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MA (In the field of Diversity Studies)

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Abstract

IPV directed against male partners is a contentious and notorious topic within the study of domestic violence (Barkhuizen, 2010). Together with this it can be established from the research that even though there is a willingness amongst professionals to acknowledge males as victims of IPV there remains a lack of awareness both amongst professionals and society in general. Therefore, the issue of female-to-male IPV within the South African context is in need of extensive research. Accordingly, this research aims to fill the gap in the literature concerning male victimisation. Six key professionals- who work with domestic violence and have knowledge pertaining to the laws surrounding domestic violence- provided expert, educated opinions on the topic which were drawn from interviews that were transcribed and analysed with the use of thematic content analysis and critical discourse analysis. Key findings revealed the complexities of female-to-male IPV in South Africa. The research revealed that yes, South African law does make provision for male victims but the law is poorly implemented due to many intricacies. The most interesting results related to police perceptions of IPV (both female and male perpetrated). As such this study will bring about greater awareness of the issue and thus provide victims of female-to-male IPV the opportunity to report such incidents without fear of disbelief, reprisal or humiliation. In addition, this research will assist in addressing many of the academic debates and legal issues that surround this controversial aspect of abuse.

KEY WORDS: Intimate Partner Violence (IPV), Domestic Violence, Male Victimisation, Female-to-male IPV, Professionals, Police, South Africa

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Personal Interest and Research on the Topic

My interest in the topic of male victimisation within intimate relationships developed when I studied the subject in a third year criminology course under the auspices of Dr Merlyn Barkhuizen (Barkhuizen, 2010). This topic intrigued me to the extent that I decided to conduct my honours research report on professional perception's pertaining to female-to-male IPV within the South African context (Patel J. A., 2014). One of the key findings which intrigued me was the lack of police effectiveness in terms of the acknowledgement of male victims. As such I decided to centre this report on the laws and implementation of laws for male victims. Thus, this research report has its foundations in my honours report and I draw a lot of my theoretical foundation from my previous research (Patel J. A., 2014).

Chapter 1: Introduction

1. Introduction

Intimate Partner Violence (IPV) directed against male victims remains a contentious and complex issue within the study of domestic violence. For the most part, the male victim of IPV is unattended to within the scientific body of literature (Barkhuizen, 2010). In contrast, the term IPV generally invokes stereotypes of the 'typical' authoritarian male and submissive, passive female (Dutton & White, 2013). Large sections of the existing literature view IPV as a type of violence which is solely a consequence of a social order which is highly patriarchal. Within patriarchal social orders women are characteristically seen as the victims and men as the perpetrators of violence. I refer to this as the traditional view of domestic violence and IPV (Fiebert, 2010; George, 1994). Such prevalent patriarchal constructions of IPV lead to a reluctance to research the phenomenon of female-to-male IPV in manners which are objective and scientific (Hamel, 2007). Thus, both historically and currently, society has generally been shown traditional outlooks of IPV (Cook, 2004).

Historically, portraying IPV in the traditional sense was both necessary and appropriate as it exposed IPV as a social ill and a criminal act. However, this is no longer suitable (Cook, 2004), as it results in the un-acknowledgement and marginalization of male victims of IPV. This being said, it must also be noted that, in recent years practitioners and researchers have been paying more attention to the problem of female-to-male IPV (Belknap & Melton, 2005; Cook, 2004; George, 1994). Yet, it is my opinion that this consideration has not been sufficient. As such, the research surrounding the issue is exceptionally inadequate internationally and absolutely rare within the South African context (Barkhuizen, 2010). This is because domestic violence studies conducted in Africa tend to consider it from a traditional perspective (Nowinskia & Bowen, 2012; Vetten, 2005). In contrast, this research hopes to view a different, less traditional view of IPV, which is not "gender-typical" (Patel, 2014). Additionally my research is specific to the South African context.

1.1 The Research Problem And The Purpose Of The Study

Intimate Partner Violence (IPV) is of grave concern within South Africa, as the country has been touted as having extremely high rates of domestic violence as compared to other countries universally (Tsae, 2013)[1]. Ironically, analyses of police statistics reveal that domestic violence is grossly under-reported. Hence it remains a hidden crime and as such

[1] Retrieved from Moshate: www.moshate.org.za

victims often undergo copious amounts of abuse and trauma. Hence, IPV remains one of the most under-reported crimes in South Africa (Seabi, 2009). In terms of reporting, existing statistics reveal that the majority of applicants for protection orders have been women. It has been reported that more than two-thirds of the women applying for protection orders did so against a male partner while only half of the men sought protection against a female partner in terms of violence within an intimate relationship. As such male victims of IPV tend to fall through the cracks in by nature of under-reporting their victimisation. One of the reasons for this is that South Africa is generally patriarchal in nature (Barkhuizen, 2010) and there are strong substructures of hegemonic masculinity (Tsae, 2013). Thus, the idea that a male can be a victim of IPV remains contentious and notorious (Barkhuizen, 2010). However, there are existing exchanges of its occurrence[2] and South African law does supposedly make provision for men as victims of IPV.

The Domestic Violence Act 116 of 1996 makes provision for men who are victims of Domestic Violence in that it is gender neutral and does not specify that a victim can only be a female and a perpetrator only a male (Bosilong et. Al., 2008). Responsibility for the execution of the Domestic Violence Act is a collective act between the policing sector and the courts (Artz , Moult, & Paranzee, 2001). However, it has been found that an overarching number of SAPS members have an inadequate amount of knowledge concerning Domestic Violence and the Domestic Violence Act (Bosilong et. Al., 2008). Vetten (2005) purports that police perceptions towards IPV, in general, tend to be negative and as such this destabilizes the efficacious execution of the Act. I will look at the role of the SAPS in further detail within the literature review. However, I am of the opinion that, while this lack of knowledge poses a dire problem for female victims of IPV, it makes it impossible for males to report their victimisation. Thus, the question of implementation of the Domestic Violence Act arises. As such the primary aim of this research is to establish whether South African law makes provision for male victims of IPV and if so it intends to determine whether the law/s is/are actually implemented.

1.2 Rationale

Research that has been conducted on the topic of female-to-male IPV predominantly stems from America and Britain. This can prove to be problematic due to the fact that international research may not be generalizable to a South African context. According to Barnish (2004)

[2] http://matrixmensa.blogspot.com/

there has been a lot of research conducted on the topic of female-to-male IPV in America ad thus, much more is known about the phenomenon in America as opposed to other countries. South African research on the topic differs in that it is mainly conducted within a traditional Marxist-Feminist paradigm which tends to discount male victims of IPV. This has very serious implications for males who suffer abuse at the hands of their female partners (Patel, 2014).

Furthermore, there is no obtainable evidence that any South African research pertaining to the topic of my research report exists. Moreover, domestic violence in Africa seems to garner more interest and research from activists with academics paying less attention to the subject (Barkhuizen, 2010; Barnish, 2004, Tsae, 2013). Thus, the question of female-to-male IPV is given very little academic importance. As such, the prevailing notion of domestic violence is the unitary, traditional viewpoint. Due to this, the term intimate partner violence usually arouses stereotypes of the proverbial domineering husband and the submissive, passive wife (Dutton & White, 2013). Regardless of the progress made in terms of the rights of women, society is still willing to accept this image of a woman while at the same time portraying her as strong and as equally capable as a man. There are many reasons why domestic violence is viewed in the traditional sense. Amongst these is the "gender paradigm" which is adhered to by many professionals (Dutton & White, 2013; George, 1994). Surprisingly, academics who would take offence at any form of gender stereotyping are willing to accept this stereotype of IPV (Dutton & White, 2013).

Thus, it has been stated, "Among the debates in the field of domestic violence, none is more acrimonious than the debate around female initiated violence…." (Carney, Buttell, & Dutton, 2007, p. 1). According to George (1994) there are a number of factors contributing to the debate concerning female-to-male IPV. George (1994) further mentions that the factors which are cited more often, with regards to the above, are the numbers of females and males who report their victimization (with females outnumbering males), the methods which are utilized in order to decide whether male victimization has transpired as well as the nature and circumstances of female violence(George, 1994). These professional debates are more likely than not influenced or determined by the beliefs and opinions that professionals hold regarding the topic. Apart from the above mentioned factors there are a number of issues which direct these personal beliefs. In my opinion these beliefs then influence the manner in which laws are written and enforced, as I shall elaborate on in a later chapter.

With the rise of the Feminist movement in the 1970s many issues which were previously ignored or not acknowledged as social ills were brought to the fore. Many of these pertained to women's rights and women's issues. Domestic abuse came to the attention of both the general public and the criminal justice system (Harne & Radford, 2008). However, one of the downfalls of this was that it viewed domestic abuse as a crime against women. However, what should be noted is that the first U.S National Family Violence Survey of 1975 found that women are as violent as men. This finding served as a contradiction to feminist theory and was subsequently not reported, renounced or re-explained (Carney, Buttell, & Dutton, 2007).Thus much of the research which followed centred on the view which regarded intimate partner violence as a crime perpetrated against women. Very little research has been conducted in the area to provide sufficient scientific evidence. Hence, a great deal of the research and literature which followed failed to address the matter of female-to-male IPV (McNeely, Cook, & Torres, 2001).

In essence this has led to a dearth of literature pertaining to female-to-male IPV as well very little scientific data concerning it. One of the most significant reasons for this is the disputatious nature of female-to-male IPV. George states that according to Murray Straus and Richard Gelles (two of the prominent academics in family violence) the frequent instigative debates concerning battered men facilitated in subduing any sombre research on the subject (Barkhuizen, 2010; George, 1994). It also sent a sent a subtle message to scholars to avoid the subject completely (George, 1994). Apart from the subtle underlying messages labelling female-to-male IPV a taboo, there have been more overt actions taken against researchers. Researchers have been falsely accused of sexual harassment and wife abuse, they have received threats to their lives and the lives of their children to name but a few, in an attempt to curb them from presenting research evidence to professional and other audiences. Therefore, since the 1970s very little research has been conducted on the topic. The controversy and disputing opinions amongst social scientists has tainted the subject. (McNeely et al., 2001)

Leading researchers in the field who have studied the phenomenon have faced serious backlash. The earliest academic work can be traced back to Susanne Steinmetz who published her article "The Battered Husband Syndrome" in 1978 (Steinmetz, 1978). Steinmetz's (1978) work was given a significant amount of media attention but she was severely criticized for her work. In actual fact she later faced victimization in the form of

bomb threats as well as threats against her children's safety. In an article entitled "The myth of the 'Battered Husband Syndrome'", Jack C.Straton regards Steinmetz assertion of battered husbands as a myth (Straton, 1994). Steinmetz is, however, not the only researcher to report the phenomenon of battered husbands. Other notable researchers in the field are Murray Strauss and Richard Gelles. Strauss also faced grievous consequences following the publication of his articles which put forward the idea of the likelihood of women of women being equally capable of committing acts of domestic violence (McNeely et al., 2001; Steinmetz, 1977; Straton, 1994).

Like Steinmetz and Strauss another two researchers who sustained negative reactions in response to published work was McNeely and Robinson-Simpson. In 1987 the query of whether domestic violence is a human issue or an issue based on gender was first posed. McNeely and Robinson answered the question in the affirmative in an article published by the National Association of Social Workers. The reactions of readers to this article ran the gamut of negativity. Responses ranged from incredulity and scepticism to outrage. The chancellor at McNeely's university received a letter from a women's rights group threatening to do everything that it could to stop his federal funding. Robinson-Simpson, who was at that time a female associate professor, was accused of being under the control of McNeely (a male professor). This was surprising as it was Robinson-Simpson who uncovered some of the most important scientific evidence which lent support to the point that men are not any more violent than women (McNeely et al., 2001).

Furthermore, as mentioned earlier much of the research conducted on the phenomena of female-to-male IPV originates from Western countries, such as the U.S.A and Britain. In fact the most contentious debates regarding female-to-male IPV exists in America. Certain European countries, such as Sweden, are accepting of the phenomena to the extent that shelters for battered men have been established. Additionally, majority of South African literature pertaining to domestic violence is centred on the feminist view of IPV. The scarcity of literature concerning female-to-male IPV reveals that there is a dire need for research to be conducted within the area, particularly within a South African context. The lack of research and literature indicates an underlying problem which could be rectified through exploring the beliefs of key professional concerning the area. This could assist in filling the gap within current literature.

This is difficult as it has been purported that it is challenging to present males as victims because of the fact that they do not make 'good' victims (Lucal, 1992). Thus, while a label of a 'battered wife' is conceivable, it is problematic to create and apply a tag of 'battered husbands'. The biggest problem with trying to establish male victims of IPV as a reality is the fact that it not been efficaciously raised as a social problem. Thus society finds it easier to view males as victims of acts of violence when they have been perpetrated by other men. It is more difficult to view them as victims at the hands of women. Existing literature shows that female-to-male IPV is a multifaceted and antagonistic issue (George, 1994). However, this research aims to explore the key South African laws with regards to female-to-male IPV and implementation of any existing laws. A secondary aim is to fill the hole in the literature concerning the topic and to bring about greater awareness thus allowing victims the opportunity to report cases without fear of reprisal, disbelief or humiliation. The research will also contribute towards addressing many of the academic debates surrounding this controversial area of abuse. The lack of knowledge and acknowledgement of the phenomenon results in victims being unable to gain access to the appropriate support and assistance that they desperately require. In order to combat the problem changes in beliefs are needed to ensure acknowledgement of the problem and thus correct implementation of the law can be facilitated so as to ensure that male victims receive the support that they need. While change cannot occur instantaneously an understanding of the underlying issues can help facilitate change.

1.3 The Research Question

How, if at all, does South African law and legislature make provision for male victims of IPV and, if so, are these laws and legislature actually implemented?

1.4 Overview of Chapters

In this chapter I have briefly introduced and described my topic as well as my rationale and research aims. Additionally I have also stated my research question within this chapter. Chapter 2 explores the relevant literature while Chapter 3 provides a discussion of my research methods. Chapter 4 is an analysis and discussion of my research findings and Chapter 5 thereafter concludes with the limitations of this study and suggestions for further study.

Chapter 2: Literature Review

2.1 Definitions

Before unpacking the literature relating to my research question I briefly define the key terms, namely domestic violence and IPV. The terms domestic violence and IPV have been defined in a number of ways within the body of literature. However, it has been postulated that amongst the challenges facing research in domestic violence, the greatest challenge concerns the deficiency of suitable, distinct and adequate definitions of domestic violence and abuse (Gelles, 1997). Existing definitions also tend to be inconsistent with each other. In previous research that I conducted (Patel, 2014), I utilised the definitions as provided by Berns (2001) as well as that of the World Health Organisation (WHO) (as provided in Gass et, al., 2010). The reasons behind why I chose these definitions are multi-faceted. Amongst these reasons is that these two definitions are fairly akin to each other. Additionally, both definitions categorise abuse as being physical, psychological as well as sexual. Furthermore, they are also of the opinion that IPV happens between two individuals who are in a relationship with each other. Yet, at the same time, neither of them suggests that IPV is only perpetrated by males against females and vice versa.

However, there are slight variations between the two definitions. Berns (2001) states that IPV occurs between people who are in an intimate relationship irrespective of their marital status and sexual orientation. In contrast, the definition forwarded by the WHO (Gass et. Al., 2010) does not make this distinction. Yet, it is vital to take into consideration the fact that in spite of common opinions suggesting the impossibility of female-to-male IPV, neither definition concurs with these views- either explicitly or implicitly (Patel, 2014). Therefore, in line with the above, for the purposes of this paper, I utilise both of these definitions again. The definitions proposed by Berns (2001) and the WHO are as follows respectively. Berns (2001) describes domestic violence as the physical, sexual, and/or psychological abuse that takes place between two adults in an intimate relationship regardless of marital status or sexual orientation. The World Health Organisation (WHO) (2002) defines IPV as any behaviour which transpires within an intimate relationship that leads to physical, psychological, or sexual harm to those within the relationship (Gass et. Al., 2010; Patel, 2014).

However, this paper specifically focuses on the phenomenon of female-to-male IPV. As such, I have defined female-to-male IPV as, violence suffered by a man at the hands of a female partner within an intimate relationship such as marriage, cohabitation or dating. Abuse against males is not restricted to physical violence but includes the psychological and economic aspects of abuse as well (Patel, 2014). (It should be noted that I acknowledge the fact that men can be subjected to victimisation within both heterosexual as well as homosexual relationships. However, this research specifically focuses on female-to-male IPV or IPV directed against males by their female partners.) In conclusion, I utilise the definition for IPV as proposed by Barkhuizen (2010), "The repeated use of harmful and destructive behaviour including emotional, spiritual, economic, physical and/or sexual abuse perpetrated between heterosexual partners in a marital or cohabitating relationship (p. 21)." In terms of this study, the definition of Domestic Violence as put forward by South African law is of particular importance.

2.1.1 Definition of Domestic Violence According to The Domestic Violence Act

The Domestic Violence Act 116 of 1998 defines Domestic Violence as "any controlling or abusive behaviour that harms the health, safety or well-being of the applicant or any child in the care of the applicant and includes but is not limited to:

a) Physical abuse or threat of physical abuse; (beatings, slaps, punches, kicks, pushing and shoving)
b) Sexual abuse or a threat of sexual abuse (any contact which abuses, humiliates, degrades or otherwise violates sexual integrity);
c) Emotional, verbal and psychological abuse (including insults, name-calling, ridiculing, degrading conduct, threats to cause emotional pain, jealousy);
d) Economic abuse (including not paying household necessities, bond or rent, selling/giving away property);
e) Intimidation (meaning making threats or sending threats);
f) Harassment (watching, loitering, making phone calls, letters, packages, emails, faxes etc.);
g) Stalking (meaning following and accosting);
h) Damage to or destruction of property; or

i) Entry into the applicant's residence without consent, where the parties do not share the same residence.[3]

However, in order to understand existing laws concerning domestic violence within the South African context, it is important to place these laws both within the context of their history and the context of the international history of domestic violence. As such, I begin by outlining a brief history of domestic abuse before studying the history of the laws concerning domestic violence both within the South African context as well as globally. Additionally I also look at the history of domestic violence and domestic violence laws in terms of male victimisation both locally as well as internationally. This literature review also looks at some of the challenges faced by male victims within the context of the law and also provides possible reasons for these as outlined in the existing literature.

2.2 History of domestic violence

According to Barkhuizen (2010) violence perpetrated between family members can be traced back for many centuries and is cross-continental. Yet, in terms of domestic violence and, more specifically, IPV majority of the attention has been focused on females as victims. Throughout the centuries women have undoubtedly suffered at the hands of male partners as well as the legal system which justified this abuse and hence, female victimisation within intimate spaces needed to be brought to the fore. As such, I briefly outline the intricate history of domestic violence within this section paying particular attention to the role of patriarchy as well as the importance of the feminist movement in revealing domestic violence as both a social as well as a legal problem.

Women have been expected to be subservient to their husbands or male partners for centuries (Barkhuizen, 2010). This has repeatedly resulted in the exploitation and mistreatment of women. Over the course of history, religious, political and legal systems can have been and continue to remain patriarchal in nature. As such, they have placed men in positions of power and dominance over women (Patel, 2014). Historically, patriarchy manifested within the every system of many societies and cultures (Malti-Douglas, 2007). As such before elaborating on the above I provide a definition and brief outline of patriarchy. The literal translation of the term patriarchy is 'the rule of the father' (Ferguson, 1999; Green, 2010) and

[3] Domestic Violence Act 116 of 1998, Section 1.

the word itself originates from the Greek '*patriarkhēs',* which means 'father/chief of a race'[4]. In the past, the term was used as a reference to aristocratic rule by the head of the family (i.e. the male). However, in more recent times, patriarchy commonly denotes systems in which the control of power is held by adult males (Boynton & Malin, 2005; Giddens & Griffiths, 2006; Gordon, 1996; Meagher, 2011).

Thus, one of the manners in which patriarchy can be defined is as follows; the absolute authority of men over women, in every aspect of her life. This includes the control of a woman by the man both within the borders of her home as well as within the broader public sphere (Rowland & Klein, 1996). As such, the woman has to constantly perform in such a way that is in agreement to what her male partner expects her to do. Additionally, patriarchy can also be described as the dictating decree of the male (the patriarch) who is granted power and dominance, not only over women and children , but also over other younger, weaker or more marginalised men within the social order (Barco, 2010; Dutton & Nicholls, 2005).

Additionally, feminist theory defines patriarchy as an unfair social system which imposes gender roles and is not only oppressive to women but oppresses men as well (Richards, 2013). It also classifies patriarchy as a social construction which includes any social mechanism that suggests male dominance over women (Tickner, 2001). Prior to the usage of the term- patriarchy- feminists utilised the phrases 'male chauvinism' and 'sexism' which was a rough reference to patriarchy (hooks, 2004). hooks (2004) reasons that the term patriarchy recognizes the ideological system itself- (the idea of inherent male dominance over women) - that can be believed and acted upon by either men or women, while the previous terms infer that only men act as oppressors of women. As such Dutton (1994) theorises that according to the Feminist view patriarchy is understood to be the main cause of the abuse of a female.

Furthermore, radical feminism declares that society is run in such a manner that the class of men are the oppressors of the class of women and as such society can be classified as a patriarchy (Echols, 1989). They also suggest that as a result of patriarchy women are seen as the 'other' with the male being the norm and women have thus been systematically oppressed

[4]http://www.perseus.tufts.edu/hopper/text?doc=Perseus%3Atext%3A1999.04.0057%3Aentry%3Dpatria%2Frxhs
http://oxforddictionaries.com/view/entry/m_en_gb0610450#m_en_gb0610450
http://www.oxforddictionaries.com/definition/english/patriarchy#m_en_gb0610450

and marginalized. Men as a class benefit from the oppression of women, hence radical feminists seek to eradicate society of patriarchy. It is their opinion that the manner in which patriarchy can be abolished and any kind of oppression dealt with is to address its underlying causes through revolution and hence radical feminists viewed themselves as revolutionaries (Tong, 2009). Certain radical feminists believe that patriarchy is so profoundly entrenched within humanity and as such separatism is the only feasible answer (Shugar, 1995; Echols, 1989). However, these views have been criticised by other feminists and labelled as being anti-men (Shugar, 1995).

Yet, patriarchy is a system which is deeply entrenched within many political, economic and religious systems and has had and continues to have implications for victims of domestic violence- both male and female. However, the emphasis has always been centred on the female victim due to centuries of unjust treatment and oppression of women. Historically, there have been a number of factors which have allowed for the victimisation of women, with patriarchy being the underlying cause. Theological philosophies described women as being lesser than men in addition to being compared to children and being highly vulnerable to the powers of the devil. Moreover, women were also objectified in that they were seen as being a part of the property of their husbands (Seabi, 2009). This allowed men to treat their wives in the same way that they treated their other possessions. Hence, they could abuse 'their women' without being subjected to any disciplinary actions- either by moral systems and/or legal systems (Hattery, 2009). This is due to the fact that whenever women and children are perceived as the property of or 'belonging' to a man, violence has been utilised as a tool of legitimate control. Furthermore, throughout history, the rights and regulations relating to the control of men over women and children have been categorized in different laws, both civil and religious[5], of which I give a short synopsis hereunder.

The history of domestic violence, and particularly violence perpetrated against female partners, can be traced back as early as 753 B.C. Throughout the rule of Romulus in Rome, under 'The Laws of Chastisement' wife beating was acknowledged and overlooked. These laws granted the husband the unqualified right to physically 'discipline' his wife. At that time, according to law, a husband was believed to be accountable for any wrongdoings on the part of his wife, this law was allegedly intended to 'save' him from any damage produced by

[5] http://www.womensafe.net/home/index.php/domesticviolence/29-overview-of-historical-laws-that-supported-domestic-violence

his spouse's activities. Hence, such decrees allowed the husband to hit his wife with either a rod or 'switch' as long as its circumference was not bigger than the circumference of the base of the man's right thumb which became known as "The Rule of Thumb" (Lemon, 1996). Hoff-Sommers (1995) also touches upon the popular 'Rule of Thumb' expression which originated in English common law and throughout majority of Europe and was later integrated into American law (George, Skimmington Revisited , 2002; Hoff-Sommers, 1995).

In 202 B.C, at the end of the Punic Wars, the family structure changed thereby allowing women greater rights, including property rights and the right to sue their husbands for unjustified beatings. However, in about 300 A.D the husband's patriarchal authority and the patriarchal values of Roman and Jewish law were re-established by the Church fathers (Lemon, 1996). During the middle ages, European squires and noblemen beat their wives as regularly as they beat their serfs with the peasants faithfully followed their lords' example. Additionally the subjection of women was endorsed by the church and abused wives were advised by the priests to win their husbands' good will through better dedication and compliance. During the middle Ages the practice of seeing women as a different species without the same feelings and capacity for suffering possessed by men, became ingrained (Martin, 1976). During the 1400's the Christian church wavered between the support of wife beating and encouraging husbands to be more 'compassionate' by using moderation in their punishments of their wives. A century later, Lord Hale, an English Jurist, set the tradition of marital rape not being recognized. He stated that when women married, they contractually "gave themselves to their husbands" and as such that consent could not be withdrawn until they divorced. This formed the foundation of the "contractual consent" theory. It was Lord Hale who also burned women considered to be witches at the stake. It was due to these actions of his that he was termed to be a Misogynist.

Old English common-law was utilised by the early American settlers as the footing of their own laws. These laws unambiguously allowed men to beat their wives in order to correct and discipline them. Yet, the fledgling states leaned towards asserting that wife-beating was unlawful. However, a man was permitted to lash his wife with a "switch" that was the size of/smaller than his thumb (Lemon, 1996). The subjugation of women continued throughout the 1500's when, during the reign of Ivan the Terrible in Russia, the State Church sanctioned the oppression of women by issuing a Household Ordinance that described when and how a man might most efficiently beat his wife. He was allowed to kill his wife or serf for

disciplinary purposes. However, half a century later, many Russian women decided to fight back. Conversely, when they killed their husbands for all the injustices they had been forced to endure, they were punished by being buried alive with only their heads above the ground, and left to die. Yet it was not against the law for a husband to kill his wife. Simultaneously, in England, "the Golden Age of the Rod" was used against women and children who were taught that it was their sacred duty to obey the man of the house. Violence against wives continued to be encouraged throughout this time (Martin, 1976).

The history of domestic violence is long and complex with the above highlighting merely a portion of that history. Violence against women continued to be justified throughout the Middle Ages and far as the 18th century. The general assertion was that beating a woman helped her to escape the encouragements of the devil. It was also believed that abusing a woman prevented her being vulnerable to witchcraft in addition to aiding her understanding of her role in society was (Fox, 2002; Patel, 2014). This continued for decades and the law persisted in failing to address the serious inequalities within structures and institutions of power. Hence, the abuse of women persisted as late as the nineteenth century which was when British common law as well as certain American states outlawed the practice of a man abusing his wife (Hamel, 2007). Yet, this was merely in terms of legislature. Within law enforcement professions, such as police services, domestic violence was simply considered as being a morally reprehensible act and not one which was punishable by law. Thus, there was no prosecution or arrests of perpetrators of domestic violence (Fox, 2002; Seabi, 2009).

As such, prior to the 1980's IPV was regarded as a "family problem". This influenced legal responses and it also had an impact on the manner in which police officers reacted to cases of domestic violence. There was a great averseness on the part of the police to get involved in such cases due to it being perceived as an inherently personal issue Hattery, 2009; Houston, 2014; Worden, 2000). Thus, even though the nineteenth century witnessed legal reforms, in the twentieth century women continued to fight for power and control over their own lives (Patel, 2014). Yet, the twentieth century saw the intensification of women's liberation movements during which the problem of domestic violence was granted serious consideration as a criminal and social occurrence (Anderson, 2007; Shuler, 2010). The acknowledgment of power imbalances between men and women prompted feminists, researchers and liberal politicians to increase attentiveness to IPV (Hattery, 2009; Worden, 2000). After many years of struggling for equality, the 1970's witnessed the sexual revolution and Feminist

Movements in which, mostly white, women in America began to gain equality in the public domain (Shuler, 2010). Through these movements the problem of inequalities between men and women in the domestic domain also arose as a matter of serious concern. Hence, it was during the 1970's that Feminist movements conveyed awareness and acknowledgment of female victims of domestic violence by inspiring legislators and community leaders to place greater importance on domestic violence (Abrar, Lovenduski, & Margetts, 2000). As such, it was between the 1970's and 1990's that significant alterations were made with regards to domestic violence. Accordingly, the next section looks at the role of the women's movements and feminism in highlighting the seriousness of domestic violence.

2.2.1 Feminism

The impact of the Feminist movements on the shift in perception of domestic violence being seen as simply being a family problem to it being regarded as a social and legal problem was phenomenal (Girard-Brown, 2012). As with patriarchy, prior to studying the role of feminism in the history of domestic violence law, I provide a brief description of feminism and particularly of Radical feminism. Feminism is a collection of various resistance movements with a number of ideologies that share a collective goal. The aim of feminism was and continues to be the defining, instituting, and attaining of equal rights for women in every sphere and domain of life. These include equal cultural, economic, political, social as well as personal rights to name but a few. Essentially, feminist movements have called for and continue to call for the implementation of equal rights for women. Examples of such rights include, but are not limited to some of the following, suffrage rights, the right to hold positions in public office, to work and in addition to working and to earn wages that are fair and equal to what a man is entitled to. Feminist movements have also lobbied for women to have basic rights such as the right to education as well as the right to safety and security. They do this through campaigning for bodily autonomy and integrity and as they have worked towards protecting females from abuses such as domestic violence, rape and sexual harassment.

In addition to the above feminism is not just a single movement but it incorporates a number of different ideologies. One such ideology is that of Radical Feminism which has had a profound impact in the contribution it made in terms of rape theory as well as its battle against domestic violence (Brownmiller, 1999; Houston, 2014). Thus, Radical Feminism was at the forefront of exposing IPV as a social ill. It is a perspective within feminist theory which

demands a radical rearrangement of society and as such calls for the eradication of male supremacy in all social and economic contexts (Willis, 2012). Additionally, Radical Feminism considers social dealings in terms of and in association to gender relations. The Neo-Marxist view which states that, in terms of power, men have advantageous over women in patriarchal societies is upheld by Radical Feminists. In view of this they purport that acts of IPV are committed by men to uphold that power (Dutton & Nicholls, 2005; Rowland & Klein, 1996).

As such, over the last two decades there has been an increase in policy and public attention towards IPV. As a result of the intervention of feminist movements, IPV is no longer perceived to be a 'family problem' but is now acknowledged, by the law, as a criminal act. Yet, the foundation on which these policies are constructed is that of the feminist primary beliefs of control and power (Abrar, Lovenduski, & Margetts, 2000). These core beliefs are centred on the power a man holds of a woman and her comparative powerlessness in relation to this. As such, the notion that a woman can have more power over a man is not taken into consideration (Dutton & Nicholls, 2005; Hamel, 2007). There is no uncertainty to the fact that the feminist movement transformed the entire concept of domestic violence and thus, implemented sorely needed change for female victims of abuse, there are also adverse consequences for male victims. One of the main repercussions is that IPV is intellectualised and demarcated as a 'woman's issue' or even as 'violence against women' (Dutton & White, 2013; Hattery, 2009; Patel, 2014). This then serves as one explanation for the gendered nature of IPV and the opposition towards recognizing that female-to-male IPV does indeed exist. Yet, at the same time the role of feminism in domestic violence being recognised as a criminal act cannot be discounted as it has positive implications for male victims as well.

2.2.2 How Feminist Theory Became Criminal Law

Understandings of domestic violence and the ways in which it was managed underwent a significant shift during the latter part of the twentieth century. Forty years ago domestic violence was primarily seen as a private problem and even though, according to legislature, it was considered to be a criminal act it was scarcely met with criminal responses. However, at present domestic violence by and large is predominantly considered to be criminal (Coker, 2001; Houston, 2014). This shift has largely come about as a result of feminist interventions (Goodmark, 2011; Houston, 2014). The battered women's movement was organized to increase public awareness of domestic violence in addition to redefining the terms of its

management, part of which included the redefining of domestic violence as a crime (Schneider, 2002; Houston, 2014). However, since the inception of the battered woman's movement the use of criminal law and thus the police to fight domestic violence cases was and remains a controversial issue. This was because feminists were wary of the role that the criminal justice system played in legitimizing various forms of oppression. As such, early feminists expressed apprehension over substituting one form of oppression, male domination, with another: state control. Supporting the oppression of men was seen as contrary to feminists' liberation ideals and thus because of the fact that feminists ascribed official inaction to systemic male domination it is not surprising that they were hesitant to place battered women's protection in men's hands (Houston, 2014).

Even though criminal statutes in the late 1970s offered provisions under which abusive husbands could be charged, specific statutory requirements and police reluctance to interfere in domestic disputes meant few arrests were made (Parnas, 1967) and as such the criminal justice system's failure to respond to domestic violence reflected the fact that men and masculine ideals controlled the system's institutions thus contributing to the reluctance of feminists to seek legislative assistance (Houston, 2014). Additionally, prosecutorial discretion was seen as another barrier to effective criminal justice intervention. The reason for this is that although there were few arrests in domestic violence cases, there were even fewer prosecutions (Lerman, 1981). Hence, feminists attributed the low prosecution rate to prosecutors' sexist beliefs about the nature of domestic violence. Yet; a noteworthy reason for the low prosecution rate was that victims frequently refused to testify. However, feminists nonetheless blamed male domination, elucidating that threats received from batterers and discouragement from sexist prosecutors were to blame (Houston, 2014).

However, there were feminists who recognized and fought for the criminalization of domestic violence. It was the filing of two companion class actions[6] in 1976, by two feminist lawyers on behalf of battered women against police departments in New York, which served as real turning points in the feminist campaign against domestic violence. These cases spurred similar actions across the country and legislative reform was also taking place at the time (Loving, 1980). This was followed by legislative changes and transformation in domestic

[6] Bruno v. Codd, 396 N.Y.S.2d 974 (N.Y. Sup. Ct. 1977), *rev'd in part, appeal dismissed in part*, 407 N.Y.S.2d 165 (N.Y. App. Div. 1978). The complaint also alleged violations by actors in the Family Court and Probations Department in regards to the issuance of protective orders, which were subsequently dismissed. *Bruno*, 407 N.Y.S.2d at 167.
Complaint, Scott v. Hart, No. C-76-2395 (N.D. Cal. Oct. 28, 1976).

violence laws which eventually culminated in the laws as we now know them. Thus, over the course of four decades prevalent understandings and legal approaches to domestic violence have seen a dramatic shift from the "private" response, where domestic violence was considered to be a result of relationship dysfunction, to a wholly "public" campaign in which the state takes the lead in fighting domestic violence through arrest and prosecution of abusers (Houston, 2014). This shift, according to Houston (2014) reflects a feminist understanding of domestic violence as patriarchal force (which I have touched on in a previous section). In light of the above it is understandable that the primary focus in terms of victimisation has been the female. However, female-to-male IPV has a long and complex history as well.

2.3 History of Female-to-Male IPV

Wives transgressing nature's law Where, when the

Brawny female disobeys And beats her husband 'tit

For peace he prays No concern'd jury damaged for him

Finds nor partial justice her behaviour binds But the

Just street does the next house invade Mounting the

Neighbour couple on lean jade The distaff knocks, the

Grains from kettle fly And boys and girls in troops run headlong by."[7]

French records dating as far back as the 1400s detail the prescribed punishment a man had to face if it was thought that he was being abused by his wife. These records indicate that that the prescribed punishment for an abused man was that he be dressed in an outlandish costume and made to ride a donkey backwards while holding onto its tail (Davis, 1971; George, 1994; George, 2002). These social customs, known as the Charivari, existed across mainland Europe and dictated that individuals seen to be transgressing social customs in the eyes of the community were brought to heel through humiliation and derision. Under particularly stringent censure were those husbands who purportedly allowed themselves to be beaten by their wives. The patriarchal ethos which dictated that a man dominate his wife demanded that those men who were seen to contravene such ideals be ridiculed and treated with contempt

(Barkhuizen, 2010; Davis, 1971; George, 1994; George, 2002). Evidence from the sixteenth century indicates that the punishment of men who were thought to be beaten dated as far back as and was derived from classical laws of ancient Greece and Rome (Davis, 1971; George, 2002). Hence, while the Charivari was viewed as a folklore right of the masses, it was often utilised to complement the official legal system with evidence suggesting that the bulk of these "processions" had been planned as a means of scandalizing the situation of the battered husband in order to maintain the strong patriarchal code of the time. Yet, even though these punishments were carried out by the populace and were seen to be unofficial means of punishment, there were times when they utilised by the courts and as such they often represented a combination of ancient folklore and an unqualified social system of discipline which had quasi-legal undertones enforced to establish social conformity and to punish those considered to be wayward (George, 2002). The basic principle behind such practices of punishment was the belief that the man should be head of the household and should dominate his wife (Barkhuizen, 2010; George, 2002).

The tradition of "riding a donkey backwards" may seem baffling and a tad bit humorous, but it provides credibility to the point that the domination over a male by a female was recognized during the 18th century (George, 1994). The practice of being humiliated publicly may have stopped but the patriarchal view which asserted a man's authority over his wife continued into the twentieth century. Even though the latter half of the twentieth century saw a transformation in people's attitudes towards marital relationships, these attitude shifts focused on the female victim of domestic abuse. Female-to-male IPV is seldom acknowledged or recognized; instead the husband-as-victim of domestic violence is treated with derision and disdain, albeit in a less outrageous manner than the said post-renaissance practices(George, 1994). Hence, even though these customs may no longer be carried out, notions of male dominance and female subordination are still adhered to and as such society continues to ridicule and punish transgressors, albeit in different manners. One of the manners in which the vestiges of the Charivari are apparent can be found in the black humour of cartoons, post cards and stand-up comics. The fact that past societies found it necessary to punish men who supposedly transgressed the patriarchal order by allowing themselves to be dominated by their wives suggests that they recognised that a man could be abused by his wife. Yet, the idea of a male as being victimised by his female partner was and continues to be a subject of much controversy. It must be noted that the most sustained and aggressive feminist critique of the family violence approach concerned its treatment of mutual violence.

2.3.1 Mutual Violence

The first U.S National Family Violence Survey was conducted in the year 1975 by Strauss, Gelles and Steinmetz and it found that women are as violent as men. This was consistent with previous findings from smaller samples. Additionally, the researchers also found that mutual violence (where husbands and wives physically attack each other) was the most prevalent form of domestic violence (Houston, 2014). These researchers ultimately published articles containing their findings. Straus's recommendation was that the most immediate remedial steps be focused on women who are abused. In contrast, Steinmetz (1978) published an article entitled "The Battered Husband Syndrome" in which available empirical evidence on husband abuse was studied (Barkhuizen, 2010; Houston, 2014). As mentioned above she received much criticism for her findings with Gelles stating that the publication of the 1976 data led to the family violence research group to become "nonpersons" among battered women's advocates yet Gelles and Strauss repeated the survey in 1985, with minor adjustments (Houston, 2014). This however did not appease feminist critics, with Russell (1988) - a rape scholar- stating that an understanding of the problem would be more advanced and the resolutions more distinct once wife abuse research informed by a feminist perspective replaced "patriarchal research on 'family violence (Houston, 2014; Russell, 1988). In line with this, female-to-male IPV still continues to receive much criticism and there are very few who acknowledge the problem, thus, male victims often remain on the margins of domestic violence research and attention, and receive very little or no necessary assistance despite domestic violence laws being equal for male and female victims. This is the case in South Africa as well. However, the history of domestic violence in South Africa isn't as long or complex as American or European history and the laws are fairly recent. As such the next section outlines the issue of domestic violence within the South African context.

2.4 Domestic Violence within a South African Context

On the 14th February 2013, South African society was plunged into a state of shock at the then alleged murder of model Reeva Steenkamp at the hands of her world famous boyfriend, Paralympian, Oscar Pistorius. Almost two years later the alleged murder of South African rapper Nkululeko Flabba Hadebe by his girlfriend, Sindiswe Manqele[8], grabbed headlines

[8] Manqele has since been convicted of the murder of Flabba

(Pillay, 2015) [9], with the accused alleging that she acted in self-defence [10]. Both Pistorius and Manqele have been found guilty of murder. Intimate Partner Violence (IPV) is of grave concern within South Africa (Tsae, 2013; Gass et al, 2010) [11], and as such thus there is much debate and activism on the issue of domestic violence.

While Hoosen (1999) suggests that official statistics on the prevalence of domestic violence in South Africa are insufficient, it has been estimated that domestic violence takes place in one out of three households within South Africa. The department of justice estimates that 1 out of every four South African women are survivors of domestic violence However, it must be noted that these statistics cannot be generalizable as it is difficult to obtain reliable statistics on violence against women in South Africa[12]. Additionally, IPV continues to be extremely hidden. Consequently, women who are in abusive relationships suffer profuse quantities of abuse- be it emotional, physical, and/or sexual. Even though existing statistics illustrate that there are exceptionally high levels of IPV in South Africa (Seabi, 2009; Vetten, 2005), it is one of the most under-reported crimes (Patel, 2014; Seabi, 2009). There are a number of factors which contribute to and exacerbate under-reporting of IPV cases in South Africa, particularly in the case of male victims. However, before delving into that I briefly look at the history of domestic violence within South Africa.

In order to understand existing laws concerning domestic violence within the South African context, it is important to place these laws within the context of their history. The movement against domestic violence within South Africa has been described as a relatively new movement which gained momentum during the 1990's[13]. Information pertaining to domestic violence within South Africa prior to the 1990's is extremely scant. Hence, I focus on domestic violence post-Apartheid. It must be noted that prior to the mid-1990's domestic violence was not seen as a topic of research within the African context particularly during the

[9] http://mg.co.za/article/2015-03-10-how-could-a-pretty-girl-have-murdered-flabba-and-other-bizarre-questions
[10] http://www.enca.com/south-africa/flabba-murder-accused-claims-self-defence
[11] Retrieved from Moshate: www.moshate.org.za
[12] http://www.womeninaction.co.za/statistics-on-domestic-violence-in-south-africa/

[13] http://www.sabc.co.za/news/a/a424c0804af19b5e9583fd7db529e2d0/SouthAfrica,-worlds-rape-capital:-Interpol-20121904

Apartheid era. Furthermore, the legacy of Apartheid continues to impact on domestic violence within the country.

2.4.1 Legacy of Apartheid

Unjust and discriminatory Apartheid laws in South Africa resulted in an economic and social crisis which played a major role in contributing to the extraordinarily high rates of violence within the country with years of institutionalized violence resulting in social issues such as the disruption of family life, which is a contributing factor to domestic violence[14]. Additionally, Bruce (2006) postulates that as a consequence of Apartheid, an environment was created which saw the lines between political violence and criminal violence being blurred. As such violence, and particularly political violence, did not end up in the public space but rather encroached upon living spaces and every sphere of daily living. Thus, the legacy of institutionalized violence during the Apartheid era has been touted as one of the contributing factors to a society which is predominantly violent in nature, wherein women and children live in constant fear of being assaulted and raped (Peterson, 2010). Research estimates that one in four women finds herself in an abusive relationship (Jewkes & Abrahams, 2002) and that every six hours a woman is killed by her intimate partner (Matthews et al. 2004). However, since the transition from apartheid to democracy, violence against women was regarded as a national priority by the government. State interventions produced a number of legislative reforms including the institution of the Domestic Violence Act (no 118 of 1998) and various specialist services such as the sexual offences court and family courts (Vetten, 2005) which focus predominantly on female victims. Yet, the law is essential in terms of providing victims with appropriate protection, interventions as well as justice regardless of gender.

2.5 Importance of the Law

According to international human rights conventions in addition to the Constitution it is the state's responsibility to protect the rights of its citizens. These include the rights of victims of domestic violence, especially if one takes into consideration the high levels of domestic violence that occur within South Africa. Currently, the general standard with which the entire body of law must comply with, in South Africa is the Constitution of the Republic of South Africa, Act 108, of 1996. The Constitution can be described as the supreme law of the

[14] Chapter One.
contentpro.seals.ac.za/iii/cpro/app?id=4641180335855252

country and contains an extensive range of human rights as enclosed within the Bill of Rights. Post-1994, the constitutional dispensation challenged a number of aspects of the South African legal system, including domestic violence laws (Kruger, 2004).

Domestic violence in and of itself serves to violate many essential rights and as Singh (2002) purports, domestic violence as well as IPV remove the victim's fundamental rights to equal treatment, dignity and respect. Van Marle (1996) lists a number of rights which are violated by the perpetrators of domestic violence namely; the right to equality, dignity, life in addition to the right to freedom of security of the person which is inclusive of the right to be free from all forms of violence. In essence, the constitution places an obligation upon the government to sanction legislature which realise the fundamental rights of citizens and members of South African society, including all victims of domestic violence, regardless of sex or gender (Kruger, 2004; Singh, 2002; Van Marle, 1996).

Additionally South Africa has approved various international human rights conventions that are pertinent to domestic violence (Kruger, 2004). Yet, the compliance of the Universal Declaration of Human Rights which came into force in 1945 did not result in a significant gratitude of fundamental rights or the development of human rights law in South Africa (Kruger, 2004; Patel & Watters, 1994). However, after the constitutional changes that took place in 1994, human rights became and continue to remain a central point in South Africa (Kruger, 2004). As such, in 1995 consent was given to both the United Nations Convention on the Rights of the Child and the Convention on the Elimination of Discrimination against Woman (CEDAW) (Oosthuizen, 2001). Shortly thereafter, in 1996, ratification was granted to the African Charter on Human and People's Rights followed, in 200, by the ratification of the African Charter on the Rights and Welfare of the Child (Davel, 2000). These international instruments concentrate on a number of human rights and although freedom from domestic violence is not explicitly made mention of, freedom from all types of violence, equal rights for men and woman as well as the recognition of dignity are commonly accentuated. Thus the South African government needs to pass laws that are in compliance with the human rights principles entrenched in these international conventions (Kruger, 2004; Singh, 2002). Hence, effective legal measures and a competent legal response are of paramount importance.

2.5.1 South African Laws Pertaining to Domestic Violence: History and Overview of Current Laws

Prior to 1993 perpetrators of domestic violence were generally charged according to common law. Thus, perpetrators of domestic violence could have been prosecuted for a crimes which included assault, assault with the intent to do grievous bodily harm, indecent assault, murder, culpable homicide, crimen injuria, rape, incest and malicious injury to property to name but a few (Kruger, 2004). This common law protection was thereafter extended by the Prevention of Family Violence Act (PFVA), 133, of 1993 which was the primary piece of legislature specifically addressing the issue of domestic violence (Kruger, 2004; Van Marle, 1996; Vetten, 2005). However, soon after its introduction, attorneys questioned aspects of its provisions as they felt that the PVFA violated a man's rights to a fair hearing. In response to this, in February 1996, a project committee was formed by the South African Law Commission (SALC). This committee, which comprised of a number of feminist lawyers and experts in the arena of domestic violence, was established to review the legislation (Vetten, 2005). As a result of this committee the Domestic Violence Act was passed in 1998 and on the 15 December 1999 it came into operation (Vetten, 2005).

2.5.1.1 The Domestic Violence Act

The DVA is considered to be one of the more progressive examples of domestic violence legislature within an international context (Submission to the portfolio committee & select committee on women, youth, children and people with disabilities: Implementation of the Domestic Violence Act, No. 116 of 1998). It must be noted that even though the passing of the Domestic Violence Act was not devoid of controversy, the more progressive act does contain a number of innovations (Vetten, 2005). One of the primary aims of the DVA is to provide maximum protection from domestic violence through the provision of both the issuing as well as the enforcement of protection orders (Kruger, 2004; Vetten, 2005). The application and obtaining of a protection order is a civil procedure, with victims of domestic violence being allowed to obtain a protection order (Kruger, 2004). Applications may be put forward by the complainant themselves or it may be applied for on behalf of a victim by any person who is concerned about the social wellbeing of the complaint. These individuals include, but are not limited to, police officials, social workers or teachers[15]. A legal process is then followed whereupon the complainant may or may not be granted a protection order by the courts. In the event that a protection order has been granted the court will also issue a warrant for the arrest of the respondent but this arrest will only take place if the protection

[15] Section 4(3). DVA.

order is not complied with (Kruger, 2004; Vetten, 2005). In line with the above, an interview conducted by Kruger (2004) with a magistrate revealed that the magistrate is of the opinion that issuing a protection order often dissuades the perpetrator. A significant number of victims have reported that after the issuing of a protection order no further domestic violence took place. However, due to the unavailability of official statistics on the position nationwide are not available, it is difficult to make a general inference to this effect (Kruger, 2004). Moreover, the Domestic Violence Act 116 of 1998 makes provision for male victims of IPV. The DVA is pertinent to an assortment of familial and domestic relationships and covers both heterosexual and same sex relationships (Vetten, 2005).

2.5.1.2 Implementation of the DVA

One of the aims of the promulgation of the Domestic Violence Act was to provide accessible legal assistance to victims of domestic violence in a bid to curb the problem (Artz, 2004). It envisioned and promoted a cohesive service delivery approach to victims of domestic violence with various inter-governmental/sectorial role players and broader civil society being involved in providing assistance to the victims of domestic violence. The South African government also offers training to employees who work within governmental structures. Furthermore, the South African Police Services (SAPS) has units which specialize in providing assistance to women and children who are impacted by problems of domestic violence (Andrews, 1998; Bowman, 2003; Seedat et al., 2009; Usdin, et al.; Vetten, 2005).

Additionally over the last few years there has been an intensification of consciousness and interest by civil society as well as by government officials on the issue of domestic violence and specifically that of the severe repercussions of violence perpetrated against women and children. Resultantly great strides have been made in rendering support to abused women. Amongst these is the provision of beneficial services which will be of benefit to women and children who are victims of domestic violence (Jewkes, Levin, Penn-Kekana, Ratsaka, & Schrieber, 1999). Yet, even though the steps taken to assist women and children are momentous and cannot be discounted, the reality is that male victims continue to be secluded and unrecognised. Hence, while the Domestic Violence Act may be progressive in that it allows for male to be seen as victims this may not be the case when it comes to the implementation of the Act. These difficulties arise from the initial reporting of the abuse to the police. In relation to the implementation of the Domestic Violence Act, there are certain vital roles and responsibilities that the police have. Specific obligations were placed on the

police by legislatures in an attempt to contest their prior and long history of neglect towards domestic violence. These regulations are one of the more important developments and innovations of the Act (Vetten, 2005). Regulations imposed by the Department of Justice and Constitutional Development, together with Guidelines for the Implementation of the Domestic Violence Act for the Magistrates supports the implementation of the Domestic Violence Act. In addition the National Instruction 7/1999 (version 2 issued on 3 March 2006) was issued by the police to outline the police's obligations in implementing the Act. In short police obligations include the following. They are obliged to explain their responsibilities to the victim. These responsibilities include the provision of any and all assistance that the circumstances may necessitate. These services might also include helping the victim obtain medical treatment. Together with this the police need to inform the victim of his/her rights to apply for a protection order as well as the laying of criminal charges. In addition there are existing regulations put into place which are meant to ensure police compliance with their obligations (Bosilong, Mbecke, Tshiguvho, & Weideman, 2008; Vetten, 2005)[16].

2.5.1.3 The SAPS

In relation to the implementation of the Domestic Violence Act, there are certain vital roles and responsibilities that the police have. Specific obligations were placed on the police by legislatures in an attempt to contest their prior and long history of neglect towards domestic violence. These regulations are one of the more important developments and innovations of the Act (Vetten, 2005). Regulations imposed by the Department of Justice and Constitutional Development, together with Guidelines for the Implementation of the Domestic Violence Act for the Magistrates supports the implementation of the Domestic Violence Act. In addition the National Instruction 7/1999 (version 2 issued on 3 March 2006) was issued by the police to outline the police's obligations as per the Domestic Violence Act. In short police obligations include the following. They are obliged to explain their responsibilities to the victim. These responsibilities include the provision of any and all assistance that the circumstances may necessitate. These services might also include helping the victim obtain medical treatment. Together with this the police need to inform the victim of his/her rights to apply for a protection order as well as the laying of criminal charges. In addition there are

[16] SUBMISSION TO THE PORTFOLIO COMMITTEE & SELECT COMMITTEE ON WOMEN, YOUTH, CHILDREN AND PEOPLE WITH DISABILITIES: IMPLEMENTATION OF THE DOMESTIC VIOLENCE ACT, NO. 116 OF 1998

existing regulations put into place which are meant to ensure police compliance with their obligations (Bosilong, Mbecke, Tshiguvho, & Weideman, 2008; Vetten, 2005)[17].

In accordance with Section 18 (5)(d) of the Act, complaints and disciplinary proceedings implemented against police members failing to act in compliance with the Act must be reported to the ICD -the civilian oversight body established in terms of the 1995 South African Police Service Act- by the National Commissioner of the SAPS. Six-monthly reports have to be submitted to parliament by the ICD. These reports are required to contain the recording of the number and nature of complaints received against the police in addition to all of the recommendations made around such complaints. However, it was only as late as 2006 that the first of these six monthly reports was submitted to parliament and while these have since been submitted regularly, the ICD reports highlight a number of inadequacies on the part of the police (Vetten, 2005).

However, adverse police opinions regarding IPV pace a challenge to the effective implementation of the Act. The prevalent conviction within the South African Police Services (SAPS) regarding IPV is that it is a private problem. Thus, there is an unwillingness to intercede in cases of IPV. Additionally domestic violence is also rife amongst police officers themselves (Patel, 2014; Vetten, 2005). Thus, sufferers of IPV (both male and female) are frequently not acknowledged by police officers. This is also because police officers often back the man's power which leads to the withdrawing of charges by the female victim. There is also a deficiency in the training of police officers in terms of the Domestic Violence Act and its successful implementation (Christofides, Maker, Malepe, & Usdin, 2000). There is a great need for police training to identify the occurrence of female-to-male IPV in order for it to be clearly regarded as an act of violence punishable by law (Barkhuizen, 2010; Vetten, 2005). Hence even though the Act itself does not discriminate against male victims the question as to whether it is actually implemented or not comes to the fore. In order to adequately answer this question I look at the nature of South African society in relation to patriarchy and hegemonic masculinity (Tsae, 2013). This is important in that it often directs police reactions to male victims of IPV and their subsequent implementation of the Domestic Violence Act.

[17] SUBMISSION TO THE PORTFOLIO COMMITTEE & SELECT COMMITTEE ON WOMEN, YOUTH, CHILDREN AND PEOPLE WITH DISABILITIES: IMPLEMENTATION OF THE DOMESTIC VIOLENCE ACT, NO. 116 OF 1998

The role of the police is extremely vital in that they are the initial point of interaction with the criminal justice system for victims of IPV (Apsler, Cummins, & Carl, 2003). Thus, recognition of female-to-male IPV by police officers is crucial as it will decide whether male victims of IPV get the required help and intermediation. However, not all victims of IPV report their abuse (Jordan, 2004). This non-reporting of IPV is not limited to male victims, but also encompasses female victims (Patel, 2014). Fear of vengeance on the part of the offender, the social stigma accompanying victimisation and more significantly the belief that reporting victimisation may not accomplish anything are factors which contribute to the reluctance towards reporting incidents of IPV (Jordan, 2004). The prevailing belief that the reporting of victimisation may not result in anything constructive could be associated to the manner in which the police approach and deal with IPV. If police officers are of the opinion that victims of IPV should be seen in an undesirable light it can result in them not taking any action against offenders (Patel, 2014). Thus, the following section highlights the controversial nature of male victimisation which could be said to colour both professional and general perceptions of the male as the victim and thus hinder appropriate implementation of the law either through professional misconduct or under-reporting by male victims.

2.6 Male Victimisation

It is a predominantly accepted fact that males are more likely to commit acts of violence. As such, it is men who are professed to be perpetrators of IPV. Yet, this is also relates to the broader spectrum of violent actions. As a result of gendered constructions, as well as the notion of masculinity, it is often challenging to consider males as being victims. It could be easier to understand male victimisation by another male; yet, the same cannot be said of male victimisation at the hands of females (Patel, 2014). With regards to violent behaviour, violence that is committed by one man against another is often regarded as non-problematic while violence executed by a man against a woman is seen as problematic and unacceptable (Seymour, 2010). As such it is perplexing to comprehend of male victimisation by women. This is perchance aggravated in countries, such as South Africa, where patriarchy is highly valued and men are supposed fit notions of masculinity (Patel, 2014).

Male victimisation, as a term, is paradoxical. As pointed out (in the section on gender) males are meant to to be tough, forceful and dominant. Thus any type of victimisation is thought to be disempowering for men. Societal ideas of gender make it particularly trying to distinguish men as victims. Victimisation tends to be associated to women and men who are victimised

are often ashamed as society regards them as being disgraceful (Patel, 2014). Essentially they are often regarded as failure in that they have not lived up to the expectations of hegemonic masculinity. This is because their victimisation threatens dominant concepts of masculinity (Weiss, 2010). Masculinity itself can be understood of as a social position or a set of practices which have an influence on the distribution of power in the form of authority. This power is frequently positioned in the hands of individuals who identify with and practice on the principles of hegemonic masculinity in contrast to those who are perceived as being 'non-hegemonic' (Patel, 2014).

Gender constructions maintain that it is males who should act in masculine ways and this frequently disqualifies them as victims. Yet, studies disclose that males are victims of female perpetration in terms of both IPV and in relation to sexual victimisation as well. These studies show that male victims are generally hesitant to report their victimisation for fear of the stigma and embarrassment accompanying male victimisation. This is because it is perceived in an enormously antagonistic way mainly as a result of concepts of hegemonic masculinity, which is particularly prevalent within South African society (Patel, 2014).

2.6.1 Hegemonic Masculinity and IPV

Connell (1995) theorises that masculinity is an area within gender relations and it is simultaneously the practice through which both males and females engage in that area together with the consequences of these practices within bodily experiences, personality and culture. Her three fold model of the structure of gender distinguishes between power relations, production relations and cathexis. She states that while both men and women engage with gender, Western societies tend to be historically patriarchal and as such present day society is founded on gender relations that commonly attribute social, economic and political dominance to men as opposed to women. In addition these societies also grant prominence to values associated with what Connell (1995) terms as hegemonic masculinity. Thus, masculinity- as a social construction- fundamentally mirrors and replicates systems of gender within which men are viewed as dominant and women subservient (Connell, 1995; Potgieter, 2012).

There is a contradiction in terms of male victimisation and hegemonic masculinity. Hegemonic masculinity both allows for and disregards male victimisation. In order to elaborate on this I briefly unpack the concept of hegemonic masculinity. It must be

understood that the term hegemonic masculinity is a critique of masculinity (Donaldson, 1993). While masculine hegemonies suggest that there is a male patriarchy, they also state that men can be oppressed by this same patriarchy. It also suggests that women are can occupy masculine roles. Essentially, masculine hegemonies suggest that not all men are powerful. However, it proposes that individuals who identify with masculine notions can serve as oppressors. In contrast anyone who does not identify can be mistreated regardless of their sex. Thus, the theory of hegemonic masculinity attempts to illuminate how and why men and women who relate to masculine identities uphold dominant social control (Patel, 2014). In short, these can be understood as the patterns of practice which permit the perpetuation of the dominance of hegemonic individuals over non-hegemonic individuals, regardless of their biological sex.

Hence, even though men are normally physically stronger than women, this does not disprove the likelihood of a man being physically abused by his female partner. It has been reported that women often utilise weapons or hazardous objects to make up for their inferior strength (Patel, 2014; Shuler, 2010). However, gender constructions make the possibility of such manifestations less plausible. These gender constructions have become so embedded that a man is expected to express dominance. Behaviour that is perceived as being frail or defenceless is scorned at (Gough & Kiguwa, 2000). Anything that strays from the custom is frowned upon, rationalised or ignored. This then leads to the matter being categorized as taboo. This is the case within South Africa as well (Patel, 2014).

2.6.1.1 Hegemonic Masculinity within a South African Context

Many South Africans tend to strongly ascribe to gender constructions as well as well as abide by strong patriarchal ethos. As such, in terms of violence there are widespread exchanges of the traditional view of IPV. However, this extends to violence in general. The male is typically viewed as being the aggressor and the female the prey. These notions are entrenched within South African society as they are often internalised into individual's sense of self and then assimilated into their everyday lives (Smith, 2013). Hence, as mentioned in the previous section, it thus becomes difficult to accept and understand that a man may be victimised which is even more so in terms of victimisation at the hands of a female partner. As such I am of the opinion that we should not forget that individuals who work within the law enforcement domains are also members of society and they have their own set of belief systems which inform who they are. This is applicable to the police as well. Within the

SAPS there exists an underlying need to value traits perceived as masculine (Potgieter, 2012) and as such male victims are often treated with disbelief and scorn. This is a reflection of the conformation of practices pertaining to gender as well as notions of masculinity within the broader society.

2.7 Gender, Sex and IPV

The terms gender and sex are often mistakenly utilised within the wrong context or considered to be interchangeable. Yet, there are differences between the two terms. As such, the following sections look at these differences as well as the implications that they have in terms of IPV and male victimisation. Gender can be explained as the array of mannerisms that relate to as well as distinguish between masculinity and femininity (Udry, 1994). It differs from sex in that sex can be defined as those biological qualities which decide on whether one is male or female while gender comprises of the social and psychological makings that determine masculinity or femininity (Gentile, 1993). In line with this, gender traits may comprise of biological sex, sex based social structures and/or gender identity. However, there is (as mentioned in the opening sentences of this section) a marked difference between gender and biological sex. This terminological distinction between the two was introduced by sexologist Money in 1955 but did not become prevalent until it was embraced by feminist theory during the 1970's (Haig, 2004; Udry, 1994). At present this distinction is strictly adhered to within certain contexts such as by the World Health Organization (WHO)[18] and is particularly prevalent within the social sciences and in general sociologists consider sex to be a social construct (Lindsey, 2010).

What is vital to note is that the definition of sex does not change according to religion, culture or even tradition. However, due to the fact that it is socially constructed, definitions of gender waver according to societal and cultural expectations and beliefs (Barkhuizen, 2010). It is so pervasive that we often tend to accept gender as being biological and thus fixed (Patel, 2014). Yet, gender is not inert. There is a constant shift and change in the manners in which gender gets constructed and created. This often happens through our social interactions (Lorber, 1994). Thus, gender can be described as something that is structured and constructed particularly in societal terms. As such it can become a tool of societal oppression and control (Henslin, 2006). In line with this it is problematic to categorize males and females according to specific social roles. This often implies that individuals have to place themselves at a

[18] http://apps.who.int/gender/whatisgender/en/

certain end of the gender spectrum. They are thus compelled to identify as either being male or being female as opposed to choosing someone in between.

As Butler (1990) theorised, terms such as sex and gender are made into action words as opposed to being descriptors. This is because the manners in which individuals are allowed to act are dictated by their gender/sex. Furthermore, gender then becomes policed both politically and socially (Butler, 1990). Thus, being male or female is not about whom one is but rather it is about what one does (Butler, 1990; Butler, 1993). De Beauvoir (1973) eloquently encapsulated this when she wrote, "One is not born a woman, one becomes one (pg.301)." Accordingly Foucauldian theory purports that humans are sexual subjects and as such we become objects of power (Tong, 2009). Consequently "power" is what governs individual qualities and behaviours, to name but two, and as such people are labelled according to gender constructions. For instance being female typifies one as being a woman, and being a woman and vice versa. In turn being a woman means that are certain ways in which one can act and should behave. It implies that one has to be fragile, sensitive, and unreasonable. Thus, being a woman means that one cannot carry out actions that are generally ascribed to men. This then has implications for the manner in which violence and IPV, in particular, are thought of as theorised by the general strain theory.

2.7.1 General Strain Theory and IPV

General strain theory studies suggest that gender differences between individuals can lead to externalized anger that may result in violent outbursts (Agnew, 2012). The word strain is a reference to the removal of a positive stimulus and or the introduction of a negative stimulus, creating a negative effect (strain) within an individual, which is either inner-directed (depression/guilt) or outer-directed (anger/frustration). This depends on whether the individual blames him/her self or their environment. Additionally, even though studies have revealed that males and females are equally likely to react to a strain with anger there are drastic differences in terms of the origins of the anger and the manners in which it is managed (Blurton, McCluskey, & Moon, 2007). Males are more likely to put the blame on others for adversity and they consequently externalize feelings of anger. In contrast females characteristically internalize their anger and tend to blame themselves (Agnew, 2012). However, this internalized anger is accompanied by feelings of guilt, fear, anxiety and depression as women tend to view anger as an indication of a loss of control. They thus worry that this anger may lead them to harm others and/or damage relationships. Conversely, men

are less concerned with damaging relationships and more focused on using anger as a means of affirming their masculinity (Grothoff, Kempf-Leonard, & Mullins, 2014). Therefore, general strain theory suggests that men are more likely to engage in aggressive behaviour directed towards others due to externalized anger (Blurton, McCluskey, & Moon, 2007)whereas women would direct their anger towards themselves rather than others.

In terms of IPV it can be argued that anger and aggression are two key components. Hence, according to general strain theory the male aggressor takes out his frustrations on his partner because he feels inadequate or because he assumes that his violence is justified due to a real or imagined provocation. In terms of intimate partner homicide, men who kill their partners report experiences of losing control, suspecting infidelity, involuntary separation, jealousy, and rage (Daly & Wilson, 1988; Johnson & Hotton, 2003; Polk, 1994; Wallace, 1986). In contrast, women who kill their partners report feelings of fear and desperation resulting from exposure to domestic violence and social isolation (Eriksson & Mazerolle, 2010). Hence, by and large, IPV continues to be viewed within the traditional sense (as postulated by the General Strain Theory) with the male being seen as more likely to commit an act of violence and the female being more reluctant to do so. This is further exacerbated by gendered constructions and sex roles as highlighted in the next section.

2.7.2 Gendered Constructions, Sex Roles and IPV

There are many reasons as to why domestic violence is viewed in the traditional sense. Amongst these is the adherence to gendered constructions which is practiced by many researchers and professionals in the domestic violence arena (Dutton & White, 2013; George, 1994). Gender construction is a long and complex process informed by societal conceptions and misconceptions. As soon as a baby is born, the biological organs of the child will determine which sex category the child is assigned to. From birth sex categories become gender status's through dress, naming and other gender makers. For example, boys will be dressed in blue and girls in pink thus making the gender of the child apparent. This then dictates the manner in which the individual is seen and treated. The child then learns to respond and act according to the manner in which he/she is treated which in turn is influenced by the gender category they have been placed in. Children in one group are not treated the same as children in the other. This dictates the child's sense of self (Patel, 2014). As soon as the child acquires the faculty of speech they then linguistically and orally refer to themselves

as being a member of either gender group. This then becomes embedded within the individual from birth (Lorber, 1994).

As such, gender constructions can be illustrated as certain structures of belief which as those belief structures which regulate how individuals act based on the gender category they have been placed into (Nelson & Brown, 2012). Society then ascribes certain roles to individuals within diverse gender categories. This creates stereotypes that are rooted within traditional gender roles. Children also learn "suitable" gender roles which they then engage in. For example, girls will be given tea sets and dolls with which they can play 'house' while boys will be encouraged to kick a ball or play with a toy car. Girls need to be sweet and emotional and boys aggressive and rational. This fits into the traditional stereotype which dictates that a woman must get married and have children. She also has to sacrifice her own well-being for that of her family's. In addition a woman has to be affectionate, considerate, caring, cherishing, and compassionate (Rochimah, 2013). In contrast the man must be He is also to be firm, competitive, autonomous, brave, and career-focused. He has to be the bread –winner and provide for his family. He has to be logical and rational. Society does not allow for emotions in a man. Such typecasts are extremely damaging especially in terms of IPV.

These gender roles and the subsequent stereotypes which come about as a result of them give credibility to the female as the victim. Contrary to this, they result in individuals either being sceptical by refuting or scorning the likelihood of a male being the victim at the hands of his female partner. Additionally, in terms of biological features, men tend to be bodily stronger than women. This makes it challenging to consent to the fact that a woman can abuse her male partner. This has a domino effect on the social expectations attributed to males and females. This is alluded to in the theory of Hegemonic Masculinity which can be defined as a form of masculinity which purports that males should not show any indications of weakness and should be domineering at all times (Tsae, 2013).

Beliefs such as these could lead to unwillingness to accept that women are capable of IPV. These stereotypes do not support the general perception of the image of a victim of IPV. Surprisingly, academics such as researchers in the field of domestic violence who would oppose any form of gender stereotyping, such as the view that a women's place is within her home as opposed to the business world, are willing to accept this stereotype of IPV (Dutton & White, 2013). By implication female-to-male IPV is accorded a certain level of denial and as such is not given the attention it necessitates (Barkhuizen, 2010; George, 1994). Thus,

gender constructions can offer explanations in discerning the lack of deliberation concerning female-to-male IPV (Patel, 2014). Regardless of the various laws which have given women greater equality, societal expectations pertaining to gender roles and behaviours are still prevalent. Thus, the term *intimate partner violence* usually arouses stereotypes of the proverbial domineering male and the submissive and passive female (Dutton & White, 2013).

IPV has a long and complex history. It was first perhaps brought to the fore by those who fought to oppose gender stereotypes which more often than not lead to serious inequalities between males and females. This, however, had serious implications for the phenomenon of female-to-male IPV. The perceptions that surround gender result in a notion of unequal power relations between the genders. These constructions are perhaps so entrenched in society that it has led to IPV being perceived as a gendered issue with gender playing a pivotal role in IPV. As such, the male victim of IPV remains an incredulous subject and he is construed a subject of humour and derision by society in general as well as professionals who deal with cases of IPV. Consequently, he does not receive the assistance he requires due to stigma and misconceptions by professionals. Hence, both professional perceptions and non-biased laws are extremely important in terms of not discriminating against men who are being abused by their female partners.

2.8 Conclusion: Importance of Understanding Legal Professional's Perceptions Concerning Female-to-Male IPV

Ever since the seriousness of domestic violence was uncovered, IPV has been seen in relatively traditional terms. It has been conceptualised of and understood as violence perpetrated by a man against his female partner (Patel, 2014). It has also been hypothesised that men utilise violence against women in order to exercise control and dominance over them (Robertson & Murachver, 2009; Saunders, 2002). Viewpoints such as these, are so prevalent, that they have a significant part in shaping the ways in which male victimisation is conceived of (Saunders, 2002). This has had a very serious effect on investigations of and research into domestic violence. Consequently, IPV is seen from a one-sided perspective. This has then resulted in violence by men being the target of research, intervention, punishment and advertising enterprises (Robertson & Murachver, 2009).

The victimisation of males by their female partners is not granted equal importance (Robertson & Murachver, 2009; Shuler, 2010) and as such men tend to shy away from getting

the assistance that they need (Shuler, 2010). Furthermore they do not seek professional help due to the fear of being stigmatized (Shuler, 2010). Professionals are not immune to broader societal constructions. For the most part, they are inclined towards theorising domestic violence as an act of abuse committed by men against women (Patel, 2014). Additionally, Seymour (2010) suggests that the perceptions held by professionals are influenced and shaped by a variety of theoretical explanations. The argument can then be made that due to the overarching conceptualisation of traditional forms of IPV, researches concentrating on IPV have inclined towards predominantly emphasising male violence against females (Robertson & Murachver, 2009).

In terms of South African professionals, Barkhuizen (2010) states that they tend to be insensitive and unsympathetic towards a male victim of IPV due to the traditional stereotypes associated with men. This could then result in professionals such as lawyers, police officers and even politicians disparaging the idea of female-to-male IPV (Barkhuizen, 2010) which has negative consequences for male victims (Patel, 2014). This has implications for the passing, enforcement and execution of laws which are just and unbiased towards male victims. The question that then arises pertains to whether these professionals correctly implement the law despite widespread misconceptions concerning male victims.

Chapter 3: The Research Design and Method

3.1 Research Design

This research has been conducted using a qualitative analysis. Qualitative research aims to understand the experiences of individuals and how they interpret events in their lives. It "locates the observer in the world" (Whitley & Kite, 2012, p. 35). In addition, qualitative research involves the use of words, themes and descriptions as opposed to utilising numeric value (Denzin & Lincoln, The Sage handbook of qualitative research, 2005). It thus allows for a detailed understanding of what is being studied. Another aspect of qualitative research is that it is usually utilised in the early stages of research or in unknown settings where it takes on an exploratory role. This is appropriate for the content of this research as it is a relatively unexplored field with little scientific data in existence (Guest, Namey, & Mitchell, 2012; Whitley & Kite, 2012). The research design used is a cross-sectional design as each individual interview has been conducted at one space within time (Richardson, Goodwin, & Vine, 2011).

3.2 Participants

A purposive sampling method was used whereby the researcher chose participants in an intentional manner to concur with the research objectives. Purposive sampling is a type of

non-probability sampling (Haslam & McGarty, 2003; Rajamanickam, 2001). While useful here, it does present with some limitations. Participants are not randomly selected. Shenton (2004) postulates that due to the fact that the findings of qualitative research are particular to a minute number of individuals and environments , it is not possible to show that the findings and conclusions are pertinent to other populations and situations. Thus, there exists a limitation in terms of transferability. However given that this research privileges depth, this limitation is not hugely problematic especially as it will allow for the collection of rich information.

The final group of comprised of six professionals[19] who are knowledgeable with regards to the laws surrounding male victims of IPV within the South African context. These participants are representative of three different fields of expertise, namely the police, lawyers as well as other professionals who work with domestic violence cases and have direct contact with lawyers and police officers. All six participants work with and have knowledge of the laws concerning domestic violence and thus provided a rich understanding of the topic.

Specifically, there were six participants (two participants are lawyers, two are professionals working within the law enforcement domains and the final two participants are mental health professionals who come in close contact with the law concerning domestic violence and have had experience in working with those in the legal and law enforcement domains) of differing genders. However, only one participant is male. While, this allowed for a demonstration of the effect gender may have on key professionals' beliefs concerning female-to-male IPV, it did not have major implications on the data collected as his opinion proved to be similar to that of the female participants. Participants were selected based on their knowledge of the topic and work in the area. Their professional domains include IPV which thus allowed for them to appropriately answer the questions. Demographic factors such as age, gender, race, education and socio-economic status did not prove to have any major implications on the study.

N.B, I drew on data that I had gathered through in-depth interviews in previous research that I had conducted (Patel J. A., 2014). I contacted participants and requested permission to re-use

[19] My initial aim was to only interview law enforcement officials. However, this proved to be extremely challenging in terms of finding participants. I therefore amended my aims and interviewed professionals who are knowledgeable with regards to the laws surrounding male victims of IPV within the South African context. Additionally, I had to utilise data that I had collected for a previous project but which met the requirements for this project.

the information that they had provided. Only after being given permission to utilise the relevant content from previous interviews did I do so.

3.3 Data Gathering Procedure

The research instrument that I used to gather data was a semi-structured interview (See Appendix A). This type of interview is not as rigid as a structured interview, thus allowing for a flow of conversation. In essence it assists in creating a positive rapport between the researcher and participant (Forrester, 2010; Harre, Langenhove, & Smith, 1995; Wengraf, 2001). Together with this, experiential knowledge is transferred from the participant to the researcher thus permitting additional themes or experiences (which have not been fixed by the researcher) to emerge (Dawson, 2013, p. 96). However, it also allowed me, the researcher, to determine the focus of the research according to the study objectives (Forrester, 2010; Harre, Langenhove, & Smith, 1995; Wengraf, 2001).

Semi-structured interviews are utilised to ask standard questions of each participant, yet at the same time it permits other questions as well as probing for detail (Dawson, 2013). Thus, while giving participants the opportunity to talk about their beliefs in detail and in depth, semi-structured interviews contain these responses within the research boundaries. They also call for a minimum number of pre-set questions, which assist in keeping the research aims in focus (Fox, Hunn, & Mathers, 1998). I had composed a number broad questions, which I then utilised to gather information concerning the laws surrounding female-to-male IPV and the subsequent implementation- or the lack thereof- of these laws . Each interview was conducted at a location and time convenient to the participants. The interviews took approximately 45 minutes to an hour and it is my opinion that this allowed for ample time to garner the necessary information. The interviews were recorded in order to be analysed (Appendix B). In line with this, it must be noted that the interview conducted with participant two was conducted via e-mail as I did not have direct access to the participant due to differing geographic locations. However, this does not have any negative implications in terms of research findings.

3.4 Data Analysis

I have used thematic content analysis as well as critical discourse analysis of the themes to analyse the transcribed corpus of data. Thematic content analysis can be described as flexible, straightforward and accessible. Qualitative research allows for a greater depth of

understanding of the data (Braun & Clarke, 2006). The words of participants lend themselves to exploring how phenomena occur as well as the reasons behind their occurrences. This method is thus uniquely suited to address research issues or questions that might be difficult- if not impossible- to investigate under more structured, less flexible research designs.

Thematic content analysis involves many steps, from the familiarisation of the data to the defining and naming of the subthemes and overriding themes. I followed the steps outlined by Braun and Clarke (2006). I have briefly identified the six steps that I utilised in the Braun and Clarke (2006) method, which are as follows:

1) Familiarizing oneself with the data
2) A generation of initial codes
3) Searching for themes
4) Reviewing one's themes
5) Defining and naming of themes
6) Producing the report

As such, after familiarizing myself with the data, I utilised the second step which was the coding of the material. I then examined the codes in order to ascertain which stood out as common throughout the data. The themes were thereafter examined in order to determine whether they could be organised into superordinate and subordinate themes (Braun & Clarke, 2006). Taking into consideration the fact that there is a shortage of literature pertaining to the topic of female-to-male IPV, thematic content analysis is an appropriate analysis technique to utilise. Thematic content analysis allows for an exploration of raw data (Braun & Clarke, 2006). This is because it can be implemented across all of the transcripts and essentially will result in an elaborate and deep description of the data. An analysis of the data through the thematic content analysis method will prove fruitful (Braun & Clarke, 2006).

In addition I was initially going to utilise critical discourse analysis to analyse the transcribed corpus of data. Critical discourse analysis (CDA) can be defined as a form of discourse analytical research that mainly studies the manners in which social power abuse, dominance, and inequality are enacted, reproduced and resisted by text and talk in the social and political context. It takes an explicit position by which it aims to understand and expose and eventually resist any and all social inequalities (Van Dijk, 2005). CDA strives to understand how discourse is connected to power relations (Janks, 1999). Hence, this makes it an appropriate technique to use in research conducted within the field of Diversity Studies as it

fits the aims of both my research as well as Diversity Studies. However, during the course of analysing the data I found that a general thematic critical reading of the data worked more appropriately in comparison to a complete CDA. As such the method of data analysis that I utilised can be described as being Thematic Analysis with a critical discursive slant. As such I have engaged thematically with the data but I have also, in significant parts, also engaged a critical discursive reading of these themes.

3.5 Self-Reflexivity

When conducting qualitative research, the researcher engages with the stories and experiences of other individuals (Shaw, 2010). Hence, qualitative research is often subjective (Shaw, 2010) and the onus of interpretation is with the researcher. As such, self-reflexivity is essential in qualitative research to ensure a fair and accurate representation of the data. In line with this, reflexivity can be defined as an overt self-evaluation and entails the researcher thinking back to themselves (Shaw, 2010) during the research process. One of the methods or techniques of self-reflexivity is the writing of short notes or memos to oneself. It is posited that this is essentially the beginning of analysis as it allows researchers to discover ideas which are in their minds and of which they are not aware (Watt, 2002).

In addition, an introspective documentation of a researcher's work potentially assists them to take inherent biases, feelings, and thoughts into consideration. This allows for an understanding of how these intrinsic factors may have an influence on the research (Watt, 2002). I am going into the research with my own prior subjectivities and hence, self-reflexivity will be vital throughout the research process. Another reason for the necessity of self-reflexivity is that I am a female engaging with a sensitive topic pertaining to gender. Thus, I have kept a self-reflexive journal which I utilised to record thoughts, opinions and biases. This journal was then used during data analysis and the write up off the report to ensure that the research remains fair and as free of bias as possible.

3.5.1 Self-Reflexivity and Data Collection

During the data collection process self-reflexivity was imperative due to the nature of my research. As such there were a number of factors that I had to keep into consideration particularly during data analysis. These factors included but were not limited to gender and representation. In terms of gender, I needed to constantly keep in mind that I am a young female interviewing professionals about male victimisation which is a sensitive topic within

and of itself. Thus, this could have had potential impacts on the data particularly in terms of me interviewing men. However, only one participant was male and I am of the opinion that gender did not have a hugely overt impact on the data. Yet, I kept in mind that the gender of the participant has definitely shaped their opinions and views and as such there may have been potential bias in their responses. In relation to this, another factor which could have had an impact on the responses given by participants concerns representation. Participants mainly comprised of civil servants who could have potentially construed me as a student in the academic field. As such, they could have formulated their responses in a manner which represents them in a more positive light.

In line with this, the manner which they responded to the interview questions could have been influenced by the nature of my research question. By overtly showing discrimination against male victims or victims of IPV in general participants would have been representing themselves negatively. As such, they may have chosen to answer questions in such a way that no overt bias or discrimination was shown which in turn has an influence on data analysis. Lastly, I needed to take into consideration the fact that I see the research question in a certain manner based on my own interest in it in addition to the opinions I views I have formulated throughout the research process, for instance through reading the literature and so forth. As such, during data analysis I had to be self-reflexive in terms of the manner in which I analysed the literature. While I am of the opinion that no research can really be completely objective, I had to be cautious of not being bias in the manner in which I analysed the data so that I did not do so in a way which was favourable to my own opinions and/or represented the research in the way that I ideally envisioned it to be.

2.5 Ethical Considerations

The inclusion of human beings as research participants demands an emphasis on ethical considerations. This study does not deal with vulnerable populations nor does it entail participants to betray any ethical issues such as confidentiality. The three main ethical considerations with regards to this research relate to informed consent, voluntary participation and confidentiality.

According to Stangor (2014), informed consent involves the participants' rights to decline participation and the right to withdraw as participants once the research process is in progress. Additionally, it also includes their rights to know and understand the research

procedure. In line with this participants were issued with an information sheet advising them of their rights (see Appendix B). The information sheet also addressed the concern of confidentiality, which cannot be guaranteed to the participants given that I have included direct quotes from interviews in the final report. However, each participant has been allocated a pseudonym to ensure anonymity. Yet, despite my best efforts to conceal the identity of the participants, readers may be able to assume the identities of participants who are well known in the public arena. This may only occur in cases where participants are in relatively unique positions. The participant information sheet makes mention of this. This information sheet also includes the details of the research such as expected duration and procedures as well as the researcher's contact details (See Appendix B).

After receiving information with regard to the research process, participants were given the option of participating in the research or declining- which is referred to as voluntary participation (Stainton-Rogers & Willig, 2007). On agreement to participate in the research, a consent form was issued to participants, which they were required to sign (Appendix C). Together with this, participants also had to sign a consent form pertaining to the recording of interviews (Appendix D). Additionally, participants were required to give permission for the use of direct quotations from interviews (Appendix D). The participants were made privy to the fact that the raw data and interview transcripts will be utilised for research purposes. In order to ensure that participant' responses are not a product of social desirability biases, limited information concerning female-to-male IPV had been made available to participants prior to the interviews. As such, each participant was debriefed after the completion of the interview. This entailed the researcher imparting information vis-à-vis the topic as directed by the existing literature base.

Chapter 4: Findings and Discussion

4.1 Introduction

In the introductory chapter of this research report, I have made mention of the fact that existing research on the issue of female-to-male IPV is very scarce in South Africa. Additionally research centring on the laws concerning female-to-male IPV and implementation of these laws is essentially inexistent. In conducting this research it is my belief that this is an exceedingly significant field of research particularly in terms of the marginalisation of male victims. There are two key areas which this research aims at addressing, namely; any existing laws surrounding female-to-male IPV and the implementation of these laws should they exist. Hence, this section is divided into these two areas of concern. As per thematic content analysis I have extracted themes and sub-themes from the data collected and analysed these utilising CDA. By comparing the current literature to the results that I extracted from my corpus of data, I found that there is an association between the two barring a few exceptions. This is discussed in detail within this chapter (as outlined in Table 1.1).

In studying the information collected, I contemplated on the demographic facts of the participants. All of the participants are diverse in that they originate from a multiplicity of

divergent backgrounds, races and culture. They share some similarities in the work that they do in terms of their work with domestic violence, however the framework of their professions as well as their working backgrounds diverge. As a result each individual participant has a dissimilar structure of beliefs and perceptions that have come about as a consequence of backgrounds and their working environments. Consequently the data was incongruous at times and complimentary at others. Contradictory data usually related to personal beliefs concerning female-to-male IPV, while beliefs pertaining to IPV in general proved to be comparable. Yet, results pertaining to the laws in general were mainly consistent across participants. This was both surprising as well as expected as I had found similar results in my previous research (Patel, 2014). As such the data is a clear reflection of the research question and its aims. Additionally it should be taken into consideration that while these themes are placed within categories for the sake of clarity, they are not separate or fixed units. Instead, the themes found within the corpus of data, more often than not, are intertwined within each other. In terms of sub-themes, these are often relatable to more than one- if not all- the overarching themes. These results are discussed further, in detail, within this chapter and I have interpreted them in light of the relevant literature presented in Chapter Three (Literature Review). The discussion follows an initial short account of the Domestic Violence Act as the primary source of legislature concerning Domestic Violence within the South African context after which I explore each of the themes in more detail.

Theme	**Sub-theme**
4.2 The Domestic Violence Act as the primary source of Legislature concerning Domestic Violence within the South African context	4.2.1 Primary act/legislature dealing with IPV
	4.2.2 Defining the DVA
4.3 Encountering IPV	4.3.1 Prevalence/Severity of IPV
	4.3.2 Key Perpetrators
4.4 Causes of Domestic Violence	4.4.1 Culture of violence
	4.4.2 Patriarchy and South African society
4.5 IPV as a gender construction	4.5.1 The Gendered Nature of IPV and IPV As a Result of Socialisation.

	4.5.2 Gender Constructions
	4.5.3 The effect of gender stereotypes on female-to-male IPV
4.6 Beliefs and Female-to-male IPV	4.6.1 Shaping of beliefs
	4.6.2 Recognition of female-to-male IPV
4.7 Justness of laws	4.7.1 The SA constitution and the DVA
	4.7.2 Gender of the victim and its influence on the law
4.8 Reporting DV	4.8.1 Lack of reporting and causes
4.9 Implementation of the law	4.9.1 Awareness of laws
4.10 The police and IPV	4.10.1 Police beliefs of IPV

Table 1: Table outlining themes and subthemes

4.2 The Domestic Violence Act as the primary source of Legislature concerning Domestic Violence within the South African context

4.2.1 Primary Act/Legislature Dealing with Domestic Violence

"……it's the Domestic Violence Act 116 of 1998 uh that deals with domestic violence (P1)"

As mentioned above my research question can be broken up into two distinct sections. The first deals with the question as to whether South African law makes provision for male victims of IPV while the second part deals with the implementation of any such laws. In order to answer both parts of the question, it is necessary to ascertain the South African laws that deal with domestic violence. According to the literature, at present the primary act/legislature dealing with domestic violence within the South African context is the Domestic Violence Act 116 of 1998. The data indicates that professionals in South are also exceptionally knowledgeable about the laws concerning IPV, *……the Domestic Violence Act 116 of 1998* (P2, p3). This is extremely important if one takes into consideration the fact that these are professionals who work within the legal and law enforcement domains in addition to those who need to have an understanding of the laws. It is my opinion that an comprehensive understanding of the laws is necessary in order to implement them.

4.2.2 Defining the DVA.

> *…domestic violence is defined uhm and in terms of the act is and if you want me to elaborate on each type of abuse you can ask me thereafter so if there's physical abuse there's sexual abuse there's emotional verbal and psychological abuse there's economic abuse there's uhm intimidation harassment stalking damage to property uh entering into a uh complainant's residence without consent where the parties do not share the same residence or any other controlling or abusive behaviour towards a person.* (P1)

It has been postulated that amongst the challenges facing research in domestic violence, the greatest challenge concerns the deficiency of suitable, distinct and adequate definitions of domestic violence and abuse (Gelles, 1997). The Domestic Violence Act 116 of 1996 offers its own definition of domestic violence. Like the definitions advanced by Bern's (2001) and the WHO (2002), the Domestic Violence Act 116 of 1998 Gelles (1997) postulated that one of the greatest research challenges in the field of domestic violence is the lack of useful, clear and acceptable definitions of violence and abuse. The Domestic Violence Act 116 of 1996 provides its own definition of domestic violence. Like the definitions advanced by Bern's (2001) and the WHO (2002), the Domestic Violence Act 116 of 1998 includes all types of abuse including emotional, verbal, sexual, physical, and economic. Each of the participants defined domestic violence in terms of the Act and included the different components of abuse as encompassed by it.

> *Domestic violence can be defined as any form of abuse be it physical abuse, sexual abuse , emotional, verbal and psychological abuse, economic abuse, intimidation, harassment, stalking, damage to property, entering into a complainant's residence without consent where the parties do not share the same residence or any other controlling or abusive behavior towards a person* (P2).

Furthermore, from the outset of the interviews it seemed as though each participant viewed the Domestic Violence Act as being gender neutral. This could be ascertained through the gender neutral language utilised by participants. For example, P1 used the terms complainants and parties and P3 used the term 'they'. An illustration of this is when P1 gave an example of a case she had handled, *he would WhatsApp her two hundred times a day which now falls under the definition of harassment*. Hence, it can be ascertained that the Domestic Violence Act does not limit domestic violence as being perpetrated by males against females yet the question as to whether it makes provision for male victims needs to be unpacked. As such I aim at answering my research question by looking at a number of issues which emerged within the corpus of data. One of these pertains to the participant's

encounters with domestic violence which is of importance in terms of them providing relevant and in-depth information.

4.3 Encounters with IPV

4.3.1 Prevalence/Severity of IPV.

Daily basis, on a daily basis 24 hours in fact (P3).

While South Africa has very high rates of IPV, it continues to remain one of the most under-reported crimes (Barkhuizen, 2010). However, the participants that I interviewed all come across copious amounts of domestic violence cases. Domestic violence is the area of specialization for P2 and P3. Hence, they constantly encounter cases of IPV. The rest of the participants regularly come across such cases. In terms of encountering cases of IPV P1 mentions;

> *twice a week we get at least two cases of domestic violence uh sometimes it's not only uhm sometimes I don't uhm I don't even record it but I get calls you know on a weekly basis uh where people are alleging they are in a relationship that uh features domestic violence but they too scared to go ahead with process for fear of being victimised afterwards*

P2 stated that she comes across such incidences every day. The data revealed that IPV is a matter of grave concern within the country. Additionally, participant's constant and consistent encounters with IPV render them adequately if not extremely knowledgeable with regards to answering the research questions appropriately. As such the next subtheme deals with the key perpetrators of domestic violence as per the participants' encounters with these cases.

4.3.2 Key Perpetrators.

Men and women (P5).

As mentioned within the literature review, violent and aggressive behaviour is commonly connected to men. both in terms of domestic violence in general as well as IPV more specifically. There are a number of reasons behind this, as revealed by my analysis of the corpus of data. I will unpack these findings in more detail within latter parts of this chapter. This section specifically deals with the key perpetrators of IPV as seen by the research participants. While P4 is of the opinion that both males and females perpetrate acts of IPV, not all of the participants are in agreement. In answering the question as to who are the key

perpetrators of domestic violence, P2 confidently answers, *men*. Yet, P1 and P3 beg to differ. Like P4, It is P1's educated opinion that both men and women are perpetrators. P1's response to the question is surprising,

you know before there was this misconception that men were the key perpetrators uhm uh this has changed drastically where I would say both men and women are equal uhm contrary to uhm other people's experience and also been a female attorney it's quite surprising that most of the cases that I do where the the victims of the uh violence are men I would say that 90% of my cases of domestic violence the victims are men (P1)

In contrast, P3 states that 80% of the perpetrators are male. Hence, while P3 does state that females can be perpetrators she is of the opinion that it is males who generally commit acts of IPV. P5 is also of the opinion that both males and females are key perpetrators,

usually from from my my experiences it's both men and women [sic] (P5).

It should be taken into consideration that the responses given above are as per the experiences of these participants. However, these responses cannot be generalizable to everyone within the law enforcement domains and does not necessarily have an implication on the manner in which legislation is drawn up and/or the subsequent implementation of the law. Yet, these experiences- as can be seen as this chapter develops- do shape the manner in which these professionals both view and implement the law. Furthermore, it should also be noted that the causes of IPV as well as discourses on gender and so forth have an impact on the legal system. As such I found that the causes of Domestic Violence stood out as a recurring theme across interviews.

4.4 Causes of Domestic Violence

An analysis of the corpus of data revealed that the two principal causes of IPV within South Africa are believed to be (1) the culture of violence found within South Africa and (2) the patriarchal nature of South African society. This is very much in line with what I have previously found (Patel, 2014). Discourses surrounding domestic violence within the professions- as ascertained by the interviews I conducted with participants- are primarily centred on these two causes. Another important factor to take into consideration, when studying the causes of domestic violence within the South African context as revealed by the interviews conducted, is that none of the participant's overtly discriminated against male victims of IPV. The rationale behind exploring these participant's beliefs concerning the causes of domestic violence was to determine if professionals made mention of female-to-male IPV and the context in which this was done. In line with the above, in speaking about

the causes of IPV participants exposed certain views that they hold regarding female-to-male IPV. Only P4 explicitly mentioned that the causes of IPV are the same for males and females.

> *I would probably guess are very much the same underlying dynamics as to what that person gets out of committing the violence verbal sexual otherwise um will be probably actually very similar to what a man gets out of the violence* (P4).

It is my opinion that as professional's dealing with the legal aspect of IPV, it is vital that professionals are privy to the causes of domestic/IPV within South Africa. At the same time it is equally important that there is no discrimination made between males and females as victims or perpetrators so as to administer equal and fair intervention and justice. Hence, discourses which are gender discriminatory are problematic.

4.4.1 Culture of Violence

South Africa has a distinctive culture of violence, which shapes society, and also moulds individuals (Barkhuizen, 2010). This also influences the manners in which we relate to each other (Patel, 2014). In support of this, participants associated IPV in general to the "culture of violence" in South Africa. The ensuing quote is a reflection of this;

> *Violence we have to be honest is far too normal in South Africa so you know it's no surprise you know that violence plays itself out in our most intimate spaces in the bedroom behind a closed door where its private* (P5).

Additionally, the discourses on violence in South Africa cannot be separated from the legacy of Apartheid. As stated in the literature review it was the Unjust and discriminatory Apartheid laws in South Africa which resulted in an economic and social crisis that played a key role in contributing to the extraordinarily high rates of violence within the country. Furthermore, it was institutionalized violence under the Apartheid government which resulted in social issues such as the disruption of family life, which is a contributing factor to domestic violence[20]. In line with this P3 states that Domestic Violence within the country is a *symptom* of *a society* with a *violent history.* Moreover P5 articulates,

[20] Chapter One. contentpro.seals.ac.za/iii/cpro/app?id=4641180335855252..

> *There are so many people in South Africa who are victims of violence themselves that they can't actually empathise with somebody else they don't have that capacity any more they don't and the one thing we do know is that the less empathy somebody has the greater their capacity for violence* (P5).

However, P4 suggests that the "culture of violence" theory does not automatically provide an adequate explanation as to the abnormal levels of IPV found in South Africa. He states,

> *I just wouldn't say that if you have an increase in violence perpetrated against strangers you're going to have an increase in domestic violence automatically yes I think they're not they're not quite the same they're coming from different places* (P4).

Yet, what is important to take note of is that none of the above mentioned quotes voice any explicit gender discrimination which may or may not influence the manner in which participants deal with the victims and/or perpetrators of IPV. The same rationale was utilised in terms of discourses which abounded on the issue of patriarchy.

4.4.2 Patriarchy and South African society.

In general, participants concurred that South Africa is a patriarchal society. In terms of patriarchy there are two important factors which need to be taken into consideration. The first relates to the patriarchal nature of South African society while the second relates to the patriarchal nature of systems of power. I will unpack the first part within this section, while the second will be discussed in more detail in a later section of this chapter. '

In terms of the first, Barkhuizen (2010) asserts that patriarchy continues to be a dominant principle within South Africa. She also writes that women have been expected to be subservient to their husbands or male partners for centuries. Additionally Barkhuizen (2010) proposes just as patriarchy creates the foundation for male-to-female IPV, it also adds to the absence of knowledge relating to female-to-male IPV. P1 sums it up as follows; *we have this incredibly macho patriarchal society.* Furthermore, Dutton (1994) theorises that according to the Feminist view patriarchy is seen as the major cause of the abuse of a female. In accordance with this, P2 strongly asserts that IPV is *a symptom of a deeply traditional, religious and therefore conservative and above all patriarchal society.*

In essence all of the participants, bar one, agreed that South Africa is a patriarchal society. P1 is of the opinion that we are no longer a society embedded and rooted within a patriarchal system as shown by the following excerpt of the interview conducted.

I: Does this perhaps come down to the fact that South Africa can generally be described as a very patriarchal society?

P: No

I: Why would you say so?

P: Uhm uh there's been much change in South Africa there's been a large change of mind set in South Africa as well uhm I have seen it over the years uhm uh patriarchy has uhm uh there's been a large shift in patriarchy most definitely and that would also be consistent with my earlier comment to you because women are much more educated than men nowadays a large number of women are heading households nowadays a large number of women are heading top positions in financial institutions nowadays a large number of women are holding seats in parliament nowadays so I wouldn't say it's a patriarchal society no ways I mean the fact that I as a female attorney get a lot of male clients in these type of situations whereas they could approach a male attorney tells you something

Conceding this can lead to repercussions for professional opinions concerning female-to-male IPV. Although professionals are conscious of the patriarchal environment of South Africa, this can have conflicting effects on their perceptions of female-to-male IPV. Additionally, it also has implications for the law itself as well as the implication of the law. It also has an impact on discourses surrounding gender within discourses of IPV.

4.5 IPV as a gender construction.

As mentioned above, discourses surrounding gender are prominent within discourses of IPV. The literature review provides a relatively extensive history of IPV in terms of gender. In terms of ascertaining whether the law makes provision of male victims of IPV and whether these are implemented by professionals within the realm of IPV intervention, it is necessary to study the broader societal discourses surrounding gender. As mentioned in the section above, South Africa is generally regarded as a patriarchal society. In addition to this there is also a strong emphasis on hegemonic masculinity within South African society (Tsae, 2013). It is my opinion that these societal beliefs and discourses and discourses have an impact on the law and/or the manner in which it is implemented/not implemented. Hence, in exploring the question of whether South African law does in fact make provision for male victims of IPV and if any existing laws are implemented, I felt that it was important to understand how

professional's within these fields view gender and whether discourses on gender implement the manner in which they conduct their duties.

In terms of CDA, one of the strategies that I utilised was the use of language (see section 4.2.2). Thus, in this case I focused on whether any sexist or gender discriminatory language was utilised when referring to either the victims or the perpetrators of IPV in addition to studying the gendered nature of IPV. The following findings emerged from the corpus of data that I collected and analysed. In terms of IPV as a gender construction, two common and significant themes emerged. These are (1) the gendered nature of IPV and IPV as a result of socialisation and (2) the effect of gender stereotypes on perceptions relating to IPV and gender. Additionally CDA allows for a variety of contributions in the development of a conceptual framework that speaks to two important issues which are of relevance my research. CDA allows for creation of a conceptual framework around both the issue of gender identities as well as the manners in which they are constructed as part of discursive processes (Magalhães, 2005). I tease out some aspects of these in specific relation to my research question within the following sections.

4.5.1 The Gendered Nature of IPV and IPV As a Result of Socialisation.

In terms of the socialisation of gender, it is my opinion that we need to problematize essentialist identities which, to a great extent are shaped by societal stigmas and misconceptions. As mentioned in an earlier section, hegemonic masculinity tends to be implicitly stressed on within South Africa. This is particularly so when it is seen in connection to patriarchal beliefs of male superiority which is also gender constructs. In terms of violence there are widespread exchanges of the traditional view of IPV. However, this extends to violence in general. The male is typically viewed as being the aggressor and the female the prey. These notions are entrenched within South African society as they are often internalised into individual's sense of self and then assimilated into their everyday lives (Smith, 2013).

As P4 narrates, *you're taught that you are supposed to be the dominant person* (*P4*). He also states that children are reared to believe that there are specific ways in which they are supposed to behave which is in line with what society dictates. . This is in accordance with Lorber (2007) who writes that children learn to respond and act according to the manner in which they are treated which in turn is influenced by the gender category they have been

placed in. Children in one group are not treated the same as children in the other. This dictates the child's sense of self (Patel, 2014). Thus, from a young age we learn that males have to be firm, competitive, autonomous, brave and dominating. This is then translated to mean that men have to act in an aggressive manner.

> *In general men are just violent criminals more violent in general across all spheres* (P4).

Additionally, it is the roles which society ascribes to people within diverse gender groups that result in stereotypes which are entrenched within traditional gender roles (Patel, 2014). As P1 postulates, *where you know uhm uh from young men are taught that boys don't cry girls cry you (sic)*. In terms of gender roles and expectations P3 similarly articulates, *you are a man you are a head hold you should be the one telling you wife what to do and what not to do.* These notions are very much in accordance to hegemonic masculinity within the South African context as is made mention of within the existing literature. Tsae (2013) advances that the theory of Hegemonic Masculinity purports that males should not show any indications of weakness and should be domineering at all times.

The above notions are related to traditional gender roles which stipulate that men and women have certain specific fixed identities as dictated by their genders. According to Talbot (1998) these identities (the mother identity) now coexist with other diverse identities. Yet, we cannot ignore the fact that gender identities are constructed within active social processes which are present within our everyday discourses. These can be ascertained by studying the vocabulary utilised by participants in discussions on gender identity and the construction of these identities. In terms of vocabulary, lexical choices are of particular interest in relation to CDA of the corpus of data. Thus I looked at the kinds of wordings- around gender- which are favoured and whether or not these words have been given new meaning in rewording's and in new lexicalisations (Magalhães, 2005). Moreover it is vital to deliberate on whether there is an effort to explore lexical items of a definite semantic field in the progression of overwording, which is a reference to the diversity of ways for representing one specific meaning. Examples of which are the forming of new words, the creation of new meanings or the codifying of new lexical items. Thus, in terms of the socialisation of gender, two types of gender emerged and were constructed within the data, namely; the traditional gender and the new gender. Notions of gender and gender stereotyping emerged through an analysis of the vocabulary utilised by the participants.

For me, as the researcher, there are a number of important aspects which emerge. I find it both interesting and telling that participants are aware of stereotypes and misconceptions such as the above and they find it problematic. In my opinion this has implications for the manner in which they address their own work particularly in terms of dealing with male victims of IPV. This is important to take note of for two reasons. Firstly, professional beliefs are of profound importance (as I will discuss in a later section) and secondly, gender constructions have a great impact on the manner in which victims are dealt with. Hence, being aware of the problematic nature of gender stereotypes as well as being aware of the discourses surrounding aspects such as gender and violence is vital.

4.5.2 Gender Constructions.

As soon as a baby is born, the biological organs of the child will determine which sex category the child is assigned to. From birth sex categories become gender status's through dress, naming and other gender makers. For example, boys will be dressed in blue and girls in pink thus making the gender of the child apparent. This then dictates the manner in which the individual is seen and treated. Discourses centring on gender clearly reflect the above, particularly through the vocabulary that is utilised by participants. The data shows that gender identities are constructed as a dynamic fluidity of social representations mediated by vocabulary. These representations are either considered within traditional gender discourse or they are challenged in terms of new representational processes. Thus, through the process of CDA I attempt to answer the question of how gendered objects are constructed and in a later section what implications these constructions have. Taking into consideration the fact that the data collected was done so through in-depth interviews the primary source of analysis was text based- I analysed the words and vocabulary utilised by participants- specifically in relation to the construction of gender.

Through language and more specifically the words utilised gender identities emerge. The traditional gender role of a man is painted through language and discourse. In line with this I unpack the following statement made by P1, *boys don't cry.* As mentioned above, gender roles are ascribed to an individual from the moment they are born. As such girls and boys are meant to act in certain manners as ascribed to their sex by society. The notion that boys are not meant to cry is just one example of this. The language utilised within this statement is in line with general societal beliefs. It further implies that men are not supposed to be emotional beings. P5 also mentions, *you are not supposed to cry.* As such, it can be implied that there

are certain ideas that are upheld in terms of gender behaviour which exacerbate stereotypes. Thus, if we look at the man or the idea of a male as an object that has been constructed, it is ideas and notions such as the above which serve as the building blocks constructing this "object of masculinity".

especially men for fear of being uh looked at as the what's the word the (pauses) moffie in the relationship you know if that's the appropriate word to use or societal word to use (P1).

If we analyse the above response given by P1 it becomes clear that the inclusion of words such as *'moffie'* in the general societal lexicon further entrenches notions of masculinity. However, in analysing the above statement there is a number of important observations which come to the fore for me as the researcher. While P1 is aware of stereotypical vocabulary, she also makes it clear that these are "societal words" and not necessarily her own ideas and notions. Thus, while words such as these serve to cement certain stereotypes they are also used to create new meanings or codify new lexical items. For instance, the word '*moffie*' as used by P1 is used in a context which challenges societal misconceptions and in particular, the notion that men are not supposed to cry. The corpus of data is rich with such examples. The quotations given in the preceding section also show how gender is constructed through the use of vocabulary. While participants were very careful in the selection of the words that they made use of, which is telling within itself, they challenged ideas and notions of gender constructions. In so doing they described some of these constructions but they also reworked them within the lexicon of common discourse to interrogate and challenge them.

you are a man you are a head hold you should be the one telling you wife what to do and what not to do (P3)

The utilisation of the words *man* and *head of the household* is followed by *you should be the one telling her……*This statement is extremely loaded and is a clear example of a traditional gender role. It is also another one of the building blocks that is used by society to construct the gendered image of the man. However P3 challenges this notion when she says, *I don't know how long its gonna take for us to just come that point whereby we are just going to come to that point whereby women are also seen as dangerous [sic]*. Hence, P3 is challenging common discourses by presenting a new feminine identity, that of the violent female. This is supported by statements made by P1.

more women are being educated nowadays you know you find uhm the uhm the uh proportion in the relationship to be imbalanced because the woman earns more than a man ok so you get uhm where a woman would psychologically abuse a man all the time

While P1 is supporting a new feminine identity- the professional women- the words *psychologically abuse* must be noted. These words buy into the notion of a female being more emotional as opposed to physical thus implying that women are more likely to emotionally abuse their male partner as opposed to physically abuse them. Yet, she challenges this when citing examples of physical abuse by females.

I had a case recently where I mean the wife went with a hammer to go and beat this guy up

For reasons of brevity (in line with the word limits of this research report) I will not cite any more examples yet the corpus of data is filled with them. In short, the data clearly reflects the fact that particular gendered subjects are constructed and hence come into being through the use of language/s. This in turn enables and/or disables certain parameters of behaviour (in terms of female-to-male IPV) as can be seen in the next section.

4.5.3 The effect of gender stereotypes on female-to-male IPV.

I analysed the role of societal beliefs in detail within the above section. This section deals with the impact of such beliefs. The above quotation reflects the manner in which societal beliefs have an influence on beliefs pertaining to IPV, the way in which gender is constructed as well as the impact this can have. In terms of CDA it is vital to take note of the vocabulary and language utilised by the participant. The statement above uses words which describe traditional gender roles such as *submissive* and describe how women are seen. Although the participant does not ascribe to such beliefs, these are words which are prevalent in popular discourse. Thus, such discourses (as can be ascertained from the chosen quotation) are intertwined within power relations. In line with this, P6 is of the following opinion,

> *The beliefs within, that domestic violence law that's being passed this people that are passing you know domestic violence rules or whatever regulations and laws they are also coming from cultures* (P6).

As such, it can be deduced from the above quotations that societal beliefs concerning gender stereotypes are not confined within a vacuum. Policy makers as well as professionals who work within the field of domestic violence are also members of society who hold their own personal beliefs which can have an impact on the manner in which they carry out their duties. This may have serious implications for male victims of IPV in terms of them receiving fair and just legal intervention. I unpack this in more detail in the sections pertaining to the justness of existing domestic violence laws as well as in the section pertaining to the police.

Additionally, the above mentioned quotations are also a reflection of the power within society. As mentioned in the preceding section, South Africa has been touted as a patriarchal society with an emphasis on hegemonic masculinity. The statements made by P4 and P6 implicitly allude to the fact that if those in power hold beliefs that are discriminatory it can lead to the unjust treatment of minorities.

Additionally, the words that form the general discourse surrounding traditional gender roles and norms have serious implications for the manner in which male victims of female-to-male IPV deal with their victimisation. As mentioned earlier on, words such as '*moffie* (P1)' are used to describe men who are perceived to be weak and whom show- what is seen as- inappropriate emotional behaviour. Not only are these men then treated with ridicule and scorn within broader society but it may influence the manner in which they are treated by professionals. Hence, these words further exacerbate gender constructions. They also enable certain behaviours only and disable others. Men are supposed to behave in prescribed manners and so are women. As P6 says, *you know as a woman you are not as strong as a man.* Adjectives such as 'strong' are often used to describe men, thereby implying that because a woman is not as strong as a man she cannot abuse him. Concepts such as this are prescribed to by many individuals within society thereby dictating how they react to issues such as male victimisation at the hands of female partners. P6 further elucidates on this,

they take it as a light issue because they believe women are not you know all that not powerful they are not a threat to the society

The word 'they' in the above statement is a reference to the police. Again, P6 makes use of words such as 'powerful' and 'threat' which draw boundaries between gendered behaviour. Moreover, her use of the word 'they' created binaries of us and them implying that while the police buy into such ideas, the participant does not. Placing the entire SAPS into one category may be a gross overgeneralisation but through her interactions with the police this is how she conceives the manner in which implementation of the law, in terms of male victims, occurs. This is a consequence of the boundaries that society has placed upon people of different genders which is then exacerbated by language.

However, in line with this it must be remembered that IPV has a long and complex history. It was first perhaps brought to the fore by those who fought to oppose gender stereotypes which more often than not lead to serious inequalities between males and females. This, however,

had serious implications for the phenomenon of female-to-male IPV. The perceptions that surround gender result in a notion of unequal power relations between the genders. Thus, this has a twofold implication. If those in powerful positions firmly believe in the notions of patriarchy and hegemonic masculinity and/or hold onto gender stereotypes, not only do female victims of IPV suffer but this can lead to the marginalisation of male victims as well. Thus, it is important to take into consideration the beliefs pertaining to IPV as gleaned from the interviews conducted.

4.6 Beliefs and Female-to-male IPV

I have extensively expanded on the importance of beliefs in relation to female-to-male IPV in Section 3.9 in the literature review. Before attempting to actually answer the research question as to whether South African law does make provision for male-victims and if so, are these laws implemented; I utilise data from the interviews to ascertain the beliefs that professional's hold towards female-to-male IPV. The reason for this has been briefly touched on in the previous section of this chapter. As such, I look at two aspects (as came to the fore during data analysis), (1) Shaping of beliefs and (2) Recognition of female-to-male IPV.

4.6.1 Shaping of beliefs.

It is my opinion that While an individual may be relieved to know that a professional is handling the issue at hand, it will also be extremely traumatising if the professional acts in a discriminatory manner which serves to marginalise the victim as is often the case for male victims. Thus, the starting point would be to ascertain the beliefs of professionals tasked with assisting a victim to gain justice. As P4 contends,

> *I think that's the starting point and then I think not everybody works with violent crimes or sexual crimes so they I think they just rely on their own personal interactions whereas I've got that plus obviously working in a law enforcement environment to sort of top it up and reshape it into something* (P4).

Yet, together with this, it must also be remembered that there are a number of factors which shape personal beliefs. However, majority of the participant's indicated that their work had a vital importance in shaping their beliefs.

The matters that I fight the cases that I fight the work that I do uhm the people that I speak to on a daily basis uhm I come into contact with lots of people on a daily basis and all my different experiences has made you know has formed this opinion (P1).

Working with violent crime or sexual crime which somewhat will be domestic related I think that's gonna definitely overwhelm whatever you had before your belief system about it (sic) (P4).

While this generally has a positive impact in acknowledging male victims of IPV, particularly when professionals have dealt with cases of male victims, it can be negative if the opposite is true. P2 states that the following has shaped her beliefs, *my work as a gender-based violence attorney, my daily observations, my clients, extensive reading of research and case law.* Yet, she also mentions that she *cannot speak to the male experience.* This could be as a result of the fact that she *only deal*(s) *with female clients, as per the policy of the XYZ Centre.* This then begs the question as to how professional's such as P2 will react to or deal with a case in which the male is the victim and the female the perpetrator. This then leads to the next section which deals with the recognition of female-to-male IPV by the professional's interviewed.

4.6.2 Recognition of female-to-male IPV.

Utilising CDA, I attempted to ascertain whether professional's acknowledged and recognized the existence of male victims of IPV or whether they viewed IPV in the traditional sense with the male being the perpetrator and the female the victim. One of the manners in which I endeavoured to establish this- as mentioned above- was through the utilisation of language used in reference to victims and/or perpetrators. I have written down my findings in terms of this in two earlier sections. Another manner in which I studied this aspect was through the discourses of power made mention of, by participants, within the interviews. These findings have also been disclosed in earlier sections of this chapter. Furthermore, the recognition of societal imbalances through discourses on gender stereotypes and so forth also served as an indication for me. On the whole, participants are generally aware of and recognise the existence of female-to-male IPV particularly when they encounter such cases. This is less so when they do not encounter any such cases. Additionally, through the utilisation of thematic content analysis, the following was brought to the fore. Surprisingly P1 states that, while there is recognition by society of female-to-male IPV, it is not overtly spoken about due to gender stereotypes.

I*: So you would say that uhm female-to-male IPV does actually occur but do you think that this is a commonly held belief not just maybe across your profession but in terms of society as well*

P: Most definitely but it's not spoken about because uhm look times have changed people have changed and many things were previously men would have been shy to have spoken about or for fear of being uh ridiculed or their manhood would be like usurped or taken away so to speak and that's still a concern to most men nowadays but uhm uh sorry what was the question…

I: Is it a commonly held belief that there is a possibility that….

P: It's an underlying belief I believe…

I: Ok….

P: It's an underlying belief that that people don't want to talk about especially men for fear of being uh looked at as the what's the word the (pauses) moffie in the relationship you know if that's the appropriate word to use or societal word to use because that's what they term them now I mean it's also a thing where you know uhm uh from young men are taught that boys don't cry girls cry you know what I'm saying so if a if a woman has to klap a man obviously now has to slap a man it's supposed to be acceptable in those days and you get many men that are talking out against it now I had a case recently where I mean the wife went with a hammer to go and beat this guy up uhm I had a case now another case now where the guy was psychologically and emotionally and emotionally abused and did everything for the wife and child and she was on drugs and uh you know only and her family constantly interfered and uhm uh you know she now took him on for psychological abuse and uh economic abuse and financial abuse because he never alluded to her family demands on him ok and he has spoken out and like him many men are now coming forward so..

While these are the opinions and beliefs of the professionals interviewed these cannot necessarily be generalizable to each and every professional who works with domestic violence cases. Likewise, this section dealt with the personal beliefs of professionals which could have an impact on the manner in which they implement the laws. In contrast the next section explores the justness of existing laws. As mentioned above, the primary act/legislature that deals with domestic violence within South Africa, is the Domestic Violence Act 118 of 1996.

4.7 Justness of laws.

4.7.1 The SA constitution and the DVA.

Well I think in a sense its equality there's no reason why men can't experience domestic abuse and I don't think the impact upon the I mean it would be different but I think the

overall impact is the same uhm upon your self esteem etc so I think to say that ja so I think in terms of equality you have to open up that space that men can receive the same assistance as woman can when they're going through this (P4).

Throughout this chapter, I have made mention of factors such as personal beliefs, the notion of patriarchy and hegemonic masculinity and gender stereotypes to name but a few that could have an impact on the manner in which legislation is proposed and passed. In short, this depends on the power relations of a society and, as such, imbalances in power can have an extremely detrimental effect. One such example is that of patriarchy. Feminist theory defines patriarchy as an unfair social system which imposes gender roles and is not only oppressive to women but oppresses men as well (Richards, 2013). It also classifies patriarchy as a social construction which includes any social mechanism that suggests male dominance over women (Tickner, 2001). Over the course of history, religious, political and legal systems can have been and continue to remain patriarchal in nature. As such, they have placed men in positions of power and dominance over women (Patel, 2014). Historically, patriarchy manifested within the social, legal, political and economic organization of many societies and cultures (Malti-Douglas, 2007). Thus, radical feminism declares that society is run in such a manner that the class of men are the oppressors of the class of women and as such society can be classified as a patriarchy (Echols, 1989). They also suggest that as a result of patriarchy women are seen as the 'other' with the male being the norm and women have thus been systematically oppressed and marginalized. Men as a class benefit from the oppression of women. Consequently patriarchy is a system which is deeply entrenched within many political, economic and religious systems.

As such, one would assume that it would follow that South African law, as a reflection of the patriarchal nature of society, would structure itself in such a manner that the law itself is of benefit to men and discriminates against women. However, each of the participants is of the opinion that the laws and constitution of South Africa are extremely just. P1 goes as far as speaking about the laws in general and not merely domestic violence law.

Yes especially when coming to the labour relations act the labour relations act and scope is very wide in terms of age discrimination sexual discrimination sexual harassment uh uhm you know a man being given preference over a job position uhm over a woman you know sexual harassment in the work place I think the labour relations act is quite advanced uh in so far as that is concerned and then you've got all your other legislation the domestic violence is not uhm particularly uhm doesn't only particularly stand out there's lots of other

legislation that uhm uh that looks at gender between men and women even children even children so uhm ja (sic)(P4).

In concurrence P3 says, *ja I can say they are fair- so far I can say they are fair……*However, in contrast P2 is of the following opinion, *the laws are just, the implementation is poor.* Additionally, P1 is also purports the following,

South Africa has always uhm I mean now its women's month and then women's day you know South Africa is quite uhm uh ahead in terms of its research on gender violence and you know there's lots of programmes of awareness and centres for women abused women and so forth I've never seen a centre for abused men maybe I mean if there is its practically non-existent to society we don't even know about it but there's a lot of them about women I think even uh HIV Aids gets more exposure than abused men (P1).

This has further implications for the manner in which the gender of the victim would influence the law.

4.7.2 Gender of the victim and its influence on the law.

If, as alluded to above, the law is just in terms of gender equality, it should follow that the gender of the victim does not influence the law. Yet, as gleaned from the data analysis, it is not as simple as that. The factors spoken about in detail in each of the preceding section, in addition to what was explicitly and implicitly mentioned by participants, paints a more complex picture. P1 and P3 are in agreement that the gender of the victim does not have an impact on the manner in which the law is implemented.

I: Is the gender of the victim of relevance?

P: Generally, no (P3).

I: Ok and then would you say that the gender of the victim would influence the process in any way

P: Not at all not at all

I: And this would be consistent

P: Consistent you must remember that it's not only the victim that's involved there's a magistrate involved there's police officers involved attorney's become involved the courts then become involved so somewhere along the line somebody is going to have a different view so I it doesn't no one uh can particularly dictate that process ultimately it lies in the hands of a magistrate who if you not happy with can also be taken on appeal and reviewed ok (P4).

However, P3's opinion differs. She holds the following belief,

Ja it can influence the case because it's possible that the victim is a female and the perpetrator is a male, now the police officer is a male as well, it might make the victim not to be free to give all the information because she is now scared that the perpetrator is a male and she was beaten by the very same person who looks like you and I'm giving the information to you now, it might end up for the victim not to believe that the police officer or the helper is helping her…

In my opinion, the above could have serious implications for male victims in particular, especially in terms of reporting their victimisation.

4.8 Reporting DV

Even though existing statistics illustrate that there are exceptionally high levels of IPV in South Africa (Seabi, 2009; Vetten, 2005), it is one of the most under-reported crimes (Patel, 2014; Seabi, 2009). There are a number of factors which contribute to and exacerbate under-reporting of IPV cases in South Africa, particularly in the case of male victims. In line with this, even though the Domestic Violence Act may be progressive in that it allows for male to be seen as victims and as reported by participants, this may not be the case when it comes to the implementation of the Act. These difficulties arise from the initial reporting of the abuse to the police.

4.8.1 Lack of reporting and causes.

In terms of the lack of reporting amongst male victims there are two aspects that should be explored. The first relates to the general lack of reporting on the part on victims in general, regardless of gender, while the second relates to the lack of reporting on the part of the male victim. As mentioned in the literature review, the reporting of domestic violence cases within South Africa is extremely problematic. As P4 says, *I think even for woman both they'd say well so he shouts at you so what that's not a crime you know or he swears at you or he calls you a dumb whatever uhm most police would say he hasn't done anything what crime has he committed.* This is extremely problematic for a number of reasons and again it finds its roots in beliefs and discourses surrounding gender behaviour and stereotypes. This is certainly especially true for male victims who are often afraid to report their victimisation at the hands of a female partner.

I would probably say ja I think for a lot of men there's an embarrassment factor if they are the victim uhm and I mean if it was happening to me I'd probably think that the police are going to think it's a big joke ja so ja I think an embarrassment factor would probably be a very big thing stopping them from coming forward (P4).

However, P1 and P3 introduce a new dimension to this. P1 speaks about the abuse of the Domestic Violence Act by female perpetrators.

So they go in say they in a divorce situation and the residency of the kids is in question who will the children live with after a divorce so what they do is they will go to a court uhm to the domestic violence forum and say that no uh he's abused me all these years he's abused our children our children are psychologically traumatised uhm he hit us at one occasion he does this to the children he does that he doesn't support us so the court then immediately now will issue an interim order saying that the father has limited access to the kids or his rights are suspended or he's not allowed to come near the home of which he's still paying the bond for or paying rent for so the woman would then abuse the legislation itself

Not only does the above speak to the actual abuse of legislation by females and the problematic nature of the reporting of domestic violence but it also speaks to the manner in which stereotypes are bought into. Hence, it is the notion of the female commonly being the victim and the male the perpetrator which allows for the abuse of the legislation to actually occur. P3 mentions something similar in terms of males not reporting their victimisation,

she will just say should you do one two three to me I will report you to the police goes back to the gender that states that if I go to the police station and report my partner they will laugh at me so it's something like that.

This then becomes the challenging factor when it comes to the actual implementation of the law.

4.9 Implementation of the law.

The laws are just, the implementation is poor (P2).

In answering the question of whether the law is actually implemented there are two methods that I employed. The first was through asking participants if they felt as though the law is implemented and the second was to deduce this through a thorough analysis of the data. In terms of the first, half the participants feel as though the law is not implemented or is poorly implemented as is reflected in P2's response above. In response to the question P4 replied, *probably not no.* In contrast P3 is of the opinion that the law is actually implemented.

Ja it it is implemented uhm I can say it is implemented but now but most of the problems is uhm being uhm I don't know if I can say if effective because when we being effective is when we go outside and do whatever that needs to be done.

P1 concurs with P3's opinion; *yes a hundred percent if they do then they can be taken up on the constitutional basis of uhm uh on sexual discrimination as well the police themselves so they cannot look at the gender of the person.*

In terms of the second aspect, my analysis tends to be more in agreement with P2 and P4. The reason behind this is that even though P1 and P3 explicitly state that the law is actually implemented, there are many contradictions. Furthermore, I reiterate that the data I have collected is by no means generalizable. Hence, just by making mention of aspects such as the underreporting of domestic violence, societal discriminations, the abuse of the legislation and so forth, flaws in terms of implementation already crop up. I specifically look at an example given by P1.

In fact I had a matter over the weekend where uh the client is a woman and she was being abused constantly on a daily basis vulgar verbally psychologically emotionally on a daily basis and uh he's on the same property but they he's living in the cottage at the back of the house and he's got an interim protection order against him and the police were called out previously and they didn't assist her because he gave a story and they were called out again now on the weekend and uhm he gave this uhm very wonderful story and the police actually believed him because it was in line with what the stereotype version of a man should be.

The above case reflects a crack in the foundation of the implementation of the law by professionals tasked with its execution. While the above is a case of a female victim, analysis of the data reveals that implementation in terms of male victims is even more problematic. This is revealed in instances where participants spoke about male victims not being believed and/or even laughed at (as quoted in the preceding section). Another method that I utilised in determining whether the law is being implemented was to ascertain whether professionals are aware of the law.

4.9.1 Awareness of laws.

In my opinion in order to successfully implement the law, professionals need to have an understanding and knowledge of the law. This is particularly important for professionals such as police officers and lawyers but also relates to other professionals such as social workers and psychologists. In line with this, each of the participants I interviewed not only defined domestic violence as per the domestic violence act but they are also completely aware of the procedures that need to take place when a case is reported. One such example is that of P1 recounting the procedure.

So you fill out a statement in terms of you know what uh what the person has been experiencing and that's the tricky part and where most people go wrong is because when you go to court you are bound to what you've written on this paper so a lot of people write very vague stuff you know remember in law he who alleges must prove so a lot of people when abusing the process as well go off on a tangent he hit me with a hammer he gave me a blue eye he did this he did that only to realise that later on you need to prove what you have said

in that application so you need to show a picture of the hammer that he hit you with or you need to show the scars on your body and the blood marks and you need to provide witnesses and you need to show a picture of a blue eye you need to produce a medical report and so forth so filling out that application is the uhm you fill out the application and all your contact details and then you say what's the acts of domestic violence and then you need to say what is the relief that you are seeking in that once they fill that out it's taken to a magistrate and the magistrate will decide before the court date arrives whether you are in need of interim protection so based on what you put in the application they will say are they granting you an interim order or are they just granting you just another uhm order where a notice for that appears for that person the respondent to appear in court on that day notice to appear there's different form numbers I'm not going to say the forms because you know….

However, while the above reveals that implementation is not poor due to a lack of awareness and procedures, this is just one aspect and does not necessarily mean that the law will be implemented because of a sound knowledge of it. This is clearly reflected when looking at the role of the police in terms of female-to-male IPV.

4.10 The police and IPV

4.10.1 Police beliefs of female-to-male IPV.

> *If a man is going to say I'm being abused and then they run to the police and then they say I'm being abused some of them were saying you know the policemen also they are going to before they open a docket or before they do anything for you they start laughing* (P3).

In conducting my previous research I was surprised to find that majority of the participants felt as though the regular policeman would undoubtedly dismiss a case of female-to-male IPV and sneer at the male victim instead (Patel, 2014). One of the participants stated that this is the case for female victims as well.

> *Even for woman both they'd say well so he shouts at you so what that's not a crime you know or he swears at you or he calls you a dumb whatever um most police would say he hasn't done anything what crime has he committed* (P4).

As such, I decided to elaborate on this within this research report. Some of the responses that I received collaborated on this view while others contradicted it. P5 indicated that,

> *They're a lot of women who are probably bashing their partners as there are men bashing their partners so um how can you go and report your case to a big strapping burly police officer who's you know systematically beating his wife or probably raping her as well and you're going there*

> *and saying my wife's hitting you and he'd probably think what the hell's wrong with you know have a couple of beers and hit her one* (P5).

The view of these participants is maintained by Nix (1998) who says that police often see domestic violence as a private family problem or as the norm and are thus hesitant to support a woman who wants to lay a charge against her abusive male partner. While this is the situation for abused women when they attempt to report a crime, it is even more difficult for male victims (Patel, 2014) as alluded to by participants. Additionally, within the SAPS there exists an underlying need to value traits perceived as masculine (Potgieter, 2012) and as such male victims are often treated with disbelief and scorn. As such this can explain why the police have such negative attitudes towards IPV in general and this has serious implications for IPV. However, P3, who is a female police officer working within the domestic violence domain, offers an alternative opinion. She believes that negative misconceptions of the police hinder male victims from reporting their victimisation. Thus, in her viewpoint, it is not necessarily the police who hold such fallacies pertaining to male victims but it is a lack of education on the part of society.

> *Because it's a belief remember before uh they used to say when they come to the station and report those kinds of cases police officers or other people will laugh at them saying ok how can a female abuse you are a man you are a head hold you should be the one telling you wife what to do and what not to do so now they are uh the perpetrators[21] but they they don't want to report they don't want to come up front because they are scared of losing their stigmas or I can say they (incomprehensible)[22] manpower or because people will say if you are a man you should be in control of your house in control of everything so now they think they will be defined as losers.*

P1 also holds a contradictory opinion, *they're quite receptive to both I wouldn't say that the police shun away.* Furthermore, both P1 and P3 mention accountability, in that police officers who fail to implement the law are at risk of facing serious disciplinary action. This is in accordance to what the literature states (see literature review).

> *No not at all if it did it would be unconstitutional remember because then it would be a discriminatory an act of discrimination so in fact it it terms the person as a complainant it doesn't say men or and a complainant means any person who is or has been in a domestic relationship.*

Yet, I am of the opinion that there are other factors which influence police officers as well and as such they may not always implement the law.

[21] Victims

> *Your guys driving around in police cars I don't know what level of exposure they get to the female to male so I think there would probably be a gap or something unfortunately the contact point for most people is not the detective at first your first contact was that guy in the uniform* (P4).

As such, implementation by the police is merely one such example of poor enactment of the law. In attempting to research this, I found it extremely challenging to find willing participants within the SAPS. Any attempts were met with disinterest or resistance. Hence I drew on my previous research to analyse the implementation of the law by police officers. Furthermore, my Honours research report has a more extensive section detailing the perceptions and beliefs of police officers concerning female-to-male IPV (see Patel, 2014).

4.11 Conclusion.

> *At the same time I must tell you I think there are some flaws in the Domestic Violence Act uh and I think the act needs to be revisited once again because uhm if you have to just look at your definition you know uh and take it within its context of IPV female-to-male males have really been on the receiving end so far as this act is being abused by females so I do have my reservations but it's out of my hands we still have to work with what you know we as attorneys have to are uhm legislated so to speak to work with ja (sic)* (P1).

In conclusion, it is my opinion that while the research question seems fairly simplistic to answer, the reality is far different. Thus, in answering the first part, do the current laws make provision for male victims of IPV? The simple answer is seemingly yes, but as the above statement by P1 indicates it's more complex than that. Hence, while the laws may be just in terms of equality and so forth, implementation is a far more complicated. On the whole, implementation is either poor or not executed. Additionally, there are a number of factors which add to the complex nature of the law and the implementation of the law. These have serious implications for female victims but even worse implications for male victims who remain marginalised and discriminated against.

Chapter 5: Limitations and Future Recommendations

5.1 Limitations of Research

The key challenge that I, as the researcher, faced was the absence of accessible research concerning to the occurrence of female-to-male IPV in addition to the South African laws specifically relating to male victimisation. As such the literature that I used was mainly literature from an international context. As mentioned earlier such literature may not be generalizable to the South African context. Additionally, there is also a lot of research that

specifically addresses the issue of female victims of IPV. The result of this is twofold; it could be positive as this research aims at speaking to gaps in literature but in contrast, it was also challenging in that there is a very feeble academic groundwork for the study.

I also faced challenges in terms of representation- i.e. the actual figure of participants who volunteered to participate in the study. Although the in-depth interviews conducted resulted in a rich corpus of data, it must be noted that drawing on such a small sample inexorably results in limited information. The sample of professionals was limited to two lawyers, two police officials and a social worker as well as a psychologist. My initial aim was to interview three police officers and three lawyers but this proved to be extremely difficult. Finding willing participants served to be one of the most profound problems that I faced in conducting this research. Many of the potential participants that I contacted were not willing to participate in the research which is telling within itself. A more appropriate sample could have included a greater number of police officers, lawyers as well as other professionals such as magistrates and judges, who also come into contact with victims of IPV and are involved within the legal aspects and as such would have more information to provide. This could perhaps have resulted in a richer corpus of data.

Moreover, another great challenge that I faced as a researcher was bringing the issue of male victimisation at the hands of female partners to the fore, without diminishes the importance of female victimisation within intimate relationships. In line with this, I reiterate that in no way does this research diminish the very serious issue of female victimisation yet, I feel that we cannot marginalise or ignore male victimisation. Lastly, this research was conducted to fulfil the requirements of a master's degree and hence, the scope of the research is limited. Thus, due to word limitations and so forth there may be a number of key aspects that I have not covered or touched upon, particularly in terms of CDA.

5.2 Future Recommendations

This section highlights and recaps on the future recommendations that I mentioned within my previous research. I have repeated them here as I feel that they are still relevant at present. The area of female-to-male IPV is a comparatively innovative and unfamiliar arena within the South African context. Consequently, it is my opinion that male victims often remain marginalised. Therefore, there are many features of the phenomenon which should be studied. In relation to the limitations of this study, future studies can explore the beliefs of a

variety of professionals and the implications of these beliefs on male victims of IPV. Furthermore, this study only included one male participant. Taking into consideration that this is a gender related topic, additional studies should include more participants of both genders and differing professions. Together with this it can be established from the research that even though there is a willingness amongst professionals to acknowledge males as victims of IPV there remains a lack of awareness both amongst professionals and society in general. Consequently female-to-male IPV remains an issue of taboo. Therefore, the issue of female-to-male IPV within the South African context is in need of extensive research. From the literature examined and the subsequent data collection I have determined that male victimisation is a grave problem and as such can be described as one of the cracks in society, albeit a crack that is hidden and remains invisible. Such social problems need to be recognized and appropriately addressed in order to provide to a just and happy society. The home is a domain which ideally should serve as a safe haven and this cannot be accomplished unless every individual who is oppressed is free from oppression. The starting point for this lies in education and awareness. In conclusion I believe that further research can serve as the foundation of much larger research within this arena. This can be extremely beneficial for those male victims who are not receiving the assistance they so desperately require. Finally, taking note of the importance of the law and the nature of the South African constitution in particular, such research can lead to just policies and laws being implemented. Furthermore, it can also bring about awareness that allows for the laws to be implemented as they should be.

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Appendix A

Interview Questions

1) How would you define the term domestic violence?
2) How does the law define the term domestic violence?
3) What is the primary act/legislature which deals with issues of domestic violence?
4) How often do you encounter cases of domestic violence?

5) In your opinion, have these encounters been consistent with the definitions you have made mention of?
6) What are the steps that need to be taken in the event of an incident of domestic violence occurring?
7) Who are the key role players in terms of enacting the law?
8) Do you think that these laws are being implemented within South Africa?
9) What do you do when encountering a case of domestic violence?
10) Is this consistent with the rest of your profession?
11) Who would you say are the key perpetrators of IPV?
12) Is it a serious issue within South Africa?
13) Do you think that domestic abuse is a gender issue?
14) What are your thoughts concerning the possibility of female-to-male IPV?

Appendix B

Room 245, Central Block, University of the Witwatersrand
tel: 011 717 4418

Good day,

My name is Juwairiya Patel and I am at present studying for my Master's degree at the University of Witwatersrand. In light of this I am required to conduct a research report. My topic focuses on female-to-male intimate partner violence (IPV) and the legislation surrounding it. The research aims to explore the existing laws pertaining to IPV as well as implementation of these laws in terms of female-to-male IPV. I am conducting the research under the supervision of Dr. Peace Kiguwa. We would like to invite you to participate in the research.

If you consent to participate in the study, you will be interviewed by me, at a time and venue suited to your needs and convenience. The interview will last approximately 45 minutes to an hour. In order to accurately reflect the interview, it will be recorded with your consent. I would like to emphasise that participation is entirely voluntary and there are no foreseeable direct risks or harms associated with participating in the study. If at any time, you wish to withdraw from the study you can do so. You can also choose to refuse to answer any questions you would prefer not to answer. Anonymity is a guarantee in this study. Your identity will be kept confidential. There will be no mention of you in a manner which can or will reveal who you are. However, you should be aware that if you are well-known within the public domain that there is a possibility that readers may assume your identity.

Both the tapes and transcripts will be utilised for research purposes. After the transcription of the interviews the tapes will be destroyed. Anonymous transcriptions will be kept in a secure location by the University of Witwatersrand and may be used for further research.

If you choose to participate in the research kindly fill in your details in the consent form below. For further information please feel free to contact me. Your participation will be sincerely appreciated. The research will contribute towards filling the gap which exists within South African literature regarding female-to-male IPV and creating more awareness of the phenomenon. It will also hopefully contribute to your own work in the field of domestic abuse. If you require, a summary of the results will be made available on request. Should you require this, you can contact me telephonically or via e-mail.

N.B: Even though there are no foreseeable direct risks or harms associated with participating in the study, the research is centred on a sensitive topic. In the event that you feel you may need emotional support or counselling please find details of counselling services/organisations hereunder:

- **The Emthonjeni Community Psychology Clinic.**
  Contact details:
  Email: esther.price@wits.ac.za or katherine.bain@wits.ac.za To make an appointment, please phone Nthabiseng on (011) 717 4513.

- **The Family Life Centre (FAMSA)**
  Contact Details:
  Physical & Postal Address: 1 Cardigan Road, Parkwood 2193
  Telephone Numbers: 011 788 4784/5
  E-mail Address: famlife@iafrica.com
  Website address: www.familylife.co.za
- **Lifeline South Africa**
  Contact Details:
  Tel: (+27 11) 715-2000
  Dicon number (switchboard cell): 082-231-0805
  Fax: (+27 11) 715-2001
  Website: http://www.lifeline.org.za

Kind regards

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Appendix C

tel: 011 717 4418

Consent form (Interview)

I, ,consent to being interviewed by Juwairiya Patel for her research on female-to-male IPV.

I understand that:

- Participation in this interview is voluntary
- I may refuse to answer any questions I do not feel comfortable answering
- My withdrawal from the study is guaranteed should I wish to withdraw from it or withdraw any responses made
- My confidentiality cannot be guaranteed
- Pseudonyms will be used
- My identity will not be made public nor will it be alluded to
- There are no direct risks or benefits associated with the study

Signed:

Date:

Appendix D

Wits Centre for Diversity Studies
Room 245, Central Block, University of the Witwatersrand
tel: 011 717 4418

Consent form (Recording)

I, ,consent to my interview with Juwairiya Patel for her research on female-to-male IPV being tape recorded.

I understand that:

- The tapes or transcripts will be used for research purposes
- No identifying information will be used in the transcripts or research report unless it directly affects the study.
- Direct quotes from my interview may be used in the research report.

Signed:

Date:

Research Office

HUMAN RESEARCH ETHICS COMMITTEE (NON-MEDICAL)
R14/49 Patel

CLEARANCE CERTIFICATE	**PROTOCOL NUMBER: H15/05/31**
PROJECT TITLE	Masculinity, myth and male victimisation: An exporatory study concerning South African Law surrounding female-to-male intimate partner violence (IPV) and the implementation of any such laws
INVESTIGATOR(S)	Ms J Patel
SCHOOL/DEPARTMENT	Social Sciences/
DATE CONSIDERED	22 May 2015
DECISION OF THE COMMITTEE	Approved unconditionally
EXPIRY DATE	28 June 2017

DATE 29 June 2015 **CHAIRPERSON** (Professor T Milani)

cc: Supervisor : Dr P Kiguwa

DECLARATION OF INVESTIGATOR(S)

To be completed in duplicate and **ONE COPY** returned to the Secretary at Room 10005, 10th Floor, Senate House, University.

I/We fully understand the conditions under which I am/we are authorized to carry out the abovementioned research and I/we guarantee to ensure compliance with these conditions. Should any departure to be contemplated from the research procedure as approved I/we undertake to resubmit the protocol to the Committee. **I agree to completion of a yearly progress report.**

_____ _____/_____/_____
Signature **Date**

PLEASE QUOTE THE PROTOCOL NUMBER ON ALL ENQUIRIES

IN A CONTEXT OF ACADEMIC FREEDOM AND WITHIN A FRAMEWORK OF INDIVIDUAL AUTONOMY AND THE PURSUIT OF KNOWLEDGE THIS AGREEMENT IS WRITTEN IN THE BELIEF THAT THERE IS A RECIPROCAL RELATIONSHIP AND MUTUAL ACCOUNTABILITY BETWEEN SUPERVISOR AND STUDENT.

1. Will establish agreed roles and clear processes to be maintained by both parties. In the case of joint supervision everyone's role needs to be clarified.
2. Will meet regularly and as frequently as is reasonable to ensure steady progress towards the completion of the proposal, research report, or dissertation or thesis. This time varies but the normal minimum requirement for face-to- face contact, spread across each year of registration is: 10 contact hours for an Honours project, 15 contact hours for a Masters by research report and 24 contact hours for a Masters by dissertation and a PhD.
3. Will keep appointments, be punctual and respond timeously to messages.
4. Will keep one another informed of any planned vacations or absences as well as changes in his or her personal circumstances that might impact on the work schedule. Unplanned absences or delays should be discussed as soon as possible and arrangements should be made to catch up lost time.
5. Will ensure that research on animal or human subjects is conducted according to the procedures and the requirements of the relevant University Ethics committee.
6. Will together complete progress reports on the research project, as requested by each Faculty Graduate Studies Committee.

The supervisor:

1. Undertakes to provide guidance for the student's research project in relation to the design and scope of the project, the relevant literature and information sources, research methods and techniques and methods of data analysis.
2. Has a responsibility to be accessible to the student.
3. Will be prepared for meetings with the student. This includes being up-to-date on the latest work in his/her area of expertise.
4. Will expect written work as jointly agreed, and will return that work with constructive criticism within a timeframe (a suggestion of 2-4 weeks) jointly agreed at the outset of the research.
5. Will provide advice that can help the student to improve his/her writing. This may include referrals for language training and academic writing. The supervisor will provide guidance on technical aspects of writing such as referencing as well as on discipline specific requirements. Detailed correction of drafts and instruction in aspects of language and style are not the responsibility of the supervisor.
6. Will support the student in the production of a research report, dissertation or thesis. Provision should be allowed for adequate, mutually respectful, discussion around recommendations made.
7. Will assist with the construction of a written time schedule which outlines the expected completion dates of successive stages of the work.
8. Will ensure the student has the opportunity to present work at postgraduate/ staff seminars/national/international conferences as appropriate.
9. Will assist with the publication of research articles as appropriate.
10. Will discuss the ownership of research conducted by the student in accordance with the University guidelines and rules on intellectual property, co-authorship and copyright.
11. Will ensure that the research is conducted in accordance with the University's policy on plagiarism.
12. Will ensure that the student is made aware in writing of the inadequacy of progress and/or of any work where the standard is below par. Acceptability will be according to criteria previously supplied to the student.
13. Has a duty to refuse to allow the submission of sub-standard work for examination, regardless of the circumstances. If the student chooses to submit without the consent of the supervisor, then this should be clearly recorded and the appropriate procedures followed.

The student:

1. Undertakes to work independently under the guidance of the supervisor. This includes reading widely to ensure that the literature pertinent to his/her chosen topic has been identified and consulted.
2. Is obliged to make appointments to see the supervisor and will arrange meeting times well in advance.
3. Will think carefully about how to derive maximum benefit from these contact sessions by planning what he/she wants in these sessions.
4. Should submit written work for discussion with the supervisor well in advance of a scheduled meeting. The kind and frequency of written work should be agreed with the supervisor at the outset of the research.
5. Undertakes to submit written work that is relatively free of basic spelling mistakes, incorrect punctuation and grammatical errors. Responsibility for the accuracy of language, the overall structure and coherence of the final research report, dissertation or thesis rests with the student.
6. Undertakes to heed the advice given by the supervisor and to engage in discussion around suggestions made. Ultimately the student has to take responsibility for the quality and presentation of the work.
7. Should strive, within reasonable bounds, to maintain a focus on his/her research area and to work within the agreed time schedule.
8. Will prepare material for presentations at seminars and conferences.
9. Undertakes to submit papers for publication.
10. Agrees to honour agreements about ownership of the research and in accordance with the University's guidelines and rules in relation to co-authorship, copyright and intellectual property.
11. Will ensure that the work contains no instances of plagiarism and that all citations are properly referenced and that the list of references is accurate, complete and consistent.
12. Agrees to work in accordance with the criteria of acceptability as supplied by the supervisor.
13. Undertakes not to place the supervisor under undue pressure to submit work for examination until the supervisor is satisfied that it has reached an acceptable level of quality.

Name of student : Jumairiya Ahmed Patel

Student's signature : [signature]

Name of Supervisor : DR PEACE KIGUWA

Supervisor's signature : [signature]

Name of Co-Supervisor :

Co-Supervisor's signature :

The broad area of study is: An explorative study on the South African laws surrounding female-to-male IPV and implementation of these laws

Provisional submission date is: Mid February 2016

Degree : MA Diversity Studies

School : Social Sciences

Faculty : Humanities

Date : 11/04/15

ownership and joint publication, funding, etc. may be attached and signed.

It should be acknowledged that during the course of the research, both students and supervisors can feel aggrieved. In this event, matters should be dealt with as swiftly as possible by the parties involved and, if necessary, the appropriate Postgraduate Coordinators and Committees. There is, in addition, a University Grievance Policy to help guide deliberations. It is available on www.wits.ac.za/prospective/postgraduate.