

**DOMESTIC VIOLENCE:  
A SOCIO-CULTURAL STUDY**

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**MASTER OF PHILOSOPHY**

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**CERTIFICATE**

This is to certify that this dissertation entitled '**DOMESTIC VIOLENCE: A SOCIO CULTURAL STUDY**' submitted in partial fulfillment of the requirements for the award of the Degree of Master of Philosophy has not been previously submitted for any other degree of this university or any other University and is my original work.

  
MANDIRA PALIT

We recommend that this dissertation may be placed before examiners for evaluation.

  
Prof. NANDU RAM  
(Chairperson)

  
Dr. Susan Visvanathan  
(Supervisor)

# CONTENTS

	Pages
<i>Acknowledgement</i>	
Chapter One	
<b>INTRODUCTION .....</b>	<b>1 - 23</b>
Chapter Two	
<b>THEORETICAL PERSPECTIVES EXPLAINING</b>	
<b>DOMESTIC VIOLENCE .....</b>	<b>24 - 40</b>
Chapter Three	
<b>SOCIO-CULTURAL LEGITIMISATION OF DOMESTIC</b>	
<b>VIOLENCE .....</b>	<b>41 - 73</b>
Chapter Four	
<b>UNDERSTANDING SILENCE .....</b>	<b>74 - 96</b>
Chapter Five	
<b>CONCLUSIONS .....</b>	<b>97 - 106</b>
<b>BIBLIOGRAPHY .....</b>	<b>107 - 111</b>

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(Mandira Palit)

## CHAPTER 1

### INTRODUCTION

#### DOMESTIC VIOLENCE

Based on the consensus model, sociologists have treated the family as contributing to stability and order that is achieved through the process of socialization of the younger generations. It is through the family that social definitions and values are transmitted from one generation to the next. It is for this reason that the family has been treated rather like the transmission belt between the individual and the society. Keeping in view the functions that a family performs for an individual and the society, it is treated as a basic institution of society. Such over-emphasis of its contribution to bringing about stability gives scant attention to the conflicting interests of its members that are a part of the role relationships. Family being a mini society has both positive and negative aspects that are built in its network of relationships.

Cooperation and conflict are normal features of familial relationships. However presence of these features in context of intimate relationships creates a paradox. On one hand is what Steinmetz and Strauss (1974) have called "*myth of family non-violence*" which depict cultural harmony and on the other hand there seems to be social norms that grant the right to a few members to abuse other family members<sup>1</sup>. A number of researches conducted in the last two decades establish that the family has a darker side as well. The family has been the source of

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<sup>1</sup> Madhurima "Violence Against Women, Dynamics Of Conjugal Relations", Gyan Publishers 1996, pg 16

assaults, violence and homicide. Hence it has forced us to accept the dictum "*Family is a centre for warmth*" with cynicism.

For centuries, domestic violence has been perceived as the normative structure in patriarchal societies. In most societies, women have been the victims of abuse by their spouses and often by members of their own family. They have been dominated by their male partners, battered, intimidated and sexually violated. The maltreatment goes unnoticed, unpunished and condoned implicitly. It has been noted that domestic violence cuts across race, culture and societies, and occurs in the context of home and as such is frequently seen as being in the realm of the "private". Its origin, maintenance and legitimization are a function of cultural values and structural inequalities of the patriarchal and hierarchical societies in which we live.

The term 'domestic violence' is used to describe a variety of actions and omissions that occur in different relationships. The term is used narrowly to cover incidents of physical attacks which may take the form of physical and sexual violations such as punching, choking, stabbing, throwing boiling water or acid; setting on fire; the result of which can range from bruising to killing, which often starts out apparently as minor attacks which escalate in intensity and frequency.

***In a wider sense, domestic violence include all acts of physical, verbal, visual or sexual abuse that are experienced by women or girls as threats, invasions or assaults and that have the effect of hurting her or degrading her or taking away her ability to control contact with another individual<sup>2</sup>***

The violation of the victim is committed by the perpetrator with whom she shares a personal relationship, which might not be restricted to her current husband, but may extend to boyfriends, former husband and other family members such as parents, siblings and in-laws.

Violence against women is mentioned in the Manusmriti, the Koran and the Bible; but structural violence was not recognized as violence given the hold of traditional values and norms. Women do not perceive an act as violence if they perceive them to be justified. The social construct surrounding the ideal 'good woman' clearly sets the limits for acceptable norms beyond verbal and physical assaults that are translated into notions of violence. Thus wife beating is not seen as an excessive reaction if the woman gives cause for jealousy and does not perform her wifely duties adequately such as having meals ready on time or adequately caring for the children. This is further complicated by the common belief that violent acts are an expression of love and merely a desire to help the subject be a better person.

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<sup>2</sup> A Summary Report of 4 studies by ICRW, Washington D.C, May 2000, pg 5

The institutional violence against the girl starts even before her birth. The tendency to abort the foetus is well known. A girl child is unwelcome at birth; if she survives, she is underfed, hardly educated and given away in marriage for the best bargain. In her new home, she is harassed constantly; if she has a baby girl she is hated, condemned if she can't conceive, unwelcome in her natal home if divorced or widowed. The persisting sexual division of labour and the cultural definition of man as being the principle breadwinner, does not reduce a woman's burden though she is employed and makes a substantial monetary contribution: Even as physical violence against women is considered undesirable, its practice is widespread and common.

Domestic violence manifests itself by the most powerful member in the family (e.g. father, husband or mother-in-law) openly expressing their opinion about the powerless members (wife, mother, unemployed son, daughter-in-law). The powerless cannot, often, does not respond to these articulations. Hence battering of women is a natural consequence of women's powerless position vis-à-vis men in patriarchal societies and the sexist values and attitudes that accompany this ideology. Male violence against women cannot be eradicated without also eradicating the unequal power relationship between sexes; this means complete restructuring of the family until the division of labour in the family is transformed into one of equal responsibilities for rearing of children, caring for home, providing for the family financially. Unless this is achieved, women would continue to be relatively powerless both in family and outside of it, violence against women would continue to be a problem.



In India, marriage continues to be universally regarded as essential for a girl irrespective of her class, caste, religion and ethnicity. Control over her sexuality and its safe interference into the hands of the husband is of primary importance. Marriage establishes a network of interacting individuals; it is rarely only a highly personalized relationship between a man and a woman. The persistence of family ideology which believes in strict division of labour and age and gender hierarchy means that young wives have to invest a considerable amount of time and energy in forging new relationships, not all of which are caring and accommodating. These are to take precedence over all the other relationships in natal home. The Indian saying that a girl is a '*paraya dhan*' or another's wealth not only establishes the very notion of belonging but also that girl is wealth (*Dhan*) that ultimately belongs to someone else.

In the marriage tradition for most of India, the bride is a vehicle for the passage of valuables from her own kin to her husband. The unequal nature of marital relationships sanctified by significant gift exchanges, rituals and expectations establishes the parameter subsequent intra-familial behaviour patterns.

Dissatisfaction over dowry payments and subsequent prestrations result in abuse of the wife not only by her husband but also by other affines as well. Hence, in India, there is a tendency to club marital violence under the overall label of 'dowry deaths and domestic violence'. Dowry is one of the major factors of domestic violence. Violence is institutionalized in various forms which range from inhumanly long hours of work often within and outside the home, food denial;

neglect of ailments, verbal abuse by affines to physical violence by husband and sometimes by other family members.

Domestic violence is not unique to a particular class or caste. Based on the analysis of cases, which had come to Delhi based women's organization, it is evident that wife beating is common to all the social classes as it is a reflection of the power relationship between husband and wife; which mirrors a woman's secondary status. However the pattern of violence differs from one class to another, with the whole neighbourhood being witness when a slum dweller beats his wife to the extremely private nature of a middle class professional's physical oppression of his spouse, e.g. marital rape in India.

Feminine socialization that stresses docility, compliance and shame predisposes a wife to accept a range of physical behaviour from a spouse. Hence the socialization process, resource allocation, patriarchal ideology, unequal power relations results into the social problem.

Domestic violence is tolerated because there are no alternative institutions to marriage and family. The suspicion with which a spinster is perceived, the stigma attributed to an unwed mother, the torture attributed to a widow and the tribulations that a separated or a divorced woman have to face makes the oppression in the family appears to be more tolerable if not preferable. Women do not protest because the consequence would not only affect them but several others in the family as well. Revolt is involuntarily suppressed and suffering is accepted for the sake of children. The maternal bond is perceived as sacred and that no price is high enough to sustain it. Besides this, the state does not provide

any support services to the victim. It does not attract the attention of the law as in the case of murder, rape, and physical assault; neither does it attract the attention of the media as it does not disturb the collective conscience of the society and is dismissed as inconsequential.

## **HISTORICAL BACKGROUND**

In 1869, the British philosopher, John Stuart Mill wrote, *"From the earliest twilight of human society, every woman was found in a state of bondage to some man. How vast is the number of men, in any great country, who are little higher than brutes, and this never prevents them from being able, through the laws of marriage to obtain a victim. The vilest malefactor has some wretched woman tied to him against whom he can commit any atrocity except killing her and even that he can do without too much danger of legal penalty"*<sup>3</sup>.

One of the greatest blocks to dealing with the widespread problem of wife beating is the acceptance and the covering up of the crime. Down through the ages, someone has always been settling the matter by drawing the curtain, shutting out the public gaze and deciding not to air dirty linen. Wife beating has a history which has been deliberately denied documentation; despite the lack of documentation there is a history and when this history is uncovered, it comes as a culture shock. Some of the nations we most respect as

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<sup>3</sup> Jane Roberts Chapman & Margaret Gates (ed) 'Victimisation of Women', Sage Publications, Beverly Hills, London, 1987, pg 113

representing the highest civilizations and some of the institutions we most revere as representing the highest spirituality come under indictment. The historical content within which battering has developed is that of male domination within and outside the family. Domination means a social structure in which a certain group of people can determine and limit the spheres of activity of other groups. The dominant group exercises power and carries with it threat or the use of force. Throughout most of Western European history, the patriarchal family was directly supported by the laws and practices of the larger society. For example, it is a shock to read laws from 1800s which regulated wife beating, not criminalized it, but permitted it, expected it and accepted it.

In Western Europe pre-capitalist and early capitalist societies, battering was maintained by powerful moral and legal codes. Marriage laws explicitly recognized the family as a domain of the husband and forced the woman to conform to the man's will and punished men and women unequally for infractions of the marriage vows. *"To be wife meant becoming the property of a husband; taking a secondary position in the marital hierarchy of power and worth, being legally and morally bound to obey the will and wishes of one's husband, and this quite logically, subject to his control even to the point of physical chastisement or murder<sup>4</sup>".*

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<sup>4</sup> Susan Schechter, 'Women And Male Violence, The Visions Of Struggle Of Battered Women's Movement', Pluto Press, London, 1982, pg 216

Under the English common law, the wife came under the control of her husband and he had the legal right to use force against her to ensure that she fulfilled her wifely obligations, which included consummation of marriage, cohabitation, maintenance of conjugal rights, fidelity, and general obedience and respect for his wishes. Her status as a wife excluded her from the legal process, placed her in the same category as children and servants, required obedience and gave the husband extraordinary discretion over determining punishable offence.

Russell Dobash & K Emerson Dobash note that throughout the 17<sup>th</sup>, 18<sup>th</sup> and the 19<sup>th</sup> centuries, there was little objection within the community to a man using force against his wife as long as he did not exceed certain tacit limits. Before 1871, a husband was able to go unpunished for beating his wife with a stick, pulling her hair, choking her, spitting in her face and kicking her about the floor. Marital violence was his privilege, in fact an ancient privilege which would be long honoured. The first case decided in the United States Court, acknowledged the husband's right to chastise his wife occurred in 1824 in the Supreme Court of Mississippi. The court ruled that a husband should be allowed to chastise his wife without being subject to vexations and prosecution which would supposedly shame all parties<sup>5</sup>.

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<sup>5</sup> Susan Schechter, *Women and Male Violence – The Visions and Struggles of The Battered Women's Movement*, Pluto Press, London, 1982, pg 217

In 1864, North Carolina Court ruling asserted that the state should not interfere in the case of domestic chastisement, but should leave the parties to themselves, to make up, unless there were permanent injuries or excess of violence. Because wife beating was not specifically protected by the legal statutes in the United States, the battered woman in search of justice took many men to court throughout the 19<sup>th</sup> century. Judges however only imprisoned the most violent man, not until 1971 was wife beating actually declared illegal in two states, Alabama and Massachusetts.

In England, the husband's absolute power of chastisement was abolished in 1929 and in 1895 made conviction for assault a sufficient ground for divorce. These changes in England and America occurred in an atmosphere of general agitation from women who were demanding rights of divorce, separation, control of their property and custody of their children. These changes slowly combined to loosen the legal and moral authority husbands held over their wives. In spite of these breakthroughs, violence persisted. Men were protected by institutions like the court as in the case of divorce on the grounds of assault, it was very difficult to get a conviction for assault and the standard of proof was so high as to make conviction impossible. Hence women continue to endure physical harm.

Francis Power Cobb's 1878 publication 'Wife Torture in England' documented 6000 of the most brutal assaults on women, who in a three-year period have been maimed, blinded, trampled, burnt and murdered<sup>6</sup>. For Cobb, the abuse continued because of the general depreciation of women as a sex due to the outrages they endured. The notion that man's wife is his property as a horse is a man's property is the fatal route to evil and incalculable misery.

The problem of wife beating is an age old one and every culture seems to support it. In the Indian culture, we have a quotation of Tulsidas that says, "*Drums, donkeys and women need to be beaten*". In a patriarchal society like ours, the status of women is inferior and subordinate. Furthermore, women are viewed as evil as sexuality is feared. Marriage is a norm and reproducing male children is the primary duty and sacred obligation for every woman. Since patriarchy and the concept of private property both rest on the chastity of women, the sexuality has to be strictly controlled and the dependant status maintained. Women get recognition only through patriarchal relationships with men as daughters, sisters, wives or mothers and are supposed to depend on a correspond male relative. The ideology also divides women as good and bad. Women within family are seen as "good" and those who express their sexuality outside marriage as "bad". But the fear of good women turning bad has always haunted the society; hence every norm is made to conform. The

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<sup>6</sup> Ibid, pg 218

whole social structure at every level, legal, economic, religious and social, works towards this goal. The primary responsibility of making the woman conform to the norm rests on the men (the patriarchs) for their corresponding female dependents. The ideology gives the sanction and the dependency confers power. The concept of chastising and punishing women that is rooted in society is sanctioned by religion and reinforced by law. Manu equated women with drums and animals and sanctioned their beatings. According to his code, if the husband is diseased, stupid, poor, blind, deaf, bad tempered or in great distress, and his wife treats him with disrespect, then she will suffer the torture of the hell. Her only religious duty, devotion in thought and word and deed is at her husband's feet. Any woman who falls short of this ideal would be submitted to the torture of hell in this world. So wife beating had a clear religious sanction. In fact for ages, religions have constantly admonished a woman to stay with her husband no matter how cruelly he treated her.

Although men no longer legally own women, many act as if they do. In her marriage vows today, the women still promise to love, honour and obey. Law and tradition continue to conspire to view the husband as the head of the household responsible for the support of the family, the wife is seen to be in charge of housework and children. According to sexist socialization, a woman is to nurture her husband, sexually respond to his wishes, bear and raise his children. Her needs are secondary to his and his power inside and outside the family is unchallenged. Today, the patriarchal legacy intertwines with the need of a capitalist economy recreating socialization patterns and institutional life that



perpetuates male domination and violation which is continually increasing in its extent and incidence.

## **INCIDENCE OF DOMESTIC VIOLENCE**

According to the available statistics from around the globe, one out of every three women has experienced violence in an intimate relationship at some point in her life. This average is based on the available national surveys across industrialized and developing countries<sup>7</sup> (World Health Organisation).

Different studies have been conducted around the world as reported by Levison David (1989), an anthropologist. These show the presence of wife beating in different societies, Bororo of Brazil (Baldus,1937); Kpelle of Liberia (Erchak, 1984); Serbs of Yugoslavia (Erlich,1966); Azande of Central Africa (Evans Pritchard, 1937); Moosi of Mali (Hammond, 1964); Ojibwa of Wisconsin (Landes,1937); Somalu of Somalia (Lewis,1962); Gande of Uganda (Mair,1940); Quechua of Equador (Muratoria,1981); Greece(Rural) (Sanders,1962); Hare of Canada (Sav-Ishunsky,1976).<sup>8</sup>

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<sup>7</sup> Edited by Miranda Davis –'Women and Violence' – Zed Books Limited, London and New Jersey, Ch 1

<sup>8</sup> Ibid

David Levison (1989), after going through the records of human relations area files at Yale University comes to the conclusion that wife beating is the most common form of family violence around the world. In a study of 90 societies, he finds that wife beating occurs occasionally in 74.5% of the societies and it never occurs or rarely occurs in 15.5%.

In 1992, UNIFEM produced a fact sheet on gender violence, summarizing the statistical evidence of wife abuse worldwide. This revealed that wife battering is common in Bangladesh, Barbados, Chile, Colombia, Costa Rica, Guatemala, India, Kenya, Norway and Sri Lanka<sup>9</sup>

In France 51% of women victims of violence were assaulted by their husbands in 1990. 49% of female respondents to a random survey in Guatemala reported that they had been physically, emotionally and sexually abused by a male partner. In India a survey revealed that 9 out of 10 murders of women, were husbands killing their wives.<sup>10</sup>

FBI statistics in the US show that a woman is beaten in USA every 15 seconds, 30% of women are murdered by their male partners. In Massachusetts, the Court issued 60,000 civil restraining orders in 1992 alone. Battered women in USA are 4 million i.e. 40 lacs in one year<sup>11</sup>.

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<sup>9</sup> Edited by Miranda Davis – 'Women and Violence' – Zed Books Limited, London and New Jersey

<sup>10</sup> Ibid

<sup>11</sup> Ibid

In Brazil, research shows that over 81% of the assaults reported from the city, Sao Paola in 1985 were committed by husbands, boyfriend, former husbands, and former boyfriends. In China, in more than 25% of the divorce cases, domestic violence was cited as the cause of seeking divorce<sup>12</sup>.

By the mid 1980s, domestic violence had reached such epidemic proportions (e.g. Finkelhor, 1984; Koss, Gidycz and Winnewksi, 1987) that the US centers for disease control in Atlanta and Georgia began to treat spouse abuse like any other epidemic by gathering statistics to include in its measurement, a section on the epidemiology of homicide and suicide ('Epidemiology of Domestic Violence', 1984). As much as 91% of spousal violence may never come to the attention of the police (Schulman, 1979; Teske and Parker, 1983). The majority of family crime is committed by a spouse or a former spouse (58.6%). Of spouse violent crimes, 91% attacks on women were by their husbands or ex-husbands (Klaus and Rand, 1984).

According to the data collected from the FBI, uniform crime reports (FBI, 1989), males perpetrated 5.6 million violent attacks on their female partners, an annual average of 626,000. A 1983 study (R. A. Berk, Berk, Loseke and Raima, 1983) examined police records in California and Santa Barbara for information on domestic disturbances. The woman was the sole victim in 86% of

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<sup>12</sup> 'Domestic Violence And Law'- A Report Of Colloquiem On Justice For Women, Empowerment Through Law – Lawyers Collective Women's Rights Initiative- Butterworths, New Delhi 2000, pg 215.

the case where injury was recorded. According to Campbell and Sheridan (1989), approximately 20% to 50% of all female emergency patients are battered women. Strauss (1986) estimated that women make 1,453,437 medical visits per year for treatment of injuries resulting from an assault from a spouse. Toufexix (1987) spells out the statistical drama of spouse abuse in her article, 'Home Is Where Hurt Is'. An estimated two to four million women are beaten annually by their husbands or boyfriends, more than the number hurt in accidents, rape or muggings.

Research has shown that violence seems to occur in dating and cohabitating relationships (Rouse, 1988; Shels and Straus, 1989). Sugarman and Hotaling (1991) have estimated that ranges of 9% - 60% of dating relationships include physically abusive encounters. In cases of intimate homicide, similar patterns have emerged. In an examination of data, Murphy and Meyer (1991) found that twice as many husbands killed their wives as wives killed husbands.

Khotkina (1995) reported on the basis of research by sociologists and human rights groups that about 14,500 women died as a result of domestic violence in 1994 in Russia alone. Amazingly no official figures of domestic violence exist in Russia because it is not defined as a crime in Russian criminal record<sup>13</sup>. In Bangladesh, assassinations of wives by husbands accounts for 50% of all murders.<sup>14</sup>

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<sup>13</sup> Ola.W.Alyced and Barnett la Violette –'It Could Happen To Anyone' – Sage Publications, 1993, pg 28

<sup>14</sup> Miranda Davis -'Women and Violence'– Zed Books Limited, London and New Jersey

In addition, many women experience violence as the attempt to separate or become 'unmarried'. Lehnert and Ekogan (1981), in analyzing data from National Crime Survey found that, contrary to popular beliefs, most victims were divorced or separated at the time violence occurred. The US Department of Justice (1983), revealed that in about 3/4ths of reported spousal assaults, victims were separated or divorced at the time of the incident. In Harlow's (1991) account, ex-husband's perpetrated 216,000 spousal assault incidents, more than in other categories (boyfriends or spouses)<sup>15</sup>.

***Leaving which was once thought of as an avenue to safety is not as safe as one believed.***

## **INDIA**

Unfortunately, in India, no nationally representative sample survey has been conducted to find out the extent of wife abuse. However those few sample surveys which reflect only physical aggression. The only large-scale indicator of violence against women is the data relating to "Crime against Women" published by the National Crime Record Bureau, Ministry of Home Affairs, Government of India. The records of the bureau reveal a shocking 71.5% increase in the cases of torture and dowry deaths during the period from 1991 – 1995.<sup>16</sup>

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<sup>15</sup> Ibid

<sup>16</sup> A summary report of 3 studies, ICRW (Indian Council for Research on Women), Washington D.C, September, 1999, pg 1

Grewal (1982), in a sample of 117 cases of the lower class at Chandigarh found that approximately 66% of the husbands use verbal violence and 33% use physical violence against their wives. Singh (1985) conducted a study in a village in Punjab and found that violence in different forms existed in 50% of the cases out of the sample of 114 cases belonging to different caste groups.

Bhatti (1989), while taking into account different forms of violence, concluded that 88% of women in lower class were the victims of physical and verbal abuse in contrast to 43% in the middle class and 35% of women from the high income class were victims of physical violence. Ranjana Kumari (1989) conducted a study on dowry abuse, found that 1 out of every 4 dowry victims are driven to suicide.

Mahajan and Madhurima (1995) conducted a study in a village of Chandigarh. They found that out of 115 households belonging to lower class, 75% of the households experienced one or the other form of violence in the conjugal unit. A recently conducted study by Akshara, on crime statistics in Mumbai indicates that out of 1397 cases that arose under Sec 498A of Indian Penal Code, during the period, 1986 –1988 and 1990 – 1995, 41% of the women died.

A few studies available indicate that physical abuse of Indian women is quite high, ranging from 22% to 60% (Rao, 1996 and Mahajan, 1999). Naryana (1996) conducted a study and found that 18% to 45% of married men in 5 districts of Uttar Pradesh, the largest state in North India, acknowledged that they physically abused their wives. Sakshi, a Delhi based NGO, in a report says that almost 22%

- 50% women experience some degree of domestic violence in marriage and 30% of all crimes against women are the cases of domestic violence.

In 1993, 5817 dowry deaths occurred which rose to 6006 in 1997 and 6917 in 1998. Further in 1998, 49,532 cases lodged under Section 498A, show the gravity of the problem (NCRB, 1998).

The International Centre for Research on Women (ICRW) conducted 8 research studies since 1998 spread over a period of 3 years, examined that in a multi-site nation wide study, 50% of the women have reported experiencing at least one form of domestic violence in their married life (India Safe 2000). The same study shows that nearly 50% of women reporting physical abuse said that they also experienced it during pregnancy.

This shows the vulnerable situation in which Indian women are living today. Some of the realities of domestic violence come through statistics. Research that does exist reveals that women are murdered, physically and sexually abused and threatened and humiliated within their own homes by men with whom they should enjoy the greatest trust. Sadly this is not an uncommon or unusual occurrence.

Domestic violence can happen in families of any class. Anecdotal material and small research sample show that wife assault crosses all class, culture and colour barriers. Hence the above statistics makes the picture clear that violence is a part of the dynamics of many family situations in both developed and developing world. Violence against the wife is prevalent throughout the economic and social structure and appears to have no cultural barriers. Nonetheless

spouse abuse parallels the existence of humankind. It has been unwelcome, yet unchallenged element residing in our families for generations.

## **OBJECTIVE OF THE STUDY**

The present work is an endeavour to give a clear picture of the abuse that goes on behind four walls. The objective is to assess the extent and incidence of the problem in terms of reasons why the problem has not hit the consciousness of the individual and the society. The objective is also to arrive at a holistic theoretical perspective that understands wife abuse from a social and cultural perspective and also looks into the patriarchal structure that legitimizes violence at home. The present work also attempts to understand reasons why men abuse their wives and how they and the society legitimize their actions.

In the case of Indian women, the origins of abuse often trace to a confused mix of stereotypes, traditional gender roles and socio-religious ideas about women. The notion of a man as being superior/dominating and a woman as being inferior/subservient is deeply embedded in the Indian psyche and is probably the most potent factor in the wife abuse syndrome. But still in itself, regardless of how unenlightened and insensitive this thinking is, it does not make husbands hit their wives. It is like a hidden, simmering ember, but something else, something more circumstantial needs to ignite him. It could be anything from insufficient dowry, interfering in-laws, cooking or sexual frustrations.

The objective also includes understanding silence on the part of the women and the reasons why they bear the brunt of abuse, understanding socio-cultural

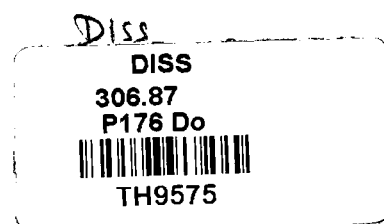


pressures and looking at domestic violence using the framework of the Cycle Theory of Violence and the Psychosocial Theory of Learned Helplessness. This study also examines the effectiveness of traditional institutional forces and looks at how effective they are in helping women to remain in the abusive relationship. On the whole, an attempt has been made to understand the socio-cultural factors which are responsible for legitimizing battering and silence on the part of the victims.

### **BRIEF OUTLINE OF THE STUDY**

TH-9575  
The next chapter (Theoretical Perspectives Explaining Domestic Violence) outlines the theoretical perspective which analyses domestic abuse at home. It looks into the Psychological perspective which focuses on the personality characteristic of offenders and victims, Anthropological perspective which sees violence from the perspective of the victim, witness and performer, Feminist perspectives which look into the relationship between gender and power and the Sociological perspective which embraces the microscopic as well as the macroscopic perspective. It also outlines a perspective called Dependency that is holistic in its approach and takes into account the causes of wife abuse, reasons why the woman becomes a victim and also how Partial non-dependency results into wife abuse.

The third chapter (Socio-Cultural Legitimation of Battering) looks into the individual and social factors that trigger off battering and how it legitimizes the action of the batterer. The examples cited by honour killings (violence in the natal



home) and dowry harassment (violence in the conjugal home) helps us to understand the patriarchal notions of ownership over women's bodies. Deep-rooted ideas about male superiority enable men to freely exercise unlimited power over women's lives and effectively legitimize it too. Violence is thus a tool that men use constantly to control women as a result of highly internalized patriarchal conditioning which accords men the right to beat their wives and thus ostensibly perform the duty of chastising them.

The fourth chapter (Understanding Silence) looks into the situations created and responsible for the victim to maintain silence and continue taking abusive behaviour. It looks into the sanctity and importance of marriage in Indian life and the pressures of keeping up to the family and society's expectations of a peaceful intact family. We would look into sex role socialization, learned helplessness, learned hopefulness and other factors which reinforce a battered woman's victimization. In this chapter, I would look into the shortcomings of providing help, the insensitivity of the police, and the loopholes in the existing laws, all of which distorts a battered woman's help seeking attitude.

The fifth chapter (Conclusions) sums up of the whole problem and looks into the need for a change in the attitudes of our society especially among men, especially in their traditional male dominated thinking. A change is also required to sensitise different sections of the society on gender. Last but not the least, we look at the need for a more victim friendly domestic violence law to identify domestic violence as a serious crime.

## CHAPTER 2

### THEORITICAL PERSPECTIVES EXPLAINING DOMESTIC VIOLENCE

Wife beating is a complex problem that involves much more than the act itself or the personal interaction between the husband and the wife. It is a social problem with its roots in the historical attitudes towards women, the socialization of women and men in our society and the assignment of women to inferior roles that keep them economically dependent, makes women vulnerable to abuse by men with whom they live. Hence battering is a reflection of broad structures of sexual and economic inequality in society. The abuse of women can be seen as a display of male power, outcome of social relations in which women are kept in a position of inferiority to men, responsible to them and in need of protection by them. These theories suggest that the social, political, economic dependence of women on men provides a structure wherein men can perpetrate violence against women.

The origins of violence are located in the social structure and the complex set of values, traditions, customs, beliefs which relate to gender inequality. The victim of violence is most frequently the woman; and the perpetrator, the man and the structure of the society act to confirm this inequality<sup>17</sup>. Violence against women is the outcome of belief, fostered in most cultures that men are superior and that the woman with whom they live are their possessions to be treated as the men consider appropriate.

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<sup>17</sup> R.E. Dobash and R.P. Dobash, *Women, Violence and Social Change*, London Routledge, 1992, Ch 1

Besides these, there are some theories that look at individual behaviour and focus on personal explanations such as the case of drugs and alcohol, the victim's actions, mental illness, stress and frustration or violent families of origin. Finally there is no single, simple explanation for violence in the home; and focus on the search for causes can excuse inaction. Whatever the causes, individuals must accept responsibility for their own violent behaviour and societies must confront domestic violence.

### **PSYCHOLOGICAL PERSPECTIVE**

This theory focuses on the personality characteristics of offenders and victims as chief determinants of violent behaviour. The theory includes analysis that links mental illness (i.e. a small number of mentally ill persons are violent), alcohol (what one does under the influence of alcohol and other drugs) and other intra-individual phenomenon to acts of violence.

Gelles (1972) noted that alcohol was positively related to incidences of wife abuse in about half the case he studied. He raises the questions as to whether the alcohol intake impacts on battering or whether the individual drinks in order to disclaim the responsibility of his violent behaviour.

## **FRUSTRATION, AGRESSION PERSPECTIVE**

This theory first stated in 1939 by Dollard et al derived many of its basic postulates from the Freudian theory. It explains the process by which aggression is directed to the source of frustration. The aggression drive is an innate drive; it helps explain individual violence, because the individual is the focus of high personal involvement and of high frustration in the family. In 'Psychological Aspects of Wife Beating', Natalie Shainess, a psychiatrist, maintains that men who batter under great stress have no tools for handling it. Some of them are infertile, unable to tolerate frustration therefore, lash out. According to this theory, aggression is always directed towards one who is believed to be responsible for frustration. For example, in a case of dowry death, the mother-in-law/ husband who killed daughter-in-law/ wife, the source of frustration is not the girl, but the parents, who fail to fulfill their dowry demands. The drawback of this theory is that aggression is not always directed to the source of frustration but also because it is directed towards some other object.

## **ANTHROPOLOGICAL PERSPECTIVE**

The anthropological perspective includes a way of viewing the worlds and approaches to studying that world. Among the social sciences, anthropology often assumes an integrating role drawing on concepts from history, economics, politics, and linguistics, religion, biology and material artifacts to understand people or submits within a culture. Often this is referred to as a holistic

perspective, seeing the individual in relation to the whole, in socio-cultural context.

Anthropology of violence asks what counts violence, from the perspective of the victim, witness and the performer. It looks at what counts as evidence of battering, and how the individual's violent behaviour relates to broader structural and cultural issues.

Levison (1989) statistically analysed Human Relations area files for 90 societies and found that in 15 of these societies, family violence was rare or entirely absent. Levison concluded that family violence does not occur in societies in which family life is characterized by co-operation, commitment, sharing and equality. For example, Bang Chaners of Central Thai is a society of 10 million people with no apparent wife beating. Levison cites 3 psychosocial patterns, a social goal of avoiding disputes, along with a range of non-violent techniques to deal with aggressive feelings. They believe that all people are entitled to respect regardless of role, status and power, and the virtual absence of division of labor by virtue of sex in the household.

Cross cultural studies add to our overall knowledge about the frequency and severity of wife beating, they at the same time leave many unanswered questions more suited to in-depth study by traditional anthropological method, ethnographic analysis to highlight the uniqueness and differences among societies. Besides these it raises many critical questions as to how does one immerse oneself in violence against women which occurs without the invasion

of privacy, how does one assume the role of the outside objective observer in one's own culture. Since most of the violence on family members occurs behind closed doors, the researcher will rarely observe violence firsthand<sup>18</sup>.

## **FEMINIST PERSPECTIVE**

All the feminist researchers, clinicians and activists address a primary question, '*why do men beat their wives*'? The physical violence occurring in heterosexual relationships that are structured in certain ways within the institution of marriage are currently culturally defined and socially sustained on material and ideological levels. Feminists seek to understand why men in general use physical force against their partners and what functions these serve for a given society in a specific historical context (Chapman & Gates, 1978; Dobash & Dobash, 1979; Martin, 1976; Pagelow, 1981; Russell, 1982; Scheter, 1982; Walker, 1978, 1984). Four major dimensions are common to all feminist perspectives on wife abuse.

- ❖ Explanatory utility of the constructs of gender and power.
- ❖ The analysis of the family as a historically situated social institution.
- ❖ The crucial importance of understanding and validating women's experiences
- ❖ Employing scholarship for women.

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<sup>18</sup> Carolyn M. Sampselle ed. 'Violence Against Women, Nursing Research Education And Practice Issues', Hemisphere Publishing Corporation, New York, 1992, pg 22- 23



## Gender And Power

Feminists define wife abuse as a pattern that becomes understandable only through the social context. Our society is structured along the dimensions of gender. Men as a class wield power over women. As a dominant class, men have access to differential material and symbolic resources while women are devalued as secondary and inferior. Although important social class and race differences exist among men, all men can use violence as a powerful means of subordinating women. Violence is the most overt and effective means of social control. Wife abuse or battering reinforces women's passivity and dependence as men exert their rights to authority and control. The reality of domination at the social level is the most crucial factor contributing to and maintaining wife abuse at the personal level.

The family as a social institution mediates between oppression at the broadest social level and personal relationships of intimate adult partners. Feminists challenge the cultural ideal of the family as a *'peaceful haven in a heartless world'*. Wife abuse is not viewed as a rare or deviant phenomenon that results from the breakdown of family functioning but as a predictable and common dimension of normal family life as it is currently structured in our society. Feminist theoreticians have cogently argued that wife abuse is closely related to historical development of the isolated nuclear family in a capitalist society, to the division of private and public domestic domains, to specialization of appropriate male and female family roles and to the current position of wives as legally and morally bound to husbands (Breines & Gordon, 1983; Dobash & Dobash, 1979; Martin,

1976; Schechter, 1982). Hence wife abuse has existed across centuries in societies varying in political persuasions and structures. Wife abuse is understood in particular socio-historical context that shapes its dynamics, its social acceptability and its meanings. Hence it is not a private matter but a social one.

Feminists take as a given that male domination influences everything from brief interpersonal exchanges to the most abstract theories of human nature. Ideology and knowledge are shaped by the interests of the dominant class (Jagger & Struh, 1978; Spender, 1980). When men's attitudes, values and lives are taken as the norm, the experiences of the woman are often defined as inferior, distorted or are rendered invisible. In contrast to the dominant views of battered women as helpless victims or as provocative women who ask for abuse, feminists approach battered women as survivors of harrowing, life threatening experiences who have many adaptive capacities and strengths. The basis in theories and practices are linked to systematic patterned beliefs that reflect male constructed understandings of women, abuse and intimate relationships.

Besides this, different theoretical frameworks have been used to understand the nature and extent of wife abuse, to identify major societal factors associated with the problem and ways to control violence. Sociological perspective embraces microscopic as well as macroscopic perspectives.

Microscopic perspectives used by the family violence scholars are:

- ❖ Resource Theory
- ❖ Exchange Or Social Control Theory
- ❖ Symbolic Interaction Perspective

Macroscopic perspectives include:

- ❖ Subculture Of Violence
- ❖ Conflict Perspective
- ❖ Patriarchal Perspective
- ❖ General Systems Theory

## **RESOURCE THEORY**

This theory of intra family violence developed by W. J. Goode (Force and Violence in Family, 1971) was in fact the first theoretical approach explicitly applied to family violence. It rests on the notion that decision-making power in family relationship depends to a large extent on the values of resources each person brings to the relationships. The greater the resources a person can command, the more force he or she can muster. More the resources a person can command, less are the chances that the person will resort to violence. Violence, thus, is one of the resources that individuals or collectivities use to maintain or advance their interest.

Family is a power system, in which there are in operation, 4 sets of resources to maintain stability, economic variables, prestige or respect, love and force or threat of force. As a child, the batterer learns to use force if he feels there is an

imbalance in the family transactions. A husband who wants to be a dominant family member but on the other hand has little education, income, job prestige and lacks inter personal skills is likely to resort to violence to be the dominant member.

### **EXCHANGE OR SOCIAL CONTROL THEORY**

Gelles (1983) proposed an exchange or social control model of family violence drawing from general exchange theory and social control theory. He argues that unlike regular social interactions, inter familial relations cannot be broken so easily because the members take into account the profit and loss they receive from such a relationship. Hence in daily interaction, when a family member perceives injustice, they become resentful and angry as a result and violence erupts. Gelles summarises, *"People hit and abuse other family members because they can"*. Because of the wife's greater investment in the marriage and lack of alternative resources, she tolerates violence.

The control apparatus is created to prevent the powerless from pursuing their interests, particularly if that gaining access to resources is monopolized by the powerful, leaving no alternative resources to the powerless. Imposing varied restrictions on the women and compelling them to remain dependent on men economically, socially, emotionally, to make them realize they are weak and powerless in all aspects. The agents of control belong to the dominant group and an overall system of devaluation of the powerless group (women) can easily be implemented.

However the theory does not account for the possibility of any changes in the husband-wife relationship and also for the changing position of women who want to enter into a marital relationship to have an egalitarian way of life. Further, it fails to take into account the chances of the victim hitting back and use of violence leading to a loss of status.

### **SYMBOLIC INTERACTION PERSPECTIVE**

'Symbolic Interactionism' rests on three basic assumptions. First, social reality as it is sensed, known and understood. Interacting individuals' produce and define their own definitions of the situations. Second, humans are capable of shaping and guiding their own behaviour and that of others. Third, in the course of taking their own standpoint and filling that standpoint with the behaviours of others, humans interact with one. Interaction is seen as an emergent, negotiated and often-unpredictable concern. Interaction is symbolic because it involves manipulations of symbols, words, meanings and language (Denzin, 1989). Gelles and Straus (1979) suggested that the symbolic interaction view of family violence would explore the different meanings of violence that people hold and the consequences of such meanings in a situational setting.

Unfortunately, the Symbolic Interaction approach has not been used by the researcher to understand the phenomenon of wife abuse; hence it is problematic to speculate about its applicability in the empirical situation. Further, symbolic interactionists are inattentive to the importance of structural constraints and

underestimate the extent to which choices are effectively foreclosed by given social circumstances<sup>19</sup>.

## **SUBCULTURE OF VIOLENCE**

Subculture of violence suggests that some sub-cultural groups develop norms and values that emphasise the use of physical violence to a greater extent than is seemed appropriate by the dominant culture (Wolfgang & Ferracuti,1982). It asserts that values and norms provide meanings and directions to violent acts and thus facilitate or bring about violence in situations specified by these norms and values. Oscar Lewis (1959) has explained family violence in terms of 'Culture of Poverty'. In certain groups, wife beating is more common because it is considered as a normal and appropriate way of behaviour. In these groups, men have not been inculcated with sophisticated alternatives for resolving conflicts. For such men, the most accessible targets in the intimate relationships are the children and the wives. They use physical coercive methods to reduce their stress and tension.

Wolfgang and Ferracuti (1982) do not apply their thesis to violence within the upper status groups. Further there are some studies that indicate that a large number of the members of the lower segments of the society are law abiding and on the other hand, 'white collar crimes' are the characteristic of the middle and the upper class.

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<sup>19</sup> Madhurima -'Violence Against Women, Dynamics of Conjugal Relations', Gyan Publishing House, 1996, pg 46

## **CONFLICT PERSPECTIVE**

From the conflict perspective of conjugal violence, conflict could be viewed as one of the elements involved in social interactional processes within dyads and groups characterized by position of domination and submission (Steinmetz, 1978). However the conflict perspective involves at least two distinct interpretations drawn from two 19<sup>th</sup>-century sources, Simmel and Marx. The Marxist version, modified by Dahrendorf, views intense conflict as the pervasive feature of the society itself and of social beings (Davis, 1980). Bipolar opposition of interests is the essence of the capitalist society; therefore conflict is an inevitable feature of social process. The literature of conjugal violence generally ignores this version. Family violence theory reflects Simmel's version of conflict. This version views conflict as one of the universal forms of social interaction. Conflict perspective helps in understanding the conflict in the intimate relationship. When the wife, who is supposed to assume the submissive position, questions the dominant position of the male partner, the husband uses violence as a powerful option for achieving his self-interest i.e. reinforcing his dominant position in the marital relationship.

## **PATRIARCHAL PERSPECTIVE**

Patriarchy, power dynamics and social inequality (Coleman & Straus, 1986; Dobash & Dobash, 1979; Finkelhor, 1981; Gelles, 1974; Meiseleman, 1978; Star, 1980; Straus, 1980) can be explained together under one heading. Wife beating tends to occur more often in either wife dominant or husband dominant families

but occurs most frequently when the husband controls the family decision-making. It is hypothesized that greater the degree of inequality, greater the violence to keep the wife in the subordinate position. Feminists, who advocated that violence against wives is the outcome of male dominance in the patriarchal social structure, have utilized the same explanation. It is hypothesized that greater the demand for equality by the wife, greater will be the violence against her in the patriarchal familial system to keep the wife in a subordinate system. Hence violence against wives is seen as a means to amend.

This explanation, however fails to explain why the most powerful use violence against the least powerful even if their power is not challenged by the subordinate. The second drawback of this theory is that it essentially looks into single factor explanation (patriarchy) of violence towards women.

### **GENERAL SYSTEMS THEORY**

Straus (1973) tried to apply general systems theory to explain family violence. According to him, family violence is a product of the system rather than the individual pathology. He argues that the society expects the wife to be more committed to the marital relationship; this commitment represents a positive feedback loop that encourages violence in the future. Further, relative power of the husband and the wife becomes a source of conflict. If the husband feels that he should or must have power in the relationship, he may use violence to enforce that power. A husband may also use violence as a wife's attempt to break off the relationship. He further believes that once a wife accepts violent behaviour of the



husband, it provides a positive feedback to the batterer and there are high chances that the incident will be repeated again. When the battered woman gets any support from her informal or her formal group, it will lead to a change in the basic rule of the system. However when she fails to get any support, the pattern of violence is strengthened.

The general systems perspective fails to explain those situations in which wives fight back or they do not accept violent behaviour of their husbands in the first place.

Different theoretical perspectives discussed above indicate that sociologists are now seriously addressing themselves to the problem of family violence in general and conjugal violence in particular. Unfortunately, none of the theoretical frameworks discussed above adopts a holistic perspective with the help of which the problem of wife abuse at individual level and at socio-cultural level could be explicated.

Recently a new conceptual framework under the broad heading of Dependency Framework has been evolved to understand the phenomenon of wife abuse. This perspective provides both microscopic as well as macroscopic level of analysis. At the microscopic level it can be easily operationalised to understand the dynamics of conjugal relations and at macro level it can help in understanding victimization of women at socio cultural level.

## **DEPENDENCY FRAMEWORK**

Dependency has been defined differently. A few scholars take into account economic, social or physical dependency. For Blenken, (1969) dependency is a *“State of being not a state of mind, a state of being in which to be old - as to be young.... is to be dependent”*. This is similar to Clark’s (1969) cultural perspective on dependency. Pillemer (1985), defined dependency as requiring assistance from another person or persons to continue living in the community. Knopf (1975) has identified three degrees of dependency which are quite similar to those suggested by Olten and Shelley, (1977) interdependency, survival dependency and excessive dependency. Foulke (1980) has drawn a scale where at one end there is complete dependency and the polar opposite is independence. The first stage is of independency, the second stage is of reciprocal dependency, the third stage is of asymmetrical dependency and the final state is of survival dependency.

Dependency designates certain conditions over which the victim has no control. These conditions may be her economic dependency, or social definitions which force to trace her identity through her husband and which make her more committed to the marriage. The dependency framework explains wife abuse in three ways; firstly the cause of wife abuse, secondly why the woman assumes the role of the victim and thirdly the way in which partial non-dependency results into wife abuse.

A woman's social status as well as her access to various resources is determined by her relationship to the man through marriage. Women generally enter into marriage as subordinates to men as their height, age, education and occupation etc. are lower than that of men. Further women are trained to be submissive and trace their identity through their husbands. This dependency of the wife is fully exploited by the husband as he uses violence to reinforce his dominant position in marital relationship. Hence, dependency is considered to be positively related to wife abuse. Further the husband's dependency over his wife is also treated as a cause of wife abuse (Bernard & Bernard, 1984; Coleman, 1980; Foulke, 1977; Ganley, 1981; Saunders, 1982; Sonkin, 1985). When a husband is dependent over his wife, he is in fear of losing her and hence resorts to violence.

Marital dependency is not treated as a cause of wife abuse but as a condition that forces the battered woman to continue staying in the abusive relationship. Lack of alternative support systems and the wife's tolerance for violence force her to continue living with the violent spouse (Bicchause & Hawker, 1995; Karp & Karp, 1994; Mahajan & Madhurima, 1995; Gelles, 1976; Martin, 1979; Roy, 1977; Strube & Barbour, 1983; Strube, 1988).

Family sociologists inspired by Marxian ideology have used dependency framework to explain wife abuse. With partial release from dependency, the wife starts questioning asymmetrical power relations, which results in marital abuse because she continues to remain subjectively dependent upon her husband. Hence, unless the woman is totally free from both 'objective and subjective'

dependency, she would continue to be abused. However, the man would try to stop but it would only be a temporary phase. In the long run, freedom from dependency would result in freedom from abuse. A new type of role relationship will develop between husband and wife based on the ideology of egalitarianism (Kalmus & Straus, 1982).

## CHAPTER 3

### SOCIO-CULTURAL LEGITIMIZATION OF BATTERING

#### Violence in Natal Home

On 6<sup>th</sup> April 1999, a shot was heard. The next moment, a girl was found dead on the floor. It was a murder, a cold-blooded murder of Shamia Sarwar Imran, a rich, educated 29 year old daughter of Mr. Ghulam Sarwar, the President of the Chamber of Commerce and Industry of Peshawar, a city in North West Province of Pakistan and Mrs. Sultana Sarwar, a practicing doctor. One of the most shocking things about Shamia's murder was that her mother had hired a driver for this brutal act and she oversaw it personally. Shamia had been seeking freedom from the clutches of an abusive husband who was also a drug addict. She was exercising her right of divorce granted to her by the Constitution of Pakistan and by Islam. However, it was considered unacceptable, because she was violating the norms and traditions of her family. She got her freedom, no more resistance, no more rising her voice for she was silenced forever to preserve the honour of the family<sup>20</sup>.

Mohammed Riyaz and Mohammed Feroze killed their sister who had married against the wishes of the family; similarly Mohammed Faisal murdered his 16 year old sister, Naila Bibi along with her 32 year old lover because he allegedly found them in a compromising position<sup>21</sup>.

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<sup>20</sup> Salima Jasam, 'Honour, Shame and Resistance', ASR Publications, Guberg II, Lahore 2000,

pg 25

<sup>21</sup> Ibid, pg 27

These cases underline the belief that a husband, father, brother are supposed to guard the honour of the females who are the inmates of the house. Men are the managers of women and they legitimize their action as sanctioned by religion. Such divine sanctions turn violent acts into acts of bravery and masculinity. By killing his own sister, a man is accorded recognition in a society legitimizing obvious injustice.

All over Pakistan, hundreds of women of all ages are killed for a variety of reasons connected with the perception of honour. According to media reports; honour killing in Pakistan, as a form of violence, has reached alarming levels. A television program on Human Rights in Pakistan stated that in 1988, about 500 women have been killed on the pretext of honour (ABC News, 1999)<sup>22</sup>. According to BBC reporters, honour killings are common in the North West Frontier Province and in this region, 350 women, as young as 12 years old, were murdered in one year. In 1998, in Punjab, 885 women were reported killed; more than 67% were murdered by their relatives who felt that the women had tarnished their family honour (Human Rights Commission of Pakistan, 1998)<sup>23</sup>.

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<sup>22</sup> Salima Jasam 'Honour, Shame and Resistance' – ASR Publications, Guberg II, Lahore 2000, pg 30

<sup>23</sup> Ibid, pg 6

Not much provocation is needed for men to kill in the name of honour. For example, a case was reported of a man who killed his wife because she took longer than usual to serve food. There is also a case of a husband who killed his wife because he dreamt that she had betrayed him (Amnesty International, 1999).

Honour killings against women are considered as a form of domestic violence, i.e. violence against women in the family or in the community. Such violence may be carried out by both private and public actors and agents. Honour killing is defined as a form of cultural violence, since it is a cultural or traditional practice, which over a period of time has been endorsed by formal and informal institutions under the guise of Islam. To see why honor killings is a cultural and a traditional practice, we have to look at the social structure of Pakistani society. Pakistani society is highly patriarchal, irrespective of rural and urban areas. Here women need the protection of men in every walk of life. Large number of women who are single, divorced or widowed cannot live independently. It is always the fathers, brothers, husbands and sons who provide them with protection and women in general submit to this male dominated social arrangement. In such a society, women's behaviour is checked and controlled by patriarchal discourses; marriage is of paramount importance in Pakistani society, daughters are seen as a burden and therefore are generally married off at a very young age.

Moreover, women's purity is a pre-requisite for the change of guardianship from her father to the man she is marrying. Therefore from the very start of her life, a girl is socialized to believe that she is a burden, ultimately to be handed over to another family. She is also taught to safeguard her chastity, any immoral act of hers is bound to bring shame and dishonour to the family.

Since a woman's virginity is a source of respect and honour for the family, guarding a woman's sexuality and chastity is and has been considered from the very beginning the duty of men. Not only immediate family members, but any male relation, has the right to guard it. Thus if a woman oversteps the boundaries, defined by men, she is liable to be punished. The extreme form of punishment is killing her which is not considered violence but due punishment. The act is justified and encouraged by the principle laid down by the clan, village or *biradari* (community). Thus women are the bearers of honour and men are the controllers of honour. Women have no honour by themselves; their honour is always in relation to the male lien. In Pakistan, honour is a male preserve which is seen and practiced through patriarchal norms with women's compliance and consent. The situation is further aggravated by the fact that neither the state nor the lawmakers denounce such inhuman acts of violence.



### Example

In Khanan Khan Vs. the State, a husband stabbed his wife to death for committing adultery with a stranger. The defense plea stated that, "*the accused and the deceased had recently got married and that no husband in ordinary circumstances could murder his newly wed wife. The accused belonged to a Pathan family and that social customs prevalent among the Pathans could not be overlooked, since any Pathan finding himself in a similar situation would easily lose control over himself*"<sup>24</sup>. In this case, the defense proved that the murder was committed under grave and sudden provocation. The Court held that due consideration has to be given to the emotional or the sudden impulse of the appellant under which the crime was committed and was given two years of imprisonment. This highlights the benefits of male bonding and also reveals how patriarchal norms are maintained and reinforced. It is a case where culture has been used to legitimize violence. The case also raised the issue of class, caste and social status. The judgement clearly pardoned the culprit on the basis that he belonged to a certain tribe where the ethos of honour are different from the rest of the country; and thus the ordinary law of the land could not be applied. The Court even went so far as to say that future cases coming from such background should be dealt with keeping in mind the caste and social status of the parties involved.

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<sup>24</sup> Salima Jasam 'Honour, Shame and Resistance' – ASR Publications, Guberg II, Lahore 2000, pg 53

This is a clear example of cultural violence and how the formal and the informal judicial systems conspired to give it legitimacy. Moreover, the court judgement strengthened barbaric ideas about morality, chastity and sanctioned the pattern of ethos where by a woman is seen as a chattel and a piece of property.

The woman was reduced to merely an object and a puppet of lust and sexual desires, the man elevated to being the ultimate controller of her sexuality. Thus this case demonstrates how cultural violence works by changing colour of an act from wrong to right or at least acceptable.

There was no debate about the woman who was killed, rather the judgement focused more on accepting the actions of the man who belonged to a tribe that sanctioned such. The case demonstrated a provision or possibility in the law where a man is not penalized even if he kills his wife provided it is a crime related to honour.

### Violence in Conjugal Home

The following is one of many cases of abuse documented by the Women's Aid Organization. Pretty and petite Radha (not her real name), a real estate agent, married Ravi, a civil engineer, in 1991. Soon he began severely battering, ridiculing and criticizing her. It got so intense she hated going home. Then one day, in a fit of rage, he slapped her. *"He took me by surprise. I didn't see it coming. I fell and hit a chair in the dining room. He had never raised his hand to me before. The next thing I remember, he was beside me, saying he was sorry and didn't mean to hit me. The next day, he surprised me with a lovely,*

*meaningful card and flowers. For months I tried to put the incident out of my mind, telling myself that there was no reason to fear him. But I found it increasingly difficult. Even a little argument scared me. "I kept thinking, 'He hit me once, it could happen again.' "*

In November that same year, Radha told her husband her fears and her decision to separate. *"At first he said, I was being unreasonable and ridiculous and that he wasn't a beast. But the more we talked, the angrier he became. And finally I told him that he was frightening me."*

It's been over a year since she left him. Neither has filed for a divorce. Says Ravi, *"I shouldn't have hit her that day. I'm not a violent man. I don't know what made me do it. Fact is, I can't even remember what the argument was about. I really love my wife. And I know she loves me, too. I'm hoping and praying that we'll get back again. We're still friends. I want another chance with her. It'll take time but I'm willing to wait."*

Rani Sharma had an arranged marriage at the age of 23 with Kulbhushan Sharma who was a cutting and a sampling master in an export house Rani Sharma had studied up to the 10<sup>th</sup> class and was about 34 years old (at the time of the case). Since the beginning of her married life, Rani's husband would beat her for not having brought enough dowry. Her father who had retired as a clerk in the railways tried hard to fulfill his son-in-law's incessant demands. But there came a point when he simply could not afford to meet his demands. So in 1986, Rani was thrown out of her marital home by her husband<sup>25</sup>.

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<sup>25</sup> 'Within Four Walls, A Profile Of Domestic Violence' – Multiple Action Research Group, New Delhi, 1996, pg 23

Falguni, age 21, was married on 5<sup>th</sup> August 1994. Three days after her marriage, Falguni's in-laws claimed that her father had not given enough gifts in marriage. Her mother-in-law threatened to burn her if she did not tell her father of their demand of a flat. On 7<sup>th</sup> September 1995, her in-laws pushed her out of the house at night and asked her to get the money for a flat from her father. Until then she would not be allowed to stay in the house and they threatened to kill her<sup>26</sup>.

In India, marriage continues to be universally regarded as essential for a girl irrespective of class, caste, religion and ethnicity. Control of her sexuality and its safe transference into the hands of the husband is of primary importance; hence, most of them are married off at an early age. Though the age of marriage is gradually rising, it is important to note that girls are barely out of their teens when they leave their natal home for another unknown residence.

Subsequent expectations and relationships impose a considerable load on those girls who are yet ill equipped to adjust totally to a new environment and a set

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<sup>26</sup> Domestic Violence In India – A Summary Report Of 4 Record Studies', International Centre For Research On Women, Washington D.C., May 2000, Page 33

of unfamiliar relationships. In India, marriage establishes a network of interacting individuals; it is rarely only a highly personal relationship between a man and a woman. The persistence of dominant family ideology that believes in a strict sexual division of labour and an age and gender hierarchy means that young wives have to invest a considerable time and energy in forging new relationships, not all of which are caring and accommodative. These are to take precedence over all other relationships in natal home. The Indian saying that the girl is a '*paraya dhan*' or another's wealth not only establishes the very notion of belonging but also that a girl is wealth which ultimately belongs elsewhere.

In the marriage traditions for most of India, the bride is a vehicle for the passage of valuables from her own kin to that of her husband. The unequal nature of marital relationships, sanctified by significant gifts exchanged, rituals and expectations, establishes the parameter of subsequent intra familial behavioural patterns. Not only dowry, but also the present day ramifications of the system namely the violence and even physical annihilation are associated with this form of gift giving. The very notion of personhood and identity are under threat from familial power structures; where the marrying woman's sense of self is constantly assailed. Of course with age and gain in status in family as a mother of sons and ultimately as a mother-in-law, a distinct identity emerges. In fact it is this identity that is often linked to oppression of

new female entrants to the family. Within this framework of matrimony, women attempt to negotiate space for themselves to assert their personhood. The capacity to do so is dependent on a range of factors as age, marital status, and position in hierarchy (viz. senior or junior daughter-in-law) and so on. It is often the case of intra couple discord over roles, performances or otherwise a woman's quest for her identity. It is this which distinguishes inanimate wealth/property from an animate being who may be the reason or vehicle for transactions, but nonetheless resists being treated in the same manner as disposable commodity. As a result she loses out as a symbol of unequal power play within the home.

An important part of power relationships between spouses and in-laws and their families relates to dowry and its ramifications. In the Indian context, the preference for structural asymmetry between the two families and the subsequent burden of gift giving on the bride's family strengthens inequality. Ursula Sharma has argued persuasively that dowry or what the bride's family gives to the groom's family at the time of hypergamous marriage is a concrete form of property in which members of the household, both men and women have different kinds of interest and over which they have different kinds of control. It is not a one-time transaction, rather rituals, occasions, festivals and indeed, many minor pretexts result in more demands being on the daughter-in-law's family.

In India, there is tendency to club marital violence under the overall label of dowry deaths and dowry harassment. This categorization glosses the other cause of violence. This is not to underplay the fact that it is a major factor responsible for domestic violence. Madhu Kishwar feels that the oppression of women for bringing inadequate dowry is only another excuse for using violence against them. The dowry payments do not transform girls into a burden, rather dowry makes daughters burdensome because daughters are unwanted to begin with.

In a study of dowry victims in Delhi, Ranjana Kumari commented that 'dowry has become inseparably interlinked with general status of women in our society'<sup>27</sup>. Her study shows that of a sample of 150 victims, 1/4<sup>th</sup> were driven to commit suicide and more than a half (61.3%) were thrown out of their husband's house after a long drawn period of harassment and torture.

Dissatisfaction over dowry payments and subsequent prestations result in abuse of the wife not only by the husband but by other affines as well. Apart from ill health and stress, a violent home environment can lead to a total psychological re-moulding such as internalization of deception, manipulative techniques and feigning. It can lead to provocation and anticipation which is obvious. Thus wife abuse, a practice shared with many other cultures acquires a different

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<sup>27</sup> Malavika Karlekar, 'Domestic Violence', Economic and Political Weekly, July 4 1988, pg 1747

connotation in Indian society due to the institution of dowry. The term abuse includes physical and non-physical acts. There is enough evidence to suggest that it often receives enough familial sanction. It is institutionalized in various forms which range from inhumanly long hours of labour, often within and outside the home, food denial, neglect of ailments, verbal abuse by affines to physical violence by the husband and sometimes by other family members. In this context, it is interesting to note that growing number of cases being registered under Section 498 A of the Indian Penal Code (IPC, 1983) which indicts the husband or the relatives of the husband for cruelty against the wife.

In India, studies have correlated childhood abuse, alcoholism, unemployment and poverty with the growth of domestic violence. It has also been argued that it is not a woman's economic dependence alone that makes her particularly vulnerable, a wife in a high status job may be beaten more than her unemployed neighbour. Battered women are presented as lacking in self-esteem and self-confidence and are apathetic and nervous.

Flavia Agnes has rebutted convincingly the popular myths that surround the phenomenon of wife beating in India viz. middle class women do not get beaten, that the victims of violence are small, fragile and helpless women belonging to the working class, that the wife beater is a man who is frustrated with his job, an alcoholic and paranoid person, is aggressive in his relationships. Neither was it true that the so-called loving husband did not beat their wives nor that women provoke men to beat them. Yet many of these myths seem to pervade the analysis of wife beating and feminine expectations in Indian society.



Wife beating is common among all social classes as it is a reflection of power relationships between husband and wife where a woman mirrors a secondary social status. However the pattern of violence differs from one class to another with the whole neighbourhood being witness when a slum dweller beats his wife to the extremely private nature of the middle class professional's physical oppression of his spouse. Domestic violence, like marital rape within the conjugal relationship, is another area about which universally little is known and hardly discussed. Despite some thinking along these lines by feminists and legal experts, there has been no change in the law to include rape within marriage. The only exception is if the wife is below 16 years of age.

Feminine socialization, which stresses on docility, compliance and shame, predisposes a wife to accept a range of physical behaviour from her spouse where without doubt her sexual satisfaction is of little consequence. On the basis of fieldwork done amongst upper middle class women in Delhi, all of whom have so called love marriages, Meenakshi Thapar concludes that the notion of the perfect female body and femininity are imbibed by the women. Consequently women are often complicit to the physical abuse particularly with those aspects which deal with physical and sexual attractiveness. However as such psychological and physical oppression, which leads to this false consciousness, can equally develop into a site for resistance. It would not be too extreme to hypothesise that much male physical violence in marriage is related to sexual activity; detailed interviews and discussions at the women's shelter for battered women quite often lead to admission of sexual excesses. When a woman

resisted, she was beaten or if she did not satisfy her husband's demands, the outcome was physical abuse. It is indeed ironical that for long, the family viewed as an individual's ballads against the world becomes the arena for legitimate physical and mental oppression of women.

The ever-present fact of violence; both overt and covert, physical and non physical, has an overwhelming influence on feminine identity formation. A child's sense of self greatly depends on how others behave towards her. This fundamental difference in identity formation between the sexes has deep roots in the socialization process, resource allocation within the families, the impact of external influences such as mass media, pornography and of course, the educational system. While identity, notions of self, roles and obligations are worked out fairly early in a woman's life, no stage is without change and questioning. Thus feminine identity and a woman's position in the family continues to be open to modification depending on her situation in the life cycle.

Honour killings and dowry related violence are the examples of domestic violence in natal and matrimonial homes respectively. But the above examples do not sufficiently address the reasons for violent outbursts. However, the examples help us understand the socio-cultural legitimization of battering, the rigid gender roles and the patriarchal values that support violence at home.

In this chapter, we look into the factors that legitimize battering in our society at individual and socio-cultural level. What are the factors, individual and social, that makes a man a brute and makes the society approve of violence at home? What kind of man beats up his wife, what are the underlying psychological and social

causes of wife beating and what triggers this behaviour? Are men naturally aggressive creatures or is aggression behaviour learned? We can only speculate as to the answers to these key questions. A few wife beaters do admit to their cruel and violent behaviour. They rarely see the problem as a problem and seek help for it. Therefore, a few people outside the family know when a man is a wife beater. To unsuspecting friends, he is probably a nice guy. But to his wife, he is a dangerous, explosive man who can fly into rage without warning.

A wife batterer can come from any walk of life; one example reported in the press took more ironic turn. Ei Saku Sato, former Prime Minister of Japan was awarded the Nobel Peace Prize in 1975. Apparently this committee did not consider wife beating a breach of peace. Prior to his nomination for the award, Sato's wife had accused him of publicly beating her. In the tradition of the Japanese authoritarian and patriarchal culture, Sato's popularity skyrocketed after his wife revealed, *"Yes, he is a good husband, he only beats me once a week"*<sup>28</sup>.

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<sup>28</sup> Del Martin, 'Battered Wives', Volcano Press, 1976, pg 45

Mental health professionals and researchers generally view wife beating in terms of personal relationship and individual background concerned chiefly with the psychological interaction between the offender and the victim, they tend to adhere to the theories of 'victimology', in which the victim is perceived to have provoked or instigated the offense. This translates into the old saying, "*a wife has masochistic needs that are gratified by her husband's assaultive behaviour*". The husband is thus vindicated by his act of violence by the shifting of responsibility from the assailant to his victim. The mother, who is traditionally blamed for all family ills - particularly the antisocial behaviour of the males in the family - is blamed once again, that punishment is the beating she brought on herself. Conflicts leading to beating are generally centred on expectations on domestic work, extravagant spending, disrespecting parents-in-laws, ignoring siblings-in-law, comparing husbands with fathers, brother, wife not caring for her husband's need, wife not following husband's orders, untidiness, sex role problems.

Del Martin, in her conversations with battered women, discovered that however a batterer may rationalize his actions to himself, those actions never seem warranted by the actual triggering event.

For example, *“One woman told me that she was beaten mercilessly for breaking the egg yolk while cooking her husband’s breakfast, another said her husband blew up because at their child’s birthday party, she instructed the child to give the first piece of cake to the guest, not to him<sup>29</sup>”*.

More often studies to determine factors that contribute to the practice of wife abuse concentrate on alcohol use, unemployment, jealousy, stress, innate male aggression and victim’s provocation. Graeme Newman (‘Understanding Violence’, 1976) has hypothesized that the following conditions are related to wife beating, presence of alcohol, hostile dependency, i.e. transferring his dependency from his mother to his wife and then resisting his dependency, becomes prone to sudden outbursts of rage, extensive brooding on the part of the husband, husband’s frustrations in his work and other activities, rising anger after verbal disputes and husband having been battered by his parents in childhood.

Battering husbands are described by their wives as angry, resentful, suspicious, moody, tense. Though they may be terrifying, they often have about the man aura of helplessness, fear, inadequacy and insecurity. The battering husband is likely to be a loser in some basic way. He is probably angry with himself and

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<sup>29</sup> Del Martin, ‘Battered Wives’, Volcano Press, 1976, pg 49

frustrated by his life. He may put up a good front in public, but in the privacy and intimacy of his home, he may not be able to hide either from himself or his wife, his feelings of inadequacy and low self-esteem. The man who is losing his grip on his job or his prospects may feel compelled to prove that he is at least the master of his own home. Beating his wife is one way of appearing a winner. Besides this, some men batter to control or to gain the submission of their partners, in part because it is normal in this culture for some individuals to dominate others and to ensure hierarchical power, because it validates the man's right to exert power over his wife.

We would try to understand the individual and socio-cultural legitimisation of violence in the home as envisaged by the batterers and the society at large.

## **INDIVIDUAL FACTORS**

### **Personality Disorders**

Many researchers assume that identifiable psychopathology exists among battering husbands (Ptacek, 1988) and they may often suffer from personality disorders. They have been described as passive aggressive, obsessive-compulsive paranoid, sadistic and addiction prone or suffering from neurological or bio-chemical disorders. Anderson (1991) reported that these personality disorders are severe and carry a negative prognosis. They imply lack of emotional empathy for the feelings of others.

Strauss (1980) on the other hand claims that it is a myth that violence is used only by mentally disturbed people. He argues that fewer than 10% of all instances of family violence are caused by mental illness or psychiatric disorders.

### **Stress**

Stress from work may be as important a factor as stress from family life. The men may displace their anger, stress and frustration from work onto those least likely to retaliate to their family members. The presence of stress, both internal and external, has been found to be strongly related to the risk of wife abuse. These men have learned to respond to stress with attempts to control others with violence. Strauss (1980) concludes that it is not stress per se that is the cause of marital violence; violence is one of the many responses to stress. He further argues that stress is a mediating variable that may occur in combination with other variables to make violence more likely.

### **Behavioural Deficits**

A popular notion about wife assault is that it is the "*last ditch*" effort to communicate by a man who is unskilled in verbal battle. Wife beaters have been often described as having difficulty in expressing verbally what they think, feel and want (Ganley & Harris, 1978) and as being non assertive both in their families and the outside world and they appear to be poor listeners and are unable to communicate directly and confuse assertiveness with aggression. In a study by Haltzworth-Munroe and Anglin (1991) found that violent men were less competent

in responding to perceived rejection, challenges from the wife and situations involving jealousy. Difficulty in being assertive seems most strangely related to violence among men with the greatest need for power (Dutton Strachan, 1987). These men may become especially frustrated and angry with few assertive skills for expressing their feelings. Observational studies also reveal that husbands who assault also have some behavioural excesses including more negative voice quality and more signs of irritation and frustration than non-violent men (Margolin, John & Gleberman, 1980)

### **Depression and Low Self Esteem**

Many researchers suggest that batterers have low self-esteem and they use violence to compensate the feelings of inadequacy and to prove masculinity. Man uses violence to compensate for his feelings of inadequacy because violence can be a vehicle for achieving a more positive attitude towards the self if the individual has experienced its being subtly condoned. In a review of Hotaling and Sugarman (1980), the majority of studies showed that men who assault their wives had lower self esteem.

### **Self Blame**

A number of studies have established that aggressors do not own the responsibility of their violent behaviour towards their wives. Abusive men rarely define their violence as deviant behaviour and attempt to rationalize their behaviour through minimization, confusion, denial of attention, intoxication, loss



of control and projection of blame onto women. The battering men may induce blame in their victims by blaming them for the abuse until they come to blame themselves.

The victims also endorse the contention of the aggressors. They assume the responsibility and suffer from the guilt that they provoked their husbands to be violent. Self blame is common in battered women who invest more and more efforts in the relationships to make it work and blame themselves for the failure.

### Jealousy

In early patriarchal forms of marriage, women were considered to be practically on par with livestock. They were commodities with price on their heads – either bride price or dowry. The male dominated family system demands, absolute fidelity from the woman, if she didn't agree to be controlled, the system would fall apart. Thus unfaithful women have been portrayed throughout history and literature as the degraded seductresses, they have not been forgiven for daring to smirch the holy marriage vows and humiliate the husband. Often in modern times, the female is portrayed as oversexed for caring enough for sexual fulfillment to seek it outside her marriage. The unfaithful man on the other hand is portrayed as the player of the game. A husband is encouraged to develop extra-marital relationships to such a degree that in our day and age, he is considered somewhat ridiculous for remaining faithful to his wife. When a woman is unfaithful to her husband, he realizes that he does not control his possession, suffers profound insecurity at the possibility of her betrayal. If such insecurity invades

man's imagination, he might take pains to prevent her from living out his fantasies. In their article on Jealousy, Joan and Larry Constantine concluded that, "*Sex is almost never the real issue on this arena, they see sex, like alcohol, as affording the husband a socially accepted excuse for venting his violent feelings, which erupt over the loss of control of wife as property*"<sup>30</sup>.

Under certain circumstances and for certain people, wife beating has undertones of romance and drama. Throughout history, the wrathful husband has risen up in righteous indignation to strike his unfaithful wife, for her own good, for the good of the marriage or simply because he believes he has the right to express his hurt and anger in this way. The romantic interpretation of the archetypal situation is the hurt of the loving man, betrayed by the unfaithful wife, and he, therefore is unable hide his pain and control his anger. Besides heart being betrayed, it is his territory (home) that has been invaded and his possession (wife) has been handled by an intruder.

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<sup>30</sup> Del Martin, 'Battered Wives', Volcano Press, 1976, pg 60

## **Pregnancy**

Several researchers have suggested that women experience violence at usually high rates during pregnancy. Two types of explanation are given for it, firstly children are considered intruders by the fathers, secondly pregnant women are perceived as unwilling or unable to retaliate to violence. Besides this a man who beats his pregnant wife may be expressing jealousy towards the new-comer and resentment against the change it will bring in his life. But in the large sense, he may be reacting directly against the tremendous pressure our society places on men to marry and sire children. A man is expected by society at large to accept his roles as husband and father; often his enthusiasm for these roles is a measure of his sense of responsibility. Gelles brought up a point in his article on violence and pregnancy, "*sometimes terminating a pregnancy by beating a wife is more acceptable (socially, morally, and legally) than abortion. It is also much cheaper if economics is a factor*"<sup>31</sup>.

## **Employment Status**

Wife abuse has been found to be associated with the employment status of the husband. Wife battering is more in families where the husband is unemployed; this may be due to a number of factors; loss of income may lead to batterer's stress, lack of employment may be seen as a failure to live up to his status

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<sup>31</sup> Del Martin, 'Battered Wives', Volcano Press, 1976, pg 61

expectation that man should be the family provider, or lack of job may increase the time spent at home, increasing the opportunity for violence.

Steinmetz (1977) on the other hand, argues that occupational environment was an important stimulus to violence and survey data points out that clerical, service workers or managers or professionals are at the highest risk<sup>32</sup>. Iwarimie-Jaja (1989) however indicates that husbands working in unskilled occupations are more likely to be abusive than those working in skilled occupations and men in professional occupations were the least abusive<sup>33</sup>.

Wife abuse has also been associated with the employment status of wives. It is argued that women who stay at home and do not work outside the home as paid workers are at greater risk of being abused. When women have fewer personal resources, the severity of violence against them also increases.

### Alcohol

The Dr. Jekyll and Mr. Hyde syndrome is a recurring theme in the stories that the battered wives tell. When the husband is sober, he is pleasant and charming, when drunk he is a monster or a bully. Many wives say that they were beaten only when their husbands were drunk. Police and social scientists share widely the view that many family disputes involving assaultive behaviour can be traced to the use of alcohol by one or both participants. Alcohol leads

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<sup>32</sup> Madurima, 'Violence Against Women – Dynamics of Conjugal Relations', Gyan Publishing House, 1996, pg 34

<sup>33</sup> Ibid, pg 34

to violence in many cases because it sets off primary conflict over drinking that can extend to arguments over spending money, cooking and sex. Thus according to Gelles, drinking serves as a trigger for long standing marital quarrels.

Gelles agrees that to view alcohol use as a primary cause in interpersonal violence is to tread on very thin ice. He points out that alcohol is known to breakdown inhibitions and often leads to out of character behaviour. Therefore, a person who is potentially violent can drink with the sole purpose of providing himself with time out in which he can blame his violent actions on alcohol. Thus individuals who wish to carry out violent acts become intoxicated in order to carry out violent acts. Having become drunk and then violent, the individual may either deny whatever occurred or may plead for forgiveness. In both the cases he can shift the blame from himself to the effects of alcohol. Alcohol is one of the several factors that contribute to the circumstances in which marital violence occurs. It may be used as an excuse for violence and it may trigger arguments that lead to violence.

## **SOCIO-CULTURAL FACTORS**

### **Traditional Sex Role Beliefs**

Some type of violent husbands have stronger sexist attitude than others. Although cross cultural studies clearly show that on a macro social level, patriarchal norms and male dominance are risk factors for wife abuse. (Levison, 1989). The male batterer is characterized as holding traditional sex stereotyped values. Violence tends to erupt when there is a clash of ideologies between husbands and non-traditional liberated wives. Traditional male sex role socialization places strong emphasis on men being in control of all aspects of their lives and batterers tend to over-identify with these dysfunctional and stereotyped masculine values and expectations. They hold high expectation of their own abilities to regulate their feelings and behavior and are often described as rigid. Their patriarchal belief system grants them the privilege and power to enforce their expectations on their partners, using violence if necessary.

Moreover in our society through division of labour, men find sufficient ground to justify their violence. By accusing women of being poor mothers and wives, they control the emotional plane of the family. The gender division of labor not only allocates domestic duties to women but also adds a certain moral dimension to this assignment of fulfilling household responsibilities which representing a sign of love and loyalty to the husband. A woman's proper role is to nurture men, alleviate their emotional burdens. The mythology states that

'good' wives are those who cater to their husbands every need, have a happy family life. The woman alone is responsible for the success or failure of the marital relationship. Childcare is not only her full time responsibility, but also connotes a moral obligation since the woman is expected to arrange her life around the children's need, and are held responsible if anything goes wrong. Hence, this gives enough reason to men to resort to violence for any shortcoming on the part of women.

The institutional structure of the society or the social norms and social organization plays a very important role in wife beating. Violence against the wife grows out of the nature of society itself. The social norms in our society justify male violence against women. These norms are dominant not only in the lower class but also middle and upper classes. These norms are indicated more in the process of marital adjustment and maladjustment. Marital maladjustment can be described as the main cause of wife beating. This maladjustment may arise both because of the personality characteristics of the husband and the wife as well as the environment in which their marriage functions. The adjustment of the daughter-in-law to her mother-in-law, particularly of an employed daughter in-law is most difficult to achieve. A mother-in-law, who is house bound and under complete dominance of her husband, feels jealous and frustrated at the sudden independence of her daughter-in-law. This is countered by her trying to poison the ears of her son and antagonizing him against his wife. Young men give more emphasis to their

mothers' briefing than to their wives' protests. The poor wife is always told that it is her fault and the fault may be anything from cooking unwanted dishes to keeping the house untidy or talking loudly with the in-laws. If the husband dislikes something he has the right to beat her. Implicit is the belief that when he married her it was to get a slave who would do what he want and if she did not behave according to his will the punishment is beating.

### **Socialisation**

The nuclear family has evolved into the basic social unit in our society. As such it is the most potent tool for socialising children. The mother father role model closest to the child is bound to have powerful effect on the child's understanding of masculinity and femininity.

Leonard Benson in his book *Fatherhood* explains that small boys relationship with their mother is usually of warmth and loving acceptance. But at some point the boy perceives that he must identify with his father or male figure if he is to achieve his manhood and the power that goes with it. He has to give up such feminine qualities as tenderness and loving kindness and take on aggressiveness as a symbol for his male identity.

Lotty Cotton Pogreben suggest that at this stage in the socialization process it is often the lack of an admirable, human loving father that makes masculinity turn the corner towards brutality. The father may encourage the boy to identify with the more aggressive elements in the masculine role even to the point of suppressing his own natural gentleness. Fathers who teach their sons to be



tough also pass on the notion that women enjoy being brutalized and do not interfere when a man assaults a woman, are the conditioning of the next generation of aggressive males. It is inevitable that some boys trained by society to be masculine aggressors will grow to be woman beaters.

Hence, violent men have experienced or witnessed violence in their families. The love, hurt, rage reactions that helpless young boys felt towards their abusive powerful parents are replayed by these men in their marriages. The Social Learning model assumes that the battering male is violent with his wife in order to control her behavior to get rid of what he sees as aversions in her behavior and to get her to behave as he wishes.

### **Dependency**

We see dependency from 2 perspectives; firstly dependency is considered to be positively related with wife abuse. Those wives who do not have an independent source of income and are psychologically more committed to their male partners are at a greater risk of being abused. Lack of any alternative support forces them to continue in the abusive relationship.

Secondly, wife assaulters have also been characterized as being extremely dependent on their partners. It is seen that unmet needs in childhood express themselves as violence in later life. It is the effect of an abusive father shutting off any meaningful affectionate relationship with his son, leaving his son no other alternative than mother for emotional gratification. That boy eventually comes to develop a general emotional dependence on women. Hence violence erupts in

marriage because it is really a crude attempt to retrieve the same feelings of warmth and security that he originally received from his mother, but that his wife may not be aware of his needs. Violent men are actually dependent and insecure. Stordeur and Stille (1989) argue that this dependency creates emotional conflict for the batterers, as they are likely to be afraid of losing real intimacy. They fear that they will be abandoned, as a consequence, when such a situation comes, they become violent, homicidal and even suicidal in an attempt to prevent their abandonment. Leroy Schultz in his article, 'The Wife Assaulter' describes a group of men who tried to kill their wives. Schultz concluded from his experience with these men that the batterer transfers his dependency needs from his mother to his wife. The conflict is one between hostility towards the wife and dependency on her.

This childish dependency would account for aggressive outbursts when the husband no longer receives the full attention of the wife, when some of it is diverted from him to the newborn baby, when the wife expresses interest in another man or when she announces that she wants a divorce. Such a threat of both physical and psychological withdrawal of love is intolerable to the husband, Schultz contends, his rigid hostility control system breaks down.

## **Social Class and Sub-culture**

Although wife assault occurs in all economic and ethnic groups, there is a kernel of truth to the notion that it is more prevalent in some socio-cultural groups. For example, in a US Survey the rate of wife assault in the lowest income families was over five times the rate of the highest income families (11% vs. 2%, Straus, 1980).

Blue-collar workers, unemployed, especially the partially unemployed had higher rates. Hand in hand with the low income level of men who assault their wife is the low education level (Hotelling, Straus, 1989). Suzanne. K. Steinmetz and Murray. A, Straus editors of violence in the family, believe that violence prone persons have a willingness and ability to use physical violence as a resource and that a family member can use this resource to compensate for the lack of the other resources such as money, knowledge and respect. Thus when the husband is out of job, does not make enough money, or is otherwise dissatisfied with his work will take out his frustration on his wife.

A number of studies highlight that wife beating is more common in lower classes! The use and approval of physical violence in the lower class can be explained in terms of "culture of poverty" (Lewis, 1959). It has been argued that for the lower class people, physical violence is normal and a socially transmitted behavior pattern. Lower class husbands use physical force against their wives in order to give vent to their frustration. According to frustration aggression explanation developed by Dollard and his associates (1939) aggression should be directed against the source of frustration. However, the members of the lower class

cannot show their aggression against those who are highly placed, hence they show their aggression towards their wives.

The dowry related violence is a phenomenon of the middle class families. The apparent low incidence of violence in the upper class and the middle class can be attributed to the resources with the help of which they are able to keep their violence private. A middle class man who is more likely to strike out at his wife is also more likely to regain control quickly. He assesses a violent situation almost immediately in terms of the total consequence of his behavior. He will probably perceive involvement of the law as a threat to his occupational standing, an intrusion of relatives, neighbors and friends as a threat to this social position. Out of a sense of guilt and shame for his actions, the middle class man will be able to re-define, accommodate, and assimilate the violent incident within the family context. These are the reasons for which a middle class man keeps his violence private and is rarely reported; so no one has any real idea as to how frequently it occurs.

Battering is thus a chosen behavior for the batterer and is perceived on the following beliefs

- ❖ Those who choose to batter believe that they are entitled to control their partner and that the partner is obligated to accept the practice.
- ❖ Those who choose to batter believe that violence is permissible and conclude that they are ethical and moral persons even if they choose violence against their partner.
- ❖ Those who choose to batter believe that this violence will not unduly endanger them. They believe that they will neither sustain physical harm nor suffer legal, economic or personal consequences that could outweigh the benefit achieved through violence.

## CHAPTER 4

### UNDERSTANDING SILENCE

The forms of violence encountered includes beating with the hands or fist, beating with stick or iron rod, kicking the abdomen, sitting on the woman's stomach while she is pregnant, beating with knives or utensils, marital rape, excessive sexual demands and sexual perversions. The injuries suffered are deep cuts requiring stitches, broken bones, miscarriages, and nervous break down.

Seeing all this, one question is often asked why do women continue to live in a situation where they are eventually murdered or driven to suicide, why don't they seek a way out. So also the commonly heard phrase "*If he ever lays a hand on me I will leave*" doesn't always mirror reality. Women stay because of a myriad of reasons,

Because men promise to reform

- ❖ They are concerned about the welfare of their husband and children
- ❖ They accept powerful ideals associated with an intact family
- ❖ They don't wish to discard their emotional and material investment in the relationship
- ❖ They have no accommodation and have few prospects for meaningful employment
- ❖ They fear the violent reprisals of men who are often at their most dangerous when the woman leaves

Besides these relatives and friends have traditionally played a significant role in these deliberations and negotiations, sometimes helping to remove the shame and guilt, sometimes blaming the victim.

Cultural mores and sex role socialization also play a role in the woman's decision to remain with her abuser. A woman learns gender identity in her family. She learns that affiliation with a man defines her status and worth. It is also society's acceptance of male dominance and aggression along with its disavowal of male to female violence that creates a societal acceptance. Battered women experience this conflict as they recognize the abuse in their own relationships. They may erroneously assume that their relationship struggles and corresponds to those faced by other women in their marriages. Last but not the least, a woman learns about hope and commitment in her family, qualities continuously nourished by cultural messages. Her primary reason for remaining in or returning to a battering relationship is her hope and need to believe that her abuser will stop the violence, a need called "learned hopefulness".

Some of the traits most valued in women such as commitment and tolerance may be used to pathologise her behavior and to blame her for staying.

### Trapped By Fear

Battered wives give many reasons or rationalize actions for staying. Fear immobilizes them, ruling their actions, their decision and their lives. Most of them are so shocked and frightened by their husbands' violence that they are unable to respond to the situation. A call to the police in such a situation is an act of desperation in an emergency. By the time the police arrive, the wife may be so threatened, terror stricken and intimidated by her husband that she may be unable to articulate the facts about the incident or may even turn the police away. Once the police leave, the woman and her attacker are face to face again and her plight is worsened and she has to silently endure the violent husband's outburst from that time onwards.

Fear of reprisals also prevents the battered wife from running to her neighbours for help during the attack. The woman may be less concerned with protecting her secret at the moment than she is with protecting her neighbors. The husband may be so thoroughly possessed by his anger that he would strike out at anyone who got involved. Thus out of fear of endangering others and her children as well, the woman chooses to sacrifice herself.

If the wife does manage to escape, the husband often stalks her like a hunted animal, he scours the neighborhood, contacts friends and relatives, looks for her at all the places where she is likely to take refuge. If the wife is working she is afraid that he might show up at her workplace, create a scene and get her fired. If she has taken an apartment of her own she lives in constant fear that he will find her. With every car idling on the street, each footstep in the hall, every noise



outside her door she freezes in sheer terror. She thinks it is better to be where she knew he was than to sit night after night in the fear of being caught by him. A man has after all a lot to lose if he lets his wife walk out on him. He loses the stability of a married life that is so significant to his mental health. He loses "his woman"- the scapegoat that was living proof of his superiority<sup>34</sup>. Some men would rather kill their woman than to see them make a new life.

According to Macoby and Jacklin, in the "Psychology of sex differences" a fear is an arousal state and although it may be confusing to link it with passivity the possibility exists that the females show immobilization and other passive behaviour primarily when they are afraid. Hence, battered woman may have a good reason to become immobilized in the face of threat.

Aside from cold fear there are more subtle reasons to explain why they stay with a violent man. These reasons are related to the socio-cultural expectations concerning marriage.

### **Socially Determined Reasons**

Women remaining in an abusive relationship, relate to their values about marriage. According to current cultural values though a woman may have other interests and pursuits, her primary source of satisfaction is her marriage. If a

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<sup>34</sup> Del Martin "Battered wives", Volcano Press, 1976, pg 78

woman accepts this premise she will take great pride in her stable marriage and often take full responsibility for a bad one. Her sense of responsibility will lead her to feel ashamed if her marriage fails and she will try above all else to save face. Since the role of a wife is central to a society built around nuclear and joint families, the dos and don'ts, should and shouldn't defining wifely role are very explicit. Schools, religious institutions, books, clubs, parent organizations, movies, television, newspapers are all the sources of conditioning that reinforces our attitudes as to how a "good wife" should behave. Hence, a woman has plenty of opportunity to feel guilty if she does not conform to the socially approved version of a wife. If things go wrong, the well-trained wife feels ashamed of having failed her husbands in some way. This is because the women in our culture are encouraged to believe that the failure of a marriage represents her failure as a woman. Many believe that marriage gives their lives meaning that they have no value as an individual apart from their men. A woman, who believes that she has no value as an individual apart from her man, will not have the will to take responsibility for herself. She will be paralysed when it comes to making a radical change for her own sake, rather than for the sake of the marriage, even though the marriage is a living hell. From time to time she may have a friendly exchange with her husband and at these times she might convince herself that hope exists and that her husband will reform. Many wives live from one of these good moments to the next, doing their best in between to suppress the knowledge of their husbands cruelty and their own crippling passivity.

Some even think that they deserve beating for having failed in keeping the marriage going. Attempting to improve but having failed to end the beatings they slip further and further into despair and misery. When such a woman does seek help outside usually she does not receive it. Their circumstances begin to seem utterly hopeless. They feel trapped and regard attempts at freeing themselves futile.

### **Psycho-Social Theory of Learned Helplessness**

Learned helplessness is meant to explain why women don't leave their violent partners, though many of its adherents think it explains why women become victims of violence. It provides a psychological rationale for why the battered woman becomes the victim and how the process of victimization further entraps her, resulting in a psychological paralysis to leave the relationship. It identifies the primary roots of victimization in the background of the victims, not the offender. Rigid sex role socialization, kind of upbringing, early slavish adherence to demands to fulfill wishes of the male are seen as characteristics of women who become victim to male violence. Events of this kind which occur in a battered woman's life during childhood and onwards with sufficient regularity cause the woman to acquire feelings of helplessness and poor self image and the belief that they cannot escape abuse and that they have only themselves to blame. Abnormal family background contributes to the experience of high levels of violence by the members of their families in childhood for instance (being battered by the mother, being battered by the father, father battering the mother,

father and mother battering other children). This makes them highly vulnerable after experiencing such conditions, and places them at a high risk for depression. The fear of losing the husband's affection and the fear of the disruption of home life status quo also prompts them to tolerate their husband's battering. Hence it makes a woman more likely to develop coping responses rather than escape responses, in order to survive. Even if a woman attempts to leave the violent household, she is forced to come back. The two case histories of Sudha, the wife of a middle class motor mechanic and Prema, a working woman, show how they are forced back into the violent home.

#### Sudha – Wife of a Motor Mechanic

*I was desperate, but I could not return to my mother's house because I had two younger sisters and my mother felt that if I came back, it would be difficult to get them married. So I stayed on. Once I was so desperate, I poured kerosene over myself but my husband entered the room and stopped me before I could light the match. I was expecting my first child. When I went to my mother's house for delivery, I stayed there for 3 years. But finally my mother grew frantic because my younger sisters were not getting proposals. So she took me, my daughter, 10 tolas of gold and Rs. 2000 and left me in my husband's home. Today I have 3 children and live as a prisoner in my own home.*

### Prema, a Working Woman

*It is not easy to live alone without a husband. I left mine and took my three children with me to stay with a woman I knew. After a few days the walls of the factory were plastered with sheets of paper announcing that I was a slut who had run away with another man. Nobody would talk to me. I would sit alone in a corner and cry. My husband used to call me many times but I did not go. But after 2 years, I went back. My friend's house was getting overcrowded and there was no place. Also my eldest daughter had reached puberty. Everyone said unless I went back, no one would marry my daughter<sup>35</sup>.*

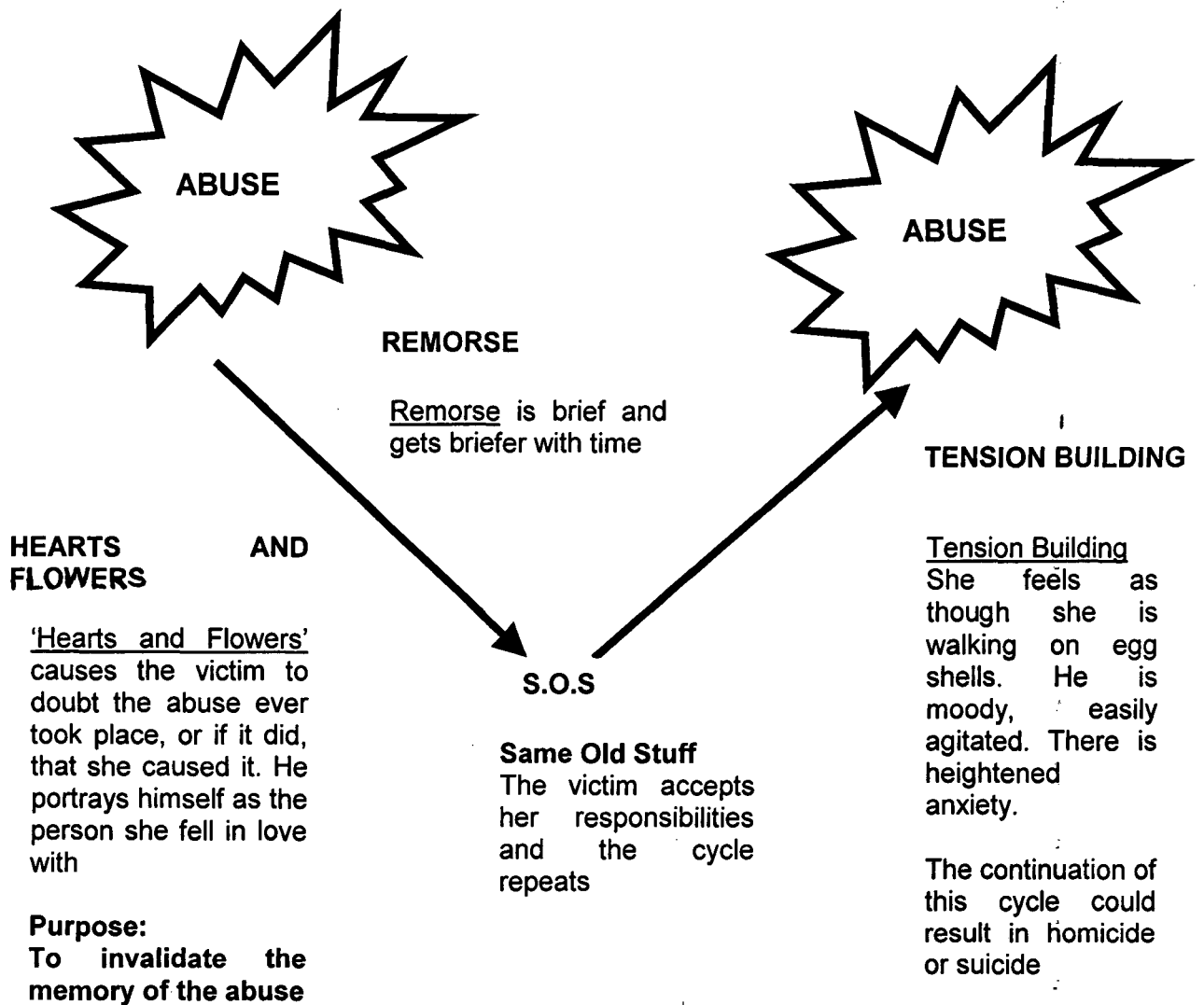
But women who come back get totally disillusioned. Most return on their husband's terms. Life becomes a mere existence, often for the sake of the children. Family and friends rejoice because the couple has reunited or because the woman has learnt to adjust. But the beatings still continue; and the woman learns to accept the violence as something inevitable, a fact to live with and die with. Hence, they are trapped within a marriage because of lack of education, economic dependency, lack of support structure, the difficulties of obtaining a divorce, house, job, and the burden of childcare. Ultimately they become passive, resigned and negative in their approach. They have numbed themselves. The beatings and the negative response of society to her needs succeed in making the woman helpless, passive and negative.

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<sup>35</sup> Rehana Ghadially ed. 'Women in Indian Society', Sage Publications, 1988, pg 185 - 187

The Cycle Theory Of Violence

THE CYCLE OF ABUSE<sup>36</sup>



<sup>36</sup> Project undertaken by the Kentucky General Assembly. Information provided courtesy YWCA, Spouse Abuse Centre, Lexington, KY

Walker's (1979) Cycle of Violence Theory refers to a three stage sequence of events repeatedly occurring in a violent relationship and helps to explain staying and leaving dilemma experienced by battered women. During the first phase of the cycle, tension builds as a result of verbal outburst, mutterings, confrontation, minor acts of violence, emotional threats or controlling behaviour. Tension escalates until a violent incident erupts, second stage and then the respite occurs. The respite can include loving contrition, apologies, gifts or simply cessation of violence. During the third phase the battered woman experiences what she sees as the real man whom she fell in love with initially. Here she receives discernible reinforcement of her identity as a good wife and her importance to her partner. Here she recovers from the battle scars. Here she remembers that abuse is not the only significant aspect of her relationship but recognizes that she loves him too, cares about how he feels, his health, his survival if she leaves, his reputation so forth. She seems concerned about his relationship with his children, with friends and family. In fact if she has left him she might return only because of love.

The third phase also known as the honeymoon phase also provides reason of hope called 'Learned Hopefulness'. Learned hopefulness is a battered woman's on-going belief that her partner will change his abusive behaviour or that he will change his personality. Barnett and Lopez Real (1985) found that "hope partner will change" to be the number one reason women said they remained with abusive partners<sup>37</sup>. This belief, that the abusive man would change, is

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<sup>37</sup> Ola. W. Alyced & Barnette La Violette, 'It Could Happen To Anyone', Sage Publications, 1993, pg 17

encouraged by friends, family, literature, religion and media. They encourage the woman to believe that they can change their male partners and that they should persevere to see the results of their labor of loving, the reward will be great. *'Isn't it true that behind every good man is a woman (who changed him)'*.

The cycle is repeated unaltered by time or circumstances and as a woman participates in the cycle, she becomes an accomplice to her own battering. The cycle restores equilibrium to a relationship and reinforces the woman's willingness to remain. Repetition of the third phase is when the battered woman's victimization becomes completed to her batterer. Once bound to her partner through stereotypical pattern of behaviour arising from a repetitive cycle, woman's help seeking behaviour is hopelessly distorted.

### **Economic Dependence**

Pence and Paymar's (1986) model of battering proposes abusive behaviour, including economic abuse which help men maintain power and control over the woman. Batterers may use physical force or threats to control the woman's ability to participate in the workplace. While physical abuse allows the abuser to maintain control, economic abuse further restricts a woman's ability to escape. For a battered woman, economic realities reinforce economic force. Using Resource theory, Pagelow (1981) disclosed that women with the fewest resources are the most likely to remain with the abuser. A woman with little or no income and insufficient work skills is likely to perceive her alternative outside her marriage as costly while perceiving those within the marriage (e.g. home, love,



security) are more rewarding. Even if she has a place to go to, she has no money to get there.

The reasons why women stay in abusive relationships are highly complex and varied, hence I could not possibly hope to cover them right here. This summary attempts to break down the major motivators causing women to stay. All of these factors are not found in every situation, but a combination of some of them is usually enough to keep women with abusive partners. A bird's eye view of all these factors has been put down below.

#### Frequency and Severity

- ❖ The abuse may occur over a short period of time.
- ❖ He may tell her "I'm sorry, it will never happen again" and she will believe him.
- ❖ Generally, the less severe and less frequent the incidents, the more likely she'll stay.

#### Her Childhood

- ❖ She may have lived in a home where some form of abuse occurred and accepts it as normal, either consciously or unconsciously.
- ❖ The more she was abused as a child, in any form (physical, emotional etc) the more likely she is to stay.

### Economic Dependence

- ❖ She may be economically dependent on him and sees no real alternative. In her eyes, it may be worth putting up with abuse in order to gain economic security.
- ❖ Economic conditions today afford women with children few viable options: She often has no marketable skills. Government assistance is very limited and many women dread welfare or charity.
- ❖ Her partner may control all their money and she may have no access to cash, cheques or important documents.

### Fear

- ❖ She believes her partner to be omnipotent. She sees no real way to protect herself from him. Many of her fears are justifiable.
- ❖ If she or a neighbour reports him to the police, he will often take revenge upon her.
- ❖ She believes she has no power to change the situation.

### Beliefs about Marriage

- ❖ Religious and cultural beliefs, or the eyes of society demand that she maintain the facade of a good marriage.
- ❖ Often she stays for "the sake of the children".
- ❖ She may believe that abuse is part of every marriage.

- ❖ Many women are raised to believe in the importance of a good relationship with a man, and good relationships are her responsibility not his.

#### Her beliefs about Men

- ❖ She often still loves him and is emotionally dependent.
- ❖ She believes him to be all powerful and able to find her anywhere. Many of her fears and beliefs about him are based in reality since some of the violence exhibited by these men is lethal.
- ❖ Often, motivated by pity and compassion, she feels she is the only one who can help him overcome his problem.

#### Lack Of Institutional Responses

A number of researchers have sighted the inadequacy or the lack of institutional response as a factor in a battered woman's decision to stay. A number of institutional forces have routinely erected barriers that prevent battered woman from obtaining sufficient help. First, the patriarchal practices within the society, religious institutions and the criminal justice system have created gender imbalance and removed power from the hands of women. They cannot usually find equal employment opportunities even with equivalent educational background, as a rule further they will not receive comparable pay. Following a divorce the legal system does not uniformly enforce existing laws or compel men to assume financial responsibility for their children. The financial and care-taker burden placed upon a woman creates havoc in their lives and the lives of the

children. On the whole, society allows men to vent their anger and frustration upon their wives. If a battered woman tries to escape, there may be no place for her to go to, she might even become homeless.

### **Critical Evaluation of the Existing Alternatives**

Since violence against women is an undisputed fact, whether it takes the form of dowry death or wife beating, while dealing with the problem, one has to first look for alternatives. While dowry death is an extreme manifestation of the same problem, wife beating is a day-to-day phenomenon affecting millions of women. Even the dowry victims are themselves beaten for a long time before they are ultimately murdered. Women allow themselves to be driven to this state precisely because there are no viable alternatives.

### **Rescue Homes**

Most of them have outdated rules and regulations that prevent them from catering to the needs of the present day woman. Among the five rescue homes in Mumbai, Shridhdhananda Mahilashram specifically caters to the need of destitute women, but as the home doesn't see victims of violence in marriage as destitute, by virtue of marriage, they cannot take shelter there. The home was initially set up for the rehabilitation of Hindu widows and over the years has broadened its rules to include destitute. But the home does not cater to the needs of women facing violence within marriage. The other home, Bapnu Ghar, which specifically deals with problems of marriage, has reconciliation as their main aim. Also the

strict rules and regulations prevent the women from going out unescorted. Also women are viewed as deviants who have to be counseled to deal with the problem, which almost appears, as it is they who have caused the problem.

In a research conducted by Women's Studies Unit of Tata Institute of Social Sciences, Mumbai, found that in seven of the shelter homes surveyed in Madhya Pradesh, only 112 women accessed shelter services despite a combined capacity for 370 residents. Government run shelter homes, often perceived as shelter for a woman and her dependents, usually restrict both the number and the age of the dependents as well as mobility of the residents. The ambience is typically one of strict policing and not particularly conducive to recovery from emotional trauma that women experience with an abusive partner. Further recreational facilities and infrastructure for residents is often lacking. The shelter homes sponsored by the State are managed by voluntary agencies are less restrictive, yet there are still relatively few child care arrangements and working women may thus be forced to take the children with them or make separate arrangements. It was also found that Government services to women suffering from domestic violence in rural areas did not exist in practice, though it existed in policy.

The same research also threw light on the fact that psychological and medical facilities are virtually non-existent among both sectors, the Government and the NGOs. Counseling that focuses on practical rather than on emotional and therapeutic rejuvenation is observed to have limited value in building the woman's sense of self and such therapeutic counseling was found to be nearly

absent. Thus, psychological concerns surrounding a woman's fear of further abuse, the dilemma she may be facing about continuing to stay with the abuser, concern for her children and her own negative self identity largely goes unaddressed.

### **Police and Domestic Violence**

Police officers are more likely to arrest a man for parking tickets than for beating his wife. The Police department have traditionally viewed family violence as non-criminal, non-injurious, inconsequential and primarily verbal (Fields, 1978; Walland and Skeeley, 1985). Police have in general been reluctant to get involved in "family" problems for reasons rooted in myth, misogyny and misinformation.

- ❖ If he beats her and she stays, there are no real victims (Walland and Skeeley, 1985)
- ❖ It may be her fault
- ❖ It is not the best solution to a problem (Saunders and Size, 1986)
- ❖ It is too dangerous for police to intervene.

It is all because the police also share the same values of patriarchy. In their views domestic violence is not a crime; it is important to husband and wife relationship. They carry the same attitudes prevailing in society and essentially treat women as second class citizens. In their eyes women who come to police stations are bad women, breakers of home and family. They believe that women should not come to the police station, instead stay at home and bear the brunt as

a good wife and should have no complaints about their husbands. When they put husbands in lock ups, when the wives complain, they see it is the wife who come and cry for their release. Hence, they think there is no sense in taking her seriously. Sometimes policemen are patronizing, protecting and helpful. In doing so they take the role of a counselor and persuade her not to complain against her own husband who is the breadwinner and put herself in difficulty.

### **DOMESTIC VIOLENCE AND LAW; FAILURE OF THE LEGAL SYSTEM**

**498 A : Husband or relative of husband of a woman subjecting her to cruelty:** *Whoever being the husband or the relative of the husband of a woman, subjects such a woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.*

**EXPLANATION :** For the purpose of this section cruelty means

- a. Any willful conduct which is of such a nature as is likely to drive a woman to commit suicide or cause grave injury or danger to life, limb or health (whether mental or physical) of the woman;
- b. Harassment of the woman where such harassment is with the view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demands.

The term cruelty defined in relation to the section 498 (A) shows that cruelty is of two types, being any willful conduct of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb and

health, whether mental or physical. The second part of the explanation defines cruelty as harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand or for any property, valuable security or is on account of failure by her or any person related to her to meet such demand. Therefore under clause (a) in order to constitute cruelty it is not enough that the conduct of the accused is willful and is offensively unjust to the woman, but it is further necessary that the degree or the intensity of such unjust conduct on the part of the accused as is likely to drive the woman to commit suicide or such conduct as is likely to conduct grave injury or danger to her life or limb or to her mental or physical health.

The term cruelty under Section 498 (A) of the IPC includes both mental and physical cruelty. In *Pawan Kumar Vs. State of Haryana*, the Court held that taunting a woman for not bringing dowry and calling her ugly amounts to mental torture<sup>38</sup>. In the *state of West Bengal vs. Jaiswal*, the Court found that in the facts of the case there was no material to show that the woman was hyper sensitive and that for other reasons and not on account of cruelty she would have taken her own life. The act of taking away a child from the mother, and beating the woman would amount to cruelty under Section 498 (A).<sup>39</sup>

Section 498 (A) was introduced in the year 1983 by the criminal law (Amendment) Act, 1983. This law was introduced in response to the increasing incidents of dowry related suicides and murders. Consequently it covers

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<sup>38</sup> 'Domestic Violence and Law, Report of Colloquium on Justice For Women, Empowerment Through Law' By Lawyers Collective Woman's Right Initiative, Butterworth's New Delhi 2000, pg 218

<sup>39</sup> Ibid



domestic violence within the matrimonial home, only to the extent it is connected with dowry or if it is life threatening or fatal in nature. Despite the introduction of the criminal law, the extent and incidence of domestic violence has not decreased, owing to the shortcomings of the law.

- ❖ Section 498 (A) takes cognizance of cruelty only by the husband or his relatives (in-law's) thereby excluding members of the woman's natal family such as brother, father, uncles etc. Instances of brother ill-treating his sister to sign off her share in property or fathers and uncles raping the female relatives are not unknown. Section 498 (A) is limited vis-à-vis the wide range of cruelties experienced by women.

- ❖ Section 498 (A) takes cognizance only such conducts (willful) which may drive the woman to commit suicide or attempt to do so or cause her injury (physical or mental) or danger to life. It is well documented that women experience, tolerate and adjust to cruelty all through her life though it may be of lesser degree and indifferent form and not so serious as may lead her to kill herself. The law still does not recognize such violence and subscribes to the patriarchal view that occasional beating of the wife/women is not serious enough to warrant legal action.
- ❖ Under Section 498 (A) of IPC, the woman herself or her close relative someone related to her through blood, adoption or marriage can make a complaint. This is in conformity with the state policy of non-interference in private matters or in the realm of the family even if it is acknowledged that the family is the most dangerous and insecure place where the woman is killed, burned or poisoned in-order to get rid of her.
- ❖ Section 498 (A) does not prescribe any limitation (7 years) as in the dowry law. This is because most of the time husbands start ill treating wives after 6-7 years when he finds her an 'old model', given him all the place and taken care of his children and therefore is no more required. In such circumstances, the provision of section 498 A acts as a protective shield against the acts of cunning and calculative husbands. Vimla, who was counseled by a Delhi based NGO Shakti Shalini, registered several complaints of cruelty and ill treatment and each time the husband promising to be good, used to take her back and ultimately burnt her alive,

once the 7 years period limitation was over. Such cases demonstrate the premeditated brutal murder of wives using the loopholes of law (U/S-304B IPC)<sup>40</sup>. It is cheaper to kill a wife and get another with new dowry than divorce and maintain the first wife.

- ❖ The initial burden of proof is still on the prosecution to show that the woman was subjected to cruelty or harassment by her husband or by any relatives of her husband for or in connection with any demand for dowry. The offences against married women are committed normally within their homes; therefore direct evidence is not available. Ordinarily it is not expected that physical torture or abuses hurled to the woman would be noticed by neighbours. Hence many of such cases are acquitted because no satisfactory evidence has been produced. In a matrimonial home where a woman lives with her husband and in laws, the evidence of cruelty or harassment or otherwise can only be given by them. They being the potential accused would not come forward to give evidence.

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<sup>40</sup> Crusade Against S-498A of IPC, paper written by LEE in Sept 2000

- ❖ Section 498A is both cognizable and non-bailable, the husband and parents in law are taken into police custody and thereafter continuance of marriage itself becomes impossible as the gulf between the woman (wife) and the husband, in laws widens so much that that it becomes impracticable to bridge the gap. If the disruption of the marriage is not safe and consequently a separated wife lives alone, she undergoes more tormenting days and nights than living under the same roof with a recalcitrant husband. Hence getting the husband jailed is never seen as an option in the wife's mind.

Owing to the shortcomings in the law, there is reluctance of women to approach the mechanism of the criminal justice system, and the inadequacy of the criminal remedy itself, is part of the nature of our social context. Despite all this, legislation is necessary and essential so that it may give the incentive and have an educative dimension as well as legal sanction behind it, which will help to give public opinion certain shape. Hence the need of the time is for a new law that is sensitive to the experience of women facing violence at home, the reasons and the immediate requirements and the probable effects of the various strategies to eradicate domestic violence.

## **CHAPTER 5**

### **CONCLUSIONS**

Over the years, there is an alarming increase in the incidence of atrocities on women by men in our society. Wife-beating or domestic violence towards woman is perhaps the most pervasive and commonest manifestation of violence in Indian marital life. Yet it is least talked about in our society and not treated as a 'social' problem. Rather it is perceived as a private, personal matter. This perception is quite perpetuated in our value system, governed by rigid patriarchal structures that accord a secondary status to the woman.

Domestic violence is not only physical but even psychological, verbal, emotional or sexual. It could be direct or in subtle forms like constant humiliation or ridicule, insult, sexual taunts or constant criticism. It is a situation that exists not only among illiterates, alcoholics and those staying in slums and chawls (which is the popular notion), but it exists equally among the educated, economically well-off sections of the society. It is an issue that not only affects the victim - the battered women physically, mentally and psychologically, but also other members of the family, especially the impressionable young minds. The young lad who sees his father beat his mother learns that violence is an acceptable mode of 'expressing anger'. Aggression is seen as a positive male characteristic and he may think that he might be called henpecked if he does not behave similarly. On the other hand, the daughter may learn that her husband has a right to beat her.

The immediate causative factor for domestic violence could be anything from outpouring of anger from office at home, jealousy or suspicion, failure to bring

sufficient dowry or sheer lack of mutual understanding and respect. The list is endless. However, the main underlying cause lies in the power relations and gender inequality which enables the man to assert his superiority. This attitude is complemented by the wife's own feeling of inferiority (the result of social conditioning), economic and emotional insecurity and finally passive submissiveness which leads to domestic violence. Domestic violence arises from patriarchal notions of ownership over women's bodies, sexuality, labour, reproductive rights, mobility, and level of autonomy. Deep-rooted ideas about male superiority enable men to freely exercise unlimited power over women's lives and 'effectively legitimizes it too'. Violence is thus a tool that men use constantly to control women as a result of highly internalized patriarchal conditioning which accords men the right to beat their wives and thus ostensibly perform the duty of chastising them. The unequal and hierarchical gender relations manifest itself clearly in the familial setup and is accentuated by clear demarcation of sex roles and sexual division of labour. Violence within the home constitutes, more often than not, a 'private' affair because of the high value attached to family as an indisputably sacrosanct social institution. In fact, this belief disables rightful cognizance of the fact that more often than not, the family, in reality, is the site of and the root of unequal gender relations and oppression of women. This in fact, puts violence (which is systematically meted out to women within the family) above public scrutiny, thereby creating a public/private dichotomy with respect to violence against women. Not surprisingly, thus, marital violence, especially woman battering goes largely unnoticed or more importantly,

hushed. It has also been quite apparent for a long time now that violence against women within the family does not constitute an occasional, rare incident, but is a regular systemic and structural manifestation of social control. One of the main causes for the non-recognition of wife battering as a serious social crime has been the fact that the phenomenon has been shrouded in myths and stereotypes which need to be debunked to enable an understanding of family violence.

Cultural mores and sex role socialization play in a woman's decision to remain with her abuser. A woman learns gender identity in her family. She learns that her affiliation with a man gives her status and worth. Battered women form attachments and become emotionally dependent on their male partners in the same way that other women do following the same path as their non-battered sisters. Society's acceptance of male dominance and aggression along with its disavowal of male to female violence creates a societal dissonance. Battered women also experience this conflict as they recognize the abuse in their own relationships. They may erroneously assume that their relationship struggles, corresponds to those faced by other women in their marriages. A woman also learns hope, commitment in her family, qualities continuously nourished by cultural messages. Her primary reason for remaining in or returning to the battered relationship is her hope and her need to believe that her abuser will stop the violence, a need called 'learned hopefulness'. Some of the traits most valued in a woman such as commitment and tolerance may be used to pathologise her behaviour and to blame her for staying. Cultural mores coupled with the

likelihood of meeting a dysfunctional mate support the contention that becoming a battered woman could happen to anyone.

Hence the need of time is to consider domestic violence from overall developmental perspective. It is clear that a change in attitudes in our society, especially among young men, is critical. A slow and a gradual change is required for gender sensitization of different sections of the society. The involvement of sensitive, conscientious men from all walks of life is important.

### **Role Of Men**

Those men, who are sensitive about the issue should come out and contribute their energies towards the cause. Men Against Violence and Abuse (MAVA), is India's first and perhaps only organization run by men (having women members as well) fighting against domestic violence and abuse of women in Mumbai city for the past few years. There is Purush Uvach (Men Speak), another body in Pune formed by men to tackle issues of gender equality, which organises debates, talks and interactive programmes to involve men as a part of the wider gender sensitization process. There is a greater need for organizations like MAVA and Purush Uvach who can work towards focussed areas like domestic violence and abuse of women.

### **Need For A New Domestic Violence Law**

There should be a comprehensive law that incorporates a broader definition of domestic violence. The definition should encompass all the acts of physical,



psychological, emotional and sexual abuse that in effect hurt or degrade the woman or take away her ability to control contact with another individual. The legislation should address women of all ages, irrespective of their marital status. It should also counter the loopholes present in the existing law, dealt with in Chapter 4.

### **Improve Women's Economic Capacities**

Steps should be taken to improve women's access to and control of income and assets, recognize her shared right to the family home and matrimonial property, and incorporate the principle of division of community property into divorce laws. Productive assets and property are critical to strengthening the economic and social status of women, providing income opportunities and improved respect for women outside marriage and family.

### **Use Media to Build Public Awareness**

It is also vital to recognize the role of the media in shaping societal attitudes, values and public opinion. Responsible media portrayal of women's lives and minimising negative, stereotypic imagery are essential steps in achieving the said goal.

### **Address Domestic Violence through Education**

Prevention of domestic violence ultimately depends upon changing the norms of society regarding violence as a means of conflict resolution and regarding

traditional attitudes about gender. To achieve this, the concept of gender and human rights must be introduced in the curricula of schools, universities, professional colleges, and other training settings. Along with this, there must be recognition and commitment to the principle of free compulsory primary and secondary education for girls.

### **Implement Programmes for the Batterer**

Programs designed for the batterer must be introduced in both the state and voluntary sector. Apart from addressing male violence through the criminal justice system, it is imperative to design and implement counseling programs that would raise the gender sensitivity of men, explore norms of violent behavior, and provide therapeutic counseling as needed. In order to promote a holistic approach to prevention as well as intervention, the deficiency in programs designed for men needs to be addressed.

### **Role of Non Government Organisations**

NGO's play a very important role in making people aware of the problem of violence in their home and not to compromise with it or treat it as normal. It also helps in combating the problem and providing help to the victim. Besides this the range of NGO responses varies from provision of alternative shelter, counseling, community mobilisation and education and awareness efforts to systematic advocacy.

While some organisations have reached out to affected women directly with legal aid, family intervention, alternative shelter and economic programs providing income-generating opportunities, many others have refrained from tackling the issue of violence head on. Hence there is a need for organisations operating with an understanding of the structural nature of domestic violence and seek to empower women through education, legal awareness, asset creation and mobilisation of strong women's group. There is need for innovative method to build community awareness and support through street plays, exhibitions, Mass meetings, Organising elderly women to welcome every new bride to the village, and mock funeral processions publicizing violence. By attempting to make domestic violence part of public discourse the NGO community can deconstruct the myth of the private nature of the violence.

In this context I would like to briefly discuss NGO's like Jagori and Lawyers Collective who have helped me in providing valuable resources in writing of this dissertation.

### Jagori

Jagori is a Delhi based NGO. Jagori, which is translated as '*awaken oh woman*', is a group that emerged from the autonomous women's movement. It was started by a group of 7 persons (6 women & 1 man) who were all involved in the movement working at grassroot levels and participating in campaigns. Jagori was conceived of as a space for women to express themselves through their creativity and to reach out to more women with ideas that were being generated

within the growing women's movement. The activities that Jagori has been involved in from the beginning are documentation, production of literature conducting training programmes and workshops. Training programmes and workshops are central activities of the group. The workshops are organised by Jagori and involve the efforts of different people as facilitators depending upon the focus of the workshop. The workshops are held for activists working at the grassroots level with women's groups, non-governmental organisations, and government programmes. These workshops and training programmes are held on specific topics like violence against women<sup>41</sup>.

#### Lawyers Collective Women's Right Initiative

The Lawyers Collective was founded in 1980 by a group of committed lawyers and activists. It had its forerunner in the Workers Law Centre, which came into existence in 1975 during the internal emergency. Its mission was to provide legal services to thousands of workers who were mercilessly dismissed during the emergency for no other crime except that they protested against the emergency. The friendships that were formed during that period and the bonds that were created have endured. It was this small group of lawyers that

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<sup>41</sup> Kalpana Vishwanath Basu, 'A Sociological Analysis of the Women's Movement – A Case Study' – pg 33 (A doctoral thesis submitted to the Delhi University).

went on to form the Lawyers Collective. Lawyers Collective aim has been to provide out, reach services to the victims of 'undeserved want'. It is little known that this expression 'undeserved want comes from the constitution of India in Article 41. It is a beautiful expression for it so accurately captures the reality of the vast majority of the people of our country. Women (50 per cent of the population of the country) were mentioned but twice in the constitution running into 394 Articles, as originally framed once in the Fundamental Rights and once in the Directive Principles of State Policy so women too are victims of undeserved want. Later with the introduction of Article 51, they were mentioned once more. Women are almost the invisible gender of the Indian Constitution: Among the many manifestations of the violations of the Fundamental Rights of women, domestic violence is one of the most vicious. Lawyer's Collective Women's Right Initiative consider domestic violence as custodial violence, which takes place behind close doors, the very doors that are meant to protect from the hazards of the outside world. Hence the Lawyers Collective is continuously to working to make domestic violence come out of the closet and be addressed. In their endeavour they have formulated a Domestic Violence Prevention Bill that recognises of women's right to live in safety and without fear from violence and which empowers our decision makers to act in their favour. Besides this the Lawyers Collective Women's Right Initiative is also involved in conducting training programmes, organising workshops, gives legal counselling and also free legal aid to domestic violence victims. It is also continuously striving towards

law reform and working towards empowerment of women through constitutional law.

Public services need to be made more accessible especially to women in crisis situations. Also, while it is necessary to review as well as initiate services for battered women, it is far more important to consciously move away from the image of battered women as victims. Rather, it is imperative to view them as survivors negotiating spaces with several informal and formal set-ups that, in fact, need to be revamped to empower women in a positive fashion.

The Domestic Violence (Prevention) Bill, 2001 is finally under consideration by the Centre. The main objective of the policy is to create an environment through positive economic and social policies for the fuller development of women and an equal access to participation and decision-making in the social, political and economic spheres. Hence the Indian populace can no longer delay learning how to identify battering and recognizing domestic abuse as a serious crime. The challenge remains; in terms of formulation and implementation of strategies; legislations and sensitizing of machineries to effectively deal with the multifarious manifestations of violence against women. Above all, there is an urgent need for drastic changes in societal attitudes towards battered women and also those of professionals involved in dealing with/helping them.

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