Michael Freeman and Domestic Violence

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Introduction

The fields of scholarship in which Michael Freeman has pioneered are legion, as is admirably demonstrated by the breadth and depth of the chapters in this volume. One such field is domestic violence. In what follows, I aim to discuss Michael’s contribution to our understanding of domestic violence. This is in one sense a hard task, not only because of the richness and subtlety of Michael’s writing on this subject, but also because of how prolific he has been here as elsewhere (see e.g., Freeman, 1979a; Freeman, 1979b; Freeman, 1980; Freeman, 1981; Freeman, 1984a; Freeman, 1985a; Freeman, 1985b; Freeman, 1987; Freeman, 1989; Freeman, 2007: ch. 3; Freeman, 2008a). It is in another sense an easy task though, because Michael’s writing is clear. He has important messages to communicate, and he communicates their importance. Specifically, in the preface to his monograph entitled Violence in the Home published in 1979 – probably his most important work on domestic violence and one that I will be drawing on throughout – he sets out the importance of his work in three reasons.

First, it is the only book written on the subject by a lawyer and the first to discuss in depth legal responses to the problem. Secondly, it is the first book to attempt to integrate the problems of wife abuse and child abuse and to apply to each a relatively consistent theoretical framework. Thirdly, the book draws attention also to newer aspects of the problem (newer, that is, in surfacing to public attention): husband battering; ‘granny bashing’; and violence between children are thus briefly considered (viii).

Systemic Nature of Domestic Violence

Michael suggests that his monograph is particularly important because he places domestic violence within a consistent theoretical framework, specifically feminism. This, I suggest, gives both the greatest and the most enduring importance to Violence in the Home.
Michael is unremitting in adopting a feminist explanation for this social phenomenon. In the preface to his monograph, Michael suggests as a general theme ‘that the problems it discusses cannot be solved or ameliorated until they are properly understood’ (viii; see also Freeman, 1980: 5), and this is indeed a general theme running through all Michael’s scholarship. So how are we to understand the problem of domestic violence? ‘Violence against women’, he proclaims on the second page, ‘is largely to be explained in terms of the subordinate position they occupy in society’ (128). Michael examines the other contemporary explanations for domestic violence (136-141), acknowledging elements of truth within each one: ‘Some battering husbands are undoubtedly psychopaths and many do have drink problems. Many also have been battered as children. These factors are important’ (137; see also Freeman, 1980: 8). But he sets his face firmly against individualised explanations because ‘seeing the problem in terms of the pathology of the men concerned (and sometimes the women as well) ... individualises a problem which is embedded in the social structure’ (129): ‘it seeks an exceptionalistic explanation of what is a universalistic problem’ (Freeman, 1980: 8). Ultimately Michael ‘sees violence as a necessary concomitant of women’s generally oppressed position in the social structure’ (142; see also Freeman, 1980: 14). The true causes of domestic violence, according to Michael, are ‘deeply embedded in the consciousness, institutions and practices of a society committed to women’s subordination’ (1989: 18).

Michael did not invent this explanation, as he is at pains to remind us. For this, as for bringing the plight of battered women to public attention, credit is due to the then vibrant Women’s Liberation Movement (1979b: 142). But what Michael does deserve credit for – no mean feat – is to have brought the Women’s Liberation Movement explanation into the legal academy. At the time Michael was writing his monograph, as he tells us, the dominant explanation of domestic violence was well represented in the writings of Erin Pizzey (29), who favoured a pathological, exceptionalistic, explanation of wife battering (136-137; see also Freeman, 1980: 6).

It is hard to appreciate just how unpalatable an explanation based on women’s subordination was to the 1970s legal academy. In the decades since, the feminist explanation for violence against women has become ubiquitous (Reece, 2011). I have evidenced elsewhere that this ubiquity occurred earlier than is commonly imagined, among constituencies that are generally assumed to have been unaffected by feminist discourse, specifically Conservative Parliamentarians deliberating over the 1997 Protection from Harassment Act (ibid). But this feminist infusion of legal discourse certainly does not stretch back as far as the 1970s; Michael writes in 1980 that ‘the traditional personality-psychiatric approach ... has proved immensely influential and social and legal policies remain firmly under its spell’ (6):

As the development of the Women’s Movement has been a primary factor in sensitising our consciences to the plight of the battered woman, it is hardly surprising that theories as to the aetiology of male violence towards women should have developed within the ideology of its liberation politics. Nor is it surprising that the views of militant feminists should have created so little interest amongst government department, the media or the