

Defining Domestic Violence, Violence Against Women, and Battering

When we discuss domestic violence, we often use a variety of terms to describe or qualify acts of violence as if we all agree on the differences these terms denote. “Battering,” “assault,” “primary aggressor,” “self-defense,” and “retaliation” are some of these terms. This piece describes the way we use these terms in our trainings. We don’t intend this to be a publishable document, nor is it meant for citation. It is merely a guide as we discuss these issues. We encourage participants to discuss these definitions throughout the training, adding to our brief explanations or suggesting new language and categories.

Assault

Assault is defined by legislative bodies in the criminal codes of each state. Most states make distinctions among levels of assaults; generally, an assault is an act which intentionally inflicts bodily harm through the use of force or which puts someone in fear of imminent bodily harm. In some states this is called battery.

Battering

Battering is a sociological term coined by the grassroots battered women’s movement to describe a pattern of physical abuse, intimidation, coercion, and other forms of abuse committed by a person (the batterer) to establish or maintain control of his or her partner.

Self-defense

The term self-defense can be used both in a legal sense and, informally, as a description of one’s motivation for using violence.

The law recognizes the right of individuals to defend themselves when facing “imminent” bodily harm, meaning the danger is now, not some possible time in the future. Most states have language which allows a person to use reasonable, justifiable, or appropriate force to protect oneself or a third party. Some states allow “reasonable” force to protect property.

Two criteria are used to determine reasonable force: the action must be reasonable for one to defend oneself considering (1) differences in strength and (2) the nature of the attack. For example, it would not be reasonable to shoot someone to avoid being punched, even though there might not be any other way to stop the offender.

Reactive violence/extra-legal violence

Violence may also be used in self-defense in ways which do not meet the legal requirements of self-defense. Legal advocates are attempting to broaden the legal use of self-defense to include the actions of people who are subjected to ongoing physical and/or sexual abuse and who then use violence in an attempt to control their abuser’s violence. Many battered women use the forms of violence discussed in the following section.

Predominant/primary aggressor

Because many victims of battering use extra-legal or illegal violence to “defend” themselves, many assessment procedures, department policies, and state laws require a practitioner to determine who is the predominant or primary aggressor. The way this is determined depends on the intervention. For police, the task is to determine who is the predominant aggressor in a given incident of violence. For a child custody evaluator, the task might be to determine who is the overall predominant aggressor in the relationship.

In determining the predominant aggressor in an incident, law enforcement officers are typically instructed to consider

- the difference in strength of the two parties
- the history of violence between the parties and in prior relationships of the parties
- the severity of harm/violence in this incident
- the difference in power maintained by the parties during the incident.

In determining the predominant aggressor in a relationship, practitioners must conduct a thorough assessment which attempts to uncover the full pattern of physical, sexual, and emotional harm being done. Who is doing what to whom and with what impact?

Mutual abuse/battering

In some relationships both partners use violence to intimidate, control, and dominate the other. This is rarely done with equal effectiveness or equal harm, but in some cases even if the primary aggressor stopped his/her use of violence, the other partner would likely continue to be violent. These cases are quite rare, but they do exist.

Understanding the Context of Domestic Violence

In order to intervene effectively in domestic violence cases, it is important to understand both the complex issues of violence within intimate relationships and how such the violence is being used in a given situation. The key elements to consider include the context in which an act of domestic violence occurred, the particulars of the incident, and how much violence, coercion, or intimidation preceded the event.

A domestic assault is often part of a much larger system of controlling, coercive, intimidating, and violent behaviors used by a batterer to control the victim. The violence causes—or likely will cause—a significant gap in power and autonomy between the batterer and the victim, and it severely compromises the victim’s autonomy.

The Power and Control Wheel describes “battering” of women by men. *Not all behaviors on the Power and Control Wheel are illegal acts or assaults.* This wheel was created by women who attended support groups in Duluth, Minnesota. They were asked to describe behaviors, in addition to violence, that gave their violent partners power over them. Eventually the group started calling these behaviors “tactics.” Other tactics were listed, but almost all women experienced the ones on the wheel.

Battering behavior is often denied or minimized and the likelihood that it will continue and become more serious is quite high. *When a battered woman attempts to leave a battering relationship, the violence, intimidation, and coercion often escalate.* There is no evidence indicating whether or not this is also true in cases where men are battered.

Domestic Violence Which Is Not Battering

The majority of domestic assault cases involve violence used within the context of battering but some acts of domestic assault occur within a different context.

Single assault

A person may use violence only once, due to unusual, highly stressful circumstances. The incident is not part of a larger pattern of coercion, intimidation, and violence, and neither party in the relationship

overly controls the other. The person who committed the assault freely admits the behavior. Such acts are illegal assaults, but those who commit them do not require a batterers' rehabilitation group.

(Note: Most batterers and many battered women will state that a given assault is a one-time event. For some couples, there will be actual first-time cases involving the use of force. Usually, though, in these cases there will be accompanying signs that the man is beginning, or is already entrenched in, a pattern of controlling behaviors.)

Repeat assaults with no coercion, intimidation, or pattern of controlling behaviors

A person may use force or violence on more than one occasion, generally to change a situation, (e.g., stop a partner from excessive drinking or gambling, or get them to care for the children). The person using the violence is trying to control a situation rather than to establish overall control over the other person. In some of these cases women who have been battered in previous relationships use violence to try to establish that they will not tolerate controlling behaviors or violence by their current partner. *The key factor is that there is no attempt by the person using the violence to also use coercion or intimidation to keep the victim in a state of fear (behaviors which constitute battering).* The assaults in these cases tend to be less severe and the violence usually ends if the relationship ends. Such acts are still illegal assaults.

Assault due to impairment

A person may use violence as a result of an impairment caused by mental illness, alcohol/drug dependency, medication, or other factors. Such acts are often illegal assaults unless the person lacks intent to do harm.

What Is NOT Domestic Violence?

Carrying on loud arguments, pounding the table, making occasional public insults, threatening to leave and take the children, or having extramarital affairs do not in themselves constitute domestic violence. Such behavior can be found in many relationships and is often emotionally abusive. Domestic violence involves the use of intimidation, coercion, threats, and physical force.

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