data from numerous studies, thereby establishing the authenticity of previous research, and then he uses this data to support his typology theories. He divides acts of domestic violence into two categories. First, the perpetrator may act over an extended period of time to exert control, and physical violence may be a means of furthering that control. Second, the perpetrator may perform acts of violence where the motive is not control and domination, but anger or frustration.

In the past, data collected for research came from two distinct sources. The first category included data that came from large scale random surveys whereby family violence researchers gathered information on male perpetrators and female victims by interviewing husbands, wives and other family members. These researchers focused on “wife abuse” studies and data obtained from agencies, shelters, emergency rooms, and the court system, which largely limited the research pool to women who suffered from coercive control at the hands of their partners. The remaining information came from feminist writers who relied on reports from abuse victims. The two approaches provided very different results, and these differences in data provoked a tremendous gender debate regarding whether men were also victims of domestic violence. Some of the studies analyzed by Johnson were based on surveys that represented the two groups, like the “Pittsburgh Data,” a random survey of 272 women who were perceived as “battered.” He broke out the data into different categories, depending on the source, and came up with statistics that matched his projections based on coercive control violence versus situational couple violence. This supported his belief that the information could be interpreted in a different light—in its totality—by recognizing that there are two qualitatively different forms of partner violence.

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44 Id. at 23.
45 Id.
46 Id.
48 Id.; see also Dr. Reena Sommer, Address at the Women’s Freedom Network Conference: Controversy within Family Violence Research (Oct. 14, 1995).
49 Archer, *supra* note 47, at 651.
50 Id.
53 Id.
control), parties would not be likely to respond to general surveys asking questions about violence in the household, because of fear of reprisal or fear of exposing themselves.\(^{55}\) Agency statistics, however, would only include those cases where the battered partner had required help of some sort, either police, medical, or shelter.\(^{56}\) The non-coercive acts of violence would rarely be reported.\(^{57}\) Hence, Johnson suggests that two totally different populations exist: one almost entirely consists of women in controlled relationships, and the other of non-gender skewed partner violence in the general population, exclusive of what we recognize as traditional domestic violence.\(^{58}\) There is new evidence however, that men as the “battered” partner comprise a much larger percentage of intimate partner violence than previously imagined.\(^{59}\)

### IV. When the Woman Is the Aggressor

Over thirty years ago, sociologist Suzanne Steinmetz said, “[t]he most unreported crime is not wife beating—it’s husband beating.”\(^{60}\) According to the Department of Justice’s report on its National Violence Against Women Survey, more than 835,000 men are victims of intimate partner violence each year, compared to 1.5 million women.\(^{61}\)

An analysis of the data shows that the more physical the abuse, the more gender specific it was likely to be.\(^{62}\) Men are four times more likely to be threatened with a knife than a gun, and more likely to be bit, kicked, hit with an object, or have something thrown at them.\(^{63}\) Conversely, men are more likely to push, grab and shove, pull hair, choke, beat-up their partners, or threaten them with a gun.\(^{64}\) Women, however, while only two or three times as likely to report the more “minor” physical abuses such as pushing grabbing or shoving, are seven to

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\(^{56}\) Johnson, Apples and Oranges, supra note 54, at 45–46.

\(^{57}\) Id.

\(^{58}\) Id.

\(^{59}\) Sommer, supra note 48.


\(^{63}\) Tjaden & Thoennes, supra note 61, at 28.

\(^{64}\) Id.
fourteen times more likely to report being beaten, choked, or threatened with a weapon.\textsuperscript{65}

As with abuse toward women, the different types of studies make it difficult to determine the extent of abuse toward men. Family conflict studies without exception find equal rates of assault by men and women,\textsuperscript{66} while crime studies, also without exception, show higher rates of assaults by men.\textsuperscript{67} This bears out the National Violence Against Women Survey because women are so much more likely to consider any physical act an assault.\textsuperscript{68} Men are more likely either not to want to admit that they have suffered any physical abuse at the hands of a woman, or to regard the event as nothing more than part of a domestic squabble.\textsuperscript{69}

Murray Straus, co-director of the Family Research Lab at the University of New Hampshire, emphasizes that although both men and women are involved in physical aggression, the injury rates are not the same because “[t]he likelihood of an injury to a woman requiring medical attention is much greater. Men cause more damage.”\textsuperscript{70} Richard Gelles, dean of the University of Pennsylvania School of Social Work says the lifetime risk of a woman being struck by a male intimate partner is about twenty-eight percent and that a man's lifetime risk of being struck by a woman is also about twenty-eight percent.\textsuperscript{71} This would indicate that the basic tendency for aggression is about the same between men and women, and that the statistics are skewed because the incidents of domestic violence counted tend to be those reported through the crime reports, incidents that result in physical injury and are therefore much more likely to be perpetrated by men.

\textbf{V. Conclusion}

Just because men do not present their injuries after being abused does not mean that the idea of the “battered man syndrome” is a myth, as some propose. Women are just as capable of spinning the Power and Control Wheel as men, thereby perpetuating the cycle of intimate partner violence. Johnson has changed the posture the debate over reconciled statistics to metaphoric situational violence, and then defused the situation which created the conflict. He validates both arguments, showing the accuracy and importance of each when viewed through the proper lens. Taken together, the interpretation of both sides provides a much more complete picture of domestic violence.

But in light of emerging data on dating and newlywed aggression, the debate may now shift to the woman’s role in all kinds of domestic violence. For example,

\textsuperscript{66} Archer, supra note 47, at 651–58.
\textsuperscript{67} Murray A. Strauss, \textit{Women’s Violence toward Men Is a Serious Social Problem}, in \textit{CURRENT CONTROVERSIES ON FAMILY VIOLENCE} 57 (2d ed. 2005).
\textsuperscript{68} Peterson, \textit{supra} note 65, at B2.
\textsuperscript{69} \textit{Id}.
\textsuperscript{70} \textit{Id}.
\textsuperscript{71} \textit{Id}.
at the University of Iowa, Erika Lawrence’s study on newlyweds shows that one half of engaged or married women are aggressive, as are one third of the men.\textsuperscript{72}

There is no question that women suffer many more significant injuries at the hands of men, but how many of those injuries occur as a defensive reaction to an abusive woman rather than from striking the first blow? A woman who is fed up with her partner’s behavior can strike out, throw something, bite, or brandish a knife. Her partner might defensively respond, causing injury, and a domestic violence report would be filed with the husband characterized as an abuser. Also, a man suffering abuse at the hands of his wife, if he even admitted to the abuse, might do nothing. Then, reaching his limit at some point, he might strike a blow in self-defense or frustration. Again, the result would be an injury, and a domestic violence report—with the husband characterized as the abuser.

According to Johnson, the different patterns of domestic violence that he has identified have “far reaching implications for court processes, treatment, educational programs for professionals, and for social and legal policy.”\textsuperscript{73} While the existing research is invaluable, and has aided in deconstructing domestic violence in general into specific typologies, a better understanding is required of the women’s role in initiating and perpetuating domestic abuse. Research needs to determine whether the concept of a female domestic abuser is a twenty-first century trend, or a dirty secret kept behind a locked front door.

\textsuperscript{72} Id.

\textsuperscript{73} Kelly & Johnson, \textit{supra} note 3, at 477.