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The Economic Roots of Domestic Violence

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Deborah Weissman, *The Personal is Political—and Economic: Rethinking Domestic Violence*, **2007 B.Y.U. L. Rev. 387** (2007).

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Deborah Weissman has made an important contribution to the debate in domestic violence and criminal justice scholarship regarding the current focus on criminal justice system responses to domestic violence. Her article seems particularly timely in light of the current economic crisis.

A number of legal scholars have criticized US domestic violence policy for its singular focus on criminal law narratives and criminal justice responses. This focus obscures the social and economic forces that increase the incidence of domestic violence and that magnify women's vulnerability to violence. Further, mandatory arrest and no drop prosecution policies enacted in many jurisdictions have negative secondary effects for some victims and, in the case of unemployed batterers, may actually increase recidivism rates.

Weissman agrees with these criticisms, but goes a step further. She argues that what we need is a new paradigm—one that replaces a focus on criminal justice responses as the primary public response to domestic violence. This paradigm shift requires us to recognize that economic hardships can create the fertile ground for the occurrence of domestic violence. Weissman has in her sights, in particular, the massive changes in the lives of U.S. workers resulting from what is commonly referred to as "globalization."

Weissman writes: "Structural economic dislocation, outsourcing, and plant closings (and in their wake chronic under- and unemployment, declining wages, diminishing benefits, and disappearing pensions), all hallmark features of globalization, have wrought havoc on communities across the United States." 2007 **B.Y.U. L. Rev.** 387, 388 (2008). According to a number of studies she cites, this havoc includes increased rates of domestic violence.

Large plant closing in the 1990s precipitated a downward spiral of further business closings, diminished social services as tax revenues declined, high rates of foreclosures, and declining populations. Even when jobs were replaced, the community was left with a feeling of deep economic insecurity. Wages and benefits declined.

Widespread unemployment and community social disorganization weaken social controls. Rates of alcoholism, drug abuse, and vandalism increase, as do rates of domestic violence. Unemployment and economic uncertainty are correlated with increases in mental health problems such as anxiety disorders, insomnia, headaches, and stomach ailments; an increase in alcoholism and drug abuse; and a substantial increase in mental hospital admissions.

Men and women may experience the meaning of unemployment differently. "The very understanding of masculinity is linked with a man's ability to provide for his family." *Id.* at 425. Changes in the gender division

of labor within households may also contribute to the occurrence of domestic violence. "Patriarchal hierarchies that may no longer be transacted through performance of socially constructed [gender] roles in the economic realm may be exercised in self-destructive behaviors and abusive conduct in the home." *Id.* at 428-429.

Weissman does not argue for decriminalization of domestic violence, nor does she argue that economic stress should become an excuse—in either the doctrinal or the vernacular sense—for domestic violence. Rather, she argues that domestic violence activists should make common cause with unions and other activists who are struggling to retain jobs, improve working conditions, and foster economic development. Sentencing and abuser treatment should include assistance with job and economic resources. Restorative justice and progressive community policing programs that link individuals to services may assist in preventing future violence. Funding for battered women's services should include assistance with employment and skills.

Weissman's is an ecological account. She moves the unit of analysis away from individuals as well as away from generalized gender hierarchy to the specifics of neighborhoods. What distinguishes her approach from that of other sociological accounts of criminal offending is her audience. (Jeffrey Fagan and Tracey Meares provide particularly well-drawn accounts of the link between neighborhood disorganization, harsh law enforcement, and high crime rates. *See* Jeffrey Fagan & Tracey L. Meares, *Punishment, Deterrence and Social Control: The Paradox in Minority Communities*, 6 **Ohio St. J. Crim. L.** 173 (2008).) She is speaking primarily to activists—domestic violence activists, union leadership, and community organizers.

The current economic crisis makes Weissman's analysis more critical than ever. Unemployment rates are soaring in communities that were already suffering before the current crisis. African-American communities have been particularly hard hit by the one-two punch of the foreclosure crisis and high unemployment. The "tough-on-crime" 1980s and 1990s fostered—indeed, *demanded*—that domestic violence policy be focused in the criminal justice system. Have times changed? If ever there was a time to focus policy and activism on the link between increases in domestic violence and economic stress, that time is now.

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