Domestic Violence: Four Case Studies

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Abstract. Domestic violence is a global phenomenon. Despite the different country contexts examined in this paper, similar results have occurred. In many studied countries, psychological abuse was the most common form of domestic violence. However, different countries are still limited by many factors when dealing with domestic abuse. Since the most influential factor is culture, it is very important for people to understand the complexities of cultural differences. In this paper, I will examine different limiting factors in different kinds of countries as regards domestic violence, primarily, violence against women. The cases are the United States, China, Pakistan and Yemen.

Keywords: Domestic Violence, Cultural difference, DV Law, Methodology.

1. Literature review

In this section, I will review issues related to the study of domestic violence.

1.1. The origin of domestic violence

IPV (Intimate partner violence) is a serious, preventable public health problem that influences millions of people and occurs across the lifespan. It often begins at the time people start dating or having close relationships, often in adolescence. The term IPV broadly refers to this type of violence as it occupies the lifespan. IPV (also commonly referred to as domestic violence) includes "physical violence, sexual violence, stalking, and psychological aggression (including coercive tactics) by a current or former intimate partner (i.e. spouse, boyfriend/girlfriend, dating partner, or ongoing sexual partner)." According to the survey, women exposed to partner violence are nearly five times more likely to attempt suicide as women not exposed to partner violence.[1]

1.2. The definition of domestic violence

Domestic violence is violence or other abuse that occurs in a domestic setting, such as in a marriage or cohabitation. Domestic violence is often used as a synonym for intimate partner violence, which is committed by one of the people in an intimate relationship against the other person, and can take place in relationships or between former spouses or partners. In its broadest sense, domestic violence also involves violence against children, parents, or the elderly. It can assume multiple forms, including physical, verbal, emotional, economic, religious, reproductive, or sexual abuse. It can range from subtle, coercive forms to marital rape and other violent physical abuse, such as choking, beating, female genital mutilation, and acid throwing that may result in disfigurement or death, and includes the use of technology to harass, control, monitor, stalk or hack. Domestic murder includes stoning, bride burning, honor killing, and dowry death, which sometimes involves non-cohabitating family members[2].

1.3. We cannot tell abusers

Abusers aren't easy to spot. In public, they can seem smart, trustworthy, and charming with a character that draws people in, but in private, they are a waking nightmare. Many abusers learn violence from their family and repeat the toxic patterns with their own partner or children. They are

[1] (Niolon, P. H. (2017). Preventing Intimate Partner Violence Across the Lifespan: A Technical Package of Programs, Policies, and Practices. United States: Division of Violence Prevention, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.)

[2] Wikipedia –*Domestic violence*. Wikipedia. Retrieved December 16, 2022, from https://en.wikipedia.org/wiki/Domestic_violence

also more likely to have legal and substance abuse problems. As domestic abuse has become a global problem, different countries are affected by the same and distinct factors in dealing with it[3].

1.4. The general reason behind Women's behavior

Identifying a pattern of abuse and making the decision to leave can be incredibly difficult. A few of those barriers include financial stress, having nowhere else to go, the threat of violence, and a lack of support from law enforcement. Family and social expectations may also create pressure to stay, especially when children are involved[4].

1.5. Result of domestic violence

Domestic violence is the most common cause of injury for women, leading to even more injuries than car accidents. The physical consequences can be short-term, such as bruises, pain, and broken bones, or long-term, such as arthritis, hypertension, and cardiovascular disease. The lasting consequences psychologically include depression and post-traumatic stress disorder[5].

1.6. The preferences of official media

According to an article "Domestic Violence in China: Educating the Public" in "Nieman Reports" published in 2019, there's a survey of media coverage of over 300 cases of domestic violence, 249 cases occurred in urban areas, comprising 81.9 percent of the total sample; while 55 rural cases were covered, comprising 18.1 percent. This highlights the media's focus on urban domestic violence, while incidents in rural areas are not reported to the authority. Moreover, it is hard to find official media coverage of particularly vulnerable groups, such as ethnic minorities, people with serious illnesses, people with disabilities, and sexual minorities. Coverage about the specific demands of combating domestic violence is also lacking. [6]

Many of the American pioneers in the area of identifying women's rights were white, upper and middle classes women, whose cultural experience shaped the development of services to address domestic violence. These women consolidated together to assess the gaps in services and the societal factors that perpetuated violence happening in the home. Services and interventions progressed, such as sanctuaries and hotlines, and these practices became the global standard.

Even though domestic violence services in the United States satisfy the needs of many women who share the cultural values, background and experience of the dominant (white, middle class) culture, women from other ethnic, socioeconomic populations often cannot acquire and utilize these services effectively. Immigrant and refugee families are particularly prone to suffer from domestic violence because of their transfer history and differences in cultural values and norms. Heise and Ellsberg noted that in many cultures, violence against women is often justified when women do not follow traditional gender roles or norms. Differences between the cultural values of a family's native country and the United States appear to cause a great deal of conflict in immigrant/refugee families, especially as women and girls speed up and try to lift their status in the family. The needs assessment process clearly indicated that to meet the needs of the target population it is required to take a more global approach to designing and/or implementing domestic violence prevention programs. [7]

Societal and cultural factors contribute to perpetuating violent relationships. The following diagram depicts some of the ways in which this is done. The language people speak, the traditional beliefs they have, and the education they have received has shaped their ways of dealing with this toxic relationship.

[3] Psychology Today - *Domestic violence*. Retrieved December 16, 2022, from https://www.psychologytoday.com/gb/basics/domestic-violence?amp=
[4] Psychology Today - *Domestic violence*. Retrieved December 16, 2022, from https://www.psychologytoday.com/gb/basics/domestic-violence?amp=
[5] Psychology Today - *Domestic violence*. Retrieved December 16, 2022, from https://www.psychologytoday.com/gb/basics/domestic-violence?amp=
[6] Nieman Reports, Domestic Violence in China: Educating the Public, August 21, 2019,
[7] (Pan, A., Daley, S., Rivera, L.M., Williams, K., Lingle, D. and Reznik, V. (2006). Understanding the Role of Culture in Domestic Violence: The Ahimsa Project for Safe Families. Journal of Immigrant and Minority Health, [online] 8(1), pp.35–43. doi:10.1007/s10903-006-6340-y.)

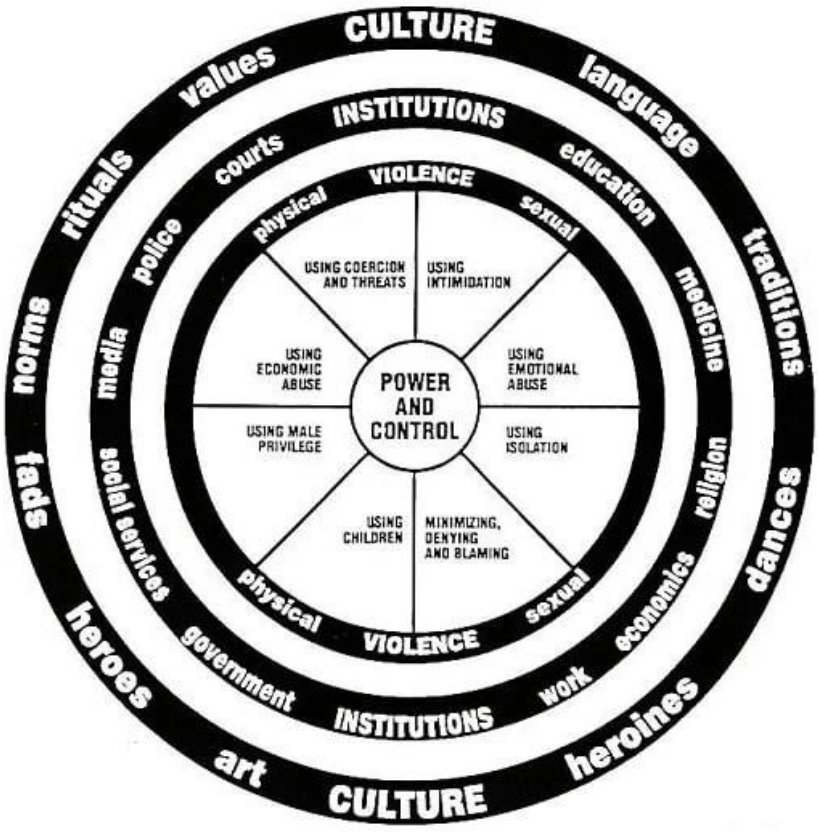


Figure 1. The Power and Control Wheel
Source: The Next Chapter

A violent relationship, shown at the center of the wheel, exists within the broader environment of society and culture. Scholars have seen the cultural and religious factors used directly by the perpetrator against the victim; using the fear of family and social disapproval, community alienation, and the imputation of being divorced, as weapons to perpetuate domestic abuse. The combination of these elements in an already challenging situation increases a woman's hesitance to report the abuse and to leave the relationship that ultimately binds her to the abusive household. [8]

1.7. The protection law in China

China's DV Law culminates two decades of intensive lobbying by women's rights groups and the official All China Women's Federation ("Women's Federation"), who advocated stronger legal protections for victims of domestic violence. In 2015, the DV Law was fast-tracked for adoption to the surprise of many observers, and signaled a high-level state commitment to tackle domestic violence as a persistent social problem afflicting an estimated one-third of Chinese families. The standalone domestic violence law is widely regarded as a major improvement upon prior legislations in 2015, such as the law on Protection of Women's Rights and Interests, which denounced "discrimination, abuse, abandonment and cruelty against women" in principle but failed to provide tangible legal relief for victims. In recent years, the formal law intervention of police and courts play a more vital role through central and local initiatives. However, mediation is still the most common way of China's intervention plan. Consequently, police response to domestic abuse favors conflict resolution via criticism and education instead of taking practical action. There is even evidence of police choosing to mediate when they subject perpetrators to administrative detentions of 15 days or less in the case of a misdemeanor. Experts criticized the extensive use of mediation by police and courts, because mediation cannot cease violence by eliminating abusers as an immediate security

[8] (Next Chapter. (n.d.). How does domestic abuse differ in other cultures? [online] Available at: https://www.thenextchapter.org.uk/blog/how-does-domestic-abuse-differ-in-other-cultures.)

threat, leaving victims staying in fear that each police response upgrades violence by those perpetrators.

1.8. The protection law in the US.

In the US, Congress passed the Violence Against Women Act ("VAWA") in 1994. This action, and the 1996 additions to the action, identify that domestic violence is a domestic crime and that federal laws can help an overburdened state and local criminal justice system. In 1994 and 1996, Congress also consented to changes to the Gun Control Act making it a federal crime in certain circumstances for domestic abusers to own guns. The majority of domestic violence cases will continue to be handled by state and local authorities. In some cases, however, the federal laws and the profits gained from conducting these laws, may be the most appropriate course of action. A victim in a VAWA case shall have the right to speak, if desired, to notify the Judge at a bail hearing to notify the Judge of any danger caused by the release of the defendant. Any victim of a crime of violence shall also have the right to speak, if desired, at the time of sentencing, about the impact of the crime upon their life and that of their family.[9]

1.9. The protection law in Pakistan

According to a survey conducted on 23 September 2018, by Thomson Reuter Corporation, Pakistan was ranked as the tenth most dangerous nation on the planet for women. The predominant power structure in Pakistan is patriarchy, in which the male figure is in control of all affairs, public and private, thus assuming a dominant position. Women have been excluded from settling on marriage choices and are considered socially and financially dependent on men. Women have to face discrimination and violence daily due to the cultural and religious norms that Pakistani society embraces.[10]

In Pakistan, a Domestic Violence Protection bill was proposed in 2009 which was passed in the National Assembly but subsequently failed to be passed by the Senate within the prescribed period of time. The bill faced much criticism by religious and political parties who criticized the bill as aiding in increasing divorce rates, being against the principles of Islam and an attempt to promote Western cultures.[11]

1.10. The protection law in Yemen

Women in Yemen not only have no protection from domestic violence, but they remain unprotected against marital rape and men frequently receive lenient punishments for so-called honor killings. Sharia law rules in Yemen, and it not only fails to protect women who are victims, but can also see them punished for lewd behavior, simply for being alone with a man who is not a blood relative. In addition, Sharia courts will often not even hear testimonies from women, or consider their words to have half the weight of testimony from a man – making it virtually impossible to have a successful prosecution for assault, where the woman is the victim.[12]

1.11. Summary

Above all, US and China have passed laws protecting women from domestic abuse, but Pakistan failed to pass one and Yemen has no separation between religion and the government. The existence of the protection law is not that essential, what really counts is whether the protection law can be ensured by legal systems and be implemented by the government. How a country's officials deal with the incidents is closely related to the culture formed in its history which cannot be changed in a short

[9] U.S. Attorneys » Central District of California

[10] CURRENT EVENTS/POLITICS
WHY IS DOMESTIC VIOLENCE IN PAKISTAN SO NORMALIZED?

[11] Domestic violence against Women in Pakistan/Sarah Khan/March 10, 2021

[12] 15 Countries Where Domestic Violence Is Legal
Vivian Achieng May 26, 2017 Lifestyle, World

period of time. People in different countries are confused and even cynical when judging domestic violence cases in other countries because they are not paying attention to the cultural differences. The cases in the following sections will present different cultures and highlight how cultures influence their dealing with domestic violence.

2. Methodology

This paper relies on reading court cases, newspapers, and survey reports.

2.1. China

In China, countryside and urban areas have different levels of emphasis as regards domestic violence. According to a survey in an article on domestic violence in China, among over 300 cases, 249 happened in urban areas comprising 81.9% of the total sample; while, 55 rural cases were covered, contributing to 18.1. This indicates the media focus on urban domestic abuse, while rural areas are neglected. It might also be because women in rural areas are less likely to report cases of domestic abuse, or even know the concept. In addition, it is difficult to find official media coverage of susceptible groups like ethnic minorities, sexual minorities, people with serious illnesses and disabilities. This phenomenon can be considered as discrimination in a sense.

In 2013, there was a most influential case in China's campaign to end domestic violence. Since then, there has been no major breakthrough in the combined efforts of public interest law, the media and NGOs. The protagonist of this example, Jianmei Guo, comes from a rural area in Henan province. She is not only a poor woman who represents rural people, but also a competent lawyer, who represents Li Yan. Li is a rural woman in a county in Sichuan province. She was a defendant in an intentional manslaughter case. On November 3, 2010, she killed her husband and then dismembered his body while justifying his extreme abuse. In August, 2012, Li Yan was sentenced to death in a second trial. Guo argued that domestic violence caused the defendant to commit the crime and should not be sentenced to death. She decided to follow the American judicial model and use Li's case to push for a national law on domestic violence. She decided to call reporters, hoping that the media would speak up for Li Yan. As a public interest lawyer, she has a list of journalists she often works with, and a number of non-governmental organizations were also notified, hoping to spark public discussion about the case. Her plan worked: intensive media coverage educated the public about domestic violence. The influence was also substantial because public opinion exerted pressure on the high court. As a result, Guo saved Li’s life; although she was sentenced to death, her sentence was suspended for two years. She was told that if she did not commit a crime during that time, her sentence would be commuted to life imprisonment with the possibility of parole. She remains in prison. This case pushed Chinese anti-domestic violence law into the public eye when it was drafted in 2013. At the time, Guo’s law center was well funded, with many lawyers working on domestic violence cases. In 2016, China finally passed its domestic violence law, which took effect in March of that year. The law stipulates that the perpetrator's domestic violence constitutes a civil offense, not a criminal offense. In general, Gao's defense in the case of Li Yan's husband built a new way for Chinese women to bravely resist domestic violence and played a landmark role in history.

From Guo's achievement, we know that lawyers can actually play a vital role in securing women's rights. In the US, there is a famous lawyer named Gloria Allred. Over the past four decades, she has played an integral role in fighting injustice and striving for new rights, particularly for women and minorities. Her high-profile legal battles have resulted in a number of landmark court judgments and generated hundreds of millions of dollars for her clients.

Although China had made some improvement in dealing with domestic abuse, there still exist some nonnegligible loopholes. In recent years in China, even celebrities abuse women. For example, Kris Wu, a Chinese-Canadian actor and singer, sexually abused many of his female fans. Although the public expected that he would spend the rest of his life in prison, he was only sentenced for 13 years, which doesn’t match what he had done to those victims.

2.2. America

Gloria Allred represents a women's group bravely. A jury found a celebrity, R. Kelly guilty of a decades long conspiracy to recruit women and teenage girls for sex. A short time later, Gloria Allred who represented several of the plaintiffs, stood outside federal court in Brooklyn and declared that "justice has been done." In 2012, Jenna Talackova, a transgender model and tv personality competing for Miss Universe Canada was disqualified in March after it was revealed on the eve of the final that she was transgender and not a “real woman”. The incident caused an uproar at the time, sparking complaints that it was discriminatory. Allred took her case and became her defense attorney. She used the usual opening strategy of holding a press conference. Eventually, Allred’s onslaught brought Talackova back to the pageant stage, making her the first transgender woman to step foot on the Canadian stage.

In addition, Allred has represented women who have been sexually harassed and assaulted by powerful men, including cases against the movie producer Harvey Weinstein. But she said that " of all the predators I chased, Kelly was the worst. " Allred said Kelly used his fame to manipulate and sexually abuse underage girls and had used a network of supporters to help build and sustain that world of torture and abuse. She said Kelly also intentionally transmitted herpes to his victims. "Let this be a message to other celebrities that they use their fame to scam their fans, too, "Allred said. " The question is not whether the law will punish you, the only question is when. "[13] Similar with the case of Kris Wu, R Kelly had abused many women. However, he had been sentenced for a longer time, up to 30 years, which is more than 2 times of the sentence time of Kris Wu.

2.3. Pakistan

In Pakistan, girls are brought up to believe that staying silent in an abusive marriage is better than divorcing an intimate partner, even if he's verbally or physically abusive. This cultural belief is passed down from generation to generation. Little girls grow up watching their aunts and mothers get a raw deal, and believing that it is normal and not uncommon for a husband to beat his wife if she is verbally abusive on a daily basis. Abused women are often reluctant to report their abusers to the police or non-profit organizations because of social stigma associated with social pressure. And often because of the lack of persecution or prosecution of their abusers, a good woman should not let others know if she is beaten by an intimate partner because it is considered a "family matter". But most likely, she doesn't want to stand up for herself, dispel the toxic generational cycle, or stand up to her abusers. So she's considered a bad woman. This toxic generational cycle has led both men and women in the community to believe that domestic violence, whether physical or verbal, is perfectly normal and there has been a marked escalation of domestic violence in Pakistan over the past few years. Especially in rural areas, because of the lack of economic independence, women may suffer intimate partner abuse because abusers know that their wives have no financial security.

Far from the situation in China and the United States, in Pakistan, even the murder of a woman can be seen by the public as an act of honor. People define this as honor killing. "Honor killing" refers to the killing of other family members by a family member in the name of saving family honor. The victims are almost always women. The main reasons for the killing include refusing arranged marriage, being raped, asking for divorce, dressing up fashionably and acting flirtatious. Hundreds of women are murdered for "honor" in Pakistan every year. Most perpetrators have escaped punishment because Pakistani law allows relatives of victims to forgive them.

The following is a typical example of honor killing. The incident which took place in a poor farming family in Shah Sadardin district, Punjab, Pakistan stirred up public opinion in Pakistan. In the beginning of the story, a woman named Baloch was featured in a video that went viral in Pakistan. She wants women in this Muslim country to have the freedom not to wear headscarves and to post

[13] Gloria Allred, lawyer for survivors, says ‘justice has been done.’ Alexandra E. Petri and Emily Palmer Sept. 27, 2021
Gloria Allred | Discrimination Attorney | Feminist Lawyer/ https://www.gloriaallred.com

selfies online like women in other countries. She has since taken to social media to document her sexy outfits, outrageous make-up and hairstyles. She has also used social media to denounce Pakistan's overly conservative social environment, directly targeting clerics. In conservative Pakistan, law-abiding people would not tolerate her behavior. Her challenge to tradition has won many admirers among young Pakistanis, but she has also faced criticism and threats from conservatives. She was about to leave Pakistan when she received a phone call threatening to kill her, only to end up dead at the hands of her own brother, Azem. After his arrest, he showed no remorse, but claimed his sister was too promiscuous and dishonored the family. In the end, the killer was acquitted due to the forgiveness of his family members in February, 2022.

Pakistan is ranked the seventh most misogynistic country in the world, according to ------- the ranking of 10 most misogynistic countries

2.4. The 10 most misogynistic countries

1. Somalia
2. Democratic Republic of the Congo
3. Afghanistan
4. Ken
5. Brazil
6. Mexico
7. Pakistan
8. India
9. Egypt
10. Niger[14]

2.5. Yemen

The problem for women in Yemen is that they cannot find opportunities to report violence. Many police stations in Yemen are predominantly male and culturally it is not acceptable for women to just walk in and report their unequal treatment. The problem is especially intractable when the abuser is a man. Unfortunately, Yemen, like Pakistan, accepts domestic violence as normal.

Unlike Pakistan, Yemen's domestic violence is compounded by many of the issues brought by many years of war. According to the United Nations Development Program, long-lasting war has transformed Yemen into the poorest country in the world. By 2022, 79% of the population will be living below the poverty line, and another 65% will fall into absolute poverty. According to the United Nations, more than 3 million Yemeni women are at risk of domestic violence and 60,000 are at risk of sexual violence. Of the 10 million people who depend on food and receive aid, women and girls are also the most vulnerable, mainly because they are not allowed to eat until adult men and boys have finished their meals. “We have been through a suffocating economic crisis in which we have been unable to meet our basic needs beyond a small amount of food," a woman named Amal said. “My husband, however, added to our misery because he was always shouting, accusing me of negligence and beating me severely if I did not provide food. "[15]

3. Summary and Conclusion

The characteristic of these four countries reflects four constraints on resistance to domestic violence. One difficulty in dealing with domestic violence in the patriarchy society such as China, lies in the lack of media exposure and the discrimination between rural and urban areas. For fear of public judgment and public opinion, abused women are afraid to come forward and use the law as a

[14] Ranking: misogynistic countries - De vrouw van beneden

[15] Yemen: Victimization Of Domestic Violence Against Women
Domestic Violence in Yemen and the COVID-19 Pandemic
Photo of Rania Abdullah Rania Abdullah Send an email September 30, 2020

legitimate means to stop domestic violence. Some abused women choose to put up with men's behavior and accept everything in silence. In such situations, it is especially important to have lawyers who are not afraid to stand up for women's rights, such as Jianmei Guo and Gloria Allred. Even though the two lawyers, one from China and the other from the United States, have raised the profile of women's right in social concern, the problem still exists. The most obvious limiting feature about the United States is that it is essentially a world in miniature. When people from different cultures immigrate to the United States, they have to adapt to the local traditional culture, during which there will be obvious cultural differences. Domestic violence is no exception. Those immigrants still hold their own beliefs that are reflected in their actions, which may be inconsistent with American values or even laws. Therefore, the most pressing issue in the United States is the degree to which immigrants comply with local laws dealing with domestic violence. The other countries discussed are not immigrant societies and their populations are relatively homogeneous. Pakistan and Yemen are typical Moslem countries, in which a tenet of the religion is female inferiority. It is widely believed in Pakistan that women should dress conservatively and cover themselves with a hijab. Removing the Hijab or wearing improper clothing will be regarded as a disgrace to the country, society and family. The fourth country, Yemen, represents a country that has not been able to fight not only domestic violence but also other serious social problems because of the inadequate capacity of the society itself, endless civil war and a failed state. Because of the long-term war, Yemen has been in a state of anarchy for a long time, with social unrest and people displaced. How can people devote time and energy to solving problems like domestic violence when even the most basic needs are not being met? Yemeni men are so affected by the situation in their country that they beat their wives.

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