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Teach Your Children Well: Preventing Domestic Violence

Jane K. Stoever*

INTRODUCTION

I grew up in a family focused on peace and justice. When my parents met, my mother was working for United Farm Workers and my father was a conscientious objector teaching a class on peace at a local school. They fell in love on the picket line and remain faithful to the movement today as they continue their community organizing, activism, and peace work. My mother has worried about whether they made the right parenting decisions: Was spending weekends at homeless shelters, participating in monthly vigils and protests at nuclear missile silos, and witnessing our parents being arrested for various trespass actions too “heavy” or “frightening” for us as children? I have reassured her that I am so grateful. They taught me to work for world peace and peace within the home.

I have found my own way of doing anti-violence work. My career has focused on domestic violence¹ prevention and intervention and gender

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¹ Domestic violence includes physical, sexual, psychological, emotional, and economic abuse; threats of violence; or other acts to exert power and control over an individual, such as using the survivor’s immigration or health status as a mechanism of control. In comparison to this advocacy definition, criminal and civil justice systems typically use more narrow incident-based definitions that focus on criminal acts such as assault, threats to do bodily harm, and false imprisonment. See Jane K. Stoever, *Stories Absent from the*

equality, and I have taught domestic violence law clinics for over a decade. I have intentionally chosen to engage in client-centered representation to help abuse survivors achieve freedom from violence in the ways they determine best meet their needs. The University of California–Irvine School of Law’s Domestic Violence Clinic, which I direct, provides legal representation that most frequently focuses on family law, immigration, housing, public benefits, and criminal issues.² I view safety in one’s home, relationships, and person as a basic human rights issue. I am reminded daily of how much work there is to do to end domestic violence, and I have determined that to prevent domestic violence, we must better understand its causes and tackle the structural and societal forces that allow abuse to persist and undermine individuals’ safety and equality.

Having shared how I approach the topic of peacemaking, I will now focus on the problem of domestic violence. I will first identify the continued prevalence of intimate partner violence and will then discuss the history of the state’s response to abuse and the efficacy of current justice system responses. In hopes of one day actualizing the legislative intent of domestic violence laws to prevent family violence, I will next examine current

Courtroom: Responding to Domestic Violence in the Context of HIV and AIDS, 87 N.C. L. REV. 1157, 1212–13 (2009); see generally Margaret E. Johnson, *Redefining Harm, Reimagining Remedies and Reclaiming Domestic Violence Law*, 42 U.C. DAVIS L. REV. 1107 (2009). Intimate partner violence occurs between heterosexual, homosexual, and other self-identifying couples, and I use gender-neutral pronouns throughout my remarks because domestic violence occurs in same-sex relationships at the same rate as in opposite-sex relationships. See Joanna Bunker Rohrbaugh, *Domestic Violence in Same-Gender Relationships*, 44 FAM. CT. REV. 287, 287 (2006). Women are, however, much more likely than men to be victimized by an intimate partner. BUREAU OF JUSTICE STATISTICS, U.S. DEP’T OF JUSTICE, FAMILY VIOLENCE STATISTICS 1 (2005) (finding that 84 percent of domestic violence victims are female).

² Jane K. Stoeber, *Transforming Domestic Violence Representation*, 101 KY. L.J. 483, 488–89 (2013). In addition to representing clients in multiple civil contexts, we increasingly advocate for survivors in the criminal justice system, whether they are victim-defendants or complaining witnesses. In California, for example, a domestic violence victim has the right to refuse to testify. Cal. Civ. Proc. Code § 1219 (West 2013).

research explaining the causes of domestic violence and the societal forces that permit and perpetuate abuse. I will conclude by identifying changes that must occur to achieve nonviolence and by positing the next direction for the anti-domestic violence movement, with an emphasis on preventative education for youth.

I. THE PREVALENCE AND CONSEQUENCES OF DOMESTIC VIOLENCE

Intimate partner violence has been deemed a “global public health problem of epidemic proportions” by the World Health Organization.³ Domestic abuse is the leading cause of injury to women, occurring more frequently than the combined number of car accidents, muggings, and stranger rapes.⁴ Nationally and globally, one in three women experience physical or sexual violence by an intimate partner,⁵ which results in devastating physical, psychological, and developmental consequences, the majority of which go untreated.⁶ The health and employment-related costs of domestic violence total many billions of dollars per year.⁷ Perpetrators, who most commonly either experienced or witnessed family violence themselves,⁸ also experience a decrease in quality of life that often includes escalating interactions with the criminal justice system.⁹

³ WORLD HEALTH ORGANIZATION [*hereinafter* WHO], GLOBAL AND REGIONAL ESTIMATES OF VIOLENCE AGAINST WOMEN: PREVALENCE AND HEALTH EFFECTS OF INTIMATE PARTNER VIOLENCE AND NON-PARTNER SEXUAL VIOLENCE 3 (2013), available at http://apps.who.int/iris/bitstream/10665/85239/1/9789241564625_eng.pdf?ua=1.

⁴ David M. Zlotnick, *Empowering the Battered Woman: The Use of Criminal Contempt Sanctions to Enforce Civil Protection Orders*, 56 OHIO ST. L.J. 1153, 1158 (1995).

⁵ See WHO, *supra* note 3, at 1; K.M. Devries et al., *The Global Prevalence of Intimate Partner Violence Against Women*, 340 SCI. 1527, 1527–28 (2013).

⁶ See WHO, *supra* note 3, at 25–26.

⁷ CTRS. FOR DISEASE CONTROL & PREVENTION, COSTS OF INTIMATE PARTNER VIOLENCE AGAINST WOMEN IN THE UNITED STATES 32 (2003).

⁸ See WHO & LONDON SCH. OF HYGIENE & TROPICAL MED., PREVENTING INTIMATE PARTNER AND SEXUAL VIOLENCE AGAINST WOMEN: TAKING ACTION AND GENERATING EVIDENCE 22 (2010), available at <http://whqlibdoc.who.int/publications/>

Only in recent years have we realized the early age at which intimate partner abuse begins, with current research revealing that many girls as young as 11 years old experience teen dating violence.¹⁰ We now know that one in three high school girls experience dating violence,¹¹ with consequences including higher rates of suicidality, substance abuse, sexually transmitted diseases, teen pregnancy, and future experiences of domestic violence, along with negative educational effects.¹²

The problem can seem intractable and the numbers overwhelming, but I hold fast to the conviction that safety in one's home and relationships should be attainable, and not a naïve dream.

II. THE STATE'S RESPONSE TO DOMESTIC VIOLENCE

Before considering future interventions, I want to historically situate the exploration of potential remedies to domestic violence by first identifying our past and present-day responses to domestic violence. Traditionally, husbands had a right of chastisement or corporal punishment.¹³ As long as a husband did not kill or maim his wife, he avoided prosecution for domestic

2010/9789241564007_eng.pdf (finding that exposure to child maltreatment or family violence increases the risk of being either a perpetrator or victim of domestic violence).

⁹ See Donna Coker, *Crime Control and Feminist Law Reform in Domestic Violence Law: A Critical Review*, 4 BUFF. CRIM. L. REV. 801, 854–57 (2001); see also Mimi E. Kim, *Challenging the Pursuit of Criminalization in an Era of Mass Incarceration: The Limitations of Social Work Responses to Domestic Violence in the USA*, 43 BRIT. J. SOC. WORK 1276, 1280–84 (2013) (noting the dominance of criminalization in the anti-domestic violence movement and its negative consequences for perpetrators and victims, particularly those belonging to historically marginalized communities).

¹⁰ MICHELE C. BLACK ET AL., CTRS. FOR DISEASE CONTROL & PREVENTION, NATIONAL INTIMATE PARTNER AND SEXUAL VIOLENCE SURVEY: 2010 SUMMARY REPORT 49 (2011), available at http://www.cdc.gov/violenceprevention/pdf/nisvs_report2010-a.pdf.

¹¹ ANTOINETTE DAVIS, INTERPERSONAL AND PHYSICAL DATING VIOLENCE AMONG TEENS 1 (2008), available at http://nccdglobal.org/sites/default/files/publication_pdf/focus-dating-violence.pdf.

¹² Ctrs. for Disease Control & Prevention, *Physical Dating Violence Among High School Students—United States, 2003*, 55 MMWR WEEKLY 532–35 (2006), available at <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5519a3.htm>.

¹³ Reva Siegel, “*The Rule of Love*”: *Wife Beating as Prerogative and Privacy*, 105 YALE L.J. 2117, 2118 (1996).

abuse.¹⁴ State laws formally changed as the battered women's and feminist movements of the 1970s raised social consciousness about domestic violence, but gender inequality and lack of actual protection persisted. Examples of such "preservation through transformation"¹⁵ included spousal immunity for torts, the marital exception to rape, and policies that preserved family privacy and unity at the expense of protecting or supporting abused individuals.¹⁶ By the 1990s, multiple criminal and civil justice system responses had developed,¹⁷ and this section explores the current social science data measuring the efficacy of the most prevalent criminal and civil responses to domestic violence.

A. Criminal Responses

During the 1990s, to remedy the criminal justice system's historic failure to respond to domestic violence, states enacted "mandatory arrest" laws and prosecutors' offices adopted "no drop" or "mandatory prosecution" policies.¹⁸ While there are some conflicting outcomes, studies have generally shown that arrest and prosecution do not deter or significantly

¹⁴ Jane K. Stoever, *Enjoining Abuse: The Case for Indefinite Domestic Violence Protective Orders*, 67 VAND. L. REV. 1015, 1022 (2014).

¹⁵ Siegel, *supra* note 13, at 2119 (describing how gender equality continues to be legally reinforced even as laws facially change to be gender neutral).

¹⁶ Stoever, *supra* note 14, at 1038.

¹⁷ See generally DEBORAH EPSTEIN & LISA GOODMAN, LISTENING TO BATTERED WOMEN (Am. Psycholog. Ass'n 1st ed., 2008).

¹⁸ M.G. MAXFIELD & E. BABBIE, RESEARCH METHODS FOR CRIMINAL JUSTICE AND CRIMINOLOGY 368 (2010) (identifying that during the 1990s, domestic violence mandatory arrest policies were adopted for over 80 percent of law enforcement agencies); Jo Dixon, *Mandatory Domestic Violence Arrest and Prosecution Policies: Recidivism and Social Governance*, 7 CRIMINOLOGY & PUB. POL'Y 663, 665 (2009) (indicating that most jurisdictions have adopted some form of mandatory prosecution); see generally Kimberly D. Bailey, *Lost in Translation: Domestic Violence, "The Personal Is Political," and the Criminal Justice System*, 100 J. CRIM. L. & CRIMINOLOGY 1255 (2010).

reduce further incidents of domestic violence.¹⁹ Results are equivocal, and some studies suggest that outcomes depend on batterer characteristics,²⁰ which is an important area for further research in the quest to eradicate domestic violence.

Multiple direct and collateral consequences of criminal convictions also make criminal responses unappealing to many abuse survivors. Families with criminal justice involvement may experience consequent negative effects on employment, education, public benefits, housing, immigration, custody, voting, and other areas.²¹ The limited efficacy of criminal justice responses can also be attributed to: (1) the very brief jail sentences for domestic violence offenses,²² (2) batterers being provoked and angered by the criminal case and desiring to reassert their dominance upon release,²³ (3)

¹⁹ Ahmet Çelik, *An Analysis of Mandatory Arrest Policy on Domestic Violence*, 10 INT'L. J. HUMAN SCIS. 1503, 1516 (2013); see also Richard A. Berk et al., *A Bayesian Analysis of the Colorado Springs Spouse Abuse Experiment*, 83 J. CRIM. L. & CRIMINOLOGY 170, 198 (1992) (finding that arrest sometimes made abuse worse); David Hirschel et al., *The Failure of Arrest to Deter Spouse Abuse*, 29 J. RESEARCH IN CRIME & DELINQ. 7, 29 (1992) (finding that official reports and victim reports showed that arrest was not a deterrent).

²⁰ Laura Dugan, *Domestic Violence Legislation: Exploring Its Impact on the Likelihood of Domestic Violence, Police Involvement, and Arrest*, 2 CRIMINOLOGY & PUB. POL'Y 283, 283–312 (2003) (finding that arrest deterred married and employed suspects, but that those who were unmarried or unemployed become more violent after the first arrest).

²¹ See generally INVISIBLE PUNISHMENT: THE COLLATERAL CONSEQUENCES OF MASS IMPRISONMENT (Marc Mauer & Meda Chesney-Lind eds., 2002); Michael Pinard, *An Integrated Perspective on the Collateral Consequences of Criminal Convictions and Reentry Issues Faced by Formerly Incarcerated Individuals*, 86 B.U. L. REV. 623, 623–33 (2006) (describing increased attention to the indirect consequences of federal and state convictions); see, e.g., 8 U.S.C. § 1227(a)(2)(E)(i)–(ii) (2006) (classes of “deportable aliens” include individuals convicted of domestic violence, stalking, or violating a protection order).

²² See Jane K. Stoeber, *Freedom from Violence: Using the Stages of Change Model to Realize the Promise of Civil Protection Orders*, 72 OHIO ST. L.J. 303, 377 (2011); Karla Fischer & Mary Rose, *When “Enough Is Enough”: Battered Women’s Decision Making Around Court Orders of Protection*, 41 CRIME & DELINQ. 414, 419 (1995).

²³ Margaret E. Bell et al., *Criminal Case Outcomes, Incarceration, and Subsequent Intimate Partner Violence*, 28 J. FAM. VIOLENCE 489, 490 (2013) (finding no difference in re-abuse between cases in which the batterer had or had not been incarcerated).

the lack of tailored remedies in criminal restraining orders,²⁴ and (4) the increased incidence of dual arrests and prosecutions.²⁵ Many survivors, thus, do not desire criminal responses for the person who has abused them.

Criminal justice responses have proven to be much more complicated and thorny than advocates originally anticipated. Moreover, the harms of criminal responses disproportionately affect communities of color.²⁶ Heavy reliance on criminalization renders young people more vulnerable to arrest and incarceration, which produces racially disparate impacts and perpetuates structural violence. As our society comes to recognize the young age at which relationship violence begins, the answer should not be greater criminal justice involvement for our youth, which is the direction the law is headed.

B. Civil Responses

Regarding civil justice system responses, by 1992, each state enacted a domestic violence civil protection order statute.²⁷ The civil protection order remedy has perhaps been the most promising legal innovation to date. Protection orders have the potential to be highly survivor-centered because the survivor initiates the action, determines what to plead in the petition, is able to request relief tailored to his or her particular situation, and has more agency over the duration and enforcement of the order.²⁸ In comparison,

²⁴ Stoever, *supra* note 22, at 320–21.

²⁵ See Susan L. Miller, *The Paradox of Women Arrested for Domestic Violence*, 7 VIOLENCE AGAINST WOMEN 1339, 1343 (2001) (finding that mandatory arrest policies lead to an increase in dual arrest, even in jurisdictions that have policies recommending the arrest only of the primary aggressor).

²⁶ See generally Kimberle Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241 (1991); Kim, *supra* note 9, at 1280–84.

²⁷ Catherine F. Klein & Leslye E. Orloff, *Providing Legal Protection for Battered Women: An Analysis of State Statutes and Case Law*, 21 HOFSTRA L. REV. 801, 842–43 (1993).

²⁸ Stoever, *supra* note 22, at 307–08.

criminal restraining orders are often issued without the victim's knowledge and without customizing the relief to the parties' circumstances and needs.²⁹ Numerous studies show that civil protection orders are highly effective in reducing and even eliminating domestic violence.³⁰ Civil protection orders have also been found to empower survivors and to help them have greater agency.³¹ However, even with the reduction in violence that protection orders often produce, approximately 40 percent of orders are violated.³²

C. Batterer Intervention Programs

All states now offer some form of court-ordered treatment for domestic violence, which judges typically mandate through civil or criminal protection orders. Batterer intervention programs purport to “expos[e] the

²⁹ *Id.* at 337 n.162.

³⁰ See Matthew Carlson et al., *Protective Orders and Domestic Violence: Risk Factors for Re-Abuse*, 14 J. FAM. VIOLENCE 205, 205 (1999) (finding that violence survivors experience a “significant decline in the probability of abuse” following the entry of a protection order); Victoria Holt et al., *Do Protection Orders Affect the Likelihood of Future Partner Violence and Injury?*, 24 AM. J. PREVENTIVE MED. 16, 20 (2003) (concluding that protection orders “appear to be one of the few widely available interventions for victims of [domestic violence] that has demonstrated effectiveness”); Victoria Holt et al., *Civil Protection Orders and Risk of Subsequent Police-Reported Violence*, 288 J. AM. MED. ASS'N. 589, 589–94 (2002) (concluding that having a permanent protection order was associated with a significantly decreased risk of new incidents of violence); Judith McFarlane et al., *Protection Orders and Intimate Partner Violence: An 18-Month Study of 150 Black, Hispanic, and White Women*, 94 AM. J. PUB. HEALTH 613, 613–18 (2004) (finding significant reductions in threats to do bodily harm, physical assaults, stalking, and worksite harassment among women who sought and qualified for protection orders).

³¹ See TK Logan et al., *Factors Associated with Separation and Ongoing Violence Among Women with Civil Protective Orders*, 23 J. FAM. VIOLENCE 377, 382 (2008) (In a study of 700 women who received protection orders, 78 percent reported that they felt safe as a result of the order and that the orders were effective.); Fischer & Rose, *supra* note 22, at 423–25 (finding that protection orders generally make survivors feel safer and more empowered).

³² Brian Spitzberg, *The Tactical Topography of Stalking Victimization and Management*, 3 TRAUMA, VIOLENCE & ABUSE 261, 261 (2002) (examining 32 existing studies to estimate an average rate of protection order violations).

behavior of concern, prompt[] responsibility for that behavior, develop[] alternative skills and avoidance, and restructur[e] underlying justifications, attitudes, and beliefs.”³³ This sounds entirely auspicious, but multiple studies show that regardless of the model of treatment used—whether it is the Duluth feminist model, a psycho-educational model, a cognitive-behavioral model, or a combination of these approaches—there is only minimal, if any, reduction in subsequent violence.³⁴ Programs range in length from six to 52 weeks and are available entirely online in some states, thereby eliminating the potential benefit of accountability.³⁵ Studies show that even programs spanning 52 weeks do not effectively change participants’ attitudes and beliefs about violence and gender.³⁶ In total,

³³ Edward W. Gondolf, *The Weak Evidence for Batterer Program Alternatives*, 16 *AGGRESSION & VIOLENT BEHAV.* 347, 347 (2011).

³⁴ Linda G. Mills et al., *The Next Generation of Court-Mandated Domestic Violence Treatment: A Comparison Study of Batterer Intervention and Restorative Justice Programs*, 9 *J. EXPERIMENTAL CRIMINOLOGY* 65, 68 (2012); see also Esther Arias et al., *Batterer Intervention Programmes: A Meta-Analytic Review of Effectiveness*, 22 *PSYCHOL. INTERVENTION* 153, 153–60 (2013); Christopher I. Eckhardt et al., *The Effectiveness of Intervention Programs for Perpetrators and Victims of Intimate Partner Violence*, 4 *PARTNER ABUSE* 196, 220 (2013); Gondolf, *supra* note 33, at 347.

³⁵ Bruce Dalton, *What’s Going on Out There? A Survey of Batterer Intervention Programs*, 15 *J. AGGRESSION, MALTREATMENT & TRAUMA* 59, 61 (2007).

³⁶ Shannon Johnson, *Male Domestic Violence Treatment Programs: Effect on Attitudes Towards Women and Intimate Relationships*, *Dissertation Abstracts International: Section B: The Sciences and Engineering* (Order No. AAI3234484) (2007); see also Lynette Feder & David B. Wilson, *A Meta-Analytic Review of Court-Mandated Batterer Intervention Programs: Can Courts Affect Abusers’ Behavior?*, 1 *J. EXPERIMENTAL CRIMINOLOGY* 239, 257 (2005) (“At this point, the existing evidence cannot ensure that these programs are, in fact, helpful and not harmful.”); Linda G. Mills et al., *Enhancing Safety and Rehabilitation in Intimate Violence Treatments: New Perspectives*, 121 *PUB. HEALTH REP.* 363, 365 (2006) (“No differences were found among all the treatment groups on attitudes toward violence against women or ways of dealing with conflict. These findings suggest that BIPs may simply repress the violence during the course of treatment.”); U.S. DEP’T. OF JUSTICE, NAT’L INSTITUTE OF JUSTICE, *DO BATTERER INTERVENTION PROGRAMS WORK? TWO STUDIES* 3 (2003); see also NAT’L INST. OF JUST., *BATTERER INTERVENTION: WHERE DO WE GO FROM HERE? WORKSHOP NOTES* (Jan. 17, 2002), available at <http://nij.gov/topics/crime/violence-against-women/work>

approximately half of individuals ordered into treatment classes fail to complete them³⁷ and rates of re-offense are similarly high.³⁸

My clients often place great hope in batterer intervention programs, believing the series of weekly classes will cure their partners, but I worry that their expectations are unrealistic based on the data. People can change; however, that change is achieved through extensive work and the development of empathy, remorse, and a host of other relationship skills,³⁹ rather than by going through the motions of a court-ordered program to satisfy a condition of probation. Despite the proliferation of batterer intervention programs over the last decade, domestic violence remains the crime with the highest rate of recidivism.⁴⁰

To summarize, the justice system can be an autonomy-stripping force in the lives of domestic violence survivors, and state action can produce unanticipated consequences for survivors, their partners, and their families. Our criminal and civil justice responses and treatment programs have proven to be imperfect tools that respond after the fact to past violence, and do not succeed in preventing violence in the first place.

III. FOCUS ON PREVENTION

The question of how to end domestic violence persists. By the time a survivor seeks police or court intervention, there has typically been

shops/pages/batterer-intervention.aspx (“In short programs, the batterer sometimes is merely ‘holding his breath’ until he completes the program.”); cf. Jill A. Gordon & Laura J. Moriarty, *The Effects of Domestic Violence Batterer Treatment on Domestic Violence Recidivism: The Chesterfield County Experience*, 30 CRIM. J. & BEHAV. 118 (2003) (finding a correlation between the length of the program and efficacy of treatment).

³⁷ NAT’L INST. OF JUST., U.S. DEP’T. OF JUST., PRACTICAL IMPLICATIONS OF CURRENT DOMESTIC VIOLENCE RESEARCH: FOR LAW ENFORCEMENT, PROSECUTORS AND JUDGES 67 (2009), available at <https://www.ncjrs.gov/pdffiles1/nij/225722.pdf>.

³⁸ *Id.* at 65.

³⁹ Dalton, *supra* note 35, at 61.

⁴⁰ Martha Coulter & Carla VandeWeerd, *Reducing Domestic Violence and Other Criminal Recidivism: Effectiveness of a Multilevel Batterers Intervention Program*, 24 VIOLENCE & VICTIMS 139, 140 (2009).

extensive and severe violence,⁴¹ and consequently a lengthy history of perpetrating and experiencing abuse and coercive control. It seems that our current justice systems are continuing their responses in the same vein, without acknowledging their limitations or targeting the underlying causes of domestic violence. To actualize legislators' intentions for domestic violence laws to prevent abuse, we must understand the root causes of domestic violence and confront the structural and societal forces that perpetuate abuse.⁴²

A. Understanding Domestic Violence

As the battered women's movement raised consciousness about domestic violence in the 1970s, researchers began theorizing about the causes of domestic violence.⁴³ Empirical research now explains that domestic violence is about power and control: abusive partners engage in violence and coercively controlling behaviors to gain and maintain power and control over an intimate partner.⁴⁴ Scholars have identified the role of

⁴¹ Charles L. Diviney et al., *Outcomes of Civil Protective Orders: Results from One State*, 24 J. INTERPERSONAL VIOLENCE, 1209, 1215 (2009) (noting that women who obtain protective orders usually do so only after "they have experienced repeated and severe violence").

⁴² See Walter S. DeKeseredy, *Feminist Contributions to Understanding Woman Abuse: Myths, Controversies, and Realities*, 16 AGGRESSION & VIOLENT BEHAV. 297, 298–99 (2011) (identifying the need to work toward "eliminating structured social inequality" and its injurious symptoms and effects).

⁴³ Jeffrey Baker, *The Failure and Promise of Common Law Equity in Domestic Abuse Cases*, 58 LOY. L. REV. 559, 575 (2012).

⁴⁴ See LEIGH GOODMARK, A TROUBLED MARRIAGE: DOMESTIC VIOLENCE AND THE LEGAL SYSTEM 34 (2011); EVAN STARK, COERCIVE CONTROL: THE ENTRAPMENT OF WOMEN IN PERSONAL LIFE 198–210 (Claire Renzetti & Jeffrey L. Edleson eds., 2007); Louise Dixon & Nicola Graham-Kevan, *Understanding the Nature and Etiology of Intimate Partner Violence and Implications for Practice and Policy*, 31 CLINICAL PSYCH. R. 1145, 1146 (2011); Clifton R. Emery, *Disorder or Deviant Order? Re-Theorizing Domestic Violence in Terms of Order, Power and Legitimacy: A Typology*, 16 AGGRESSION & VIOLENT BEHAV. 525 (2011); Cf. Kenneth Corvo & Pamela Johnson, *Sharpening Ockham's Razor: The Role of Psychopathology and Neuropsychopathology in the Perpetration of Domestic Violence*, 18 AGGRESSION & VIOLENT BEHAV. 175

patriarchy in abuse, focusing on social patriarchy and the subset of familial patriarchy, or male control in domestic or intimate settings.⁴⁵ Sociologist Michael Johnson has identified typologies of intimate violence over the past decade, labeling coercive control or domestic violence behaviors as “intimate terrorism.”⁴⁶ In addition, research has separated domestic abuse from anger management issues, showing that most individuals who perpetrate violence and coercive control against an intimate partner are not violent toward others outside the home.⁴⁷

As researchers continue to investigate the root causes of what prompts someone to use violence, threats, and coercion to gain and maintain power and control over an intimate partner, the most common thread—in addition to gender inequality—is the intergenerational effect of domestic violence.⁴⁸ This is the idea that “[o]bserving violence in one’s family of origin . . . creates ideas and norms about how, when, and towards whom aggression is appropriate.”⁴⁹ Research shows that witnessing violence between one’s parents or caretakers is one of the strongest risk factors for transmitting

(2013) (identifying the current theoretical explanations of domestic violence to include feminist/socio-cultural, social learning theory-based intergenerational transmission, and psychological/psychosocial, and arguing that “domestic violence perpetration is better and more accurately understood as maladaptive coping, symptomatic of a range of psychological and neuropsychological disorders than as either a culturally supported strategy for male domination of women or as only learned behavior”).

⁴⁵ DeKeseredy, *supra* note 42, at 299.

⁴⁶ MICHAEL P. JOHNSON, A TYPOLOGY OF DOMESTIC VIOLENCE 2–3 (2008) (describing “intimate terrorism” as occurring when one partner—almost always the male partner—uses threats, intimidation, physical or sexual abuse, or isolation to control virtually all aspects of the victim’s life, and differentiating this from “situational couple violence,” which is not marked by power and control and does not typically result in injuries).

⁴⁷ Poco Kernsmith, *Gender Differences in the Impact of Family of Origin Violence on Perpetrators of Domestic Violence*, 21 J. FAM. VIOLENCE 163, 165 (2006).

⁴⁸ See Laura A. McCloskey & Erika L. Lichter, *The Contribution of Marital Violence to Adolescent Aggression Across Different Relationships*, 18 J. INTERPERSONAL VIOLENCE 390, 406 (2003); see generally Alicia F. Lieberman, *Ghosts and Angels: Intergenerational Patterns in the Transmission and Treatment of the Traumatic Sequelae of Domestic Violence*, 28 INFANT MENTAL HEALTH J. 422 (2007).

⁴⁹ Kenneth Corvo, *Violence, Separation, and Loss in the Families of Origin of Domestically Violent Men*, 21 J. FAM. VIOLENCE 117, 117 (2006).

violent behavior from one generation to the next.⁵⁰ Further studies show that boys who witness domestic violence are twice as likely to abuse their own partners and children when they become adults.⁵¹

Children in households with domestic violence frequently both witness and experience abuse.⁵² Indeed, studies show that approximately half of individuals who batter their adult intimate partners also abuse their children.⁵³ As children grow older, they also often try to intervene in the midst of violence and are injured while attempting to protect their abused parent.⁵⁴ Multiple studies demonstrate that children exposed to abuse and neglect suffer a multitude of effects over their lifetime, including problems as diverse as obesity, suicide attempts, ischemic heart disease, liver disease, and autoimmune disorders.⁵⁵ Children who experience child abuse and neglect are also approximately nine times more likely to become involved in criminal activity.⁵⁶

⁵⁰ Amy Murrell et al., *Characteristics of Domestic Violence Offenders: Associations with Childhood Exposure to Violence*, 22 J. FAM. VIOLENCE 523, 528–29 (2007); Natacha Godbout et al., *Early Exposure to Violence, Attachment Representations, and Marital Adjustment*, 16 PERS. RELATIONSHIPS 365, 366 (2009).

⁵¹ *Id.*

⁵² See Nancy Ver Steegh, *The Silent Victims: Children and Domestic Violence*, 26 WM. MITCHELL L. REV. 775, 784–85 (2000).

⁵³ *Id.* at 785.

⁵⁴ *Id.* at 804.

⁵⁵ Vincent J. Felitti et al., *Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults*, 14 AM. J. PREVENTIVE MED. 245, 249–251 (1998); see also Andrea Danese et al., *Adverse Childhood Experiences and Adult Risk Factors for Age-Related Disease*, 163 ARCHIVES PEDIATRICS & ADOLESCENT MED. 1135, 1135 (2009); see generally ANDREA J. SEDLAK ET AL., U.S. DEP'T. HEALTH & HUMAN SERVS., ADMIN. FOR CHILDREN & FAMILIES, FOURTH NATIONAL INCIDENCE STUDY OF CHILD ABUSE AND NEGLECT (NIS-4): REPORT TO CONGRESS, EXECUTIVE SUMMARY (2010); CHILD WELFARE INFORMATION GATEWAY, U.S. DEP'T. HEALTH & HUMAN SERVS., SUPPORTING BRAIN DEVELOPMENT IN TRAUMATIZED CHILDREN AND YOUTH (2011), available at <https://www.childwelfare.gov/pubs/braindevtrauma.pdf>.

⁵⁶ CHILD WELFARE INFORMATION GATEWAY, U.S. DEP'T. HEALTH & HUMAN SERVS., LONG-TERM CONSEQUENCES OF CHILD ABUSE AND NEGLECT 5–6 (2013), https://www.childwelfare.gov/pubs/factsheets/long_term_consequences.pdf.

In conjunction with the intergenerational patterns of abuse outlined above, other recent research reveals how children's peer relationships contribute to and predict violence in their adult relationships.⁵⁷ For example, a study of familial and peer influences found that male youth who have friends with "aggressive attitudes toward women" are at increased risk of becoming perpetrators of domestic violence.⁵⁸

We now know that exposure to domestic violence, child abuse, and chauvinistic peer attitudes contribute to the perpetuation of domestic violence.⁵⁹ Therefore, as we consider how our legal and social responses should evolve, we should address the causes of abuse and start violence prevention education early. While increasing awareness exists about therapy and interventions for children exposed to domestic violence,⁶⁰ the real aim is to prevent family violence from ever occurring. However, our society has failed to approach the goal of prevention with the same tenacity with which our criminal justice system carries out its objectives of punishment and accountability.⁶¹ We need to harness that same resolve to achieve generational, long-term violence prevention.

⁵⁷ James P. Olsen et al., *Predicting Violence in Romantic Relationships During Adolescence and Emerging Adulthood: A Critical Review of the Mechanisms by Which Familial and Peer Influences Operate*, 30 CLINICAL PSYCH. REV. 411, 412 (2010).

⁵⁸ *Id.*

⁵⁹ Corvo, *supra* note 49, at 117; Olsen et al., *supra* note 57, at 412; Beth S. Catlett et al., *Men's Gendered Constructions of Intimate Partner Violence as Predictors of Court-Mandated Batterer Treatment Drop Out*, 45 AM. J. CMTY. PSYCH. 107, 107 (2010).

⁶⁰ Peter G. Jaffe et al., *Legal and Policy Responses to Children Exposed to Domestic Violence: The Need to Evaluate Intended and Unintended Consequences*, 6 CLINICAL CHILD & FAM. PSYCH. REV., No. 3, 205 (2003) ("Training in and specialized responses to children exposed to domestic violence have gradually been developed by various community and government agencies, resulting in new policies, interagency protocols, and legislation.").

⁶¹ *See id.* at 205–06 (noting the negative unintended consequences resulting from the criminal justice system's response to children exposed to domestic violence and the need for more research and emphasis on preventing this exposure).

B. Violence Prevention

One challenge in family violence prevention is that the movements to address child abuse, domestic violence, sexual assault, and elder abuse have different histories and sometimes competing agendas, and have remained siloed.⁶² Different laws and court systems address these forms of violence at various points in the lifespan of a victim, with little attention given to the intersecting, intergenerational, and co-occurring nature of these types of family violence. For example, the battered women's movement has focused on adult intimate partner violence, with initial anti-domestic violence laws targeting "wife abuse" and later laws becoming gender-neutral.⁶³ Only recently did the movement recognize the prevalence and harms of teen dating violence and begin to expand legal remedies to protect teen survivors.⁶⁴

An example of movements working at cross-purposes is the child welfare system's "failure to protect" laws, which have been critiqued as ill

⁶² See Deborah Daro et al., *Finding Common Ground in the Study of Child Maltreatment, Youth Violence, and Adult Domestic Violence*, 19 J. INTERPERSONAL VIOLENCE 282, 295 (2004) (describing how legislation has siloed responses to family violence by age, with separate funding and programs for child abuse, youth violence, and intimate partner violence); Maureen K. Collins, Comment, *Nicholson v. Williams: Who Is Failing to Protect Whom? Collaborating the Agendas of Child Welfare Agencies and Domestic Violence Services to Better Protect and Support Battered Mothers and Their Children*, 38 NEW ENG. L. REV. 725, 725–26 (2004) (identifying how the mandates of the domestic violence and child welfare movements "have conflicted . . . resulting in further harm to the mother and her child"); Alice Koskela, Comment, *Victim's Rights Amendments: An Irresistible Political Force Transforms the Criminal Justice System*, 34 IDAHO L. REV. 157, 163 (1997) (identifying separate anti-violence movements to include the "child advocacy" movement of the 1970s that instituted child abuse and neglect laws, and the "domestic violence" movement that grew out of feminist organizing in the 1970s).

⁶³ See ELIZABETH M. SCHNEIDER, *BATTERED WOMEN AND FEMINIST LAWMAKING* 60 (2000).

⁶⁴ See Lisa Vollendorf Martin, *What's Love Got to Do with It: Securing Access to Justice for Teens*, 61 CATH. U. L. REV. 457, 459 (2012); D. Kelly Weisberg, *Lindsay's Legacy: The Tragedy that Triggered Law Reform to Prevent Teen Dating Violence*, 24 HASTINGS WOMEN'S L.J. 27, 27 (2013).

conceived and harmful to children and abuse survivors.⁶⁵ Under failure to protect laws, domestic violence survivors can be accused of and charged with “neglect” for exposing their children to an atmosphere of family violence, even when the children have not been physically harmed.⁶⁶ These cases frequently come to Child Protective Services’ attention when domestic violence survivors seek help to end violence. Rather than providing therapeutic services and working to strengthen the bond between a child and the non-violent parent, aggressive enforcement of these laws often results in the removal of the child from the non-abusive parent—a troubling practice that has particularly occurred along race- and class-based lines.⁶⁷ But why take a child from a parent who is on the way to safety and whose only mistake was to fall in love with the wrong person? As a result, I find myself working mightily to keep my clients out of the Child Protective Services system and to instead connect clients and their children with skilled therapists and material support. I am now involved in interdisciplinary work on family violence across the lifespan to better understand these interrelated problems and to search for preventive solutions and effective interventions.

Multiple anti-domestic violence programs are being developed around the country, including programs integrated into schools, after-school programs, and government and community-based programs.⁶⁸ Current

⁶⁵ See Justine A. Dunlap, *Sometimes I Feel like a Motherless Child: The Error of Pursuing Battered Mothers for Failure to Protect*, 50 LOY. L. REV. 565, 585 (2004) (“In addition to being punitive, a failure-to-protect charge may actually increase harm to battered women and their children.”).

⁶⁶ *Id.* at 601.

⁶⁷ Dorothy E. Roberts, *Child Welfare and Civil Rights*, 2003 U. ILL. L. REV. 171, 172–73 (2003); see generally DOROTHY ROBERTS, *SHATTERED BONDS: THE COLOR OF CHILD WELFARE* (2002).

⁶⁸ See generally Tara L. Cornelius & Nicole Resseguie, *Primary and Secondary Prevention Programs for Dating Violence: A Review of the Literature*, 12 AGGRESSION & VIOLENT BEHAV. 364 (2007); Patti Culross et al., *Creating Safe Environments:*

research indicates that programs that target youth ages 11 to 14 are the most effective at preventing domestic violence because relationship expectations are being set during this highly formative period.⁶⁹ Furthermore, the World Health Organization recommends the use of “universal multi-component” school-based programs to prevent dating violence, which include curriculum-based teaching, training teachers in behavior management strategies, educating parents, and using peer mediation.⁷⁰

Approximately one-third of states have recently adopted legislation that recommends or requires that schools incorporate lessons on teen dating violence into their curriculum.⁷¹ State standards range dramatically from the optional inclusion of the topic of dating violence, to a mandated single session, to a series of lessons on gender norms and relationship skills that span several years.⁷² Examples of programs include *Dating Matters* and *Safe Dates*. *Dating Matters* is a new program through the Centers for Disease Control and Prevention that uses a “universal primary prevention method” and focuses on youth ages 11 to 14 who live in urban communities

Violence Prevention Strategies and Programs, PREVENTION INST. 1, 3 (2006), <http://www.preventioninstitute.org/component/jlibrary/article/id-36/127.html>.

⁶⁹ See Carrie Mulford & Dara R. Blachman-Demner, *Teen Dating Violence: Building a Research Program Through Collaborative Insights*, 19 VIOLENCE AGAINST WOMEN 756, 761–62 (2013); see also Weisberg, *supra* note 64, at 28 (arguing that current legal remedies fail to address dating violence for the middle school population).

⁷⁰ WHO, PREVENTING INTIMATE PARTNER AND SEXUAL VIOLENCE AGAINST WOMEN: TAKING ACTION AND GENERATING EVIDENCE 45 (2010).

⁷¹ See Weisberg, *supra* note 64, at 28; see, e.g., ARIZ. REV. STAT. ANN. § 15-712.01 (2014) (“A school district that provides instruction in grades seven through twelve may incorporate dating abuse information that is age appropriate into the school district’s existing health curriculum.”). In contrast, Florida’s statute provides:

The health education curriculum for students in grades 7 through 12 shall include a teen dating violence and abuse component that includes, but is not limited to, the definition of dating violence and abuse, the warning signs of dating violence and abusive behavior, the characteristics of healthy relationships, measures to prevent and stop dating violence and abuse, and community resources available to victims of dating violence and abuse.

FLA. STAT. ANN. § 1003.42 (2012).

⁷² See generally Weisberg, *supra* note 64.

with decreased economic prospects.⁷³ The program describes itself as involving schools, parents, students, and the community to provide wrap-around programs that address the needs of a high-risk population in a socio-culturally sensitive and relevant way.⁷⁴ In contrast to criminal justice responses to violence, *Dating Matters*' preventive methods and instruction on relationship skills and conflict management strategies are intended to reduce intimate partner violence and teen dating violence by establishing early dating norms and promoting healthy, respectful behaviors.⁷⁵

Safe Dates is a program implemented in North Carolina and other jurisdictions in which ninth-graders in school and community treatment groups participate in a ten-session curriculum, engage in a poster contest, view a theater production performed by peers, and join support groups.⁷⁶ These activities aim to create social change by addressing gender stereotyping and conflict management skills and by increasing awareness of community resources.⁷⁷ A follow-up questionnaire of program participants revealed: "25% less psychological abuse perpetration and 60% less sexual violence perpetration," along with heightened awareness of dating violence, stereotypes, and available services.⁷⁸ More recent studies of *Safe Dates* show that it has a significant impact on primary prevention, meaning preventing the first instance of violence; however, its impact on secondary

⁷³ Andra Teten Tharp, *Dating Matters™: The Next Generation of Teen Dating Violence Prevention*, 13 PREVENTION SCI. 398, 398 (2012).

⁷⁴ *Id.* at 399.

⁷⁵ Jennifer Langhinrichsen-Rohling & Deborah M. Capaldi, *Clearly We've Only Just Begun: Developing Effective Prevention Programs for Intimate Partner Violence*, 13 PREVENTION SCI. 410, 410 (2012).

⁷⁶ Tiffany J. Zwicker, *Education Policy Brief: The Imperative of Developing Teen Dating Violence Prevention and Intervention Programs in Secondary Schools*, 12 S. CAL. REV. L. & WOMEN'S STUD. 131, 147–48 (2002).

⁷⁷ WHO, PREVENTING INTIMATE PARTNER AND SEXUAL VIOLENCE AGAINST WOMEN: TAKING ACTION AND GENERATING EVIDENCE 44 (2010).

⁷⁸ Zwicker, *supra* note 76, at 148 (citing Vangie A. Foshee et al., *An Evaluation of Safe Dates, an Adolescent Dating Violence Prevention Program*, 88 AM. J. PUB. HEALTH 45, 49 (1998)).

prevention—the ability to prevent a perpetrator’s violent tendencies—was virtually non-existent.⁷⁹

We must continue to contend with questions of how to change social norms, attitudes, and behaviors to promote a culture of respect and nonviolence in order to prevent violent behavior, including physical, psychological, sexual, and cyber dating violence. Norms that are particularly pertinent to the continuation of domestic violence include male and female gender stereotypes and socialization, male entitlement, the desire to have power and control over another, and the belief that intimate relationships should be entirely private.⁸⁰ Secrecy surrounding domestic violence precludes early intervention, isolates those being victimized, and perpetuates patterns of violence. Prevention efforts should also counter “gender policing,” which occurs when individuals tease or shame males to uphold masculine norms of dominance, strength, toughness, and control.⁸¹ Positive change particularly requires attention to societal attitudes regarding gender asymmetry, masculine gender role ideologies, and interpersonal power differentials.⁸² Preventive efforts, therefore, should seek to instill values of respect and gender equality and include strength-based programs

⁷⁹ Vangie A. Foshee et al., *Assessing the Effects of the Dating Violence Prevention Program “Safe Dates” Using Random Coefficient Regression Modeling*, 6 PREVENTION SCI. 245, 245–58 (2005); Vangie A. Foshee et al., *Assessing the Long-Term Effects of the Safe Dates Program and a Booster in Preventing and Reducing Adolescent Dating Violence Victimization and Perpetration*, 94 AM. J. PUB. HEALTH 619, 619–24 (2004); Vangie A. Foshee et al., *The Safe Dates Program: 1-Year Follow-Up Result*, 90 AM. J. PUB. HEALTH 1619, 1619–22 (2000).

⁸⁰ See generally M. Christina Santana et al., *Masculine Gender Roles Associated with Increased Sexual Risk and Intimate Partner Violence Perpetration Among Young Adult Men*, 83 J. URB. HEALTH 575 (2006); Culross et al., *supra* note 68, at 1, 3.

⁸¹ See generally Debby A. Phillips, *Punking and Bullying: Strategies in Middle School, High School, and Beyond*, 22 J. INTERPERSONAL VIOLENCE 158, 158 (2007).

⁸² Santana et al., *supra* note 80, at 575; Gerald H. Burgess, *Assessment of Rape-Supportive Attitudes and Beliefs in College Men: Development, Reliability, and Validity of the Rape Attitudes and Beliefs Scale*, 22 J. INTERPERSONAL VIOLENCE 973, 973 (2007).

to create and sustain norms that reject violence.⁸³ Because approximately half of teen dating violence occurs in the presence of peers, preventive programs should also teach bystander skills and ways to intervene so that youth can respond to abusive behaviors they witness in non-violent and context-appropriate ways.⁸⁴

We are at a creation stage and research on the long-term outcomes of preventive efforts is needed. For example, a preliminary study of the *Expect Respect* support groups—a prevention strategy that targets at-risk middle school and high school students—found that completion of the program produced significant increases in healthy relationships skills, but that levels of victimization and violence perpetration remained unchanged.⁸⁵ We should both invest in and critically study youth dating violence prevention programs as we search for solutions that are educational and therapeutic, rather than punitive. Additionally, dating violence prevention programs should be designed to be age-appropriate and culturally relevant; to target the needs of lesbian, gay, bisexual, and transgender youth; and to consider vulnerable populations that may be at increased risk of dating violence.⁸⁶ Along with promoting cultural shifts, minor physical changes in schools have been shown to help prevent violence, such as increased adult presence

⁸³ Rita K. Noonan & Dyanna Charles, *Developing Teen Dating Violence Prevention Strategies*, 15 VIOLENCE AGAINST WOMEN 1087, 1098 (2009).

⁸⁴ *Id.* at 1098.

⁸⁵ Barbara Ball et al., *Expect Respect Support Groups: Preliminary Evaluation of a Dating Violence Prevention Program for At-Risk Youth*, 18 VIOLENCE AGAINST WOMEN 746, 746 (2012); cf. Barbara Ball et al., “Like a Family but Better Because You Can Actually Trust Each Other”: *The Expect Respect Dating Violence Prevention Program for At-Risk Youth*, 10 HEALTH PROMOTION PRAC. 45S, 45S (2009) (concluding that “the experience of emotional safety in groups and positive relationships among group members” enhances student learning on the topic of violence prevention).

⁸⁶ See generally Meredith Dank et al., *Dating Violence Experiences of Lesbian, Gay, Bisexual, and Transgender Youth*, 43 J. YOUTH & ADOLESCENCE 846 (2014); Noonan & Charles, *supra* note 83, at 1098 (identifying the need to tailor prevention activities and messages to subsets of larger audiences, including potentially framing messages based on age, race, ethnicity, and gender).

in areas deemed unsafe and posters to raise awareness.⁸⁷ Finally, schools also need to grapple with, and actually tackle, current dating violence.⁸⁸

In addition to the preventative actions that can be taken by schools, I hold out hope for a cultural transformation through law that will shift cultural norms to recognize the right to be free from violence. The law can be used to eradicate discriminatory sociocultural patterns that impede protection from domestic violence. As we think about social, health-related, economic, and educational policies, we should query whether our laws promote economic and social equality between groups.⁸⁹ Regarding specific domestic violence laws, we should have the abuse survivor's safety and agency at the forefront, providing space for the survivor to identify what will increase safety for him- or herself and his or her children. Criminal responses that have been heavy-handed or autonomy stripping can now evolve, and our laws can protect survivors who want to remain in the relationship, but end the violence. Finally, international human rights sources provide a clear, unequivocal statement that violence against women is a human rights violation, and lawyers, scholars, advocates, and legislators should think about ways to use international human rights law to raise consciousness and improve legal responses to domestic violence in the United States.⁹⁰

⁸⁷ Bruce G. Taylor et al., *Shifting Boundaries: An Experimental Evaluation of a Dating Violence Prevention Program in Middle Schools*, 14 PREVENTION SCI. 64, 64 (2013).

⁸⁸ See Nancy Chi Cantalupo, *Burying Our Heads in the Sand: Lack of Knowledge, Knowledge Avoidance, and the Persistent Problem of Campus Peer Sexual Violence*, 43 LOY. U. CHI. L.J. 205, 205 (2011).

⁸⁹ Culross et al., *supra* note 68, at 8 (“Health, economic, educational and social policies that promote economic and social equality between groups in society inhibit violence.”)

⁹⁰ See, e.g., Declaration on the Elimination of Violence Against Women, G.A. Res. 104, U.N. GAOR, 48th Sess., Supp. No. 49, U.N. Doc. A/RES/48/104, at 217 (Dec. 20, 1993) (describing violence against women as a human rights violation). One human rights scholar explained:

The human rights framework, with its focus on governmental accountability and non-discrimination in the areas of economic, social, civil, and political rights, pushes us to focus on long-term, comprehensive solutions that ensure

CONCLUSION

I began with reflections on my upbringing. I am now a mother to a young girl and boy, and I have dreams for them. I want my children to know peace and be able to avoid traumatizing violence. I want them to be safe in their relationships and homes. Essentially, I want to know that they will not be future litigants in a domestic violence case—on either side. These early sleepless years with Legos and train tracks underfoot strike me as the easy years. We are not yet dealing with teen dating relationships, and I hope for some pretty significant social change to occur before then.⁹¹

the security of victims and their children and appropriately censure batterers, but do not risk creating separate human rights violations as an unintended consequence.

Caroline Bettinger-Lopez, *Human Rights at Home: Domestic Violence as a Human Rights Violation*, 40 COLUM. HUM. RTS. L. REV. 19, 75 (2008).

⁹¹ See, e.g., Walt Bogdanich, *Reporting Rape, and Wishing She Hadn't*, N.Y. TIMES, July 12, 2014, at A1; Melissa Bell, *JCPenney Pulls "I'm Too Pretty to Do Homework" Shirt After Online Complaints*, WASH. POST, Aug. 31, 2011, http://www.washingtonpost.com/blogs/blogpost/post/jcpenney-promotes-im-too-pretty-to-do-homework-shirt/2011/08/31/gIQAxFD4rJ_blog.html.