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Domestic abuse: even the judges are getting it wrong

When a violent and controlling husband who beat his wife with a cricket bat and forced her to drink bleach was allowed to walk free from court there was a huge backlash, with MPs and domestic violence charities [publically criticising](#) the judge who handed down the sentence.

Mustafa Bashir, 34, also throttled his wife in public and told her to kill herself. He admitted assault occasioning actual bodily harm and was given an 18-month prison term. But the judge decided to suspend the sentence because he believed the victim was not “vulnerable”.

Labour MP Jess Phillips and Conservative MP Maria Miller said they were concerned by the case and would write to the attorney general. While Sandra Horley, the chief executive of Refuge, said the judge’s comments showed “shocking ignorance around the impact of domestic violence”.

The question is why did the judge think the man’s wife was not vulnerable? And how can we educate people about the frightening realities of controlling and coercive behaviour?

Bashir’s [crimes against his wife](#) were not subtle actions where one could argue that no harm was intended. If these actions had been committed by someone toward a stranger, no one would think that the victim’s character had somehow contributed to the abuse.

Yet in this case Judge Richard Mansell QC questioned the vulnerability of the victim and [said about Bashir’s wife](#): “I am not convinced she was a vulnerable person. Sometimes women who moved here from their country become trapped in a relationship where they lose their support network of family and friends and cannot speak the language.” He added: “This is not the case with her. She is plainly an intelligent woman with a network of friends and did go on to graduate university with a 2.1 and masters.”

No defence

In making these remarks the judge repeated a long held myth about domestic violence and abuse: that it only happens to certain types of vulnerable people. This is plain wrong and [not supported by evidence](#) which shows that anyone – regardless of their education and network of friends – can be duped into a controlling and damaging relationship.

The experience of violence in relationships is non-discriminatory, whether in the perpetrator or victim. Therefore it [affects people](#) regardless of intelligence, education, occupation, social class, religion, race, sexual identity and other individual differences. A good degree does not defend someone against a physical attack by someone with a weapon and it does not make people invulnerable to the experience of psychological abuse and control.

Psychological abuse does not lower a person’s ability to think. It is effective in lowering a person’s self-esteem and integrity. It increases fear and anxiety to a point that they are unable to leave a relationship without a great deal of support.

Of course vulnerability is part of the human condition and this is most apparent in intimate relationships in which emotions play a central part. Couples negotiate for relative positions of power in complex ways that may change in various situations and over time. In the beginning of a controlling relationship, a woman may feel flattered that her partner is paying her so much attention or is jealous of other people’s attention.

This may seem like a sign of love. But these patterns can also signal a dynamic that can escalate over time to imagined infidelities, unjust accusations (“You smiled at that stranger in the restaurant”) and violence as the perpetrator feels increasingly unable to control their partner. The abuser subtly exercises increasing control and influence to the point that the victim has very little autonomy over important aspects of life, such as finances, social contacts, what they wear and where they go — with modern technology affording the opportunity to trace someone’s every move through their mobile phones.

Perspective really can be everything when it comes to controlling behaviour. Viewed from outside and from a distance an abusive relationship can sometimes seem like a perfect example of domestic bliss. But when the awful truth comes out friends and family sometimes ask how they missed the signs and sometimes wonder why the survivor of the abuse stayed in the relationship for so long.

Warning signs

The 2015 Serious Crime Act has enshrined in law definitions of coercive and controlling behaviour that can be used in prosecuting offenders and which can help educate people as to the warning signs that a relationship is becoming controlling and abusive. With more information available and with strengthened legal definitions it is not surprising that more cases of alleged coercive behaviour and abuse are now being reported. But the new law has [yet to be fully implemented](#).

Friends can be helpful if a person is not too ashamed and psychologically wounded to open up to them. But friends and family may also believe that a person has to stay in a marriage.

But there is hope if we look to educate more people about the psychological dynamics within abusive relationships. This will ultimately help more people to recognise that it is happening to them. It may help others not to judge people superficially without a fully appreciating how vulnerable we become when we are psychologically controlled and manipulated.

Perhaps if judges were trained to better understand the nature of coercive control and the nature of domestic abuse it would help avoid controversy and lead to more appropriate sentences for abusers. This in turn could act as a deterrent to perpetrators and not contribute to a culture where people feel that they are entitled to psychologically control their partners.

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