

DOMESTIC VIOLENCE AS TORTURE: POSSIBILITIES AND LIMITS OF THE  
LAW IN COMBATING THE PSYCHOLOGICAL  
HARM AND PATTERNED NATURE OF  
DOMESTIC VIOLENCE

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## ABSTRACT

Two recent proposals attempt to categorize the full scope of behaviors involved in violent relationships: 1) domestic abuse as torture and 2) domestic abuse as a regime of private tyranny. This thesis argues that in their move towards completeness, these models step onto ground that law more generally finds unstable: psychological harm and patterned conduct. The thesis contends that for these conceptualizations to bear fruit, a deeper understanding of why matters of the mind and behaviors that continue over a period of time prove problematic for the law.

This thesis evaluates other areas in the law where psychological harm is addressed, including assault and the tort remedy of intentional infliction of emotional distress, and outlines the problems reflected there. Arguing that looking at psychological harm as ongoing will aid in developing a more useful remedy, the thesis then evaluates particular problems that law has in addressing patterned conduct. The thesis concludes that a crime of psychological abuse, and a crime of torture are both possible. However, the thesis also concludes that individual fact-finder's biases will have a significant impact on their effectiveness.

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