

Queensland Law Reform Commission,

Via email: [REDACTED]

26 May 2025

To the Commission,

Re: Review of 315A Non-Fatal Strangulation.

I have read with interest the Consultation paper of the QLRC and have addressed some of the questions outlined below.

Proposal

P1 Section 315A of the Criminal Code should be repealed and replaced with three new offences:

- **Offence 1: unlawfully doing particular conduct that restricts respiration and/or blood circulation in the context of a domestic setting. This offence would prescribe a maximum penalty of 14 years' imprisonment.**
- **Offence 2: unlawfully doing particular conduct in the context of a domestic setting. This offence would prescribe a maximum penalty of 7 years' imprisonment.**
- **Offence 3: unlawfully doing particular conduct that restricts respiration and/or blood circulation. This offence would prescribe a maximum penalty of 10 years' imprisonment.**

Questions

Q1 What are your views on proposal 1?

I agree with the approach proposed Offence 1 although suggest it merged with offence 2 (see below).

Placing pressure on the neck that restricts breathing or blood flow to any extent is dangerous of itself as the Consultation Paper's review of the research shows.

I think it is logical to provide for a higher sentence for offences of this nature perpetrated in the domestic setting (compared with the same behaviour perpetrated in other settings) given what we know about the increased future risk of fatality and near fatality where a person has been strangled by an intimate partner. I appreciate concerns raised by consultees that 'domestic setting' is both a very broad group that includes children, siblings, extended family and yet at the same time potentially too narrow in that it may exclude dating relationships etc.

However, I also appreciate that using the framing of 'domestic setting' is family in the legislation and the jurisdiction. The future risk of fatality/near fatality associated with previous strangulation has – as far as I am aware (see the overview of Glass et al, 2008 study below) - only been demonstrated in the intimate partner context, however this is not because other contexts are excluded. It may be the case that future research could demonstrate a broader context of heightened risk.

While the 14-year sentence is in line with the offence of grievous bodily harm, it is extremely high regarding current practice in sentencing for NFS. However, it is possible to imagine 'worst case scenarios' where this level of sentencing maybe warranted.

I appreciate the aspiration of offence 2.

However, it is difficult to imagine a scenario where placing pressure on the neck does not result in some restriction of blood or breath flow. There may be cases where it is difficult to prove that the behaviour restricted breathing or blood flow in the victim. It is likely I think that this charge 2 will become the default NFS charged by prosecution and police if introduced. One possible way forward is to merge offence 1 and 2, maintain a 7 year offence with an aggravation (and higher penalty of 14 years) in cases where the prosecution can prove that breath or blood flow is restricted.

I question the need for offence 3 as currently expressed.

There are a range of offences already available that cover this behaviour (eg assault, assault bodily harm, GBH, attempted murder). A primary aim of the introduction of the NFS offence was to recognise the future serious risk associated with NFS in the domestic (specifically IPV) context and to ensure that this history appeared clearly on the offender's criminal record. The commentary in the consultation report appears (largely) to be focussed on relationships that fall short of or may be a precursor to an intimate partner relationship and thus may fall into the domestic setting category). Given this is the focus it may be more appropriate name these relationships or include them in offence 1 and 2 (eg as dating relationships).

The Glass and colleagues study

It's my understanding that to date the best research on this point is the US based study by Glass and colleagues published in 2008.¹ Their study was limited to claims about risk of fatality/near fatality post strangulation² in the context of intimate partner violence:

all consecutive police or medical examiner intimate partner female homicide records from 1994 – 2000 in each study city were examined for victim-perpetrator relationship. Cases were eligible if the victim was a woman aged 18 years or older, the perpetrator was a current or ex-intimate partner, and the case was designated as "closed" by the police.

The researchers also interviewed a sample of 194 women who experienced attempted homicide.

This combined sample was compared an 'abused control' group.

A total of 4746 women met the age and relationship criteria and were read the consent statement. Among these women, 3637 (76.6%) agreed to participate. A total of 427 (8.5%) women had been physically abused or threatened with a weapon by a current or recent

¹ Glass N, Laughon K, Campbell J, Block CR, Hanson G, Sharps PW, Taliaferro E. Non-fatal strangulation is an important risk factor for homicide of women. J Emerg Med. 2008 Oct;35(3):329-35. doi: 10.1016/j.jemermed.2007.02.065.

² Strangulation is not defined in the Glass et al study but in other studies they refer to strangulation 'in general, is produced by a constant application of pressure to the neck. Depending on the method of pressure application, strangulation can be described as one of four types: (1) hanging; where the weight of the body is suspended by a ligature of some sort (the most common reported mechanism of hanging in general); (2) ligature strangulation (garroting) where the pressure is solely applied by the ligature and not the weight of the body; (3) manual strangulation (throttling) where outside pressure is applied by a hand or hands; and (4) postural strangulation where the neck is placed over an object and the weight of the body applies pressure to the neck' see Wilbur et al (2001) Survey results of women who have been strangled while in an abusive relationship. The Journal of Emergency Medicine, 21(3): 297-302.

intimate partner and are included in this analysis. Thirteen abused controls were excluded because they reported that the injuries from their most severe incident of abuse were so severe that they thought they could have died.

Based on this comparison the researchers were able to demonstrate that women who were the victims of completed or attempted homicide were far more likely to have a history of strangulation compared to the abused control women. The authors concluded that prior non-fatal strangulation was associated with greater than six-fold odds of becoming an attempted homicide, and over seven-fold odds of becoming a completed homicide victim.

Conduct and results of conduct

Q2 What conduct should each of the three new offences criminalise?

It would be useful to engage language used in other statutes in Australia. Australia is a very small country, and it makes sense for laws across borders to be uniform as far as possible. I note the comments in the consultation report that NT, Victoria and ACT all refer to: obstructing or interfering with the respiratory system or accessory systems of respiration as conduct. This is a very broad definition that would seem to cover a variety of forms of behaviour that (potentially) restrict blood and air flow. This is the form of conduct I would support. I suggest that an aggravation of the offence is to hinder or restrict blood or breath flow.

The role of consent

Q3 What are your views about consent:

I would suggest removing 'without consent' as a requirement/element of the offence. Consent in the context of a coercive and controlling relationship is difficult to apply.

Consent could be a defence to the basic form of the offence (eg where restriction of breath or blood flow can not be proven.) While strangulation is always risky, we also know that many young people are engaging in this form of behaviour during sex and an unintended consequence of a too draconian approach could be to prosecute a generation of individuals.

In most cases where consent has been raised it has been raised in the context of sexual strangulation. If consent is a defence to the basic form of the offence it should be framed as per the affirmative consent model in 348 and 348AA of the Criminal Code.

Non-fatal strangulation might be lawful in some circumstances

Q4 When should non-fatal strangulation be lawful?

Defences

Proposal

P2 The existing defences in the Criminal Code of provocation to assault (s 269), prevention of repetition of insult (s 270), and domestic discipline (s 280) should not apply to the three new offences.

Questions

Q5 What are your views on proposal 2?

I agree with this proposal. Especially in the context of a domestic setting these defences should not apply.

Q6 Are there other defences you think should not apply to one or more of the new offences?

Although rare, it is conceivable that self-defence might be appropriate in some cases, so should be available.

Forum

Proposal P3 Adult perpetrators who plead guilty should be sentenced in the Magistrates Court:

- **unless the perpetrator elects otherwise**
- **subject to the Magistrate's overriding discretion. Legally represented child perpetrators should continue to be able to consent to have their case tried or sentenced in the Children's Court (Magistrate).**

Question Q7

What are your views on proposal 3?

I support proposal 3. The experience to date demonstrates that sentences for strangulation rarely exceed 3 years (the limit in the Magistrates Court). Our analysis of Queensland Courts data³ which the QLRC has repeated demonstrates that when matters are committed to the District Court there is a lengthy average time to finalisation, from 2023-2024 it was over 500 days.⁴ It is likely that if defendants can have their matters dealt with in the magistrates courts there will be more pleas of guilty to the charge and fewer attempts to have charges withdrawn by both defendants and complainants.⁵ This is because defendants will be facing a significantly lower maximum sentence if their matters is dealt with in the magistrates court and will have less incentive to contest the charge (to avoid the higher penalty).

The shift may have added benefits of police and prosecution services as they will likely spend less time dealing with many attempts by defendants to have charges reduced or withdrawn. The change may have benefits to complainants who are likely to receive less pressure from accused people to withdraw their support for the charge. In our research we say many examples of complainants being pressured in this way.⁶

It is also likely that if sentenced by the magistrates' courts, defendants will spend less time on remand and more time serving their actual sentence. This has dual potential benefits, first that offenders may have better access to appropriate jail-based programs to address their behaviour in more timely way and second that there may be some cost reduction given the higher costs associated with remand compared to prison.

There are likely to be efficiencies in court processes with less matters going to the District Court this will reduce involvement of the DPP and also of the District Court.

³ Sharman, L, Fitzgerald, R and Douglas, H, [Non-Fatal Strangulation offence convictions and outcomes: Insights from Queensland Wide Inter-linked Courts data, 2016/2017-2019/2020](#), The University of Melbourne and The University of Queensland (2022)

⁴ QLRC Consultation Paper, 13

⁵ Douglas, H, and Fitzgerald, R, 'Prosecuting strangulation offences: understanding complaint withdrawal using a social entrapment lens' (2024) *Current issues in Criminal Justice*

⁶ Fitzgerald, R, Douglas, H, Pearce, E and Lloyd, M, [The Prosecution of Non-fatal Strangulation Cases: An Examination of Finalised Prosecution Cases in Queensland, 2017 – 2020](#), The University of Melbourne and The University of Queensland (2022)

There is also potential if more people are sentenced earlier and serve most of their sentence in jail rather than on remand for proper sorting of prisoners so that first time offenders are not placed with long term recidivism and influenced by potentially much more serious / entrenched offender types. Of concern is that our research (see appendix 1 attached)⁷ demonstrates that the prison environment is potentially operating to entrench dangerous misogynist attitudes that may underpin many incidents of NFS.

Finally, this approach to NFS sentencing is consistent with the approach of Queensland's newly introduced coercive control offence.

Practice and procedure

Question

Q8 What reforms to practice and procedure are needed to ensure just and effective operation of the three new offences?

I generally agree that education about the potential effects of NFS should be provided across the community and legal professionals. Information about the dangers of sexual strangulation should also be targeted towards young people. Our research suggests that some perpetrators may not be aware of the impacts of strangulation thinking it is 'safer' than assaults more broadly.⁸

Trauma informed approaches to service delivery are necessary across systems. While people who have experienced NFS may have experienced brain injury and PTSD as a result of NFS, brain injury and PTSD are potentially a result of many other forms of domestic violence, so trauma informed approaches are relevant generally in the context of domestic and family violence.

The need for victims to receive information about the process of cases in which they are the complainant has been an on-going issue across the criminal justice space. Victim advocates may be a positive way to improve their access to information.

While the suggestion for the inclusion of jury directions is positive, it might also be useful to include at the beginning of the legislation relevant statements (similar to the approach in Victoria) in guiding principles:

Crimes Act 1958 (Vic) - SECT 34AC

Guiding principles

It is the intention of Parliament that in interpreting and applying this Subdivision, courts are to have regard to the fact that—

(a) non-fatal strangulation of a person by a current or former intimate partner indicates that the person is, statistically, significantly more likely to be killed by the current or former intimate partner; and

(b) in circumstances of family violence, non-fatal strangulation can indicate an ongoing and escalating pattern of coercive and controlling behaviour by the perpetrator; and

⁷ Fitzgerald, R and Douglas, H. (forthcoming). Domestic violence and the role of imprisonment as a response: men's post conviction talk about strangling women. *Current Issues in Criminal Justice*.

⁸ See appendix 1.

(c) even very short or individual instances of non-fatal strangulation can demonstrate the perpetrator's physical dominance and control over the victim and create an atmosphere of fear and compliance; and

(d) non-fatal strangulation will not always leave physical signs or injuries, and it can result in physical signs or injuries that only appear after weeks or months have passed.

Regarding fast track, this is a resourcing question and in my view sexual offences should be fast tracked in view of the very high attrition rate. Matters involving children should also receive priority followed generally by gendered violence offences such as NFS and other domestic and family violence offences.

Thankyou for the opportunity to write this submission.

Kind regards,



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Domestic violence and the role of imprisonment as a response: men's post-conviction talk about strangling women

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ABSTRACT

This article considers how men imprisoned for non-fatal strangulation, a serious domestic violence (DV) offence, describe their acts, conviction and imprisonment. Drawing on interviews with prisoners convicted of strangulation in Queensland, Australia, we identify themes in relation to men's minimisation of harm, their arguments about strangulation as an optimal tool of control, and their conspiratorial views that they are victims of feminism and the justice response. We argue that men's accounts of strangulation, the law and their imprisonment demonstrate how prisons can be a site for the reproduction of gendered hierarchies, misogynist tropes, and justified violence against women. Our analysis contributes to research about men's representations of violence against women and highlights the tensions and complexities underpinning assumptions about the role of criminal law, and specifically, imprisonment, as a response to DV.

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Domestic violence; imprisonment; prisoner interviews; sentencing; strangulation.

Introduction

In this article we consider how men imprisoned for offences involving serious domestic violence, specifically non-fatal strangulation, represent their acts of violence against intimate partners, how these representations are complicated by their social and cultural contexts and what this implies for responses to this violence. To do this, we draw on interviews with 14 men convicted of non-fatal strangulation (hereinafter strangulation), an example of a recently introduced domestic violence (DV) offence that carries a significant custodial penalty ranging from four to 10 years in Australian jurisdictions (QLRC, 2024) and elsewhere (Bows & Herring, 2024; Edwards & Douglas, 2021). Like other forms of DV, strangulation is a highly gendered offence mainly perpetrated by men against women (Glass et al., 2008; Reckdenwald et al., 2019). Researchers and advocates have long recognised strangulation as 'one of the most lethal forms of DV' leaving victims 'at the edge of homicide' (Strack & Gwinn, 2011, p. 2). Victims who have been strangled by their domestic partner are up to seven times more likely than those who have not been strangled to

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become a victim of homicide in the future (Glass et al., 2008). Strangulation can also result in victims' anoxic brain injury and permanent cognitive impairment (Douglas et al., 2024). Evidence shows that unconsciousness can occur within seven seconds, involuntary loss of bladder control within about 15 s and brain death within four minutes, sometimes without any visible injury (Midttun, 2021; Strack et al., 2001; Strack & Gwinn, 2011). In the DV context, strangulation has also been recognised as a 'display of power' over victims, which may co-occur alongside perpetrators' threats of death, and therefore as a tactic of coercive control (Bendlin & Sheridan, 2019, p.1537; Thomas et al., 2014).

We begin by providing a brief overview of the response to strangulation perpetrated in a DV context and then consider why it's important to reflect on men's talk about their violence when considering how to respond to it. We then explain the study methods and present our findings. Finally, we draw conclusions with regard to the interview participants' talk about strangulation and highlight some concerns about the role of imprisonment in responding to this offence. Our analysis contributes to research about men's representations of violence against women and highlights the tensions and complexities underpinning assumptions about the role of prison as a response to violence against women.

Background

The response to strangulation perpetrated in a domestic violence context

Recognising the seriousness of strangulation in DV, legislators introduced laws addressing the offence, starting in American states, followed by Australian states, New Zealand and the UK (Bows & Herring, 2024; Edwards & Douglas, 2021). Queensland enacted an offence of strangulation in 2016. It involves choking, suffocation, or strangulation in a domestic setting, with a maximum penalty of seven years imprisonment (Criminal Code 1899 (Qld), s.315A). The Queensland strangulation offence requires that the perpetrator applies pressure, to any extent, to the person's neck that obstructs or interferes with the person's respiratory system or impedes the person's respiration (QLRC, 2024). Most convicted offenders in Queensland are men, and if convicted of the offence they are almost always sentenced to imprisonment (Fitzgerald et al., 2022; Sharman, Fitzgerald, et al., 2022). Sentencing guidelines in Queensland emphasise 'just' punishment, deterrence, rehabilitation, and community protection (Penalties and Sentences Act 1992 Qld, s.9(1)).

Governments continue to highlight the role of imprisonment in addressing DV, and this is illustrated by calls to increase the maximum sentence to 14 years (QLRC, 2024, p. 23). Imprisonment is argued to provide redress, accountability, and reprieve for survivors (Fitz-Gibbon et al., 2023, p. 6; Sharman, Douglas, et al., 2022a). In some cases, prison may provide an opportunity for prisoners to take part in intervention programs that aim to change their attitudes and behaviours. For example, in Queensland, as in other Australian states and territories, interventions to address DV within prison, are offered to a small number of prisoners (Day, 2020; QCS, 2023). These are often facilitated group-based cognitive behavioural therapy (CBT) interventions aiming to reduce DV recidivism (Australian Productivity Commission, 2021, p. 87). Mazerolle et al. (2018) argue they are rarely successful in this context. Critics argue that CBT-based treatment presumes DV can be treated as a simplistic calculation of rewards and costs (Renehan, 2019). Success in these programs may be attributed to individual facilitators or men

learning to ‘talk the talk’ of cognitive change to become eligible for parole (Gadd & Jefferson, 2007; McGinn et al., 2020). Some scholars have also point to the challenge of changing attitudes in a short amount of time that may have developed over a lifetime and are supported by dominant masculinist ideologies both inside and outside the prison (McGinn et al., 2020). As Seymour observes the security and rehabilitative functions of prison are in ‘perpetual tension’ (2003, p. 36).

Prison is known to be costly and highly detrimental to both physical and mental health (Liebling & Maruna, 2005) but specifically men’s prisons are said to promote an ‘intensely masculinist’ culture affecting both prisoners and workers (Curtis, 2014; Seymour, 2003). Curtis notes that ‘ideas are one of the few things that can travel freely in and out of prison’ (2014, p. 139). Some argue that imprisonment for DV crimes perpetuates racialised inequality and a colonising logic, failing to increase safety and providing ineffective accountability (Davis, 2011; Goodmark, 2018; Watego et al., 2021). Some research shows DV victims prefer responses that are restorative, wanting perpetrator acknowledgment of harm, physical safety, stability, and rehabilitation through counselling, which imprisonment does not easily achieve (Decker et al., 2022; Holder & Daly, 2018).

Why listen to men’s talk about violence against intimate partners?

Strangulation is a serious offence and the need to attend to the care and safety of survivors of strangulation in a DV context is vital. Indeed, a significant body of academic work around DV (including our own) continues to focus on the victims’ experiences (Douglas, 2021; Douglas & Fitzgerald, 2022; Wood, 2004, p. 556). It might be claimed that a focus on men’s accounts of their acts could be seen as beside the point, or even dangerous as such a focus may risk reproducing rather than challenging disadvantage and discrimination (Hearn, 2013, p. 35; Pini & Pease, 2013). However, many emphasise the importance of exploring self-reported attributions for violence because they may help to understand the causes of violence and the kinds of responses necessary to respond to problematic behaviour (Cavanagh et al., 2001; Neal & Edwards, 2017). Kelly and Westmarland (2016, p. 117) observe that understanding how men position their violence helps us to understand how policy discourses are or are not challenging men’s behaviours. Men’s talk about violence has been argued to be ‘primarily discursive’ and serving many ends, rather than capturing an unvarnished truth (Hearn, 1999, p. 7; Seymour, 2003). As Hearn (1999) argues, when men talk about their violences they are doing more than recounting events, they are shaping perceptions and norms often recentring themselves in the narrative in a way that minimises their responsibility and normalises their behaviour. Despite these concerns we argue that understanding how male prisoners serving sentences for strangulation represent their own acts of strangulation and their experiences of imprisonment is important for thinking about the effectiveness of interventions.

Methods

Sample

In this article we present our analysis of interviews from a sample of men convicted of and serving sentences for strangulation in Queensland prisons. How men convicted of

the offence of strangulation and serving a prison sentence represent their acts of strangulation against intimate partners has not been investigated. Given the novelty of the offence in Queensland, its seriousness, the near certain prison sentence for those convicted, and the concerns about what prison achieves, we aimed to examine how prisoners themselves frame the offence, its meaning, their involvement and perceived culpability, and their time inside prison.

In this article, we draw on interviews with 14 men currently serving prison sentences for at least one strangulation charge in Queensland. The interviews took place in 2021. All participants identified as cisgender men in heteronormative relationships with the woman complainant—as a result in the analysis we refer to participants as men. All but two (14%) who said they were married, described their relationships with complainants as *de facto* ‘partners’ or ‘girlfriends’. Participants were 38 years of age on average (ranging from 29 to 48 years).

In addition to one or more strangulation convictions, participants were most often also convicted of other violent and DV-related offences including breach of a DV protection order (DVO), common assault, assault causing bodily harm, unlawful wounding, and threatening violence. In three cases other violent offences included deprivation of liberty, torture, and rape which, along with strangulation, were part of a single event of violence. Three participants were also convicted of non-violent offences including drug-related offences and break and enter. Total prison sentence lengths ranged from 2.5 years to 8.5 years. On average, at the time of the interview, participants had served over one-half (57%) of their sentence. Nearly all said they had or were about to surpass their minimum non-parole period, which is either set by the court at the time of sentencing, or 50% of the head sentence where not set by the court (Corrective Services Act 2006 (Qld), s.184). Three participants (21%) had surpassed their parole eligibility date, having applied one or more times for parole release and been knocked back each time.

The sample was representative of the socioeconomic disparity consistently observed in Australian prison populations (McCausland & Baldry, 2023). Relative to their roughly 4% share of the Queensland population (Australian Bureau of Statistics, 2022), there was an overrepresentation of participants ($n = 2$, 14%) who identified as Indigenous Australians (i.e., Aboriginal and or Torres Strait Islander people), with a third participant noting his Indigenous heritage but indicating that he did not identify as an Indigenous Australian. All but three participants had been previously incarcerated, with eight (57%) describing chronic reimprisonment—e.g., ‘I’ve been in and out of prison since I was 18’ (P6), or ‘in and out my whole adult life’ (P7). Four (29%) said that they had past DV-related convictions, but seven (50%) said they had had one or more previous DVOs with the current or previous partners. All but two participants described recent problematic drug use, most commonly ice (crystal methamphetamine) and meth (methamphetamine). All but three described being unemployed at the time of the incident. Many men described precarious housing including couch surfing at the time of the incident.

Data collection

Given the challenges of recruitment of participants in prisons (Watson & van der Meulen, 2019) and the specificity of the selection criterion to have a strangulation

conviction on the current custodial sentence, we used a quota sampling strategy, recruiting roughly equal numbers of participants from each of three high security men's prisons in Southeast Queensland where most adult prisoners in the state are held (QCS, 2023). In accordance with our institutional ethics approval (UQ HREC 2020000558), we were required to use an indirect recruitment strategy where Queensland Corrective Services staff first identified potential participants (those with s.315A convictions), then staff in each prison provided the participant information sheet to potential prisoners explaining the study, confidentiality, risks and benefits of the research to all identified prisoners who subsequently agreed or disagreed to participate. There was a distress button provided in the interview space in the prison that the researcher could use if they believed they were at risk. This would have alerted prison guards and ensured immediate assistance. Author 1 who carried out the interviews has undertaken many interviews in the prison context and is very experienced. The researchers were able to access university-based counselling support to deal with any psychosocial stress associated with the research.

Face-to-face interviews were conducted by the first author with each participant in closed (private) interview rooms within each prison. During the interview participants were asked to talk about their understanding of the offence, the incidents involving strangulation and their use of violence more generally, their experiences through the legal process—arrest, charge, remand, conviction, and sentencing—and their views on what ought to be done about DV more broadly. Interviews lasted for about one hour on average but ranged from roughly 30 min to one hour and 30 min.

Interview transcripts were deidentified for the purposes of analysis. Each participant received a unique ID number (1, 2, 3, etc.) and are referred to as P1, P2, P3 etc. where they are quoted.

Analysis

Authors separately and jointly undertook thematic analysis of the 14 interviews (comprising over 63,000 words). Through repeated readings, we initially familiarised ourselves with the transcripts. We then engaged in primary coding to make sense of men's discussions of strangulation and their imprisonment for the offence. Through this process, we first arrived at a set of high-level codes and collaborated to identify a further set of subcodes within the high-level codes. Finally, we defined four key themes reflecting men's accounts of the strangulation offence, and their conviction and imprisonment for it. Our aim was to identify 'patterns of shared meaning underpinned or united by a core concept' (Braun & Clarke, 2019, p. 11) or theme and then, through our reading, to assess the presence (or absence) of each theme rather than to present a statistical count of terms expressed within themes.

We followed Presser (2004) and Hearn (1999, p. 7) in seeing the interviews that we conducted with men as a site for the 'situated construction of narrated identities', rather than a reflection of the 'truth' or as a report of what happened previously. This means that interviews and interviewers themselves can be part of a 'dynamic and collaborative process' (Presser, 2004, p. 82) whereby participants work to communicate a story about themselves which may in part reflect what they feel the interviewer wants to hear or will be impressed by. Our focus in this study is on those constructions

(what participants chose to share and felt was important to express) rather than on factual accounts of their conviction and imprisonment for a strangulation offence. Finally, we acknowledge that the small sample drawn from a highly targeted and hard to reach population (those serving a current imprisonment sentence for strangulation) excludes any possibility of generalisability. However, given the qualitative nature of the study and our overarching aim to identify themes in relation to men's framing of strangulation, the criminal law response and more specifically their imprisonment in this context, we argue that the analysis can contribute to improving our understanding of prisoners' representations of violence against women and how best to address it.

Findings: men's talk about strangulation

Only three men completely denied strangling their partner, arguing instead that they had been wrongfully convicted, for example because 'she made up the story' and or the police 'encouraged her to lie'. All others said that they had in some way strangled their partner using their hands or arms to apply pressure, push or shove the throat or neck, or to cover the nose and mouth of their partner. Through their interviews men communicated both descriptions and explanations/or justifications of their acts of strangulation. Consistent with other research, men's accounts could be forthright—expressing details of the events—but also at times convoluted (Hearn, 1998), interspersing descriptions with justifications and less frequently with remorse. We identified four intersecting themes in the men's talk: minimising the seriousness of strangulation, strangulation as a rational tool of control, criminalisation of strangulation as a conspiracy against men, and prison as networked anger and misogyny.

Minimising the seriousness of strangulation

Mine's Different Because It Was Only Brief

Men often downplayed the severity of their actions, distinguishing them from more serious cases and exhibiting a troubling minimisation of the violence involved.

They often began their descriptions by contrasting their own acts with what they felt was 'real' or 'proper' strangulation. They routinely referred to their acts as 'choking' which they described as something 'lighter' and less serious than strangulation, accomplished 'just with your hands' and 'not leaving a mark' (P2). Many described their own acts as brief and lacking in intensity, with either no or only minor consequences for the victim (e.g., no visible marks), and only involving pushing, shoving or holding their partner, rather than stopping breath. In some cases, men questioned whether what they had done could be described as a criminal offence at all. For example, P9 said he was 'pretty sure' that stopping breath, which his partner had claimed in her statement, was strangulation and a crime, but, in contrast, what he did, 'pushing or holding someone's neck at arm's length', was not.

Men's attempts at downplaying their acts could also reveal a refusal to acknowledge or possibly misunderstanding of the real potential for harm. For example, even while highlighting what they felt was the trivial nature of the act, some simultaneously revealed elements of potential serious physical injury. Along this line, P13 explained that:

... it wasn't an actual proper strangulation where she passed out or anything like that ... my hands went around her throat with a bit of force, [but] I let her go after probably five, ten seconds, and she dropped to the ground. (P13)

Regarding P13's comment above it is notable that research demonstrates that five to ten seconds of strangulation leading to loss of control of one's body points to a high-risk incident and a concerning outcome (Strack & Gwinn, 2011). Another participant characterised his strangulation incident as: '... brief, not even longer than a minute, but it was long enough for her to lose her bladder control' (P10). Given that loss of bladder control follows unconsciousness and brain death can occur within minutes of strangulation, this incident was also a high risk and potentially physically damaging event for the complainant (Midttun, 2021; Strack & Gwinn, 2011).

Men often said that real strangulation could be serious, even leading to death, but that this did not describe what happened in their own case. For example, P10 said, 'mine's different because it was only brief' and went on to say '... in my instance I just snapped and thought, I can either break her jaw or strangle her to keep her quiet. And I guess I hurt her, but I didn't want to, actually, physically'.

It was also common for men to note that 'serious' strangulation was rare among other prisoners they knew with the conviction for whom it was really just 'a simple little crime' (P4). In contrast, the serious version of strangulation was reserved for a small number of 'other men' who were 'making it harder for people that haven't got that serious crime' (P4) by committing the most heinous acts of violence that garnered public attention. While they did not know the 'other men' personally, they often said they had 'heard about' them and used their stories as a way of highlighting the minor nature of their own offences. For example, P13 said he would rank his strangulation offence 'around the bottom' in terms of seriousness, however:

I've heard other stories of a guy; I don't think he's going to get released for a while. But he strangled his partner, then dragged her to the shower while she was passed out, woke her up and then repeated the same thing three times. And then reckons he was a victim. And I was like, yes, okay, mate. (P13)

Here, P13 uses an 'other man' narrative to acknowledge the seriousness and perhaps even potential lethality of strangulation, while at the same time to distinguish his own acts as not serious. This minimisation reveals a lack of acknowledgment of the real potential for harm.

Strangulation as an isolated act: obscuring patterns of coercive control

Although research shows that strangulation is an extremely common aspect of coercive control in intimate relationships (Thomas et al., 2014; Bendlin & Sheridan, 2019; Edwards & Douglas, 2021), men in this study often disconnected their use of strangulation from any longer-term history of abuse, or pattern of coercive and controlling behaviour. For instance, all men described their acts of strangulation as singular incidents that had been brought on by momentary circumstances that they often said, was provoked by the woman's behaviour. Some backed the isolated nature of the strangulation by noting that it was 'the first and only time' (P3) they had been charged with violence, and that it had occurred because, for example, 'she was trying to get me to snap' (P8). In these

descriptions, men pitched DV as ‘actual violence’ or physically violent incidents, e.g., hitting, punching, pushing, strangulation, rather than other abusive and coercive controlling behaviours. Nonetheless, their accounts pointed to longer-term patterns of abuse or possibly a ‘progression from control to physical violence’ (Hearn, 1998, p. 11). Along this line P12 distinguishes his prior history of numerous (unwarranted) DVOs from strangulation as real violence:

No, this [the strangulation conviction] is my first DV. I’ve had DVOs put on me before, but that was unjustifiable, there was no domestic violence, or anything. But this is the only time that there’s actually been violence. Yes, no violence previous whatsoever. (P12)

Beyond their strangulation convictions, several men pointed to ongoing efforts to control women through efforts to contact her from custody. In some cases, this was to encourage partners to ‘change her original story’, in others it was to maintain some kind of ongoing control in the relationship. For example, P10 describes his efforts to reach his partner, followed by an expression of remorse:

... I was ringing her at the early stages of my incarceration, but then I’ve been charged for 49 phone calls [to his partner], and it just got messy. So, I’ve pushed that aside for now. I’ll do my time and do what I need to do because it’s not going to be an easy thing. I can’t ask for her to forgive what I’ve done because I’ll never forgive or forget what I did. (P10)

Overall, men’s tendencies to frame strangulation as a singular, provoked event, served to both minimise their responsibility and obscure any connection between this physical violence (strangulation) and broader patterns of abuse or coercive control.

Strangulation as a rational tool of control

The consistency in descriptions of strangulation as an effective tool of control was one of the most salient features of men’s interviews. The findings reveal a consistent portrayal of strangulation as a strategic and morally justified response to women perceived as unruly or threatening, reflecting broader narratives that position men as ‘superior perpetrators’ (Venalainen, 2020, p. 773) capable of rational and controlled violence, contrasting with women portrayed as less logical and more emotionally driven in their actions (Seymour, 2003, p. 210).

Nearly all men used similar language in framing strangulation as the best way to ‘subdue’ a partner who was ‘out of control’, ‘screaming’, ‘yelling’, ‘off her head’, or lashing out at them because it was safer, more efficient, and even more gallant than other options. Here, participants consistently argued that hitting a woman in the face or head to subdue her was much worse than strangling her—which also demonstrated their apparent lack of awareness of the risk of harm of strangulation. In these notably similar accounts, participants accomplished several gender hierarchy narratives—first that women were in need of control, and therefore responsible for men’s violence, second that men had greater cognitive (logic) and physical capability, and third that men were chivalrous and concerned for the safety of less capable women.

P12 presented this kind of logic when he detailed the ease with which a woman could be controlled using strangulation. As further justification of this view of strangulation, P12 highlights what he suggests is agreement on this point among those who have strangled their partners (i.e., ‘people I’ve talked to’). As he explained:

You don't want to punch your missus because you'll hurt them, you'll really hurt them, but the strangling, and the pushing, and the holding them back, that's a more passive or subduing way. [...] The reason why, the people I've talked to and why I did it, is because I think it's a lesser thing. We don't want to hurt them; we want to subdue them. Pushing them away or holding them back by their neck because it's the easiest way to control her. [...] Pushing her back, holding her by their neck, going crazy, whatever, I can direct her, I can easily control her, I can stop her other hands from doing movements with my other hand. It's easy. (P12)

In this example, P12 pit his (and other men's) more logical and effective use of violence against women's less reasonable and less controlled violence, framing strangulation as the rational choice when control of a 'crazy' partner is required, and strangulation is an 'easy' way to physically control her.

P8 echoed this logic when describing his use of strangulation to subdue his partner who he claimed was attacking him with a hammer. To illustrate his logic, he posed this question to the interviewer: 'If you were hitting me with a hammer would you prefer, I punched you or would you prefer I grabbed you by the throat, put you down on the couch and walked away?' (P8). In fact, other participants repeated analogous accounts of this argument. For example, '... it was the only way to protect myself, and it was either that, or me punch her in the face' (P14), and,

... me grabbing her by the throat to get her to stop was better than punching her up. I've never hit a woman and I've never even laid a hand on a woman until this one and it really was self-defence. (P8)

Overall, men's descriptions of strangulation as subdual and the less harmful, more logical and honourable alternative to assault, underscores their attempts to both rationalise and legitimise their use of strangulation as a necessary response to women's unruly behaviour.

Criminal law responses to strangulation as a conspiracy against men

Some participants framed the criminal law response to their behaviour of strangling their partner as evidence of their own victimisation by the system and a larger feminist conspiracy against men. Here men referred to what they saw as unfair treatment by the system as a result of the strangulation offence, which started with overzealous policing of a new DV offence. For example, P3 said: 'The police are taking it way too far, by, laying a hand on one shoulder, which is a distance from the neck, they're saying strangulation. They're throwing this charge around way too freely'. Similarly, P1 said charging might have been necessary where 'people actually do get strangled' but 'it's gone way too far ... if you touch someone here [motions to his neck] you get charged with strangulation' (P1).

Men sometimes attributed this excessive criminal law response to a media and societal overemphasis on high-profile cases of DV, which they viewed as aberrant (Bryan & Warren, 2025) and not representative of their own, or most men's, situations. The quadruple murder and suicide of Hannah Clarke and her three children by her ex-partner (Rowan Baxter) had happened the year before the interviews and received extensive media coverage, sparking inquiries and calls for legislative change (Bentley, 2022). Men distanced themselves from Baxter referring to him disparagingly as 'a cockhead', 'a shit'. They explained how they felt the incident ramped up their chances of

imprisonment, despite their relatively innocuous strangulation acts: ‘... rumour goes around that the people are killing their missus... [it] is making it harder for people that haven’t got that serious crime’ (P4).

Men drew on narratives of ‘popular misogyny’ (Banet-Weiser, 2018) and men’s rights activism to argue that men, as partners and fathers, are unfairly targeted and marginalised. Here, they positioned men as victims of DV and a larger women-led conspiracy to suppress them. For example P6 said:

They say, yes, men do this all the time, but there’s nothing about women assaulting men and causing domestic violence. It’s always men that done the wrong thing, even though they haven’t. So, this is what I’ve noticed. Everything’s all about women, there’s nothing about men getting violently bashed by women

Another example is provided by P8, in an angry and extended commentary he began with a claim of a double-standard in the coverage and treatment of men and women who commit violence noting the anti-male coverage in the case of Bonita Vivien Coue (Ross & Cramsie, 2021)—who had murdered her ex-husband in 2021 the week before the interview—a cause célèbre for international men’s rights movement (MRM) accounts such as fatherslivesmatter (2021) and redpillrights (2021). P8 stressed the need for researchers to rely on ‘real data’ posted on #21fathers, the Australian Brotherhood of Fathers hashtag highlighting discredited (McPhedran & Robinson, 2017) statistics on the much higher rate of fathers who commit suicide because of child custody issues, than women who are killed in DV-related homicides.

Have a look at that [#21fathers] and keep in mind, it’s 21 fathers a week ... that’s 84 fathers a month take their own life rather than hurt their kids or ex. And that’s an atrocity. That’s horrible. You’ve got this big investigation into DV laws for strangulation because one woman is killed a month, is that what it is? (P8)

He further explained that the origin of the problem was an overadjustment in the balance of rights for women at the expense of men, ‘... this whole equal rights has gone way over to the other side’ (P8), leading to overcharging of men as the perpetrators of DV, and underfunding of support services for men where they happen to be the victims of abuse.

There’s no [DV] helpline for men. [...] Women feel that they’ve got a right to hit you because you’re a man. And they hit you and it’s funny. You look on the ads on TV, I’m all for equality, but the way it’s going we’re fucked. (P8)

These extracts illustrate how men perceive the criminal law and imprisonment response to strangulation as evidence of systemic victimisation, driven by a broader feminist conspiracy against them. They drew on familiar MRM tropes to justify their positions and highlighted overzealous policing, media sensationalism and broader societal biases against men.

Prison as networked anger and misogyny

In arriving at the arguments outlined in the previous section and in explaining their own behaviours, those of complainants as well as their sense of injustice, men often noted that they traded ideas with others serving time for the same offence. This was due in no small part to the rise in the proportion of DV-related offenders in Queensland prisons. As one

participant noted, the character of prisons had changed since DV offenders had become commonplace: ‘... 20 years ago we [DV offenders] would have been in protection ... you don’t hit your missus’ now ‘there’s so much of it, it’s all violence against women’ (P2).

Given the greater likelihood for those charged with strangulation to be remanded to custody rather than bailed (Sharman, Fitzgerald, et al., 2022), several participants also described the much higher rates of strangulation offenders on remand. P8 speculated that while he was held on remand ‘... at [Named Remand Centre], about 80% of the jail were in on domestic violence charges’. Similarly, P2 referred to his time in remand as ‘the DV ward’ where a high proportion of prisoners had strangulation charges:

There was 14 people with the charge [strangulation] out of a unit of 16 people. With all the same, pretty much identical charges. And we used to say that men argue and fight in prison. [Instead], we formed self-help groups. It was a real, sit against the wall and just, ‘how similar are all of these charges?’ (P2)

Here P2 points to prisoner-networks as opportunities to compare notes, and to build narratives around the inequity that men face in the context of the greater state/societal support for women who claim they are the victims of strangulation. As P3 put it, ‘... from my time in jail here, I have turned around and I’ve noticed that women are just as much to blame as the men’. P8 says that other prisoners ‘have no reason to lie about it’ when they ‘say that their women set them up because they get a DV payment’, and goes on to provide an example:

There’s one chick, she shoots up in the neck because all her veins are fucked, and she had a big bruise. The cops turned up and said, ‘what’s the bruise from, did he hit you?’ ‘Yes’. So, that’s something I heard in here. (P8)

Thus, the men interviewed demonstrated how the prevalence of DV offenders in prison could foster the exchange of ideas and reinforce beliefs about systemic bias against men and women’s complicity in false accusations, and shape narratives around perceived gender inequalities in legal and societal support systems.

Discussion

The legislative response to the recognised risks and dangers of DV-related strangulation in Queensland was explicit criminalisation of the act with an associated significant maximum penalty. The Queensland response to strangulation in the DV context reflected what lawmakers often presume are the ‘twin calls for safety and vengeance that victims are idealised as making’ (Simon, 2007, p. 268), but also aimed to ‘equate recognition of harm with the length of a prison sentence’ (Martin, 1998). On its face, the strangulation offence appears to be effective. Since its enactment, strangulation prosecutions have risen every year and resulted in high rates of imprisonment, with 96% of those convicted receiving a prison sentence (Sharman, Fitzgerald, et al., 2022).

However, the sample of men interviewed in this study—all serving a current prison sentence in Queensland for one or more convictions of strangulation against a female partner—reflected the well-documented demographic disparity among those likely to be imprisoned in the country. Imprisonment rates of Indigenous Australians and racialised peoples, those experiencing poverty, mental health problems, addiction and

homelessness in Australian jurisdictions are historically disproportionate and rising (Leigh, 2020; McCausland & Baldry, 2023). Nearly all in the sample had previous episodes of imprisonment; most having been chronically reimprisoned, with a history of DV orders and DV-related convictions. That these men represented ‘the usual suspects’ most often found in Australian prison populations, and that they chronically returned to prison suggests that there may be trade-offs between short—and long-term safety in the community (Australian Productivity Commission, 2021, p. 3). Prison may serve as relatively short-term incapacitation for some perpetrators, but our findings suggest that men’s framing of their acts indicate that longer-term personal or societal change are unlikely to be achieved. As Snider (1994, p. 87) observes, the experience of prison makes those subjected to it more resentful, dangerous, and misogynous.

Men’s accounts of strangulation

Men minimised the potential harm of their acts of strangulation; a discursive strategy that researchers have consistently observed in studies of men’s framing of their use of violence (Hearn, 1998, 1999; for a review of minimisation see Smyth et al., 2024). For men who described their own acts of strangulation as trivial and unworthy of criminal law intervention, their comments also revealed a degree of ignorance about the risks of harm to their victims. Moreover, despite previous chronic imprisonment and having been charged, convicted and imprisoned for a strangulation offence, men expressed confusion or in some cases surprise about the seriousness of strangulation offence itself, and particularly the sentence length. This may indicate gaps in both men’s knowledge about strangulation and potentially limited information received from legal counsel. However, as Hearn observes when men talk about their violence, their narrative is not simply a recounting they are actively shaping perceptions and norms and their retelling may change with further retelling (1998, p. 183).

Men also made significant efforts to neutralise their acts of strangulation, denying harm to partners and justifying the acts by the circumstances they faced (Fahs et al., 2023). They consistently rationalised strangulation as the most effective means of subduing a woman, depicting it as a safer and more honourable alternative to hitting or punching her. Here they also pit their more rational and controlled use of violence against what they pitch as women’s irrational and uncontrolled use of violence (Anderson & Umberson, 2001). Some men portrayed strangulation as a chivalrous act, positioning themselves as protectors of women, albeit through violent means, and in this way were able to accomplish a version of hegemonic masculinity (Connell, 2017). As Ptacek observes, ‘for abusive men ... masculine self-recognition is fused with misogyny’ (2023, p. 21). Their narratives also perpetuate a gender hierarchy of male superiority (Anderson & Umberson, 2001; Hearn, 1998; Seymour et al., 2021). Women consistently describe their experience of being strangled as an aspect the control within their violent relationships (Douglas & Fitzgerald, 2022) and most of the men’s narratives about using strangulation to control their partners are consistent with women’s reports. The difference is that the men’s narratives of strangulation were largely incidentalised rather than described as part of a pattern of control of their partners. As Kelly and Westmarland (2016, p. 118; Hearn, 1998, p. 184) observe, disconnecting the ‘incident’ from the overarching context of control makes the violence into an exception.

Men's explanations of their strangulation convictions were steeped in MRM narratives. The findings capture what appears to be the remarkable resilience in men's accounts of DV (Fahs et al., 2023; Hearn, 1998; Kelly & Westmarland, 2016; Oddone, 2023), despite the recent decade of change in Australia in relation to political action and public awareness of DV (Wheildon et al., 2022). Indeed, men's accounts of strangulation underscore the consistently present and deeply embedded concepts of patriarchal values evident in numerous studies of men's talk about their violence (Anderson & Umberson, 2001; Oringher & Samuelson, 2011; Seymour et al., 2021; Tonsing & Tonsing, 2019). Men produced narratives of blame shifting toward victims, the system and the broader feminist movement and social/political support for women at the expense of men.

In these representations, men shifted blame toward their partners who they variously charged with 'bringing out the worst' in the perpetrator, being manipulative and controlling, and or being defective in some way—a bad mother or partner, a drug addict (Anderson & Umberson, 2001; Kelly & Westmarland, 2016; Oddone, 2023). Consistent with earlier studies of male DV offenders, men in our study often represented women as unreasonable, irrational, out of control, crazy or provocative (Hearn, 1998). They also described ways in which they felt their conviction was a result of a criminal law response too focussed on charging, prosecuting and imprisoning men for DV as a crime at any cost. To support these claims men referred to the ease with which they felt police charged the offence in the face of evidence like marks on the neck and sometimes pushing complainants to proceed on the strangulation charge. However, many men associated the relatively high rate of DV-related offenders (including strangulation offenders) among prisoners (which is the case currently in Queensland) to the inherent unfairness for men in the system. In these ways, men relied on persistent MRM tropes that they were the real victims of DV, and that the police, courts, and broader public outrageously favour women (Oddone, 2023). In these ways, men minimised their own responsibility in the act of strangulation, instead presenting a narrative of their own victimisation (Hearn, 1998, pp. 183–184, 193).

It was also evident in the data that men gathered their narratives of victimisation from broader MRM networks—in some cases men referred directly to these online sources and debunked arguments and statistics (McPhedran & Robinson, 2017)—but also from the in-prison networks comprised of the high proportion of the prison population serving sentences for strangulation and DV-related offences. In these discussions men received reinforcement for their blame shifting, and further confirmation of their own victimisation. Towns and Terry have previously observed that DV prevention is undermined when men are associated as a 'single team under attack from all women' (2014, p. 1032) and all male environment of the prison may intensify this sense of being attacked by a pro-women system.

Ultimately, men's interviews reveal a concerning pattern of men minimising the risks of strangulation and lacking awareness of (or refusing) legal responsibilities, while also portraying strangulation as a means of control, ultimately perpetuating harmful gender hierarchies, and framing their treatment by the criminal law system as evidence of systemic victimisation and a broader feminist conspiracy against men. For individual men in the study, these ways of framing violence against women were evident despite their prior imprisonment bouts for DV-related charges.

Tackling strangulation and DV related offending: what does prison achieve?

Feminist scholars have long engaged in a debate over the value of the criminal law response, and most particularly imprisonment to address violence against women (e.g., Smart, 1989; Snider, 1994). Support for the imprisonment of offenders who commit DV offences reflects rising public concern and awareness of violence against women, stimulated by waves of feminist reform movements making arguments that gendered sexual violence and DV should be recognised as criminal wrongs requiring state response, rather than behaviours belonging to the private sphere. From this perspective, women's harms should be understood as equal to men's harms and should be legally challenged and accounted for in the same ways (Graycar & Morgan, 2002). In some cases, the safety of women and children may require that the perpetrator of DV is contained or incapacitated in some way and currently, in most cases, this means imprisonment for a period of time (Trevena & Poynton, 2016, p. 8). Further, penalties of imprisonment serve an expressive function, in which DV can be 'fairly labelled' (Chalmers & Leverick, 2008) as behaviour to be condemned, reinforcing the community's unwillingness to tolerate such behaviour.

In contrast, some commentators have argued that legal reforms leading to increasingly punitive responses to DV have coincided with late twentieth century shifts toward 'tough on crime' strategies—in which governments in most western countries, including Australia (Leigh, 2020), have implemented laws leading to precipitous and continual rises in imprisonment rates (Goodmark, 2018). Here, criminal law responses to DV can be seen as a governing through crime strategy (Simon, 2007) in which governments increasingly address unresolved and public fear-inducing social problems with, ultimately, imprisonment.¹

From this perspective, prison is argued to be an ineffective response to DV for several interrelated reasons. First, there is a lack of manifest evidence that prison works to reduce DV recidivism. Empirical evidence shows that prison sentences are at best, no more effective than community-based orders, including wholly suspended sentences, at reducing future DV recidivism (Trevena & Poynton, 2016, p. 8). Second, prison is expensive—incurring costs to the offender, government and wider Australian community that are more than nine times higher than those for the community-based orders (Morgan, 2018)—and arguably increases the risk of networked anger and misogyny (Seymour, 2003). Third, commentators have argued that criminal law responses including prison often fail victims—and particularly marginalised women victims as they ignore rehabilitation and reintegration and fail to protect the community (Gruber, 2021). Fourth, scholars have studied the 'collateral consequences' of imprisonment, including effects on family relationships, civic and political participation, health outcomes and employment prospects (e.g., Beckett & Goldberg, 2022). In the Australian context, imprisonment for DV-related offences has contributed to the significant overrepresentation of Indigenous Australians among those receiving custodial sentences (Fitzgerald et al., 2021; Jeffries & Bond, 2015).

More specifically in the context of this article, research suggests that prison itself can serve as a 'key site for the performance of dominant masculinities reproducing the

¹This is also reflected in recent youth crime debates. See e.g. debates in Queensland (Sato, 2024).

gendered discourses underpinning and enabling men's violence' (Seymour et al., 2021, p. 884). But also that prisons are situated in and 'mirror patterns in the outside world' (Curtis, 2014, p. 124), reflecting gendered hierarchies that exist outside the prison but these gendered hierarchies are often intensified, or at least normalised, within the prison (Seymour, 2003).

The small sample of interviewees in this study is a limitation, and the study is not representative. The interviews also took place at a point in time so we can't speak individuals' prospects for desistance. The interview focus on men's representation of their violence and experience does not explore what Morran refers to as the 'psycho-social and emotional worlds behind the men's narrative' (Morran, 2023, p. 10). Nonetheless, findings demonstrate the persistence of men's framing of DV and bring into question the effects, value and purpose of imprisonment as a response to DV.

Conclusion: redux—men's use of familiar talk and implications for the value of prison

In describing their own use of strangulation men minimised the risks and harms of their behaviour and their role in it and shifted blame to complainants and state actors such as police, lawyers and courts. In doing so, men used remarkably similar language and arguments (Hearn, 1998, p. 22), for example, recognising strangulation is serious, but not in their own case; strangulation is a logical, controlled and honourable response to 'subdual' of an irrational and out of control partner, and both generally, and specifically, there is injustice in the treatment of men as perpetrators of strangulation. In their responses men sometimes drew on familiar MRM tropes to make their claims, highlighting that these narratives circulated through the prison.

Imprisonment is an increasingly common sentence for DV offenders—the imprisonment rate for breaches of DVOs nearly tripled from 2010 to 2020 (Sentencing Advisory Council, 2022). A Report of the Queensland Ombudsman (2024) identifies increasing numbers of people serving prison sentences alongside increasing numbers of prisoners serving time for domestic violence flagged offences. Considering that new DV offences of coercive control are being introduced in Australian jurisdictions (Watego et al., 2021), the concerns about imprisonment raised in this article are important in considering how that offence will be responded to.

The focus on imprisonment (QLRC, 2024) may suggest optimism about the possibility that it can produce positive outcomes for victims, offenders and broader communities, and for it to positively address DV. However, feminist scholars have increasingly raised concerns about its potential to reproduce racialised inequality and its effectiveness in ensuring safety and accountability (Goodmark, 2018; Gruber, 2021; Watego et al., 2021).

Strangulation is a serious offence. However, for those convicted of strangulation in a domestic setting, imprisonment would seem to offer at best a brief period where the survivor is physically safe. In part because of the normalisation of imprisonment as a response to DV crimes generally, and more specifically for strangulation, in the longer-term imprisonment may serve to strengthen men's incorrect understandings of the relative safety and reasonableness of using DV, including using strangulation to subdue and control their female partners, facilitate attitudes of minimisation of men's

own behaviour, and support blame-shifting in terms of men's responsibility. Our findings align with Seymour's (2003, p. 51) observations about Australian prisons over two decades ago—that prisons 'reproduce, rather than reform, destructive forms of masculinity', and as a result: '... the functioning of prisons may be actively and significantly counterproductive to their proclaimed task—the reduction of crime' (2003, p. 27).

In essence, the findings in this article contribute to research that suggests that men may leave prison as more dangerous to women than they were when they went in (Cullen et al., 2011). It is difficult to point to appropriate and concrete alternatives. Non-punitive, rehabilitative and restorative options including diversion into therapeutic options, home detention, electronic monitoring are often under-resourced and under evaluated (Australian Productivity Commission, 2021). Appropriate responses to men who use violence are critical to ending DV (Kuskoff et al., 2022). While prison may need to be utilised in some cases, the challenge is to develop and resource appropriate interventions and responses to men who use DV, and more specifically strangulation, that can contribute to the reconstruction of normative assumptions and changed behaviour that ensures safety for women and children. Ideally these interventions should be engaged long before the criminal law system becomes involved in the lives of these men (Forsdike et al., 2021).

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