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Domestic violence: Does the African context demand a different approach?

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1. Introduction

Domestic violence—the physical and/or psychological abuse of an intimate partner—is a major public health problem of concern both to the medical and legal professions. As the recent World Health Organization report notes, partner abuse leads not only to physical injury and death but also to severe effects upon the mental health of its victims, including an erosion of self-esteem, depression, anxiety, posttraumatic stress disorder (PTSD), alcohol and drug abuse, and suicide.¹ It also affects the capacity of women the world over to participate as equal and productive partners in their society, economy, and polity.² Addressing this problem clearly requires an approach that combines a variety of remedies; legal reforms, public education, and individual psychological change are all necessary. But the remedies that are both possible and likely to be effective in a particular setting must be sensitive to the context in which the violence occurs. Using the United States as a point of comparison, this article discusses the particular context in which partner abuse takes place in Africa in order to explore the remedial strategies that are appropriate there. As part of

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¹ WHO, World Report on Violence and Health 102 (2002) (WHO Report); Heise, Lori, Mary Ellsberg and Megan Gottemoeller, Population Reports: Ending Violence Against Women, Population Reports L-11 ch. 5.3 at 1 (1999) (available on-line at <http://www.jhuccp.org/pr/111edsum.stm>).

² For example, studies in Latin America show that women who are domestic violence victims have significantly lower productivity than nonabused women. Inter-American Development Bank, Technical Note 7, Domestic Violence against Women 6 (Mayra Bivinić and Andrew Morrison eds., 2000) (Nicaraguan women who are domestic violence victims earn 57% of what nonabused women do; Chilean women earn only 39%, with the loss in income accounting for 2+% of 1996 GDP).

this examination, I ask what role mental health intervention may play in the African context.

The United States is a country of vast resources in which attention has been focused upon the problem of domestic violence for several decades now. As late as the 19th and early 20th centuries, U.S. law condoned a certain amount of violence against—or “chastisement” of—women by their husbands, and the courts refused to intervene in the private sphere to prevent it.³ One major consequence of the women’s movement in the latter part of the 20th century was to call attention to the widespread nature of such violence, however, and to begin to develop strategies to address it. Although there is evidence that intimate partner violence has been decreasing, the problem persists at a level that is still unacceptable.

Attention to the problem of domestic violence in Africa is comparatively recent, with studies about partner abuse beginning to appear in the mid-1990s.⁴ These studies showed that a vast amount of domestic violence accompanies the life of a woman in most African countries. Yet, the context in which this violence occurs is different in important respects from that in the United States, making the transfer of remedial measures from one setting to the other a problematic enterprise. For example, large numbers of women in Africa live in the countryside and are subject to customary African law, much of which reinforces the subordinate position of women within the family.⁵ This traditional sector continues to exist, although its moral authority may be undermined by urbanization and economic dislocation; thus, many customary remedies are no longer effective. At the same time, postcolonial governments are faced with severe economic problems that may prevent them from putting alternative remedial strategies into place, for example, effective law enforcement and adequate medical facilities to handle the physical and psychological injuries occasioned by domestic violence.

This article explores how the context in many African countries may alter the shape of the problem of domestic violence from that in the United States and require giving preference to some remedial approaches over others. In Part 1, I discuss some of the primary ways in which the context of domestic violence in Africa differs from that in the United States, including

³ See, e.g., Reva Siegel, “The Rule of Love”: Wife Beating as Prerogative and Privacy, 105 *Yale L.J.* 2117, 2150–70 (1996).

⁴ See, e.g., Women in Nigeria, *Breaking The Silence: Women Against Violence* (Elsbeth Robson, ed. 1993); Rosemary Ofeibe-Aboagye, *Domestic Violence in Ghana: An Initial Step*, 4 *Colum. J. Gender and Law* 1 (1994); Women in Law and Development in Africa [WILDAF] Tanzania, *Report of a Pilot Study of Intimate Femicide in Tanzania* (1996); Human Rights Watch Africa, *Violence Against Women in South Africa: State Response to Domestic Violence and Rape* 44–49 (1995); Lisa Vetten, “Man Shoots Wife:” *Intimate Femicide in Gauteng, South Africa*, 6 *Crime and Conflict* 1 (Winter 1996).

⁵ Many postcolonial African constitutions exempt certain arenas of life—for example, marriage and divorce, inheritance, and property ownership—from the application of modern statutory and even constitutional law with their prohibitions against sex discrimination. See, e.g., Constitution of Kenya, Ch. 5, Section 82 (1992); Constitution of Zimbabwe § 23 (1998). *But see* Ghana Const. Ch. 5, Art. 26 (1992); Republic of South Africa Const. § 211 (1996); Constitution of the Republic of Uganda, Section 33 (1995) (allowing constitutional challenges to discriminatory practices harmful to women).

differences in overall amount, differing concepts of marriage and the role of women, differing notions of the public and private spheres, a more relational sense of self, and the relevance of widespread poverty and state incapacity. In Part 2, I explore what implications these differences may have for the types of remedial strategies that may be effective in the African context. I conclude that strategies developed for that context may in fact be instructive in the U.S. setting as well.

Before proceeding, I should make it clear that my research has focused primarily on the many English-speaking nations south of the Sahara.⁶ Many different traditions—of customary law, colonial experience, and postcolonial legal and political traditions—are represented within this group of countries, and their political systems and economic strength vary as well. Nevertheless, after examining almost exclusively African sources about domestic violence on that continent, I note certain common themes. With apology, I often describe these commonalities as “African,” despite the limitation of my research and the further differences in context that exist among the nations represented. Similarly, the United States, although a single nation-state, contains diverse communities within it, and the most effective approaches to domestic violence work require a sensitivity to the differences among them. Moreover, by counterposing “Africa” and the “United States,” I do not mean to deny the many similarities between the violence perpetrated against women in both areas of the world and its roots in male dominance and control. I nonetheless believe that there are certain generalizations about the two settings that may prove useful to examine and be productive of insights into the nature of domestic violence and of effective strategies to decrease its control over the lives of women.

2. Differences in the African context

In this section, I summarize some of the differences between domestic violence in Africa and in the United States. There are a number of striking characteristics of the African context, including (1) the larger overall amount of domestic violence, despite severe underreporting, and the apparent absence of the phenomenon of domestic murder–suicide; (2) the persistence of formal notions of women as property and related concepts of the institution of marriage within traditional society; (3) differing notions of the public and the private and a more relational sense of the self; and (4) background conditions of poverty, economic devastation, social transition, and, in some instances, state incapacity to deal with the problem.

2.1. Overall amount of domestic violence, underreporting, and absence of murder–suicide

First, it is safe to say that there is a higher incidence of domestic violence in most African countries than in the United States—the rate is almost double in some areas. An international

⁶ I have also spent a considerable amount of time in Africa, living and working in Kenya for two years and subsequently, as a law professor, participating extensively in workshops, faculty exchanges, consulting, and research in Ethiopia, Ghana, and Kenya.

statistical survey reported the following comparative statistics for the percentage of women reporting physical abuse by a male partner in the years 1986–1993:

Tanzania: 60%
Uganda: 46%
Kenya: 42%
Zambia: 40%
United States: 28%.⁷

In addition, an extensive survey about violence against women carried out in 1998 in Ghana revealed that one in three of the respondents had been beaten, slapped, or physically punished by a current or most recent partner, over half of those within the previous year.⁸ Psychological violence is harder to study but large numbers of the women and girls responding to the Ghana Survey reported that their male partners had threatened them with a fist or other object, intentionally humiliated or shamed them in front of others, prevented them from seeing family and friends, prohibited them from going to work or taken their earnings away from them, injured or damaged things of importance to them, and the like.⁹

Moreover, like other forms of violence against women, domestic violence is a greatly underreported crime everywhere, including the United States, where at most 50% of victims report the crime to the police.¹⁰ The problem is even more severe in many parts of Africa. In the Ghana Survey described above, only about 5% of the women had reported injuries from physical violence to the police or to social welfare agencies.¹¹ Human Rights Watch Africa has reported similar rates of nonreporting in South Africa, where only 6% of domestic violence victims interviewed had gone to the police.¹²

Some of the reasons offered for this underreporting are similar to those obtaining in the United States, while others are different. As in the United States, police may be perceived as hostile to domestic violence claims because of their own culture of violence and the presence

⁷ Naomi Neft and Ann D. Levine, *Where Women Stand: An International Report on the Status of Women in 140 Countries* 154 (1997). Other studies of physical assault on women by an intimate male partner are consistent. See Population Reports, *supra* note 1, at Table 1 (41% of 1,660 respondents in Uganda 1995–96 study and 42% of respondents in Kenya 1984–87 study report physical assault in current relationship.)

⁸ *Breaking the Silence and Challenging the Myths of Violence Against Women and Children in Ghana: Report of a National Study on Violence* 65 (Dorcas Coker-Appiah and Kathy Cusack, eds. 1999) [Ghana Survey].

⁹ *Id.* at 63–65.

¹⁰ One author has estimated that only about 10% of abused spouses call the police in the United States. Joan Zorza, *Women Battering: High Costs and the State of the Law*, Clearinghouse Review, Special Issue 383, 385 (1994). By contrast, the Department of Justice concludes that more than 50% of female victims of intimate violence report the crime to the police. U.S. Department of Justice, Bureau of Justice Statistics, *Violence by Intimates: Analysis of Data on Crimes by Current or Former Spouses, Boyfriends, and Girlfriends* 19 (1998).

¹¹ Ghana Survey, *supra* note 8, at 95–98.

¹² Human Rights Watch Africa, *supra* note 4, at 47 (6% went to the police, but 50% sought help from their extended families).

of many domestic violence offenders in the police force.¹³ Human Rights Watch reports that police in South Africa delayed in responding to domestic violence calls in some cases; in others, they counseled the woman not to waste her time on legal processes but simply to go back to her husband and sometimes even actively intervened to get her to drop the case.¹⁴ The situation is particularly bad for partners of police officers:

There have been a number of cases in which women have been driven to suicide. There was one case in which a woman married to a policeman complained to her husband's senior. He would not believe her because the man is a good policeman. Around November 1994, she shot herself.¹⁵

Similar responses by the police in the United States have been common, especially before class action lawsuits were brought against various police departments in the 1970s.¹⁶

Other reasons for nonreporting of domestic violence are particular to a given African setting. Many African police forces have been tainted by association either with previous colonial regimes (e.g., Zimbabwe and South Africa) or with postindependence dictatorships. Moreover, in poor countries, the police are without the resources or training to deal with domestic abuse, they are not paid very well, and corruption is rife. Thus, a victim may find that her case was not pursued after the abuser paid off the police officer.¹⁷ In short, domestic violence victims in some African countries expect little from the police—in many cases with good reason. Given this expectation, massive underreporting of domestic violence incidents to the authorities is not surprising.

When domestic violence results in death, it is of course reported, and it can be a major cause of premature death for women.¹⁸ A review of inquest dockets in Johannesburg in 1994 showed that 56% of murdered women were killed by male partners or friends.¹⁹ In Zimbabwe, fully 60% of the murder cases that go through the High Court in Harare are related to domestic violence.²⁰ Intimate homicide occurs in the United States at high (though decreasing) rates as well, accounting for about 30% of female murder victims between 1976 and 1996.²¹

¹³ See, e.g., *id.* at 74–82.

¹⁴ *Id.* at 79–82.

¹⁵ *Id.* at 77–78, quoting representative of the Advice Desk for Abused Women.

¹⁶ See Joan Zorza, *The Criminal Law of Misdemeanor Domestic Violence, 1970–1990*, 83 *J. Crim. Law Criminol.* 46, 47–60 (1992). See also *Watson v. Kansas City*, 857 F.2d 690 (10th Cir. 1988) (in which police officer's wife produced evidence of multiple incidents of abuse that were known to her husband's superiors, who took no action against him).

¹⁷ See, e.g., Human Rights Watch Africa, *supra* note 4, at 80.

¹⁸ WILDAF, *The Private Is Public: A Study of Violence against Women in Southern Africa* 18 (Charlotte Watts, Susanna Osam and Everjoice Win, eds., 1995) (“violence against women may be an important cause of premature death among women, potentially accounting for just under half of all deaths analyzed,” *citing* Lisa Vetten, ‘Woman Shot’: A Pilot Study Exploring Intimate Femicide (1995)).

¹⁹ Vetten, *supra* note 4, at 1–2.

²⁰ WILDAF, *supra* note 18, at 10.

²¹ U.S. Department of Justice, *supra* note 10, at v. The rate of intimate partner violence against women, however, fell by 21% from 1993 to 1998. U.S. Department of Justice, Bureau of Justice Statistics, Special Report: *Intimate Partner Violence 2* (2000) [hereafter Bureau of Justice Statistics 2000].

One feature of intimate homicide in the United States that does not seem to be characteristic of Africa, however, is that a large proportion of husbands who kill their wives then commit suicide. Approximately half of the men who kill their wives in the United States commit suicide (murder–suicide is even more common in cultures with stronger cultural constraints on interpersonal aggression).²² By contrast, I have seen no reference to suicide by the perpetrator in the literature about femicide in Africa. One can only speculate about what may underlie this difference. One theory of suicide following intimate homicide posits that it results from guilt.²³ If this is so, perhaps widespread acceptance of domestic violence within his community might immunize the perpetrator against guilt. Other writers in the U.S. context explain the phenomenon psychologically: The abuser is so emotionally dependent upon his victim that when she threatens to leave, he strikes out at the very thing most central to his own being, but when she dies, there is nothing left for him to live for.²⁴ This theory seems less plausible in the traditional African context, where husbands do not appear to be as emotionally dependent upon their wives as in the United States. Another possibility, of course, is that prosecution and punishment for murder is much more certain to follow in the United States, and thus the perpetrator commits suicide to avoid the consequences of being tried for and convicted of murder, while prosecution and sentencing patterns in Africa (this is clear from studies in southern Africa at least) make this result much less likely.²⁵ Under any of these theories, the relative absence of suicide by the perpetrator in Africa becomes understandable.

2.2. *Women as property and traditional notions of marriage*

The attitudes of the police toward domestic violence also reflect the mores of the society in which they live and, in particular, community notions about gender relations and the status of a woman. As almost every article about domestic violence in Africa points out, women are still formally regarded as akin to property in most African customary law traditions. Bride

²² In Chicago, between 1965 and 1990, the victim was a spouse, lover, or “ex” in about 65% of the homicide-suicides in the city. Steven Stack, *Homicide Followed by Suicide: An Analysis of Chicago Data*, 35 *Criminology* 435, 446, Table 1 (1997). *See also id.* at 439 (reporting 1980 study finding that 62% of the homicide victims in homicide–suicides in North Carolina were wives, compared to only 8% in nonintimate homicides). In San Francisco in 1995–96, 43% of the murderers in intimate homicide cases committed suicide after killing the woman. Family Violence Project of the San Francisco District Attorney’s Office, *Domestic Terror: Family and Domestic Violence Homicide Cases in San Francisco 1993–1994* (including preliminary findings for 1995–1996), available at <http://www.pcvp.org/pcup/violence/other/domter4.shtml> (visited 12/14/00). This appears to be a long-term pattern. *See* Jeffrey S. Adler, “If We Cannot Live in Peace, We Might As Well Die”: Homicide-Suicide in Chicago, 1875–1910, 26 *J. Urban Hist.* 3, 6 (1999) (reporting that 48% of the men who killed their wives in Chicago between 1875 and 1910 committed suicide). *See also* Cynthia Grant Bowman and Ben Altman, *Wife Murder in Chicago: 1910–1930*, 92 *J. Crim. Law Criminol.* —, (reporting similar phenomenon between 1910 and 1930).

²³ *See* Stack, *supra* note 22, at 440–41, 449, and sources cited therein.

²⁴ *See id.* at 438–40, and sources cited therein.

²⁵ *See* WilDAF, *supra* note 18, at 36–44 (describing lenient patterns of conviction and sentencing for femicide in Southern Africa, as well as frequent reduction of the charges for which the accused is prosecuted).

price—in many places, a certain number of cows—is paid by a man’s family to the woman’s family upon her marriage, for example. This not only makes it appear that she has been “bought” by the man and has thus become his property, to do with as he likes, but also makes it more difficult for women to return to their families of origin to escape domestic abuse since their families may be either unable or unwilling to return the bride price.²⁶

In short, marriage is still a property transaction in traditional communities in Africa. Moreover, it is a relationship not just between the individuals involved but between the two families. The woman’s reproductive capacity is considered “owned” by the husband’s lineage after marriage.²⁷ Thus, in some areas, widows are still “inherited” by their husband’s brother under customary law and must become his wife.²⁸ Indeed, because the larger family is seen as having a direct stake in the marriage, wives are in some instances beaten for a perceived failure to fulfill their prescribed roles not by their husbands but by members of their husband’s family instead.²⁹ Hierarchy within the family and strict authority by the husband over his wife or wives are customary in traditional communities in many parts of Africa. Some analysts tie this structure of marriage to domestic violence, commenting, for example, that “Unfortunately, the concept of ‘respecting’ one’s wife does not exist in many cultures in Nigeria as marital relationships are not built on partnerships.”³⁰ Yet, Africa is also a continent in transition, and educated and urbanized elites more typically embrace the model of a nuclear and companionate marriage that is similar to the ideal in the United States.

The presence of some level of wife abuse—as “discipline”—is still an accepted phenomenon in some African communities, just as it was in 19th-century America. When asked if it was accepted for a woman to be beaten by her husband in her tribe or culture, four out of five women in an International Federation of Women Lawyers (FIDA) survey in Ghana said “no,” but when asked when the husband’s conduct violated the norm, most of the women said that it was accepted below the level where the beating left, for example, a scar or serious injury.³¹ Thus, women did not even “see” the violence if it was below a certain level. The more extensive survey of violence against women in Ghana also revealed that women did not report domestic violence to anyone unless it resulted in serious injuries.³² In short, even

²⁶ See Sheelagh Stewart, *Working the System: Sensitizing the Police to the Plight of Women in Zimbabwe*, in *Freedom from Violence: Women’s Strategies From Around The World* 161 (Margaret Schuler, ed. 1992); Alice Armstrong, *Culture and Choice: Lessons from Survivors of Gender Violence in Zimbabwe* 46 (1998).

²⁷ See Tola Olu Pearce, *Women’s Reproductive Practices and Biomedicine: Cultural Conflicts and Transformations in Nigeria*, in *Conceiving the New World Order: The Global Politics of Reproduction* 195, 202 (Faye D. Ginsburg and Rayna Rapp, eds. 1995).

²⁸ Leviratic marriage or widow inheritance restrains a widow from marrying any other person except her dead husband’s brother or another member of his family. See Fitnat N-A Adjetey, *Violence Against Women in Ghana: A Pervasive Yet Ignored Problem*, in *Rights of Women under National and International Laws* 26–27 (1995).

²⁹ WiLDAF, *supra* note 18, at 24–25 (including statistics that fully 26% were killed by a relative, versus 59% by the intimate partner in Zimbabwe); Armstrong, *supra* note 26, at 18–20.

³⁰ Stella F. Saror, *Spouse Abuse: A Study in Samaru-Zaria, Kaduna State, Nigeria*, in *Women in Nigeria*, *supra* note 4, at 70.

³¹ Rosemary Ofeibe Aboagye, *supra* note 4, at 6–7.

³² Ghana Survey, *supra* note 8, at 95–96.

though traditional chiefs and leaders may say that customary law does not favor violence in marriage,³³ it may nonetheless be widely tolerated and seen as normal in some areas.

Indeed, at least one statute currently in effect in Africa codifies this standard, permitting a certain amount of physical discipline of a wife by her husband. The Penal Code applicable in the northern states of Nigeria (now subject to shari'a law) straightforwardly provides that

Nothing is an offence which does not amount to infliction of grievous hurt upon any person and which is done * * * by a husband for the purpose of correcting his wife, such husband and wife being subject to any native law or custom in which such correction is recognized as lawful.³⁴

These views about the value of women, the widespread acceptance of domestic violence, and its institutionalization in customary or statute law in Africa make it more challenging to address the problem than in societies where the conduct is at least formally disapproved.

2.3. Differing notions of the public and the private and a more relational sense of the self

Domestic violence was also shielded by law in the United States until relatively recently. Until the passage of the Married Women's Property Acts in the 1860s and thereafter, women's legal personality was subsumed into that of their husbands, leaving them without the rights to contract, to ownership of their property or wages, to sue and be sued, and to custody over their children.³⁵ Moreover, until the latter part of the 19th century, physical discipline of a wife was condoned by the common law; and even after this "right of chastisement" was abolished, the law continued to give a safe harbor to abusers by the use of case law doctrines of marital privacy.³⁶ The notion that domestic violence was "private" in nature resulted in the conviction that the public—and especially the state—should not interfere.

The notion of the public/private split may not operate in quite the same way in the African context. Institutions in the "private" sphere, as we define it, such as the family and traditional leaders without formal authority in the modern state structure, can be very powerful and much more intrusive and coercive than intervention by the state would be. So if domestic violence is consigned to the private sphere, this does not necessarily mean that a woman is without any remedy. And, at least in Ghana, women apparently prefer to take conflicts to the extended family, clan, or other traditional authorities rather than to the state.³⁷

In most areas, domestic violence was traditionally handled within the families of the man and woman involved. In Zimbabwe, this consisted of mediation and counseling of the couple and a sort of "peace bond" under which the man was warned not to use violence against his

³³ See, e.g., Armstrong, *supra* note 26, at 27–28.

³⁴ 1963 Laws of Northern Nigeria, Cap. 89, § 55(1), quoted in *Women's Rights as Human Rights: The Nigerian Experience* 50 (A.V. Atsenuwa, ed. 1995).

³⁵ See, e.g., Norma Basch, *In the Eyes of the Law: Women, Marriage, and Property in Nineteenth-Century New York* 42–69 (1982).

³⁶ See Siegel, *supra* note 3, at 2150–70.

³⁷ Ghana Survey, *supra* note 8, at 95, 107.

wife, or her family would take her back; he also was required to pay compensation to the wife.³⁸ However, the influence of the family in many situations is weakening now, as its members are not as economically interdependent; indeed, the young often work in the cities, and their elders in the rural areas may depend upon the money sent home in order to survive.³⁹ Wives' families may also refuse to get involved, not only because they might need to repay the bride price but also because they would become economically responsible for the daughter and her children if she returned home.⁴⁰

Even though spouse abuse clearly existed in traditional society, it is generally believed that where couples lived either with or in close proximity to their families, "excessive" beatings were prevented. However, as urbanization proceeds apace, many people live far from their families of origin, traditional structures of dispute settlement, and hierarchies for regulating daily life.⁴¹ In the United States, domestic violence victims typically sought help from family and/or neighbors in the past as well, but with urbanization and geographic mobility increasingly turned to the police.⁴² It is a challenge to resuscitate, reconstruct, or find substitutes for the types of community control that have been lost in Africa, where women are reluctant to turn to the police.

The philosophical underpinning for the sanctity of the public/private split in Western thought has typically been the protection of the rights of the individual, who is seen as prior to the community and state. U.S. feminists have questioned the assumptions of the individual rights ideal in relation to women by pointing out that women's lives do not reflect a goal of individual autonomy so much as an ideal of relatedness, nurturing, and connection.⁴³ In short, the individual rights paradigm may not reflect reality even in the United States, although it is linked to a powerful national ideology of individualism. The conflict between the language of individual rights and a more relational sense of the self is even more pronounced in the African context. Traditional African society is simply not based upon the individualism that underlies much of our social thought. The family is considered to be prior to the individual, and a woman's status is a derivative one; that is, her identity and status are defined by and inextricably linked to her family—in patriarchal systems, to her husband's family if she is married. Thus, the Western framing of domestic violence in terms of private versus public and the enhancement of the maximum potential of the individual are not likely to strike a responsive chord among either women or men in most African communities. This may also have important implications for the types of therapeutic interventions that are likely to prove successful in that context.

³⁸ Mary Maboreke, *Violence Against Wives: A Crime Sui Generis*, 4 *Zimb. Law Rev.* 88, 90–91 (1986).

³⁹ Armstrong, *supra* note 26, at 60–61.

⁴⁰ Maboreke, *supra* note 38, at 92–93.

⁴¹ Stewart, *supra* note 26, at 162.

⁴² See, e.g., David Peterson Del Mar, *What Trouble I Have Seen: A History of Violence against Wives* 161 (1996).

⁴³ See, e.g., Robin L. West, *The Difference in Women's Hedonic Lives: A Phenomenological Critique of Feminist Legal Theory*, 3 *Wis. Women's Law J.* 81 (1987); Jennifer Nedelsky, *Reconceiving Autonomy: Sources, Thoughts, and Possibilities*, 1 *Yale J. Law & Fem.* 7 (1989); Mary Becker, *Towards A Substantive Feminism*, [1999] *Univ. Chic. Leg. Forum* 21.

2.4. *Conditions of poverty, economic and social transition, and state incapacity*

Finally, domestic violence work in Africa takes place against a background of immense economic deprivation and state incapacity. The stresses imposed by poverty upon family life can often be productive of domestic violence. Based on her study of Shona women in Zimbabwe, Armstrong cites quarrels over money, obligations to extended family, and polygamy as frequent sources of violence against wives—because of men's incapacity to afford to adequately support their wife or wives and extended family in the current economy.⁴⁴ Yet, as wives take second jobs to supplement household income and as a consequence, encounter difficulty performing household work in traditional ways, the sense of threat to traditional lifestyles also results in violence.⁴⁵ In addition, and exacerbating the problem of domestic violence, most African societies are in economic and social flux, with a new, urban, more individualized sector rapidly growing up next to the traditional, more communal agricultural society. The implications for gender relations and for the continued viability of traditional institutions and ways of handling disputes are extreme, and coping with these discontinuities can cause violence within marriage as well.

An obvious result of the lack of resources in Africa is an inability to afford the kinds of extensive services now available to domestic violence victims in the United States. Shelters are expensive to maintain, for example, and high levels of unemployment make it difficult for a woman to leave her husband and support herself outside the home and subsistence agriculture. Psychological services are rarely available, and where they are, they are beyond the means of most women. Indeed, given that most medical facilities are understaffed and overworked, those in Ghana rarely direct a domestic violence victim into psychological treatment but simply prescribe drugs for her instead. Knowing this, women often avoid the expense of a medical visit and obtain the drugs over the counter themselves.⁴⁶

Finally, many activists in Africa have tended to start with and/or focus on obtaining remedies from the state, most notably legal reform. But African states are often without the resources to implement many of these reforms if they are passed; some are corrupt as well. Even if a domestic violence code were passed, the capacity to enforce its provisions might not exist: there are simply not enough police, nor are they well enough trained or paid to carry out the law. Moreover, legal reform from the top—or from the center—may be ineffective if it contradicts deeply held notions of gender relations and masculinity among the population in the countryside.

In sum, there are a variety of differences in context between domestic violence in Africa and in the United States—differences in the amount of violence, for example; in notions of the value of women and of marriage, of the public and private spheres, and of the self; and the background conditions occasioned by poverty and social transition. In Section 3, I explore the

⁴⁴ Armstrong, *supra* note 26, at 9–18. The Ghana survey also indicates similar causes of quarrels leading to domestic violence there. See Ghana Survey, *supra* note 8, at 16–17 (describing quarrels over money).

⁴⁵ Armstrong, *supra* note 26, at 20–21.

⁴⁶ Ghana Survey, *supra* note 8, at 111, 119.

ramifications these differences may have for the remedial work that is likely to be most successful in the African context.

3. Implications of difference for what is to be done

3.1. *What is being done*

In the United States, a panoply of remedies for domestic violence now exists, including, among other things, shelters for battered women and their children and extensive support organizations offering counseling and vocational, housing, and legal assistance; many of these services are tailored to particular subcommunities based upon national origin.⁴⁷ Domestic violence codes in every state provide streamlined procedures to obtain orders of protection granting a variety of nontypical remedies; in some areas, specialized domestic violence courts exist, and experiments with policies of mandatory arrest and mandatory prosecution have been carried out. A good deal of publicity has been directed at the problem of domestic violence for some time in academic studies and analysis and in popular sources such as made-for-TV movies and media analysis of notorious trials like that of O.J. Simpson. A great deal of attention has been paid to requiring the police to enforce the law, through both individual and class action litigation against them for failure to do so and funding of training programs for police officers.⁴⁸ There is also heavy reliance on court-ordered treatment programs for batterers as the appropriate disposition of a criminal proceeding against an abuser, rather than prison, though there is evidence that this type of program may not be very effective.⁴⁹ These changes, we must remember, took place over a period of almost 40 years, and although domestic violence appears to have decreased, it is still a problem of substantial magnitude.⁵⁰

⁴⁷ In Chicago, for example, there are centers and/or shelters for Latina women and for women from India, sensitive to the particular problems women from these communities encounter in seeking to protect themselves from domestic violence.

⁴⁸ By contrast, in most parts of Africa class action litigation and, indeed, the use of the tort system to bring about social change are practically nonexistent. One attempt to address police reluctance to pursue domestic violence complaints through legal action has been the inclusion of a series of penalties in the South African Domestic Violence Act of 1998 for police officers who do not respond appropriately to domestic violence calls. Domestic Violence Act No. 116 of 1998, 1998 SA Criminal Law 116, § 18.

⁴⁹ A disposition resulting in prison time is exceedingly rare. *See, e.g.,* Alison Frankel, Domestic Disaster, 18 *Am. Law.*, June 1996, at 55–73 (finding that prison sentences resulted very rarely from all the arrests for domestic violence in 11 jurisdictions on a randomly selected day); Eve S. Buzawa and Carl G. Buzawa, *Domestic Violence: The Criminal Justice Response* 96 (2nd ed. 1996) (only 60 convicted defendants out of 1408 criminal complaints spent any time in jail, 2/3 of them for 20 days or less). For evidence that batterer treatment programs are not effective, *see* note 77, *infra*.

⁵⁰ Department of Justice statistics show that the rate of intimate partner violence against women decreased by 21% from 1993 to 1998 (U.S. Department of Justice, *supra* note 10, at 2); and murders attributable to intimate partners decreased from 3000 in 1976 to about 1830 in 1998. Bureau of Justice Statistics 2000, *supra* note 21, at 2–3.

In most African countries, there have also been substantial efforts to deal with the problem of domestic violence. In the face of traditional denial and/or normalization of domestic violence, many activists see the first task as documenting and publicizing its existence through studies like the Ghana Survey described above, conferences, or more dramatic public actions. For example, in Tanzania in 1996, a number of human rights groups and legal aid organizations put together a pamphlet reflecting their research of court records on femicide, made a quilt with each victim's name, and participated in a 16-day period of activism to focus public attention on the problem of woman abuse.⁵¹ Women's rights activists in several countries have established organizations that counsel abused women, offer legal assistance, study and publicize the problem of domestic violence, and in some instances, give training to government personnel. In South Africa, a number of groups provide legal advocacy and other support services for victims of domestic violence.⁵² Another organization, the Musasa Project in Zimbabwe, concentrates upon empowering women, acting by themselves, to take advantage of legal remedies that exist.⁵³ This story gives insight into the potential of such an approach:

[A] woman who had been thoroughly and systematically beaten by her husband for seven years * * * was on one of her regular monthly visits to the project, where she had explored options for change but had not actually been able to make any changes. At one point, she asked a question about property rights. Since we did not know the answer, we asked if she would be prepared to get the answer and write it out for us. She changed visibly in front of our eyes and went off with a sense of purpose and direction which we had never seen before. She returned several days later with crucial practical information about divorce and property procedures and the news that she had left her husband. She subsequently negotiated a return on a no-violence basis and the last we saw of her approximately 18 months later, the violence had not recurred. She told us that she felt that her newfound legal knowledge had persuaded her husband that she would leave if he continued to beat her.⁵⁴

The Musasa Project extended its counseling and legal aid functions by developing an intensive, and apparently quite successful, program to train police and prosecutors about domestic violence.⁵⁵ The organizers found that empowerment strategies worked with the police and prosecutors as well, as each group was asked at workshops to analyze the problems experienced by them in relation to domestic violence cases and then challenged to come up with proposals to address those problems. They were then asked to take responsibility for their recommendations, with the result that proposals for change went

⁵¹ WiLDAF Tanzania, *supra* note 4.

⁵² Human Rights Watch Africa, *supra* note 4, at 81 (describing People Opposing Women Abuse and the Advice Desk for Abused Women).

⁵³ Stewart, *supra* note 20, at 169–70.

⁵⁴ *Id.* at 164.

⁵⁵ *Id.* at 165–69.

directly to the Ministry of Justice from the police rather than from a feminist nongovernmental organization (NGO).⁵⁶

Domestic violence codes have been drafted in several African countries and passed in at least two, South Africa and Mauritius.⁵⁷ The South African Domestic Violence Act of 1998 provides for simplified procedures by which a broadly defined group of persons in a “domestic relationship” may obtain a protective order that, among other things, prohibits the abuser from committing any act of domestic violence (again, broadly defined) or entering the parties’ shared residence or the victim’s place of employment and directing him to pay monetary relief.⁵⁸ NGOs have undertaken to study and to monitor enforcement of the law by police and judges in Southern Africa.⁵⁹ In response to problems revealed, specialized units within the police have been established in some areas, such as the unit established in Pretoria, South Africa, in 1995 and staffed by female detectives, who handle all cases involving domestic violence, sexual abuse, and rape that come into that station and take a “holistic” approach to remedies—offering mediation and/or referrals to court and to support services of various kinds.⁶⁰ A similar unit exists in Ghana—the Women and Juvenile Unit of the Ghana Police Force (WAJU)—with branches in Accra and Kumasi.⁶¹ Although available only in large cities, where the majority of women do not live, the Ghana program has apparently served as an effective pilot project as measured by the increased number of cases being reported to it and the speed with which they are prosecuted.⁶² Finally, even though they are expensive to maintain and typically require an uprooting of the victim from her community, shelters for abused women have now been established by NGOs in a number of African countries, including,

⁵⁶ *Id.* at 167–68.

⁵⁷ See South Africa, Domestic Violence Act No. 116 of 1998, 1998 SA Criminal Law 116; Mauritius, Protection from Domestic Violence Act 1997, Act No. 6 of 1997, 19 June 1997. Acts have been drafted and/or are pending before legislatures in other African countries, such as Kenya, Uganda, and Ghana. See, e.g., Joy K. Asiema, Gender Equity, Gender Equality, and the Legal Process: The Kenyan Experience, 10 *Transnational Law and Contemporary Problems* 561, 577, 579 (2000) (describing introduction of a Domestic Violence Bill into Kenyan parliament); E-mails from Jane Mbugua to the author, May 6, 2002 and from Patricia Kameri-Mbote, Jan. 23, 2003 (discussing current status of the bill in Kenya); Dorcas Coker-Appiah, Responding to Gender Violence in Ghana: Traditional and Contemporary Strategies, Amanee, Mar. 2001, at 16 (stating that two domestic violence codes have been drafted in Ghana, although no bill was yet before the legislature).

⁵⁸ South Africa, Domestic Violence Act, *supra* note 57, at §§ 1, 1(f), 7(1)(c), 7(4).

⁵⁹ See, e.g., Human Rights Watch Africa, *supra* note 4, at 74–86 (documenting failures of police and judges to take domestic violence seriously after passage of the 1993 Prevention of Family Violence Act in South Africa, including repeated instances of hostility and resistance on the part of police, prosecutors, and judges); WILDAF, *supra* note 18, at 35–42 (reporting high rates of acquittal, reduction of charges, and sentencing to minimal jail terms in cases of femicide in South Africa, Zimbabwe, Botswana, Swaziland, and Zambia).

⁶⁰ See Human Rights Watch Africa, *supra* note 4, at 83.

⁶¹ Coker-Appiah, *supra* note 57, at 16.

⁶² *Id.*

among others, South Africa, Ghana, Mauritius, Nigeria, and Senegal.⁶³ However, some local activists question whether shelters would work in rural communities where everyone knows everyone else.⁶⁴

3.2. *Remedy and context*

I turn now to a systematic consideration of what difference the African context may make in dealing with domestic violence. First, what are the implications for policy and strategy of the fact that domestic violence is so widespread and seemingly tolerated, if not accepted, given traditional views of women as property within marriage? Under these circumstances, in most areas, the passage of laws on domestic violence is unlikely to lead to change in the absence of previous or simultaneous efforts on a variety of other fronts. Instead, it seems critical to change laws that institutionalize the inequality of women and their dependent status, that is, to reform laws concerning the rights of married women to property, custody, and maintenance upon divorce,⁶⁵ inheritance (in many African countries, under customary law, a woman does not inherit from her husband upon his death⁶⁶), and reproductive rights. Without this foundation, women may be unable or unwilling to take advantage of domestic violence codes if they are passed.

Even this broader legal change will not suffice; a variety of methods are necessary to change the embedded social inequality of women. Widespread public education about women's rights and the benefits of equality is an obvious step, along with campaigns to spread this message through the popular press, television, and especially radio, which is the major mode of communication in rural areas. Socializing women to be more independent and men to be less dominating might begin with changes in school textbooks or workshops to introduce gender education in primary and secondary schools. The material base for women's independence is vital as well to give women alternatives to remaining in an abusive marriage;

⁶³ For example, one NGO, People Opposing Women Abuse (POWA), runs a number of shelters in Johannesburg, but many women are turned away. Mmatshilo Motsei, *Detection of Woman Battering in Health Care Settings: The Case of Alexandra Health Clinic* 24 (1993). There are also at least 25 government-financed shelters in South Africa. U.S. Department of State, *South Africa—Country Report on Human Rights Practices 2001*, available at <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8404.htm> (last visited Feb. 15, 2003). The Ark Foundation has recently opened a shelter for abused women in Ghana. See Angela Dwamena-Aboagye, *The Ark Foundation, Ghana: "An Organization with a Mission," Amannee*, March 2001, at 5–6 (describing the Ark Foundation); E-mail from Brooks Anne Robinson, Public Affairs Officer, U.S. Embassy, Accra, Ghana, to the author, May 6, 2002 (describing opening of new shelter in Ghana); E-mail from Joana Foster to the author, Oct. 8, 2002 (describing existence of shelters in Mauritius, Nigeria, and Senegal).

⁶⁴ Coker-Appiah, *supra* note 57, at 17.

⁶⁵ In most African countries, women do not share ownership in marital property and are excluded from ownership of land. See, e.g., Florence Butegwa, *Using the African Charter on Human and Peoples' Rights to Secure Women's Access to Land in Africa*, in *Human Rights of Women: National and International Perspectives* 495–99 (Rebecca J. Cook, ed. 1994) (describing women's lack both of access to land and of rights to marital property upon divorce and widowhood).

⁶⁶ See, e.g., *Gender and Law: Eastern Africa Speaks* 67–72 (Gita Gopal and Maryam Salim, eds. 1998) (discussing customary law of inheritance in Tanzania).

this involves the provision of education for girls, literacy and skills training for adult women, the support of women's enterprises, including the provision of credit, and affirmative action programs for employers such as are now required in South Africa.⁶⁷ In short, both legal and social changes, including a change in consciousness, are necessary in order to address the incidence of domestic violence in Africa. Passage of a domestic violence code may not be the most important step in this process, but it is an important element, if only for the public discussion that must precede its passage and the stamp of societal disapproval of domestic violence its passage would provide. For women to invoke the remedies provided by such a code and for police to enforce it, however, it must form part of a larger strategy.

Second, what are the implications of the widespread underreporting of domestic violence and mistrust of police in parts of Africa for domestic violence interventions? If such a small proportion of all incidents come to the authorities' attention, it is hard to see how change will come about. Accepting that women do not report their injuries to the police because of their low expectations of benefit from doing so and their suspicion that they will be treated badly by both the police and their families for doing so, a two-part response seems necessary: (1) to work with the police to increase the help they are likely to offer and to improve their "image" and (2) to develop nonpolice substitutes for reporting and remediation as well. On the first front, training programs such as those run for police by the Musasa Project, described above, may help, especially if aimed at sensitizing police officers to the plight of domestic violence victims. Moreover, some customary law methods of dealing with domestic disputes may need to be incorporated in the responses of the police to domestic violence complaints.⁶⁸

Yet, it seems clear that reliance solely on formal legal remedies is not an adequate response to the problem of domestic violence, at least at present, especially because the sanction from that response is typically limited to imprisonment, which is not a customary remedy in traditional African communities (compensation is the common remedy in such settings). In response to rural women's resistance to legal remedies, Coker-Appiah endorses following their preferences for the traditional system under which elders and chiefs mediated the conflict.⁶⁹ "The outcomes of the mediation could be any number of sanctions, public apology, pacification (buying of gifts, such as cloth, guinea fowl for the victim), separation of the couple for a while, etc."⁷⁰ Building on these traditional remedies, community-based action teams in Ghana suggest removing the victim from the marital home for a period, while the team works with the perpetrator to sensitize him about the harmful effects of violence, and including chiefs and elders in the teams to add legitimacy.⁷¹ These and similar remedies based on a traditional model have the added advantage of being rooted in traditional African notions of the relationship between the individual and the group, reducing the conflict to one neither

⁶⁷ South Africa, Employment Equity Act 55 of 1998, §§ 15–20.

⁶⁸ For example, in Zimbabwe, the police provide informal remedies that mirror traditional ones in some ways: they keep the abusive husband overnight in jail without formal charges and attempt to counsel the couple about their marital problems. Armstrong, *supra* note 26, at 66–67.

⁶⁹ Coker-Appiah, *supra* note 57, at 17.

⁷⁰ *Id.*

⁷¹ *Id.*

between individuals nor within a single nuclear family unit; they involve the clan, village, or community, as well as its traditional leaders, in the process of change.

Coker-Appiah's reasons for endorsing the tradition-based remedies suggested by the community action teams, while still making formal legal sanctions available, are telling:

* * * I ask myself, if contemporary strategies including legislation, in more advanced countries such as the United States have not succeeded in eliminating violence, should we not look at other strategies and [an]other system with its imperfections. Should we ignore women's voices, as we are wont to do as "experts"? Should we ignore the realities on the ground, in a society where marriage is considered so vital to women, where sometimes women are totally economic[ally] dependent on men and promote strategies that could lead to a divorce? These are some of the questions that confront us as activists.⁷²

The problem, of course, is whether the traditional groups will be willing to embrace and pursue remedies that may pose a substantial challenge to customary ways of life. But if women in traditional communities will take advantage of these remedies, this step may at least ameliorate the conditions of violence under which they live in rural areas and offer them some remedy where otherwise none is effectively available. For women living in cities, far from their families of origin and traditional authorities, formal legal remedies need to be available, publicized, and made more user friendly. Although it may seem inconsistent to speak in terms of legal rights in the city, while supporting tradition-based remedies in the village, this approach may be necessary for some time; the language of rights simply may not strike a response among women who are victims of domestic violence, their families, or abusers if the notion of autonomy is foreign.

Finally, what are the implications of poverty and state incapacity for domestic violence work in Africa? Many of the remedies described above—public education campaigns, improved policing, and other measures for social change—are in fact very costly and may be beyond the means of countries that have suffered from unfavorable terms of trade, the effects of Structural Adjustment Programs imposed by the World Bank, and corruption. Thus, reliance on tradition-based (and presumably cheaper) remedies may be wise for this reason as well; other programs—such as to improve and train the police or provide extensive mental health services for batterers and their victims—will require substantial international funding.

3.3. What role for mental health services in this context?

Psychological services form an important part of the remedies for domestic violence in the United States—both court-ordered treatment programs for batterers (the most common disposition of criminal domestic violence cases) and therapy for survivors of abuse, which is often available in connection with broader services offered by a shelter or other center of services for domestic violence victims. The first, batterer treatment programs, are virtually absent in Africa. Indeed, explanations of domestic violence based upon individual psychological dysfunction are extremely rare in the African context, although the conduct cited as

⁷² *Id.*

“symptoms” in the United States is described as common, e.g., extreme jealousy and attempts to control the woman.⁷³ But while the batterer’s need to control his intimate partner is explained in the United States by his personal insecurity and deep psychological dependence upon his victim,⁷⁴ in Africa this conduct tends to be explained by “culture.”⁷⁵ The assumption is that physical discipline of wives is so accepted and common in most traditional communities that it is not regarded as abnormal or dysfunctional. Similarly, explanations based on family dysfunction are not common in Africa, perhaps because domestic violence can instead be seen as eminently “functional” given the traditional hierarchical model of marriage and family. As Volpp points out, however, this emphasis may reflect racism: cultural explanations suggest a limited capacity for agency, will, or rational thought, while psychological approaches assume that the actor is capable of rational behavior.⁷⁶ In any event, individual or group psychotherapy for batterers is currently beyond the resources of most African countries. What is perhaps remarkable is the importance placed upon these programs in the United States and the resources invested in them, in the face of substantial evidence that they are ineffective.⁷⁷

The unavailability of formal psychiatric and other mental health resources in most parts of Africa makes therapeutic intervention on behalf of domestic violence victims a challenge as well. At the same time, it is clear that women’s internalization of their subordinate role, contributing to the normalization of violence against them,⁷⁸ cries out for some type of mental health intervention to address the self-esteem issues involved, as well as the traumatic effects of violence after it has occurred. Yet, conventional therapy is unlikely to be available for victims who live outside the cities or do not have the resources to pay. With the development of advocacy organizations and shelters established by NGOs, however, more services may

⁷³ See, e.g., WiLDAF, *supra* note 18, at 11 (“its roots lie in the man’s desire to exert control and power over a woman”); see also Armstrong, *supra* note 26, at 15–16 (describing jealousy and desire for control in the African context).

⁷⁴ See, e.g., Neil Jacobson and John M. Gottman, *When Men Batter Women: New Insights into Ending Abusive Relationships* 38–39 (1998).

⁷⁵ See, e.g., Women in Nigeria (WIN), Edo State Branch, Spouse Abuse, in *Women in Nigeria*, *supra* note 4, at 68 (“spouse abuse is considered normal and any calls to stop it, considered alien”); Morayo Atinmo, Sociocultural Implications of Wife Beating Among the Yoruba in Ibadan, Nigeria, in Council for the Development of Social Science Research in Africa (CODESRIA), *Men, Women and Violence* 81–84 (Felicia Oyekanmi, ed. 1997); Henrietta Abane, Towards Research into Wife Battering in Ghana: Some Methodological Issues, in *id.* at 16 (“Ghanaian culture by and large perceives women as inferior beings who can be used and battered at will.”).

⁷⁶ Leti Volpp, Blaming Culture for Bad Behavior, 12 *Yale J. Law & Humanit.* 89, 96 (2000). See also Cynthia Grant Bowman, Theories of Domestic Violence in the African Context, 11 *Am. Univ. J. Gend., Soc. Pol’y and Law* ____ (2003), forthcoming.

⁷⁷ See, e.g., Cheryl Hanna, The Paradox of Hope: The Crime and Punishment of Domestic Violence, 39 *Wm. and Mary Law Rev.* 1505, 1533 (1998) (reporting on studies finding that men arrested and treated resume their violent behavior at the same rate as men arrested and not treated and other studies finding no significant difference in recidivism rates between those who complete treatment programs and those who drop out).

⁷⁸ The Ghana Study reports that women and girls are just as likely as men to blame the victims of domestic violence for not having conformed with their traditional social roles and thus having provoked the violence; as many as 68.3% blame wife beating on women being “disobedient.” Ghana Survey, *supra* note 8, at 135–36.

become available, as some already are, with counseling services staffed by nonprofessionals and self-help support groups organized to respond to the need. The therapy made available must be adapted to the African context and be sensitive both to the more relational and communal sense of the individual, as well as to the extreme vulnerability of women within the society. Moreover, working with individual victims or groups of victims can have its dangers as well. If, as multiple reports indicate,⁷⁹ partner violence often erupts when an African woman is not perceived as properly fulfilling her socially ordained role, therapy aimed at encouraging individual women to challenge the status quo may undermine their safety. This caution is consistent with the U.S. experience, which shows that the most dangerous time for a woman is when she tries to leave.⁸⁰

This danger underlines the importance of community-based mental health interventions in the African setting. Programs designed to educate community leaders to understand the dynamics of domestic violence and its destructive nature, peer educators (sometimes former victims who have received training by NGOs), and training designed to enable families and community groups, such as churches, to deal with partner violence are recommended by the World Health Organization.⁸¹ These approaches have numerous benefits. If African women are reluctant, as they appear to be, to approach official agencies for help, then informal sources of support should be made available. Community-based education may also avoid the stigma of seeking help from a mental health service provider in a society with a negative perception of mental illness.⁸² Perhaps most important, however, the women who are victims of domestic violence are deeply embedded within a male-dominated social setting that must change in supportive ways as they do; without social and legal change accompanying therapeutic intervention for victims, the conditions of safety will not exist.

4. Conclusion

In sum, after considering the nature and context of domestic violence work in Africa, I reach a number of conclusions. First, a diversity of remedies is called for, many of them much broader than simple legal reform related to domestic violence, and they should include tradition-based remedies for use by women in the countryside. Multiple points of access—through the formal legal system and through community and kin-based channels—are necessary to address the high incidence of woman abuse. Expanded public education about domestic violence is needed, with innovative approaches to reach men and women, girls and boys. At the same time, passage of domestic violence codes remains a priority, both for redress of incidents of violence and for a societal statement of condemnation; but without training the police to enforce the codes, they will be unsatisfactory. Much of the work to be

⁷⁹ See *id.* at 136; Armstrong, *supra* note 26, at 20–28.

⁸⁰ See, e.g., Martha R. Mahoney, *Legal Images of Battered Women: Redefining the Issue of Separation*, 90 *Mich. Law Rev.* 1, 61–68 (1991) (describing the more intense violence that greets women who attempt to leave).

⁸¹ WHO Report, *supra* note 1, at 107–11.

⁸² See Ghana Survey, *supra* note 8, at 99.

done simply continues and expands upon what is already being done by activists and NGOs in some parts of Africa. However, an infusion of governmental or international funds is critical in order to carry out many of the more ambitious projects, such as widespread educational campaigns, training of police officers, establishment of shelters offering multiple services “including therapy” to women and their children, and dedication of resources to prosecution of crimes of violence against intimates.

Finally, domestic violence activists in the United States stand to learn a good deal from analysis of the African experience. First, it highlights the American overreliance upon legal remedies. The universal provision of domestic violence codes and courts makes it appear that we have dealt with the problem and can move on. But orders of protection have not proved to be a solution; if the woman is left alone with a piece of paper, she is not safe. Second, we focus in general in the United States upon remedies that are individualist in their assumptions, such as legal proceedings between two parties and batterer therapy. In the face of evidence to the contrary, we cling to the idea that the individual can somehow be “cured” in isolation, when much broader community involvement is necessary for women to be safe. We can perhaps also learn from the African example that not all causation is psychological and begin to explore the broader, home-grown culture of violence against women in the United States; changing this analysis would suggest remedies other than those based on individual psychology. Indeed, we stand to learn a great deal by looking to the example of other countries’ experience with the problem of domestic violence, rather than simply trying to export our own “solutions” to them. A particularly important lesson from Africa—one that we have only slowly been learning in the United States—is that a diversity of remedies and approaches is necessary to address the problem of domestic violence in the diverse communities that exist in America as well.