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REVIEW OF EXPONENTIAL RISE IN DOMESTIC VIOLENCE AMID COVID-19: THEORIES AND PERSPECTIVES

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The need for continuous research on domestic violence could be more espoused by the exponential increase in domestic violence, such that characterized the global reign of corona virus. Domestic violence cases have been on the rise in South Africa since 1994; and despite the existence of legal protections and statutory instruments that attempt to hinder domestic violence, there continues to be prevalence of violent behaviours across different families. Indisputably, the outbreak of coronavirus has created myriads of consequences for justice system in South Africa and the world at large. Due to the outbreak, the South African government announced a lockdown to mitigate the spread of the virus. Nonetheless, within a span of one week of the lockdown, the South African Police Services (SAPS) reported a shocking rise in the number of gender-based violence cases, which was approximately reported as 89000. The lockdown primarily suggests that victims be locked with the perpetrators for a period until it is deemed safe to end the lockdown. Using a systematic review of the empirical literature, the paper provides a quadripartite criminological perspective (comprising differential association theory, classical theory, frustration-aggression theory and social bond theory) on the rise of domestic violence during the outbreak of the virus. It further explores the aftermaths of COVID-19 on criminal justice system in terms of dealing with diverse cases of domestic violence in the Republic. Factors pertaining to issues of access to justice system during the lockdown, poor police response and victim reporting, sense of helplessness by victims, delayed justice, as well as victim support, system are significantly evaluated

Keywords: COVID-19, domestic violence, South African criminal justice system, victim support

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1. Introduction

China has a history of fighting against coronaviruses, as seen in SARS and MERS outbreaks. Late in 2002, China suffered from a SARS outbreak, one of the contagious coronaviruses that resulted in 8,098 infections and 774 deaths from 32 countries [1]. Although SARS was effectively submerged, preparations of China and other countries were insufficient for the epidemic at that time in terms of late reporting to health officials, inadequate quarantine and isolation measures, poor hygiene precautions, and vulnerability of healthcare workers. Wuhan city, also known as the “Chicago of China”, is the capital and largest city in Hubei province in central China. It has a population of over 11 million and is considered a major industrial and economic part of central China. In December 2019, several cases of the emerging coronavirus, previously called 2019-nCoV, were reported in Wuhan. These cases, presenting pneumonia, were thought to have one of the countless viruses that can create the same symptoms. Later on, in early and mid-January 2020, more cases started to appear in other provinces due to the population movement during the Chinese New Year holidays, and in other countries such as Thailand, USA, South Korea, and Japan due to international travels. This escalation in the number of infected cases and reporting death tolls in China and across the world made the Chinese authorities sense the abnormal situation and take immediate measures.

In just three months, more than a million people in 180 countries had fallen sick from the viral illness, while at least 50,000 had died in a public health emergency units. Consequently, the United Nations arose to describe this pandemic as the world’s “most challenging crisis” since the World War II. In large swathes of the globe, lockdowns aimed at stemming the virus’s spread have brought life and economic activity to a virtual standstill. In the worst-hit regions, hospitals are overwhelmed with the sick and dying, while the poor and vulnerable across the globe are facing severe food shortages and starvation. Highlighting the risks this horrible era has posed to peace and stability in the world, the United Nations’ Secretary-General Antonio Guterres issued an urgent appeal for action on Tuesday, 2nd March, 2020, calling on politicians to “forget political games” and come together for a “strong and effective response” [2].

On account of the phenomenology of COVID-19, existing criminological theories have been adopted to provide contributory factors to the understanding of domestic violence. However, those theories such as power theory, feminist theory, socio-psychological theory, self-attitude theory, survivor theory and many more theories have failed in their attempts to explain domestic violence occurring in a lockdown environment, wherein State regulations mandate and regulate one's movement. These theories also failed to address confinement of victims as well as domestic violence perpetuated by the victim's decision to remain in the abused environment.

Furthermore, victim empowerment policy relies heavily on access to facilities and freedom of movement on the side of the victim. Literature lacks interrogation on the provision of victims' needs in a confined and regulated space. This paper tackles an extent to which victims can be empowered regardless of the country's status quo. The SAPS has never been this challenged to deal with cases of domestic violence nor policing of domestic violence in a volatile environment such as locked community. Within a criminological framework, the study answers questions as to why domestic violence becomes drastically heightened during the national lockdown. On this note, suitable criminological theories were adopted in this study to better explain domestic violence during the pandemic.

In furtherance of the foregoing arguments, this paper reflects on the effects of the violence on the victims and further highlights the challenges faced by the police in dealing with domestic violence cases. More significantly, the study contributes to the existing body of knowledge on the policing of domestic violence during the covid-19 pandemic. It is of utmost importance that criminogenic factors for Gender-Based Violence (GBV) during the pandemic are systematically reviewed with a view to ensuring safety of the most vulnerable.

2. Literature review

The World Health Organization (WHO) on March 11, 2020, declared COVID-19 as a pandemic, pointing at over 118,000 cases of the coronavirus illness in over 110 countries and territories around the world, as well as the sustained risk of further global spread. "This is not just a public health crisis, it is a crisis that will touch every sector," said Dr. Tedros Adhanom Ghebreyesus, the WHO's director-general, at a media briefing. "So every sector and every individual must be involved in the fights." As a corollary, all states globally took a stand to respond to the pandemic, developing policies and earmarking funds to fight the scourge. By the same token, the International Monetary Fund (IMF) tracks policies and thoroughly summarises the key economic responses governments are taking to limit the human and economic impact of the pandemic. The tracker includes 196 economies as last updated on September 25, 2020. It is at this level that responses by various states globally highlight how they respond to the pandemic. For example, In Afghanistan, the government initially allocated Af 8 billion (0.5 percent of GDP) from contingency funds for emergency pandemic response, of which Af 1.9 billion (0.1 percent of GDP) must be expended on urgent health needs, such as establishing testing labs, including border crossings; setting up special wards to boost hospitalization and care capacity; and procuring critical medical supplies. On April 29, the government started providing free bread to the poor in Kabul, and was later extended to other cities. The program ended in late June. In May, the government waived electricity bills of less than Af 1,000 (US\$13) for a family residence in Kabul for two months and paid utility bills of the past two months for 50 percent of households in Kabul. The decision benefited more than 1.5 million Kabul residents. Recognising the liquidity constraints of many taxpayers, the government extended the tax filing deadline for the first quarter by 45 days and no further extensions had been provided afterwards [3].

South Africa joined the world in introducing policies in response to the pandemic. Upon declaration of the pandemic as a disaster, the Disaster Management Act section 27 (2) was emphasised by the government. Its regulations include guidelines on movement of people and goods, as well as dissemination of information, pertaining to the disaster, emergency procurement procedures and other measures necessary for the management of the disaster in question. Relying on section 27(2) of this Act, the minister of cooperative government, Nkosazana Dlamini Zuma and other relevant cabinet ministers, have issued regulations and directives, all geared towards the management of the Covid-19 disaster. Various regulations have since been published and they continue to be adjusted depending on the level of spread of the virus viz-a-viz the preparedness of the health system to respond to the virus. South Africa, for instance, adopted a risk-adjusted strategy for economic activity, which involved five levels. The fifth level was characterized by moderate-to high spread and low health system readiness. The fourth level was characterized by moderate to-high virus spread with moderate health system readiness. The third level was characterized by moderate virus spread with moderate health system readiness, while the second level was considered to have moderate virus spread with high health system readiness. The first and last levels were characterized by a low risk spread and high health systems readiness. With the announcement of the first lockdown, which commenced on 27 March, 2020, South Africa was considered to be at level five [4].

With the fifth level, characterized by high virus spread and low health system readiness, the regulations, enacted in line with section 27(2) of the Disaster Management Act, were equally more stringent and as such, caused a restriction to more freedoms. Hence victims were restricted from leaving homes.

Thus causing the drastic increase in cases of domestic violence. The regulations are multiple and cannot be exhausted. What is crucial in these regulations, however, is the fact on top of being stringent, the failure to adhere to some of them came with legal consequences. Notably, in terms of these regulations, individuals who left their homes except for the purposes of receiving medical attention in line with emergency, life-saving or medication for chronic medical, were deemed to have committed an offence. At level five, movements that were not for purposes of purchasing essential goods and services, or for collection of social grants and attendance of funeral services also constituted a criminal offence. Upon conviction, such person would be liable to pay a fine or be subjected to imprisonment of up to six months. These are the sanctions that stamped the trend of covid-19-related criminalisation. Thus, victims of domestic violence were fearful of the regulations and the concerns that they would be locked up with perpetrators.

According to official crime statistics for the 2017/2018 financial year, 177 620 social contact crimes were committed against women, reflecting an increase of 2.4 % from the previous year. Of particular concern is that most types of the violence appear to be on the rise, with a total of 2 930 of murders (11 % increase), 3 554 attempted murders (6.7 % increase), 81 142 common assaults (3.9 % increase), 53 263 assaults with intention to commit grievous bodily harm (2.5 % increase) emerged from the 2016/2017 financial year [5].

Amid the COVID-19 pandemic, many countries have reported an increase in domestic violence and intimate partner violence. United Nations Secretary-General António Guterres, noting the "horrifying global surge", has called for a domestic violence "ceasefire". Domestic violence and sexual exploitation, which is already an epidemic across the world, spiked when households were placed under the increased strains that came from health insecurity, financial instability, as well as confined living conditions [6]. Prior to the pandemic, it was estimated, that one in three women would experience violence during their lifetimes, a human rights violation that also bears an economic cost of USD 1.5 trillion. Many of these women were now trapped at home with their abusers and were at increased risk of other forms of violence, as overloaded healthcare systems and disrupted justice services struggled to respond. Women, especially formal and informal workers, such as doctors, nurses and street vendors or petty traders respectively were at high risk of violence as they were bound to navigate deserted urban or rural public spaces since transportation services were also under lockdown [7].

More domestic violence helplines and shelters across the world were reporting rising calls for help. In a number of countries, domestic violence reports and emergency calls had surged upwards by 25 per cent since social distancing measures were enacted. Such numbers are also likely to reflect only the worst cases. In Argentina, Canada, France, Germany, Spain, the United Kingdom, and the United States, government authorities, women's rights activists and civil society partners have flagged increasing reports of domestic violence during the crisis, and heightened demand for emergency shelter. The European Parliament issued a press release, addressing the issue entitled, "we won't leave Europe's women alone" and asked member states to increase support to domestic violence victims during the pandemic [8].

In South Africa, 2 300 calls were registered to domestic abuse hotlines in the first four days of lockdown. Around the world, as cities have gone into lockdown to stop the spread of coronavirus, the mass efforts to save lives have put one vulnerable group more at risk. The Covid-19 pandemic caught global economy and the justice system off guard particularly the South African Police Services. With the country's pronouncement of the national lockdown to control the spread of the virus, the SAPS and the South African National Defence Force were deployed across the country to ensure compliance with the lockdown rules. The pronouncement suggested policing of a locked community, which became frustrated by the presence of law enforcement agencies, especially the police. Amid this, the SAPS had to continue with its mandate, which includes policing of domestic violence as reflected and stipulated in Section 205(3), Chapter 11 of the 1996 Constitution of the Republic of South Africa. Irrespective of this mechanism, women and children who live with domestic violence in the republic have no escape from their abusers during quarantine.

3. The aim and objectives of the study

The aim of the research was to advance criminological theories to reflect on the rise of domestic violence during the COVID-19 lockdown.

To achieve the aim, the following tasks were set:

1. The study demonstrates how a frustrated community under the COVID-19 nationwide lockdown gives birth to intimate partner criminality, otherwise termed as domestic violence.
2. It unfolds and discusses the consequences of the lockdown on victim empowerment and support for domestic violence victims.
3. It explores police challenges in dealing with cases of domestic violence during the lockdown.

4. Materials and Methods

Given the increased levels of Gender-Based Violence that accompanied the advent of coronavirus pandemic, the study was designed using a constructivist methodological approach, analysing secondary data sources, obtained from media reports, academic journals, as well as findings, presented by the South African Criminal Justice System, International Criminal Justice System, global and regional human rights bodies, non-governmental organizations et cetera.

The study adopted a systematic review of the empirical literature, employing a meta-analytical methodological approach to particularly assess the South African Criminal Justice perspective on the exponential rise in domestic violence amid the COVID-19 pandemic in South Africa.

The paper provides a quadripartite criminological perspective, comprising the differential association theory, classical theory, frustration-aggression theory and social bond theory to explain the key factors that engender the exponential increase in the incidence of domestic violence in the Republic of South Africa. Such factors include but are not limited to issues of access to justice system during the lockdown in South Africa, poor reporting, sense of helplessness by victims, delayed justice, as well as poor victim support system. The findings were discussed within a criminological framework in relation to the existing literature.

5. Result

5.1. Domestic Violence During the Covid-19 Pandemic

Cavanagh, Dobash, Dobash and Lewis agree that domestic violence is a multi-dimensional phenomenon that involves various types of abuse. Domestic violence can be defined as a pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner [9]. Domestic violence is also defined as a pattern of abusive behavior by one partner against another in an intimate relationship, such as marriage, dating, family or cohabitation. The World Health Organization (WHO) has defined domestic violence as the range of sexually, psychologically and physically coercive acts, used against adult and adolescent women by current or former male intimate partners [10]. During the lockdown, trend and patterns of domestic violence were reported and below is the description of the commonly reported typologies in relation to the Domestic Violence Act 116 of 1998.

Sexual Abuse

Based on the existing body of knowledge on gender-based violence and the conceptual analysis of various empirical sources, analysed in this study, sexual abuse among spouses happens to be the most prevalent domestic violence that characterized the reign of COVID-19. The Domestic Violence Act, No. 116 of 1998 specifies that sexual abuse occurs when there is any unwanted physical invasion of an individual's body that is sexual in nature [11]. This abuse refers to any sexual conduct that does not take the other party's feelings into consideration and is aimed at humiliating, degrading or, otherwise, violating an individual's integrity.

Sexual abuse is also referred to as marital rape, whereby the male assumes that it is his right and privilege to have sex whenever he wishes and in any form he desires, without taking his female partner's feelings into consideration [12]. Stereotyped sex roles might lead to an increase in sexual abuse. Some women do not realise that they also have rights, and will do everything their partners demand of them, just because they feel it is the right thing to do. Women often are not even aware that they are sexually abused.

Damage to Property and Psycho-emotional Abuse

There have been widespread incidents of damage to property and psycho-emotional abuse since the onset of the novel virus, such that has adversely affected the well-beings of women during the nationwide lockdown. Damage to property is defined in the Domestic Violence Act, No. 116 of 1998 as the wilful damaging or breaking of assets or anything belonging to the victim or in which the victim has a vested interest. Emotional abuse can be verbal or non-verbal and refers to any pattern of degrading, humiliating and/or demeaning behaviour [13]. This kind of abuse tends to be persistent and corrosive in destroying the self-esteem and self-worth of the recipient. This type of abuse usually includes the use of ridicule, insults, accusations, infidelity and acts of ignoring one's partner, all of which result in the breaking down of the victim's self-esteem and self-worth. Emotional abuse can also occur when the perpetrator places his partner in a position, in which she has to gain his favour through her compliant behaviour, like a young child who has misbehaved [14]. For example, during the lockdown, it was observed, that many victims were afraid to receive phone calls from colleagues, fearing infidelity accusations by their husbands. The lockdown was probably the only time some married men spent time together with their spouses during the day; and this incapacitation was observed to have heightened frustration and erupted men's unnecessary violence on their partners.

Physical Abuse

The Domestic Violence Act, No. 116 of 1998 stipulates that physical abuse includes any deliberate act of physical assault that harms the recipient in any way. It can be a controlled or impulsive act of as-

sault, ranging from pushing and slapping to punching, hitting, shoving, biting, choking, burning, kicking, stabbing, shooting and displaying acts or threats of physical violence, which are designed to control, hurt or harm the victim [15].

These assaults result in injuries, ranging from bruising, scalding, burning and stabbing to internal injuries, such as cracked ribs or broken bones. Persistent blows to the head may cause serious head injuries that often go undetected and untreated. Some abusers will make sure that they inflict the physical injury on parts of the body that are not normally visible to sight, such as the torso, rather than leave marks on the face or limbs. Another kind of physical abuse leaves no physical evidence, as when a head is forced into the toilet, or ice-cold baths and locking up is followed for a period of time. Physical neglect, such as withholding or eliminating food, shelter and clothing, may also form part of physical abuse. Physical abuse, such as throwing things, kicking, slapping, hitting, pushing, shoving, grabbing, choking, strangling and inflicting head injuries, to mention but a few, were observed to be prevalent during the reign of COVID-19. Moreover, death, resulting from physical injuries, is the most horrible outcome for some women who are in an abusive relationship during the nationwide lockdown.

Economic and Financial Abuse

This study unveiled that some women's lives were characterized by persistent incidents of economic and financial abuse in the hands of their intimate partners during the course of COVID-19 pandemic. Economic and financial abuse involves the unreasonable withholding of economic or financial resources, which the victim needs or is entitled to, as enshrined in the Domestic Violence Act, No. 116 of 1998. This kind of abuse also refers to any coercive act or limitation on an individual, with adverse economic implications for the victim and any dependants. Economic dependence of women on men escalated domestic violence during the lockdown. Women had to depend on men for financial necessities during the lockdown, which subsequently resulted in the abuse. Women could not leave homes to find work, thus, creating an environment for abuse to thrive.

Even if they had money, they could not buy what they wanted to buy and had to get their partners' approval for any financial decisions. Some abused women do not have control over their money, as their partners control all the finances. For example, some abused women who worked had to hand over their salaries to their partners. This money would often be misused and no money would be available for necessities, such as school and taxi fees [16]. Some perpetrators would also exert financial control by denying their partners access to bank accounts or credit cards.

5.2. Aftermaths of Covid-19 Pandemic on South African Criminal Justice System in Dealing with Cases of Domestic Violence

To clarify the requirements for compliance under the DVA, a National Instruction was passed in 1999, and then later amended in 2006, to provide guidance to the police on how to satisfy provisions of the DVA that imposed additional obligations on SAPS. The essential function and effect of Section 8 of National Instruction is that it obligates the police to find suitable shelter, or to plan for the complainant to find suitable shelter, or to coordinate transport services to shelters using police vehicles only as a last resort [17]. During the lockdown, the police failed to find suitable shelters due to fear of contacting the virus, chiefly when they are in contact or in the same space with the victims of gender-based violence.

Furthermore, because Section 8(3) requires any assistance, rendered to complainants to be recorded in the Occurrence Book or Pocket Book (SAPS 206), there is also an obligation to document actions, associated with this duty, which means, at least in theory, that evidence should exist to demonstrate that police obligations are either being fulfilled or being neglected, and that in instances of non-compliance, corrective measures have been taken. Failure to comply with Section 8 of the National Instruction constitutes a serious form of misconduct under the South African Police Services Act of 1995, and can consequently impose a set of penalties upon individual members.

The COVID 19 pandemic caught the world by surprise, including the World Health Organisation (WHO), and the South African Justice System is no exception. The system was not prepared for the rise of domestic violence due to the national lockdown, put in place to control the spread of the virus. There were multiple consequences of the lockdown on the justice system, particularly in dealing with cases of domestic violence. The focus will mainly be on the police because the police, being the frontline social institution to deal with incidents of domestic violence. According to Corcoran, Stephenson, Perryman and Allen, the police have a vital role in assisting victims of domestic abuse to follow through on their decision to seek recourse for the abuse [18]. Glanz and Spiegel, looking from the same lens, contend that the police do not only represent state policy but also act as an important link to both the prosecution process and to the provision of services to victims in a community.

To the criminal justice system, the South African Police Service (SAPS) plays an important role in shaping victims' initial experiences of victimization. Tuerkheimer, however, asserts that although for many victims of domestic violence, the police might be a last resort and it is often the first point of contact when the victim decides to take that first bold step towards seeking redress [19]. A number of COVID-19 aftermaths on South African Criminal Justice System are highlighted and discussed below.

Dramatic Increase in Cases of Domestic Violence

Due to the national lockdown level one regulations, citizens were required to remain indoors for a particular period. The SAPS reported an increase in the cases of domestic violence. The dramatic increase found the SAPS unprepared since most effort was directed at ensuring lockdown regulations compliance [20]. Thus, the SAPS could not respond effectively to cases of domestic violence. Again, prior to lockdown and COVID 19 pandemic, research showed that the SAPS still struggles with policing of domestic violence and lack of well-trained personnel to respond to cases of domestic violence. Now with the outbreak of the virus, it is of no surprise that the SAPS was not prepared.

Poor Police Response and Poor Reporting

COVID 19 brought so much uncertainty and due to lack of knowledge, victims of domestic violence were left alone, feeling that crime reporting was no longer allowed. The SAPS focus was viewed to be mainly on enforcing lockdown regulations and thus victims decided not to report cases of domestic violence. Prior to the pandemic, there were reports of the SAPS's attitude and maltreatment of victims of domestic violence. There were further reports of poor knowledge of the tenets of Domestic Violence Act 116 of 1998 by the police. During the national lockdown, cases of domestic violence were given a poor priority by the SAPS.

The pandemic brought along so much fear and uncertainty and the officers were reluctant to be in contact with people, thereby hindering police proactiveness and engendering delays in response. According to the conceptual analysis of our findings in this study, the delay is found to compromise the victims' safety and peace in most cases of victimization. Thus, the high rate of case withdrawals and the decline in reporting were reportedly recorded to have evolved from a sizeable number of helpless victims [21].

Denial of Access to Victim Empowerment Centres

Access to victim empowerment centres is highly crucial during the healing process of victims from the trauma of victimization [22]. Victims of domestic violence were not empowered during the national lockdown. Fear in the communities and travel restrictions impacted on victim assistances, especially victim empowerment. Various police stations were closed due to positive cases of COVID 19 and this, thus, instilled fear in victims, wishing to open a case or even planning to visit a police station. It would not be astonishing if thousands of women and children endured the abuse due to fear of contracting coronavirus. Victim empowerment facilities are housed at police stations in most rural-based police stations; since those stations were under a national lockdown, victims of domestic violence could not access the victim empowerment facilities. Hence the conditions of domestic violence victims began to grow worse from day to day.

Again, with what the police viewed as gate keepers in the prosecution process, there is likelihood of an increase in case withdrawals due to police experience of victim situations devoid of victim empowerment processes.

Denial of Access to Justice

Access to justice is considered one of the fundamental rights of victims of crime as specified by the Victims Charter such that is enshrined in the 2004 South African National Prosecuting Authority. During the national lockdown, thousands of cases had to be on hold due to the closure of courts and prosecution services. The closure impacted negatively on the victims of domestic violence route to access justice. This caused delays and left victim feeling unprotected, insecure and unsafe. Perpetrators were left roaming the streets and ultimately re-victimizing victims. Furthermore, lack of access to justice has engendered victim abandonment in the justice process, as well as causing loss of hope and faith in the criminal justice system.

6. Discussion

Criminological Perspectives on the Rise of Domestic Violence During the COVID-19 Lockdown

Perspectives represent a dynamic, interconnected yet diverse range of theories, and methods that share a commitment to providing an alternative approach to the ways crime, domestic violence, justice and the 'discipline' of criminology are examined [23]. Critical criminological thinking is very important when examining problems of domestic violence, social harm, criminal and social justice, including Gender-Based Violence. Criminological perspectives have been instrumental in creating new research agendas and areas of criminological interest, especially when examining factors of domestic violence. By challenging state-defined concepts of crime and rejecting positive analyses of criminality, criminological perspectives continually push the boundaries and scope of criminology, creating new areas of focus and developing new ways of thinking about, and responding to, issues of social concern, such as gender-based violence and victim assistance at local, national and global levels [24].

In South Africa, during the level 5 nationwide lockdown due to the COVID 19 pandemic, the Minister of Police indicated a rise in the reported cases of domestic violence with approximately 19000 cases. There are various reasons, linked to the rise in the cases, however this study adopted criminological theories to explain the rise of domestic violence cases during the lockdown. Each theory provides a different lens, through which we can examine aspect of violent behaviour. An overview of various theories that have been put forward is as follows:

Differential Association Theory

Differential association, a significant subset of social learning theory, is a criminological theory, developed by Edwin Sutherland in 1939 through his book titled *Principles of Criminology*. This is a general theory of criminal behavior, intended to explain the origin and development of criminal patterns of conduct. Sutherland believed that criminal conduct is, like all behavior, learned [25.] As the French criminologist Gabriel Tarde proposed in his 1903 book entitled, 'Laws of Imitation', Sutherland held that criminal behaviors are acquired by the same mechanisms, involved in the normal learning process. An individual must be taught how to commit criminal acts. Sutherland believed that a relationship must exist before a criminal behavior could be learned. Criminal behavior is learned by interacting and communicating with another within that intimate relationship. Two primary things must be learned to provide a foundation for the behavior: the techniques and the definitions (values, motives, drives, rationalizations, and attitudes).

Sutherland's differential association implies that:

“individuals as well as groups are exposed to differing associations with people who vary in the importance they attach to the rule of law or law-abiding behaviour. Such individuals, then will lean toward or away from crime according to the cultural standards of their associates, especially those with whom they spend frequent and long periods of time” [26]

In 1965, C. Ray Jeffery stated that learning theory “revolved around the concept of conditioning”. He believed that what a person learns and how he/she acts could be explained by use of a concept called ‘operant behaviors’: “those behaviors, emitted in the presence of given stimulus conditions and maintained by their consequences, that is, the changes they produce in the environment”. He said that all behavior is the result of stimuli and stimuli can be either reinforcing or aversive. Results that strengthen a response are said to be reinforcing, while those that weaken a response are aversive. Hence aversive stimuli evoke a desire to avoid repetition.

If a behavior is consistently met with unpleasant consequences, or punishments, the likelihood of such behavior recurring is significantly reduced. Jeffery stated that violent crimes could be explained as being the result of negative reinforcement, resulting from a desire of the individual to remove an aversive stimulus [27]. However, Lilly, Cullen and Ball concluded that since “the best indicator of violence at age 18 was aggression at age 8,” it was the dynamics within a child's family that was the factor of greatest importance in the acquisition of violent behaviors. Central to social learning theory is the idea that children who are direct victims of violence or witness violence between their parents are more likely to use violence when they are adults.

Burke also believes that violence is an effective way of controlling family members. Social learning theory has also been referred to as the intergenerational theory; when applied to the situation of Domestic Violence, and it perceives abusive behaviour as transmitted from one generation to the next [28]. If children observe that parents hit each other, they may develop a greater propensity towards abusing their spouse. Transmission of violent behaviour occurs through processes of modelling, failure to learn appropriate ways to manage conflict, and reinforcement for violent behaviour. Normal coping mechanisms may not be learned or may become impaired, leading to violence as the ultimate resource. Violence, according to this theory, is learned through role models, provided by the family (parents, siblings, relatives, and boyfriends or girlfriends), either directly or indirectly (i.e., witnessing violence). The violence is also reinforced in childhood and continues in adulthood as a coping response to stress or as a method of conflict resolution [29]. Children learn that violence is acceptable within the home and is an effective method for solving problems or changing the behavior of others.

Thus, the social learning theorists posit that the prevalent incidence of domestic violence, such that characterized the COVID-19 nationwide lockdown is a question of learned behaviour. Perpetrators learned how to abuse women through association, observation and the earned behaviour is just like any other learning. The theories state that people model behavior that they have been exposed to as children. The perpetrators were exposed to domestic violence as children and learned violence through family members. Victim as well might have observed parents, siblings or relatives, enduring the violence and ultimately learned to remain in an abusive relationship. Hence failure to leave the violent partners as well as the incidence of fear of not reporting the abuse was quite ubiquitous in the wake of the COVID -19 pandemic.

The national lockdown was found to be stressful in many ways and people were stressed. Domestic violence emerged as a coping response to stress and as conflict resolution mechanism. The lockdown and the coronavirus deadly nature brought along so much fear and anxiety. There is so much uncertainty with the economy and thus frustrating job seekers and the employed as well. Hence domestic violence became the most eminent and quick response to stress during these hard times [30].

According to differential association theory as alluded above, criminality is learned through association. Therefore, the poor police response and assistance to victims of domestic violence are answerable to the perception by the agents of criminal justice, whose belief is that, domestic violence is a matter between partners and is to be resolved by family elders. When victims reach out to the police, their plea is ignored and women are asked what they have done to arouse the anger of the head of the family.

Differential association further highlights that criminality is learned through interactions and communication with others. Criminal justice system is found ineffective during the pandemic nationwide lockdown due to the gate keepers' response, which hinders further engagement with the system by the victims. Through communication amongst one another, each SAPS member learns the culture of ignoring victims' pleas and undermines the victims. These complex reactions were keenly felt between the law-abiding citizens (the victims) and the law enforcement agencies (the SAPS) amid the COVID-19 pandemic.

Social Bond Theory

Travis Warner Hirschi (April 15, 1935 – January 2, 2017), an American sociologist, developed the social bond theory in an effort to explain delinquency among adolescents. He wanted to understand why certain children engaged in delinquent behaviors, while other children, from almost exactly the same background, did not [31]. Hirschi proposed that the strength of a person's attachment, involvement, commitment, and belief determines the probability of participation in criminal behavior. Schmallegger went further to posit that by increasing the strength of these four elements, the likelihood of criminal or violent behaviors would be reduced.

Another way of stating this is that if a person's "stakes in conformity" (a term, coined by Jackson Toby in 1957) are great enough, they will not engage in unlawful behavior, because they have too much at stake to lose. William and McShane also assert that some of the risk factors for violent relationships are poverty or low income, unemployment, substance abuse, communication deficits, personality disorders, anger, stress, depression, and violent behavior outside the home [32]

Hass, Moloney and Chambliss further maintain that living in a violent environment, surrounded by social and economic failure, children learn that they are inferior to the people they see as successful on TV and in movies. They learn expectation to fail and that violence, particularly against women, is expected of them. The significant adults in their lives lack good parenting and communication skills. The child is trapped within a closed environment that teaches and reinforces failure and violence. Hopkins finds that their self-esteem or sense of self-worth is perilously low. Without more positive models, the child is significantly more likely to repeat the patterns he/she has learned when he or she become adults. The way a person thinks about himself or herself informs his or her behaviour. This is consistent with Robert Merton's anomie, or stress theory of socially deviant behaviour, espoused in 1938. He felt that there are two elements of social and cultural structure. The first consists of socially defined goals, purposes and interests, essentially our range of aspirations. The second element is the way our society defines and regulates the acceptable means of achieving these aspirations. If our means are blocked (by poverty, lack of education, lack of access, etc.), we find other ways to define success [33].

A strong argument is made by Pritchett and Moeller by combining Hirschi's 1969 social control (or social bond) theory with the social learning theories, hence a solution for reducing violence could be achieved. Based on the foregoing conceptual analysis of this theory, the exponential rise in domestic violence during the COVID-19 pandemic national lockdown was due to the fact that men used violent behavior against women, because they suffered from undue feelings of insecurity and anxieties. The criminogenic sense of these feelings and anxieties could be traceable to inappropriate upbringing, hindrances to childhood social development, and unfortunate incident in their lifestyles, which serve to aggravate rather than ameliorate the tendency to display irrational and unrealistic attitudes towards women. This theory considers the three factors in offender behaviour (adjustment, attachment and commitments); and according to this theory, when individuals lack adjustment, attachment and commitment, it leads to "Status frustrations". This theory examined maladjustment, unattachment and noncommitment in terms of age, income, educational background, as well as socialized personalities of the individuals, as factors, predisposing individuals to violence.

The potential for domestic violence varies strongly with the degree of adjustment, commitment and attachment of the individuals i.e. offender. Thus, this approach explains the differential distribution and patterns of violence against women and those involved, not in terms of the offender's motivations and mental processes, which led to the crime, but in terms of the variations among individuals in their social adjustments, values, beliefs and their social conditions. This model assumed that offenders hold a set of conducts and norms, which emphasize aggressive behaviour, while the victims have the least "resistance potential" towards aggressive behaviour. Thus, violence toward women is more likely to occur under specific circumstances. Given the conceptual analysis of this model, domestic violence during the COVID - 19 pandemic was used by people who were frustrated due to lack of adjustment, attachment and commitment under specific circumstances. Frustrated and relatively deprived individuals are not constrained by their beliefs and values and they use violence whenever and wherever they like, but they are influenced by the people against whom the violence is to be used i.e. the "victims" have to be those who lack "resistance potential" towards aggressive behaviour, and by the idea of the justification of their act before and after its commission. Thus, violence was used by these frustrated individuals when they viewed certain females as appropriate victims and certain situations as suggestive of opportunity for the use of violence i.e. in specific circumstances, not in all circumstances.

As the theory asserts, criminal behaviour is due to belief, involvement, commitment and attachment, which may influence police response to victims' plea due to their own personal beliefs. They tended to impose their own cultural belief to cases of domestic violence wherein women were coerced to withdraw cases of domestic violence. This has impacted negatively on victims' willingness to reporting cases of domestic violence. Findings also revealed that some of the police officers were equally abusers and would obviously ignore any woman alleging abuse against her partner.

Classical Criminology

The classical school of criminology was developed by Cesare Beccaria and Jeremy Bentham in response to the primitive and cruel European justice system that existed prior to the French Revolution of 1789 [34]. The classical theory is based on the following three (3) assumptions:

- Human beings are free-will individuals who think and act rationally and logically to get what they want either legally or illegally.

- Humans are inherently motivated to seek pleasure (hedonism) and avoid pain

- To prevent and deter crime society must impose a certain degree of punishment (pain) to offset the advantages of crime (pleasure). In this regard, society can control criminal behavior by making the pain of punishment and penalties more severe than the pleasure from criminal activities and their gains. Hence the fear of punishment can deter a person from committing a criminal act.

His explanation for criminal behavior included the idea that people are basically hedonistic, that is, they desire a high degree of pleasure and avoid pain. People who choose to commit criminal acts think they stand to gain rather than lose by committing the crime. Bentham believed that the criminal justice system should deter people from making this choice. According to the classical theory, perpetrators of domestic violence are rational thinkers and are aware of their deeds [35]. Domestic violence reflects no fear of punishment because classicism suggests if there were fear, it would deter person from committing a criminal act. When we look critically into this theoretical analysis, we will come to the term that the punishment, inflicted on domestic violence, is not viewed as severe, if it were, it would not have risen during the lockdown.

The police fully understand the tenets of the DVA 116 of 1998 and lack of response and effective assistance to victims is intentional. The police, according to classicism, have free will to assist victims and choose not to. Their decision to undermine their mandate is clearly due to lack of monitoring and punishment. Had punishment been imposed on the officers transgressing, the police would be fearful by now as regards, taking serious the plight of the victims. At this juncture, it becomes a maxim that the SAPS should ensure monitoring of police response to cases of domestic violence, so that the human society does not continue to experience more of this anti-social behaviour, which defines the reign of the coronavirus pandemic.

Frustration-Aggression Theory

Dollard, Doob, Miller, Mowrer, and Sears proposed the Frustration-Aggression Theory of violence. This theory derived many of its basic postulates from Freudian theory (1930). It explains the process, by which frustration is linked to aggression. Whenever something interferes with an individual's attempt to reach some goal or end, he feels frustrated and the frustration, in turn, leads to some form of aggression. Aggression includes both physical and verbal behaviour, which intended to hurt someone. It is closely related to increased tension and restless movements or feelings of anger that may lead to destructiveness and hostile attacks [36].

Warshaw, Brashler and Gil concur that people became frustrated, when they are unable to reach their goal, and when frustrated; they tend to strike out at others, in ways that range from tongue lashing to overt violence. They consider verbs like destroy, damage, torment, retaliate, hurt, humiliate, insult, threaten and intimidate as action of an aggressive nature [37]. Aggression, on the basis of this theoretical analysis, was thus regarded as a response to frustration, directed towards the infliction of injury. In the same vein, Anderson and Bushman indicate that the injury may be mental as well as of physical nature and the target of aggression may be animate or inanimate. It is also recognized, that frustrations can be cumulative and remain active over a long period of time. It is also acknowledged, that people perceive frustrations in varying ways, with those deemed arbitrary or unreasonable are most likely to trigger aggressive responses.

Furthermore, it is also recognised, that responses to frustration can be learned. In synopsis, aggressive actions are not an automatic consequence of frustration, and this occurrence depends upon numerous factors. The COVID -19 outbreak shook the world to realise that 90 % of the 2020 set goals are unlikely to be achieved. It was during the lockdown, that most bread winners realised they were likely to lose their jobs. The contemplation precipitated frustrations, which led to anger, insult, humiliation and intimidation being erupted on their partners and children.

The lockdown caused further frustration as most bread winners lost their jobs, while others received sudden salary cuts. Their frustrations were taken out of women and children, thus breeding violence. During the lockdown, the frustrated abuser would control victims' movement, which was minimal due to COVID -19 regulations that mandated everyone to be always indoors. Findings in this study uncovered that cases of domestic violence were too numerous for the police to attend to. The SAPS, in par-

ticalar, did not have enough resources to attend to all cases as victim population overwhelmed the criminal justice resources, provided by the police services during the course of the nationwide lockdown.

6. Conclusion

1. The paper brings to the fore the rise of domestic violence during the COVID 19 pandemic, adopting criminological theories to better explain the problem in relation to the existing literature.

2. The findings posit that domestic violence is a learned behavior and the learning is through association. Due to lack of social bond, lack of attachment, lack of commitment to important institutions, such as family, friends, work places and church, people resort to violence as a result of all forms of frustration, imposed on them by the pandemic.

3. The study demonstrates that the national lockdown hindered victim support and empowerment, victim assistance and imposed re-victimisation on victims. And due to the closure of most critical institutions, such as police stations and courts, the entire socio-political system was frustrated, while justice was delayed and subsequently denied.

4. For fear of contracting the coronavirus, victims of crime resorted to not reporting the incidents of domestic violence against them. By the same token, the police response to issues of victimization was extremely poor because of the fear of contracting the infection.

5. The study unveiled that South African government failed to consider domestic violence and victims of crime when preparing for the national lockdown to control the spread of the virus. Information on victim assistance was not disseminated hence victims became frustrated and helpless. This is most likely to impact negatively on victim- criminal justice relations, not only for the present time, but also in the nearest future.

As recommendation, given the myriads of post-traumatic stress disorders, experienced by victims, the national policies on victim assistance should be reviewed to incorporate preliminary measures against the outbreak of disasters like COVID-19. Further empirical research is deemed necessary to assess and document victims' journey in the prosecution process, considering the fact that the process has not been initiated properly and the relation has always been of a tarnished nature.

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