

Domestic Violence as Domestic Torture

Feminists have long debated the merits of the term 'domestic violence', seeking to underline the political nature of male violence in the so-called 'private sphere'. Here, Claudia Hasanbegovic puts the case for using the term 'domestic torture', drawing parallels with those forms of violence which are publicly condemned, and highlighting the role of the state in condoning and colluding in acute forms of violence against women on a vast scale.

On hearing the term 'domestic violence' or 'family violence', women - even those who are experiencing such aggression in their intimate lives - experience confusing feelings. Reactions might range from considering the issue as something without any relevance to them, something that takes place in other lives, to minimising the phenomenon as a private matter. The academic world is not immune from these prejudices, transforming the ideology of privacy into an open devaluation of research in this area. By contrast, the word 'torture' motivates general disapproval - and respect for its victims. The difference in public response to these two social phenomena can be found in the division of spheres between private and public, domestic and political, the 'feminine' world and the male world; all of which regard traditional women's views and perceptions as inferior.

Nevertheless, since 1878 feminists have argued that domestic violence is domestic torture. My intention is to clarify these notions and to contribute to the redefinition of domestic violence as domestic torture, as well as to uncover the political nature of male violence against women in the private sphere. This is a political question with the state as an essential element in the dynamic: the cause, production and reproduction of domestic torture in society.

Understanding the political nature of male violence against women in the 'private' sphere brings about various implications for struggling towards the elimination of domestic violence. In terms of legal instruments and redress, international conventions against torture would be enforced to protect battered women, entitling those women who are enduring domestic torture to seek political asylum when their

national states do not protect them. Principles of 'state responsibility', making a state accountable to the international community for its failure to protect all its national citizens from torture, would apply to women suffering from male torture as well. Yet, perhaps one of the most relevant effects of using the term 'domestic torture' is its effect on describing a brutal reality of cruelty and extreme suffering that millions of women and children endure every day. Domestic torture, despite its obvious prevalence, appears to be naturalised by society and neglected by the state. Therefore, to define a brutal political reality through a term that denotes brutality and political responsibility might be a contribution to the process of consciousness-raising for survivors of domestic torture, and the community in general.

Why the term 'wife torture'?

Academics and feminists do not agree amongst themselves in the use of the term 'domestic torture'. In 1878 Frances Power Cobbe wrote an article under the title 'Wife Torture in England'. She argued that: 'I have called this paper "English Wife-Torture" because I wish to impress my readers with the fact that the familiar term "wife-beating" conveys as remote a notion of the extremity of the cruelty indicated as when candid and ingenuous vivisectors talk of "scratching a newt's tail" when they refer to burning alive, or dissecting out the nerves of living dogs, or torturing ninety cats in the series of experiments'. Frances Power Cobbe had a significant impact on public opinion, and the Matrimonial Causes Act of 1878, which enabled abused wives to obtain separation orders to keep their husbands away from them, was passed. Cobbe supported her argument with statistics of femicide and accounts of extreme brutality carried out by men in the home. Edward Peters, in his book *Torture*, refers to Cobbe's article, indicating that:

the title speaks for itself. The word torture was arresting and unambiguous. It was astutely chosen and created a perspective upon the problem that must have focused a greater deal of hitherto diffused attention upon the central aspect of the problem by linking it to a term which, by the later nineteenth century, was one of virtually universal opprobrium and therefore potentially effective in harnessing what had until then been a scattered opposition. Torture was acquiring its semantic expansion, as always, in an honourable and important cause.

The 'honourable and important cause' of eliminating male violence against women from the private sphere includes acknowledging that it involves acts of torture.

Torture involves the use of violence against an individual, with a political connotation given by the fact that the state carries out this torture either in an active way, through one of its agents or by somebody following its instructions, or in a passive form, by complicity. When a state fails to protect its citizens from torture, in the public as well as in the private domain, it legitimises torture. Peters minimises the gravity of what Power Cobbe denounced, and ignore Power Cobbe's accounts of statistics on femicide and wife torture. Power Cobbe classified domestic violence according to the different states of the cycle of marital violence saying that: 'But the unendurable mischief, the discovery of which has driven me to try to call public attention to the whole matter, is this - Wife-beating in process of time, and in numberless cases, advances to Wife-torture, and the Wife-torture usually ends in Wife-maiming, Wife-blinding, or Wife-murder'.

In the 1990s, feminist legal activism and research put forward the concept of domestic violence as domestic torture. Copelon, Finemann et al searched the international legal system for possible remedies to a phenomenon which they understood as torture. Their articles quote again and again the testimonies of survivors of domestic torture that illustrate the dimension of terror, isolation and brutality that women endure. Additionally, when looking at international conventions on human rights, Beasley et al found legal arguments under the concept of state responsibility to implicate the state in domestic torture through their inactivity and constant failure to protect women from male violence.

Theorising Torture

From a gender perspective on torture, the cases of women tortured throughout history, is well documented. Women's legal, economic, and social dependency has made them vulnerable and subordinated. Most ancient societies gave men the right to beat and kill their women. In some societies, Christian, Jewish and Muslim religions have tolerated wife-beating into the present day. During medieval times, the Holy Inquisition and the witch hunts specifically targeted those women who attempted to subvert their subordinate position in society or in the family. Currently, the brutal misogyny of religious fundamentalist regimes costs the lives of many women around the world.

With greater or lesser degrees of prevalence, and with different objectives, torture has been carried out in almost all countries of the world. For example, there are accounts by Amnesty International of torture in the early years of the century in democratic Argentina in order to support foreign companies' interests. Torture was also carried out by the Nazis during the Second World War for political and racist reasons. Nevertheless, after the Holocaust, and with the Universal Declaration of Human's Rights, the practice of torture by state agents became more clandestine, despite exceptions like the Iranian system. However, torture by husbands is ubiquitous and largely practised with impunity.

Wife battering understood as wife torture

Andrea Dworkin quotes the following testimony of a battered woman abused by her partner after he had used pornography:

He whipped her with belts and electrical cords. He made her pull her pants down to beat her. 'I was touched and grabbed where I did not want him to touch me'. She was also locked in dark closets and in the basement for long periods of time.

Similar testimony of a woman tortured by the Argentinean military is quoted by Nora Strejilevich:

the electrical prods on the teeth were horrible... a thing cord with small little balls... each little ball it was an electrical prod and when it worked out I felt as if once thousand glasses were broken... they displaced along the body hurting it... I could not scream, neither weep, nor move. I was shaking ... I want to see where I am, I put the bandage down from my eyes and it is the first time I open my eyes. I am sat here, this place is like a wardrobe.

A battered woman, quoted by Maria Cristina Vila, told her psychologist that:

She was eight months pregnant when one night, after she sent her two daughters to bed, she had finished the cooking and she had also finished washing the floor. During the dinner, her husband dropped the food on the floor and put her face in it. After that, he ordered her to stand next to his chair, he pointed a gun and ordered her to remain in this position till next day.

... he warned her that if she would move, he would kill her and the daughters. The woman remained standing till the next morning, when she came into the bathroom, she washed herself and brought the children to school.

Peters describes the different techniques of torture, designed and usually carried out by state agents. Additionally, he proposes a view of pain:

‘as a perceptual experience whose quality and intensity are influenced by the unique past history of the individual, by the meaning he gives to the pain-producing situation and by his 'state of mind' at the moment. It is suggested that all the factors named before played a role in determining the patterns of nerve impulses that ascend from the body to brain and travel within the brain itself. And, in this way pain becomes a function of the whole individual, including his present thoughts and fears as well as his hopes for the future’.

In this sense, pain as an outcome of political torture or family torture has consequences in the body and psyche of the woman. Judith Herman developed the term 'complex post traumatic stress syndrome' to make a diagnosis adequate for the psychological impact of torture in battered women - as well as in survivors of concentration camps and political prisoners. Renee Romkens and Maria Cristina Vila employ the term 'post traumatic stress syndrome' to identify the psychological outcome of male violence for women. The different approaches agree that all abused women have a common experience outside of the 'normal' experience of a human being. The distinction regarding wife abuse is the intimate bond with the perpetrator, the length and repetition of the abuse over time.

Political parallels

There is, however, a type of political violence named 'hostage-taking', which presents similarities with wife abuse, including the intimate bonds. In the hostage situation, intimate bonds result from staying for a long time in close proximity to the abductor. Usually, within marriage a woman has chosen the intimate bond with the man who batters her. While in the case of the hostage, the woman or man does not choose the relationship, nor do they choose the individual(s) who are perpetrating the abuse. In both circumstances violence, intimate relationship, captivity and isolation are present. Regarding hostages, the jailer alone effects the isolation of the

prisoner. Yet the isolation experienced by a battered woman is the result both of her partner's actions and threats and of the complicity of society and state. The legal and social concept of privacy grants husbands licence to isolate their women from any kind of assistance. Dee Graham et. al. analysed the 'Stockholm syndrome' to account for the paradoxical psychological responses of hostages to their captors. This analysis suggests that when a captor is also kind in some ways, despite threatening a person with death, hostages may develop a fondness for the captor and an antipathy toward authorities working for their release. Dee Graham et. al. take a step further and say that this model shows how the psychological characteristics observed in battered women resemble those of hostages. This model suggests that these psychological characteristics are the result of being in a life-threatening relationship rather than being the cause of an abusive relationship. Furthermore, in both cases extreme power imbalance between an abusive husband and battered wife, as between captor and hostage, can lead to strong emotional bonding. The authors summarised the conditions which give rise to the development of the Stockholm syndrome in

(1) a person who threatens to kill another is perceived as having the capability to do so; (2) the other cannot escape, so her or his life depends on the threatening person; (3) the threatened person is isolated from outsiders so that the only other perspective available to her or him is that of the threatening person; and (4) the threatening person is perceived as showing some degree of kindness to the one being threatened.

Despite these elements and similarities, there are several differences between the situation of hostage and the battered woman. One is the sex of captor and hostage, both of whom are usually men. In an abusive relationship, the woman is made into the man's hostage. The other difference is the victim-victimiser relationship. The situation of marriage or intimate relation is usually chosen by the woman as well as her partner, while in the situation of hostages, it is a relation imposed by a stranger. In addition to this, the ordeal of a battered woman might last for several years, while for the hostage it would usually be, at most, a question of months. Moreover hostages develop their attachment to their captors 'during' the captivity, while battered women usually become attached to their male partner before the violence begins. According to Finkelhor and Yllo, *'findings indicate that rape by one's*

husband is experienced as worse than rape by a stranger because the women came to doubt their judgement in choosing intimate partners, had to live with their rapists, and felt unable to talk with others about the rapes and to get outsider support'. Therefore, it seems possible to expect that women being held hostage will not experience the same self-doubt about their choice of intimate partners as battered women do.

Dee Graham et. al. also suggest that another difference is the 'outsider concern' for the life of the hostage and involvement in negotiating their release. In the case of the battered woman, she herself has to negotiate her life and safety with her abuser. Lack of outsider concern for battered women's fate is also related to the isolation from outsiders. In the situation of hostages, the isolation is physically and geographically clear: for outsiders, for captors and for the hostage. The hostage is held in the home, workplace, or elsewhere, by someone who is threatening to kill them and asking for something in exchange for their release. The captor makes the situation visible. He makes clear the abuse and threats to the hostage's life. On the other hand, in the case of a battered woman, the goal of her social and familial isolation is not openly stated. The battered woman is being abused, and she herself most of the time reinforces her own isolation to avoid her husband's punishment, for instance, when her partner claims to not like her relatives or friends visiting her, or objects to her working outside the home. He does not need to state his wishes explicitly, but he will punish his partner if she does not deduce them and comply with them. He does not openly declare his goal of subjugating his wife. Generally, the abusive man is violent in private, without the presence of outsiders, thus keeping a social image of kindness and benevolence.

The battered woman is held hostage in her own house. This is a place socially, familiar, religiously, and politically understood as a 'safe place', a private place where nobody has the right to intervene. The articulation of the principle of privacy, and the discriminatory application of the law by the state - which neglects and/or denies effective protection for its female citizens - are important contributory factors in making the battered woman's captivity possible. In addition, some material aspects of the economic and social dependency of women on men - lack of shelters and subsidies, and so on - also help to keep a battered woman prisoner.

Public vs. private violence

In spite of these differences, there is overwhelming evidence of similarities between the abuse perpetrated on battered women and political torture techniques. According to Judith Herman, violation by a state or soldier is not necessarily more devastating than violation by an intimate. In fact, the violence carried out by a partner is potentially psychologically more devastating than the violence endured by a woman from a stranger. Some Argentinean survivors of political torture and violence in the home, expressed sentiments such as these:

I was tortured by the Military, and then my husband also battered me. I can assure you that my husband's hits were more awful than the 'picana' [electric prods] of the Military. I chose my husband and I loved him. The military were just sons of a bitch, my enemies, but my husband wasn't. That was more humiliating for me than the 'picana'.

In this testimony, the trust and confidence built up in an intimate relationship was betrayed by the husband, while the state oppressor was a stranger without emotional bonds to the woman. It is precisely the breach of trust by the abusive husband that leads to immense psychological pain for women, and makes both torture and battering similar whatever the level of violence endured and whatever techniques employed by the torturer or abusive partner.

Another testimony of a former Argentinean guerrilla who was tortured in the 70s by Argentinean, as well as Peruvian, military said:

Rape was the worst torture for me. The electric prods were not so devastating as the rape. However, when I remember that, I feel angry with the Peruvian military who gang-raped me during two weeks, not with the Argentinean ones...[because] as a guerrilla soldier I knew that if the enemy captured me, they would try to eliminate me. But I wasn't the enemy of the Peruvian military. I didn't even know anything about their politics, but I helped their indigenous people with my work in the community.

In this testimony, being gang-raped for being a woman, rather than for being a political enemy caused this courageous woman greater outrage.

Edward Peters provided some descriptions of the methods of torture in the late twentieth century; these include the most common types of abuse found in situations of domestic violence. Edward Peters classifies methods of torture as: 'somatic torture, psychological torture and pharmacological torture'. Amongst these methods of torture, it is possible to identify those experienced by the women whose testimonies were quoted above:

“... the somatic torture includes beating: punching, kicking, striking with truncheons, rifle butts, jumping on the stomach... Electricity: probing with pointed electrodes (picana eléctrica); cattle prods (shock batons) amongst others. Prolonged assumption of forced and stressful positions of body. Prolonged standing. Traction alopecia: the pulling out of hair. Rape and sexual assaults. Forced consumption of spoiled or deliberately heavily spiced food... [the psychological torture includes] witnessing the torture sessions of others: relatives, children. Threats made to witness the torture of others. Sham executions. Sleep deprivation. Solitary confinement and threats....”

The techniques and effects of torture in the private and in the public sphere are not the only commonalities of these types of violence. The persistence of torture over years and across nations, despite the international conventions that forbid it, is similar to the phenomenon of wife torture.

It is recognised that male violence against women in the home is a manifestation of the imbalance of power between men and women in this sphere and in society as a whole. The use of violence or the threat of physical violence by the man tends to control the woman's will, body, mobility, sexuality and property. According to Ronald Crelinsten and Alex Schmid, torture aims to paralyse the enemy politically and therefore control their will. Darius Rejali proposes comparing torture with what goes on in homes, hospitals, schools or factories, in order to gain a better understanding of state punishment.

Defining torture

According to international legal instruments, torture involves violence done or condoned by public authority. The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatments or Punishments, in Article 1, establishes that:

For the purposes of this Convention, the term 'torture' means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

Several authors remark on the similarities between gender violence in the public realm - specifically war and state terrorism - and gender violence in the home. Yet, in the cases of war or state terrorism, the state is directly involved in the production and reproduction of violence, and furthermore, it legitimises military violence. However, in the case of domestic violence, many states deny its existence or minimise its consequences for women. Those states seem impervious to requests for assistance made by battered women. Some states, when enacting laws to protect women against male violence in the home, fulfilling international obligations, do not prescribe any sanction or punishment of the perpetrator. It seems ridiculous that the only institution with the power to punish and sanction the behaviour of citizens does not apply use this power when it is comes to punishing abusive men and protecting their female partners.

Most nations have men in great proportions occupying positions in state institutions such as the judiciary and the police. In many nations of the world, states fail to punish abusive male partners. This attitude seems to be a kind of patriarchal conspiracy, where the male political hegemony protects male citizens and sanctions their abuses. How is it otherwise possible to explain states' behaviour in the light of the international conventions they have signed and ratified? States have the obligation, national and international, to protect their female citizens from male violence in the private and in the public sphere, and the duty to punish the criminals. However, the prevalence of violence against women reveals the political character of male violence against women. It is this political dimension which causes us to

consider the state as an essential factor in the production and reproduction of male violence against women in the family, and in society in general.

In legal terms, the constant failure of the state to protect women from male violence in the home constitutes 'state responsibility'. Even though the concept was initially developed for cases of human rights abuses in the political arena such as torture during state terrorism, feminists and advocates for battered women initiated legal actions against state institutions which failed to protect women from male violence in the home on the grounds of 'state responsibility'.

A political definition for a political problem

The approach taken in this article is informed by my professional legal background. The inclusion of the state, the idea of responsibility, the need for state intervention in protecting female citizens' rights to live free from violence, together with the obligation to punish marital violence - amongst other kinds of male violence against women in society - are components of a legal attempt to understand the causes of, and solutions to, wife torture. This perspective assumes that the phenomenon of wife torture is a political issue, which requires a political consideration and solution.

As it is posed, the state is actively or passively a factor in the production and reproduction of wife abuse. Furthermore, the political obligation of states to stop male violence against women in their societies derives from the international law and human rights conventions related to women's issues, and torture. In addition, cross-cultural studies have shown that wife abuse is avoidable. Aspects of communal intervention, education, judgement, and de-legitimation of cultural beliefs that devalue women's lives in societies, are elements which have to be addressed when planning public and social policies on wife battering. Despite this, and probably most important of all, is the political will to improve women's lives.

Therefore a new definition of wife abuse is proposed here. This concept is designed to clarify the political and public nature of the phenomenon, to help victims and outsiders to identify brutality and responsibilities, and to validate survivors' experiences. In other words, this is a definition that points out states' obligation to be held accountable for their failure to protect women's rights, that reflects the nature of women as survivors and that highlights the psychological dimensions of wife-torture in their lives:

Wife-torture is male violence against women carried out in the private sphere, through physical, psychological, sexual or economic violence, pursuing control over a woman's behaviour and will, forcing the woman to do what she does not want to do, or forbidding her to do what she wants to do. This kind of torture implies the progressive detriment to women's physical and emotional forces, impoverishment, damage to her self-esteem, and human dignity, and its prolongation through time points out the state's complicity with the criminal.

Wife-torture is a crime, which violates the human rights of women granted through international conventions and local laws, and its prevalence in society is a political issue to be tackled by the state. The state's failure to guarantee its female citizens their human rights makes the state accountable before the international community.