CHAPTER-3
THEORIES AND CAUSES OF DOMESTIC VIOLENCE
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Life in society and family requires a sufficient degree of behavioural order for peaceful co-existence. Human behavior is complicated and many sided but by performing the roles that go with their statuses and by obeying the most of the norms of the society and family, individuals ensure that the social and family system works orderly. But all of the individuals did not follow most of the rules and norms neither in society nor in the family and cause violence towards their fellows specifically women. Violence against women is present not only in the majority of families of one particular society but in all families of all types. There is hardly any family that is not confronted with the problem of domestic violence against women. The acts which characterized the violence are not the same everywhere as its appearance and attitudes vary from culture to culture, society to society and family to family, but everywhere and always there have been men who have behaved in such a way as to draw upon themselves penal repression.

Since the late 1970s researchers and theorists have focused increased attention on the wide spared problem of domestic violence in contemporary society. Different researchers have shown that domestic violence against women cuts across racial, ethnic, religious and socio-economic lines. In particular researches have sought to identify the factors associated with intimate violence in an effort to develop theories explaining the cause of violence. There are distinct theories of either family violence, women abuse, or other type of violence in conjugal relationship. Even so, no single theory can fully explain violence against women.

The question that puzzled every one, whether he is sociologist, criminologist, law maintenance officer and the public alike is, why men violates significant social norms and opt criminal behaviour? What causes men to be violent, abusive and cruel

2 Id., at p. 138.
towards women? Why males in general are more violent than females? A few social scientists have attempted to explain criminal violence by presenting a summary of factors found to be related to various types of violence against women, but still these associations and correlations, howsoever, do not provide a scientific theoretical insight into the causes of violence against women. 

So far as Indian scene is concerned there is no simple theoretical explanation for violence against women in the home, certainly, any explanation of violence against woman must go beyond the individual characteristics of the man, the woman and the family and look to the structure of relationships and the role of society in underpinning that structure. Sociologists, criminologists have developed a number of theories to explain criminal behaviour, but no one perspective is a comprehensive explanation of all types of violent behaviour. Therefore, analysis of various types of violence against women and their varied patterns calls for examining and testing some of the important existing theories. The positive and negative features of existing theories can be used to know the causes of violence against women. Each theory provides a different lens through which we can examine aspect of violent behavior. An overview of various theories that have been put forwarded is as follows:

3.1 Feminist Theory

The theoretical perspective of feminist emerged during the vibrant political movement for women back in the 1970s. The fundamental goal of feminist perspective is to understand the women’s oppression in term of race, gender, class and sexual preference and how to change it. Advocates of this theoretical explanation argue that domestic violence is broadly defined as male coercion and oppression of women within the four walls of the home. Rape, sexual assault, female infanticide, dowry related cruelty etc, are other form of violence against women in addition to domestic violence. The common elements in all these types of violence against women are gender and power.

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8 Cook, Rebecca J., ‘Human Rights of Women National and International Perspectives’, 1995, p. 120.
9 Supra note 6, at p.165.
11 Id., at p.41.
12 Supra note 7, at p. 227.
Feminist theorists believe in the feminism which means a movement for complete equality between men and women in every way. Feminism has always meant independence of mind and spirit and body. Feminist efforts to end patriarchal domination and insists on the eradication of exploitation and oppression of women in the family context and in all other intimate relationships. At the core of feminist explanations is the view that all violence is a reflection of unequal power relationships and specifically domestic violence reflects the unequal power of men and women in society or within their personal relationships.

To depict more accurately the phenomenon of violence against women, feminist theorists used the terms such as “wife beating”, “domestic violence”, “battered women” and “women abuse” because they believe that the terms such as “family violence”, “spouse abuse”, “marital violence”, and “conjugal violence” shift the focus away from the concept of male coercion or oppression and away from the women. Feminists have pointed out that it is necessary to define and conceptualize domestic violence in this manner to raise the awareness of violence against women in intimate relationship and to integrate various violent behaviours into main stream debates on crime. Feminist theorists assert that etiology of domestic violence lies in the patriarchal structure of society in which systematic domination of females by males is of central concern. They point to male violence against women as central to male supremacy. According to such a view, domestic violence, rape and sexual harassment are all part of the systematic oppression of women, rather than isolated cases with their own psychological or criminal roots.

Advocates of feminist theory argue that domestic violence is systematic and structural mechanism of patriarchal control of women that is built on male superiority and female inferiority, sex stereo typed roles and expectations and economic, social and political predominance of men and dependency of women. Along with verbal, emotional, and economic abuse, violence is a means of maintaining male power in the
family when men feel their dominance is being threatened. Economic dependence of female on the male makes them unable to escape from the violent behaviour of men. Men’s superior physical strength may enable them to dominate women through violence.  

A fundamental factor in any analysis of violence against women is that of gender. Violence against women refers and determines gendered social structure. Gender refers to the socially constructed roles, behaviours and expectation that are ascribed to men and women. It is also understood as a social structure of norms and institutions where women and men experience life differently because of the socially ascribed roles of gender. It is a salient and pervasive issue which response appropriately to those women who experience violence in many forms.

Feminists see rape and other sexual assault on women not as an act of passion but as a violent social statement, i.e., a means of controlling women. Rape and the threat or fear of rape, is one of the means by which men make women docile and ensure their own dominance. Men are taught to associate power, dominance, strength, virility and superiority with masculinity and submissiveness, passivity, weakness and inferiority with femininity. In this process men learn that they are the aggressors against the women.

In the feminist view, batterers feel that use of physical force or its threat against wives is an integral part of the institution of the family and is one of the mean to control the family. Batterers may typically exercise control over the family in non-violent coercive ways and only sometime resort to violence. Batterers often rationalize their violence on the ground that it was necessitated by their partner’s action or she provoked or caused it and they simply reacted as any man would.

3.2 Family System Theory

The first and most important institution which determines the individual’s behaviour is the family of the individual. The family not only gives him the social contact in the world, i.e. with other members of the family, but also determines his

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20 Supra note 7, at p. 228.
behaviour towards society in general. The perception of environment by the child and his attitudes towards it, greatly influenced by the family.\textsuperscript{24}

According to the family system theory the family and the social situation play an important role in determining the violent behavior.\textsuperscript{25} In addition to these, the causes of violence have been broadly classified under biological determinants including hormonal factors; intra-psychic determinants that include personality characteristics of both the victim and the batterer; behaviouristic position that take into account social conditioning; and cognitive processes that focus on factors such as accepting others anger, faulty processing of social information and so on.\textsuperscript{26}

From a theoretical perspective, family conflict due to misunderstandings, disobedience, high expectations and financial stress emerged as the most important determinant of behaviours that are interpreted as violence. It is followed by individual traits such as aggressive tendencies, jealous, immaturity or suspicious nature of both the victim and the oppressor. All these instigators of domestic violence against women are rooted in the internal structure of family system.\textsuperscript{27} The family structure with its underlying basis of hierarchical structure and sexual division of labour is a fertile ground where violence is used as a tool against women to maintain the structure of family system and to ensure the continuation of the assigned role.\textsuperscript{28}

3.3 Socio-Psychological theories

The Socio-psychological model assumes that criminal violence can best be understood by a careful examination of the external environmental factors that exercise an impact on the behaviour of individual offender. These theories also examine the types of every day interaction i.e. stressful situations or family interactional patterns etc., which are precursors to violence. The Frustration-Aggression Theory, the Perversion Theory, Power Theory, the Self Attitude Theory, and Traumatic Bonding Theory approach the criminal violence from a socio-psychological level of analysis.\textsuperscript{29}

\textsuperscript{24} Qudri, SMA., ‘Criminology & Penology’. 2011. p. 112.
\textsuperscript{26} Id., pp. 387-388.
\textsuperscript{27} Ibid.
\textsuperscript{29} Supra note 6. at p. 166.
3.3.1 Frustration-Aggression Theory

In 1939 Dollard, et al., proposed the Frustration-Aggression Theory of violence. This theory derived many of its basic postulates from Freudian theory (1930). It explains the process by which frustration is linked to aggression. Whenever something interferes with an individual’s attempt to reach some goal or end, he feels frustrated and frustration in turn leads to some form of aggression (Dollard). Aggression includes both physical and verbal behaviour which intended to hurt someone. It is closely related to increased tension and restless movements or feelings of anger that may lead to destructiveness and hostile attacks.

People became frustrated, when they are unable to reach their goal, when frustrated; they tend to strike out at others, in ways that range from tongue lashing to overt violence. They consider verbs like destroy, damage, torment, retaliate, hurt, humiliate, insult, threaten and intimidate as action of an aggressive nature. Aggression was thus regarded as a response of frustration, directed towards the infliction of injury. The injury may be mental as well as of physical nature and the target of aggression may be animate or inanimate. In other words, aggression is the dominate response in the hierarchy of responses to frustration and this dominant position of aggression is probably the result of learning rather than of innate factor.

After taking various criticism into accounts, this theory was modified, today it is recognized that an actual display of aggression may be inhibited by either internalized norms or external controls, even though the impulse for aggression may be strong following some frustrating experience. It is also recognized that frustrations can be cumulative and remain active over a long period of time. It is also acknowledged that people perceive frustrations in varying ways, with those deemed arbitrary or unreasonable most likely to trigger aggressive responses. Further it is also recognised that responses to frustration can be learned. In short, aggressive actions are not an automatic consequence of frustration, and this occurrence depends upon numerous factors.
According to the Frustration-Aggression perspective aggression is expressed directly against the individual or object that is the source of frustration. If this is so, this theory, does not explain criminal violence in the types of crimes as we have analyzed here because, frequently the frustrated individual cannot satisfactorily express aggression against the source of frustration. Sometimes the source is vague and intangible. The person does not know what to attack yet feel angry and seek something to attack. Sometimes the person responsible for frustration is so powerful that an attack would be dangerous. When circumstances block direct attack on the cause of frustration, aggression may be displaced and innocent person could become the victim of the aggression. For example, a person who is reprimanded at work may take out his unexpressed resent on his family. The same is true in the case of a dowry-death. Why does a mother in law/husband kill the daughter-in-law/wife when the source of frustration is not the girl who is killed but her parents who fail to fulfill the dowry demands?

Thus, theory of Frustration-Aggression is criticized on the ground that aggression is not always directed to the source of frustration but often is directed towards some other object i.e. displaced aggression. It is also criticize on the grounds that, (1) the relationship between frustration and aggression is not innate; that (2) a wide variety of responses may result from frustration and aggressions is not the only responses; (3) that aggression may be an adaptive response and a rational choice of behaviour.

Yet other criticisms against this theory are: that (i) human behaviour is not an extension of animal instinctive or innate behaviour but is the product of a complex interplay of biological and environmental factors. An individual’s social behaviour depends upon his social and cultural milieu; (ii) Responses to frustrations are learned just like any other social behaviour and what is learned has a lot to do with socialization practices which themselves differ from group to group and society to society.

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37 Ibid.
38 Supra note 33. at p. 436.
39 Supra note 36. at p. 168.
40 Displaced aggression is an aggressive action against an innocent person or object rather than against the actual cause of frustration. quoted in Supra not 33. p. 436.
41 Supra note 7. at p. 237.
42 Ibid.
3.3.2 Perversion Theory

The word perversion suggests a deviation, which notably is logically dependent on the norms from which it deviates. The meaning of the term has pivoted around a notion of deflection from a right or true course.\textsuperscript{43} Perversion is a concept which describes those types of human behaviour that deviate from which is understood to be normal.\textsuperscript{44} Whatever contextual definition of perversion may be used, it always implies the transgression of a moral, social or legal norm or values.\textsuperscript{45} Although it refers to a variety of forms of deviation, but it is most often used to describe sexual behaviour that are considered particularly abnormal, repulsive or obsessive.\textsuperscript{46}

The psychoanalysts explain violence on the basis of the Theory of Perversion and the Theory of Symptom Formation. They do not regard perverts as constitutionally inferior people but maintain that perversion develops from instincts. According to Freud’s early theory (1949), perversion persistence in the adult of infantile instincts and behaviours at the expense of adult behaviour. In the pervert infantile traits fail to undergo the normal process of integration during puberty but are not converted into neurotic symptoms. Violence can be the product of strong inborn derives or of pathological experiences in infancy or early childhood. In the latter cases, childhood conceptions of the relations between the sexes as being aggressive and sadistic and the idea of pleasure as a negative process, essentially achieved by a relief from a state of “unpleasure” are carried into adulthood.\textsuperscript{47}

Explaining different kind of perversion, psychoanalysts point out that maturation involves leaving early aims and objects and choosing new aims and objects. Perversions can, therefore, be conceived of as distortions of aims and objects and in the absence or distortion of appropriate feeling toward these objects.\textsuperscript{48}

\textsuperscript{44} Available at http://www.en.wikipedia/wiki/perversion last visited on dated 25 ‘5’/2013.
\textsuperscript{46} Supra note 44.
\textsuperscript{47} Supra note 36, pp. 169-170.
\textsuperscript{48} Ibid.
Psychoanalyst O. Fenichel (1945) consolidated the approach that aggression arises from castration fears which in turn are derived from earlier oral sadism. This was later accepted by most psychoanalysts as a possible explanation of the etiology of perversion in particular violence against the weak. This theory was considered important because it was supported by the clinically established fact that there is a higher incidence of perversion among males than females.\(^49\) A discussion of the dynamics of perversion has included the object of aggression and the operations of the ego and super ego as a cause of violence. One theory suggests that ego is split in perverts, another that through ego mechanisms the object splits. Klein\(^50\) suggests that a "good" object is idealized by the pervert while he uses aggression towards a 'bad' object.\(^51\)

The present theory of Perversion is criticized because of the limitation of its approach. While explaining psychoanalytical hypothesis of 'infantile instincts' 'inborn pathological drives', 'distorted feeling', or 'split ego' about causes for committing an offence by individual male offenders, it ignores an important dimension of environment in the causation. Wife beating, rape, bride burning, and even murder cannot be the result of a mere primary institutional component of a personality or a means of solving psychic conflict. Though aggression is a basic element in personality structure, its origin and direction in social relations, specially between the sexes, cannot be explained only as a result of personality of pathology.\(^52\)

3.3.3 Self Attitude Theory

This theory emphasizes that in a society, culture or group that values violence, persons of low self esteem may seek to bolster their image in the eyes of others and themselves by carrying out violent acts.\(^53\) Low self esteem has long been asserted to be one of the most important determinants of violent behaviour. According to Renzetti (1992) negative feelings which result in domestic violence are often a result of low self esteem\(^54\) It would most likely be found in domestic violence because such

\(^{49}\) Ibid.  
\(^{51}\) Id., at p. 170.  
\(^{52}\) Ibid.  
\(^{53}\) Id., at 171.  
violence is often marked by beating up on weak, helpless targets who pose no risk of retaliation. Gelles and Straus (1988) summarized a common provocation to domestic violence by saying that people tended to hit their spouse and children “after they felt that their self-worth had been attacked or threatened”.

This theory explains the propensity to violence of those for whom society make it difficult to achieve an adequate level of self-esteem.

Accepting this theory would mean that all individuals who use violence against women i.e. rapists, abductors, murderers, and batterers suffer from low self-esteem.

3.4 The Cycle Theory of Violence and Psycho-Social Theory of Learned Helplessness

Two of the most often discussed theories on battered women are Lenore Walker’s ‘The Cycle Theory of Violence’ and ‘Psycho Social Theory of Learned Helplessness’.

Lenore Walker was one of the first researchers to describe a dynamic process in abusive relationship that she called the “Cycle Theory of Violence”. Walker described three phases in the cycle of violence (Walker 1979, 1984). These three distinct phases associated with a recurring battering cycle (1) the tension building stage accompanied with rising sense of danger; (2) the acute battering incident; and (3) loving contrition.

In the first phase, there is a gradual escalation of tension displayed by discrete acts causing increased friction, such as name calling, other mean intentional behaviours, verbal abuse and physical abuse. The batterer expresses dissatisfaction and hostility but not in an extreme or maximally form. The woman attempts to placate the batterer, doing what she thinks might please him, calm him down or at least, what will not aggravate him. She tries not to respond to his hostile actions and

55 Id., at p.113.
57 Supra Note 36, at p. 171.
uses general anger reduction techniques. This "tension building phase" may last for weeks or years until the tension has mounted to the breaking point. In the second phase, the acute battering incidents becomes inevitable without intervention. This phase is characterized by the uncontrollable discharge of the tensions that have built up during phase one. The batterer typically unleashes a barrage of verbal and physical aggression that leaves the woman severely shaken and injured. In fact when injuries do occur they usually happen during the second phase of the cycle of violence. In the third phase the batterer may apologize profusely, try to assist victim, show kindness and remorse and shower her with gifts and promises. The batterer himself may believe at this point, that he will never allow himself to be violent again. This third phase provides the positive reinforcement for remaining in the relationship for the woman. Phase three is welcomed by both the partners which is marked by contrite loving behaviour, affection and promises by the batterer never to repeat the incident again. This cycle of violence keeps repeating itself in the lives of almost all battered women.

The theory of learned helplessness suggests that victim give up the belief that they can escape from the batterer in order to develop sophisticated coping strategies. Learned helplessness theory explains how they stop believing that their actions will have a predictable outcome. It is not that they cannot still use their skills to get away from the batterer, stop the abuse at times, or even to defend themselves, but rather, they cannot predict that what they do will have the desired outcome, sometime they use force that might seem excessive to a non battered woman in order to protect themselves. This psycho-social theory of learned helplessness focus on the factors which reinforce battered women’s victimization. According to this theory, battered women operate from a premise of ‘helplessness’ which further serves to only aid passivity and a fatal acceptance of exploitative situation.

Walker’s Cycle Theory of Violence was criticized on the ground that all violent relationships do not confirmed to the cycle of violence. Later researchers have

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61 Supra Note 59, at p. 75.
62 Supra Note 60, at p. 94.
63 Supra Note 58, at p 144.
64 Supra Note 59, at p. 144.
65 Supra Note 59, at p. 144.
found that violence does not necessarily increase in frequency or severity over time, in fact violence ceases in a large number of relationships, influenced by variables like age, legal marriage and length of relationship. Particularly, the cycle theory discount the damage done by emotional, psychological, economic and other non-physical form of abuse by focusing disproportionately on physical violence i.e. the acute battering phase.66 Another criticism of the cycle of violence theory is that it describes a static interaction between the abuser and the victim. In reality, many relationship are constantly changing and do not follow a predetermined pattern of abuse. Walker’s theory describes a predestined pattern of behaviour, with little freedom of choice but at the same time it may give abusers an excuse for their behaviour as part of an inevitable cycle of actions.67

3.5 Survivor Theory

As opposed to the cycle theory, E.W. Gondolf and E.R. Fisher proposed the survivor theory which views women not merely as passive victims but proactive help seekers and survivors. The assumptions of the survivor theory are in sharp contrast to the theory of learned helplessness. The survivor theory credits women with the capacity to innovate newer strategies of coping and acknowledges the efforts of the survivors in seeking help from formal or informal sources. In addition, this theory stresses the need for accessible and effective community resources for the woman to escape from the batterer. The survivor theory also takes cognizance of the multiple help seeking behaviour of women in the face of increased violence.

Further, it also lauds the ‘Female Survivor Instinct’ which focuses on nurturing rather than destruction, the willingness to adopt and to efforts directed at furthering of self growth.68

3.6 Traumatic Bonding Theory

This theory explains family violence in terms of the unique relationship and interaction that develops between a victim and the abuser. This theory has been used to explain and treat intimate partner abuse, as well as incest. Dutton and Painter

68 Supra Note 58, at p. 144.
(1981) defined traumatic bonding as “strong emotional ties that develop between two persons where one person intermittently harasses, beats, threatens, abuses or intimidates the other”. According to this theory trauma of the abuse creates a strong emotional tie that is characterized by cognitive distortions and behavioural strategies that ultimately and unintentionally perpetuate the abuse and strengthen the bond. This tie is distinguished by mutual emotional dependency between the abuser and the victim. This emotional dependency, or traumatic bond, is said to develop because the abuse is characterized by intermittent reinforcement. Intermittent reinforcement involves the alternating of highly intense positive and negative, abuser-victim interactions. For example a husband may be very abusive for a time and then replace that behaviour with intense affection.

This behaviour not only strengthens the bond but also leaves the self-esteem of the victim in the hands of the abuser.

This theory maintains that both the abuser and the victim suffer cognitive distortions that involve blame, responsibility, power, and trust. For example, where as a child who has been a victim of incest may blame himself or herself for the abuse, the adult may also blame the child.

Finally, the behaviour strategies of both parties often place the victim at the risk of revictimization and the abuser at risk of revictimizing. In the case of intimate partner abuse, a victim, in order to relieve the anxiety of impending abuse, may actually create a situation that escalates the abuse. The abuser on the other hand, would do the same to relieve his or her own tension, frustration, and anxiety.69

3.7 Power Theory

According to power theory domestic violence is the result of power differentials that exist within families. Sociologist Finkelhor (1981) observed that power differentials, naturally exist within the family through age and gender differences. He stated that these differentials take form when those who are bigger and stronger and have greater access to valued resources exert their will on others.

who are smaller and weaker and have little or no resources. Thus, traditionally within the family, men are normally granted power over other members specifically women, due to their social status, age and physical size and strength.

Finkelhor (1981) also observed that the most common patterns are for the most powerful to abuse the least powerful. Hence, he stated, “abuse gravitates to the relationships of greatest power differentials”. Therefore, children are at an increased risk of being abused, especially of the tender little age. In addition, sexual abuse of subordinate, younger females by older adult males in dominant, authoritative position is a common form of abuse. Similarly, the less power a female has as compared with her husband, the more likely she will experience abuse.\(^{70}\)

### 3.8 Stress Theory

According to stress theory family violence is the result of stressors whether economic, social, or personal, that affect families at all levels. This theory explains that an increase in stress and tension increases the risk of abuse between family members. In addition to Gelles and Strauss (1988) sociologist David Finkelhor (1981) have found similarities between violent families. He found four common features of violent families: Power differentials, Social isolation, similar effect on victims, and alcohol abuse and chemical dependency.

According to this theory power differentials may or may not causes stress, depending on the members’ view point and adaptability. But social isolation involves the privatization of the family, effect on victims and abuser because the family as an institution is isolated from the large society and family members are not obligated to explain negative situation such as abuse. Thus, when family violence occurs, it is often within the confines of the family and individual family members need not to explain to anyone what goes on inside the walls of the home. In addition to this, social isolation also prevents victims of abuse from getting the help they need. Their limited or total lack of contact with resources outside the family makes it difficult to ask for help.

\(^{70}\) Id., pp. 39-40.
Finkelhor (1981) further observed substance abuse within a family as a common feature of a violent prone family. Though intoxicant abuse has not been found to be a cause of family violence, it is definitely a contributing factor. The use of substances by one or more individuals within a family can cause added stress. It also provides excuses to the abuser for his action or abusive behavior. Furthermore abuser can more easily deny remembering violent incidents using intoxication as an excuse.

Thus according to this theory social isolation of the family or drug dependency contributes to increased stress levels. For those who are abused, the isolation leaves them feeling that there is no way out. Although the abuser may obtain some immediate gratification from getting his or her needs met, he or she may also feel shame and guilt. Without an outlet for these feelings, the stress increases, and the abuse is perpetuated.71

3.9 Socio-Cultural Theories

The sociological or socio-cultural model provides a macro level analysis of family violence.72 Socio cultural theories generally rely on factors outside the family as causing family violence. These include socially structured inequalities and cultural norms and attitudes, surrounding violence, abuse and family relations.73 Socio cultural factors have three dimensions that pertain to the domestic violence. First is the social system which is a major structural source of stress for individuals; secondly there are numerous factor which contribute to family and social conflict; thirdly several social cultural situations provide opportunities for learning to become violent and for maintain violent behaviour.74

Besides the two well known theories viz., the Structural Functional Theory and the Theory of the Subculture of Violence, the Learning Theory, the Exchange Theory, the Anomie Theory and the Resource Theory also come under a socio-cultural analysis of violence.75

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72 Supra Note 36, at p. 166.
73 Flowers, Ronald B., 'The Victimization and Exploitation of Women: A Study of Physical, Mental and Sexual Maltreatment in the United States and Children', 1994, p. 34.
75 Supra note 36, at p. 16.
3.9.1 Structural Theory

This theory gives more prominence to the socio-structural factors as causes of domestic violence. This theory focuses on series of factors that create and transmit stress to the individuals and families including culture and climate that engenders, transmits and provide support for the acceptance and practice of violence. Richard Gelles observed that violence is a direct response to certain structural and situational stimuli. For violence to occur, two conditions are exist, firstly, structural or situational stress and secondly, the potential batterer have been socialized to view violence as an appropriate response to certain situation, such as frustration. Within the social-structural theory the assumption is made that less educated, lower income, lower occupational status families are more likely to encounter both structural and situational stress and individuals in different socio economic group are socialized differently in their acceptance of violence.

Structural theorists examines the large scale variable such as the social and cultural structure, social classes, poverty, race, ethnicity and ecological areas in order to co-relate them with the domestic violence. Although violence is found among all income categories, social classes and education levels but according to this theory a disproportionate number of perpetrators of violence are male, poor and unemployed or underemployed. These individuals and their family have inadequate resources to cope with the normative demands and thus become violent because of the stress or strain imposed on them. This theory thus explains an individual’s action in terms of the way it is shaped or determined by social forces of one kind or another. The offenders’ violence is seen as determined by the degree of his integration in the system.

There have been criticisms levelled at social-structural theory of violence. One is that it fails to account for the reality that wife abuse can occur even without the abuser coming from an abusive family or otherwise being socialized to regard violence as acceptable behaviour. Another criticism against this theory indicate that

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77 Supra note 74, at p. 27.
79 Supra note 74, at p. 28.
80 Supra note 36, pp. 171-172.
the Domestic Violence may be equally as prevalent among higher educated or higher income levels, but is more easily hidden due to greater resources and more incentive for such victim of abuse to keep it in the family. The structural perspective, thus leaves some questions unanswered because of which it cannot be accepted as wholly.

3.9.2 Theory of Sub-cultures of Violence

This theory maintains that within large, complex and pluralistic societies, subgroups learn and develop specialized norms and values through differential associations and organizations that emphasize and justify the use of physical force above and beyond that which is regarded ‘normative’ of the culture as a whole. The sub-cultures theory suggests that a lot of deviant behaviour is a reflection of normative support for deviant values by a sub-group and even of encouragement by certain groups in social structure.

This theory holds that domestic violence occurs more often in certain subcultures than in others. According to this theory there are segments of society that are more prone to domestic violence than others. The originator of this theory Wolfgang and Ferracuti (1982) states that cultural norms or values vary within societies and certain groups in particulars, males, member of lower socio-economic class and oppressed minorities are accept violence as way of life to settle conflict. Through socialization members of a sub-culture learn culture’s norms and values, including violent behavior with respect to interpartner violence.

Scholar Bowker (1983) stated that male sub-cultures play a role in supporting wife beating, according to him men who are most integrated into peer subculture which support patriarchal dominance of the family are more severe in causing domestic violence.

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81 Supra note 78, at p. 181.
82 Supra note 36, at p. 172.
This theory was criticized mainly because it focused on the violence perpetrated by lower socio-economic class males and did not explain why violence still occurs outside of defined sub-cultural groups.\(^8\)

### 3.10 System Tension and Feedback System Theory

This theory was developed by Strauss (1973)\(^9\) to explain violence in intra-family relations. Strauss explains violence in the home by viewing the family as a purposive goal-seeking, adaptive social system. Violence is seen as a system product or output rather than an individual pathology. Strauss specified “positive feedback” in the system which can create an upward spiral of violence, and “negative feedback” which can maintain, dampen, or reduce the level of violence.\(^0\) Tension in the broad sense, of which “stress” and “strain” are manifestations under conditions of felt blockage, is ever present in one form or another throughout the socio-cultural system, sometimes as frustration, aggression or normative deviations and sometimes as conflict and competition or upheaval and destruction.\(^1\) This theory maintain that tension ensue in a system when the component within a system differ from each other and are not perfectly integrated. These differences lead to varying degrees of tensions and subsequent stress that comes from the tension. Ultimately men expresses tensions and stresses through violence in the family and in the society.\(^2\) This theory has been criticized on the basis that it over emphasizes the social system as a cause of violence in the Intra-family relation and completely ignores the role of the individual’s personality.\(^3\)

### 3.11 Resource Theory

This theory of intra-family violence developed by Goode\(^4\) in 1971 was in fact the first theoretical approach applied explicitly to family violence. Resource theory is based on the assumption that force or the threat of force is inherent in all social

\(^{8}\) Supra note 69, at p. 47.
\(^{0}\) Ibid.
\(^{1}\) Ibid.
\(^{2}\) Gottfried, Kim Strom, ‘Social Work Practice: Cases Activities and Exercises’, 1999, p. 15
\(^{3}\) Supra note 36, at p. 172.
This theory asserts that the more resources including social, personal and economic a person can command within a social system, the more force he or she can muster. However, the more resources a person can command, the less the chances are that a person will actually deploy violence. Thus violence is one of the resources that individuals use to maintain or advance their interests. But it is used as a last resort when all other resources are exhausted. This theory explain that traditionally the male, command higher power in the marital and family relationship, than other members namely women and children, who are in subordinate and vulnerable position. But when men lack resources e.g. education, marketable vocational skills, income sufficient to maintain a family and social status, may likely resort to violence as a way to establish their dominance on women. In addition, family members including children may use violence to redress a grievance when they have few alternative resources available. Thus, wives who have few social resources or social contacts may use violence toward their husband to protect themselves.

3.12 Exchange Theory

This theory was initially developed by socio-psychologist George Homan in 1961, who intended to apply it to all social interaction including domestic violence situations. This social exchange theory, which has its roots in psychology, sociology and economics, suggest that all relationship is based on calculated exchanges. As in any exchange relationship, partners in an intimate relationship provide each other with services and/or benefits. Each partner continues to provide the other with desired affection, money, love, sex, and so forth, as long as the partner reciprocates with something that is as desirable e.g. appreciation, love, praise. Over the time one partner may use force to get what he wants from the other. If he suffers no legal or other negative consequences, the violent partner perceives violence as a beneficial and effective tactics to get whatever he desires from his partner. In this way partner not only has avoided punishment for his action but also may be rewarded

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96 Supra note 36, at p. 175.
97 Supra note 83, at p. 138.
98 Supra note 95, at p. 28.
100 Supra note 95, at p. 28.
for his behaviour through his partner’s compliance. Similarly, abused women may comply with their partners’ desire to avoid being beaten. According to exchange theory, behavior can be molded through rewards and punishment by others. Battered women may seek to avoid punishment i.e. violence by complying or staying in an abusive relationship to avoid possible injury as threatened by her partner. If kindness is shown by her typical abusive partner, this too reinforces her behaviour.\footnote{Supra note 95. p. 28-29.}

Thus this theory explains that human interaction is guided by the pursuant of rewards and the avoidance of punishment and costs. In addition, an individual who supplies rewards services to another obliges him to fulfill an obligation, thus the second individual must furnish benefit to the first. If reciprocal exchange of rewards occurs, the interaction will continue. But if reciprocity is not received, the interaction will be broken off.\footnote{Finkelhor. David. “The Dark Side of Families: Current Family Violence Research”. 1983. p. 157.} But in intra-familial relation, it is not feasible or possible to break off interaction, even if there is no reciprocity. Thus actors expect rewards, to be proportional to investments i.e. distributive justice. Consequently, when the “principle of distributive Justice” is violated, there can be increased anger, resentment, conflict and violence in the intra familial relationship.\footnote{Ibid.} A central proposition of an exchange/social control theory of family violence is that people hit and abuse other family member because they can. This theory asserts that people will use violence in the family if the costs of being violent do not outweigh the rewards.\footnote{Ibid.} Gelles (1983) argue that violence and abuse are higher when the rewards of this behavior exceed the costs. In addition, the private nature of some institutions, such as the family, as well as the reluctance of institutions to intervene or assists in reducing the costs of violence, also increases the incident of violence. Furthermore, cultural approval of the use of violence serves to increase the rewards for this behaviour.\footnote{Ibid.}

### 3.13 Social Learning Theory

Social Learning Theory provides a behavioral approach to explain the perspective of domestic violence. This theory asserts that human model behaviour,
that they have been exposed to as children or by observing others behaviour in the
society.107 This social learning theory is based on the work of Albert Bandura (1973)
that looks at a person’s behaviour as a result of his or her cognitive processes. This
approach of human behaviour considers learning instead of inherent qualities,
stimulating the nature versus nurture debate. Bandura states that “Violence is learned,
either directly or indirectly and reinforced in childhood continued into adulthood as a
coping response to stress or as a method of conflict resolution”.108

Social learning theory posits that human learn social behaviour by observing
other’s behaviour and the consequences of that behavior, forming ideas about what
behaviors are appropriate, trying those behaviours, and continuing them if the results
are positive. This theory does not view aggression as inevitable, but rather sees it as a
social behaviour that is learned and shaped by its consequences, continuing if it is
reinforced. From this perspective, male violence against women endures in human
societies because it is modeled both in individual families and in the society more
generally and has positive results i.e. it releases the tension, leaves the perpetrator
feeling better, often achieves its ends by cutting off arguments, and is rarely
associated with serious punishment for the perpetrator.109 Social learning theory
demonstrated the children’s inclination to imitate the observed behaviours of power,
proximal models; this perspective posits that domestic violence is overtly, covertly,
and inadvertently reinforced by society’s major institutions such as family, society,
the government, religion, education and the media. Central to social learning theory
is the idea that children who are direct victims of violence or witness violence
between their parents are more likely to use violence when they are adults.
Additionally this theory lay down that children learn from their family members how
to socially and morally justify the use of violence, (Gelles 1997) and the belief that
violence is an effective way of controlling family members.110

Social learning theory has also been referred to as the intergenerational theory;
when applied to the situation of Domestic Violence, it perceives abusive behaviour as

107 Supra note 4. at p. 645.
108 Supra note 69. at p. 43.
110 Brewer, Ashley Kay Jones, ‘Designing Treatment for Children Exposed to Domestic Violence: An

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transmitted from one generation to the next. This theory states that violent and abusive adults learned this behavior as a result of being the victims of or witnesses of aggressive and abusive behavior as children. If children are abused by their parents, they may internalize belief and patterns of behavior that lead them to abuse their own children. If children observe that parents hit each other, they may develop a greater propensity towards abusing their spouse. Transmission of violent behavior occurs through processes of modeling, failure to learn appropriate ways to manage conflict, and reinforcement for violent behavior. Normal coping mechanisms may not be learned or may become impaired, leading to violence as the ultimate resource.

This theory is criticized on the ground that it does not appear to have a scientific basis. The relationship between experience with and exposure to violence as a child and later violent behavior against the weak and the depressed as an adult can be considered deterministic only under certain conditions e.g. environmental stress, that would have to be specified. The same can be said of the relationship between violence against women and psychological tensions and external stresses affecting individuals at different levels. Accepting this theoretical explanation would be accepting a relationship in a too simplistic deterministic form.

3.14 Patriarchy Theory

Patriarchy is generally understood to be a system of social relations and institutions that give men dominating power of control and advantages that are withheld from women. Like all social systems patriarchy consists of economic, legal, political relations and of ideas, values, beliefs and norms. Patriarchal societies grant privileges to men and permit or encourage their domination, oppression, and exploitation over females. While in its narrowest definition patriarchy means ‘rule by the father’ within the family and consequent subordination of both his wife and children, a broader concept of patriarchy characterizes a society dominated by men, both within the family and outside it.

111 Supra note 69, at p. 44.
112 Supra note 4, at p. 645.
113 Supra note 36, at p. 176.
Patriarchy theory was developed by Dobash and Dobash\(^\text{115}\) (1979) to explain the family violence and especially domestic violence which has been systematically directed towards woman throughout the history. They see the cause of wife beating and other abuse of the powerless/weak in the family as the hierarchial, patriarchal structure of the family in the social system.\(^\text{116}\) Dobash’s central theoretical argument is that patriarchy leads to the subordination of women and contribute to a historical pattern of systematic violence directed against wives.\(^\text{117}\) Thus patriarchal perspective claims an ideology of male dominance over women as uncontested in the larger society as well as in the family resulting in the exploitation and oppression of women.\(^\text{118}\)

Dobash’s Theory, while perhaps the most macro-level approach to wife abuse, has a major drawback of being a theory that is essentially a single factor i.e. patriarchy, explanation of violence toward women.\(^\text{119}\)

3.15 Conflict Theory

This theory point that there are mechanisms in the societies that make conflict inevitable and inexorable, e.g. power differentials assure that some group will exploits other and constitute a built in source of tension and conflict in social system in relation to domestic violence.\(^\text{120}\)

Conflict theorist focus on economic resource inequalities and differential distributions of power in the family and society as a cause of violence against women and the weak.\(^\text{121}\) This theory, firstly emphasize on the men’s and women’s basic relationship which reflect inequality, that is men dominate-women are dominated, men exploit- women are exploited, men control women are controlled.\(^\text{122}\) These inequalities are manifested in gender, age, and family position differences. Those with the greatest economic resources, usually men, also wield the greatest amount of power within the family. Conflict may arise when economic and technological


\(^{117}\) Supra note 36, at p. 175.


\(^{119}\) Supra note 36. at p. 175.


\(^{121}\) Supra note 74. at p. 29.

\(^{122}\) Supra note 22. at p. 425.
changes force a realignment of traditional family structure e.g. more women entering
the labour force. The subordination of women to men is unacceptable in the modern
age, and yet the continuing dominance of the husband over the wife can be a source of
conflict and violence. 123 Secondly this theory pointed out that marriage and family
never exist in isolation but always reflects the society in which they exist. Conflict
theorist stress that marriage is one of the basic means by which men maintain their
control, domination, and exploitation over the women. Thus if women are
subordinated in a society, marriage and family reflect those old patterns of
subordination, which consequently form a basic arena in which the conflicts between
the sexes takes place. 124 In addition to this wife’s status in the family has been
changing to one in which more rights and privileges are sought. All these changing
features involve power struggles within the family, which consequently take the forms
of violence against the wife.125

This theory was criticized on the ground that power differentials may be
source of conflict and violence, but how that is translated into specific acts of violence
is difficult to determine. Moreover, all inequalities do not necessarily lead to
violence; consequently inequality alone is not a sufficient condition for violence to
occur against the females.126

3.16 Psychiatric/ Psychopathological Theory

The Psychiatric/Psychopathological model, often referred to as the medical
model, developed during the 1960, with “discovery” of child abuse.127 This model
provides a micro level analysis of family violence. According to Psychopathological
perspective family violence is the result of individual’s psychopathologies which is
caused by issues such as mental illness, personality disorders, and alcoholism.

This theory has three underlying perspectives: the psychobiological
perspective; the psycho dynamic perspective and victim theory to identify the ways in
which individuals become abusers. According to the psychobiological perspective
family violence is the result of inherently flawed personality characteristics, increased

123 Supra note 74. at p. 29.
125 Supra note 74. at p. 29.
126 Id., at p. 30.
127 Supra note 69. at p. 33.
hormone level, alcoholism, brain abnormalities, or mental illness. These all are thought of as the “cause” and make the abuser prone to act in violent ways toward intimates. The psycho dynamic perspective as described by researcher Browne and Herbert (1997), considers the internal conflicts of the individual i.e. inner tensions and is based on Freudian theory i.e. aggressive tendencies. This perspective considers that some people have an abnormal death instinct or an abnormal drive for aggressive behaviour. Thus individuals are viewed as having abnormal aggressive tendencies. These tendencies are viewed as the result of internal conflicts due to adverse socialization experiences but they can also be genetic or biologically based. Finally the victim theory asserts that family violence occurs because the victim possesses some dysfunctional personality characteristic. Psychopathological theory hypothesizes that some people are predisposed to use violence or other abusive means to inflict harm on other people specifically women because they are mentally or emotionally troubled. e.g. those with diagnoses of psychosis; neurosis, personality disorder, anti social behaviour or so on. According to this perspective wife batterers tend to have low self esteem and incongruent self concepts. Because of their drastic lack of confidence and emotional disturbance they are likely to be pathologically jealous, passive, and/or dependent, which predisposes them to anti social, sociopathic, or sadistic behavior. Thus psychopathological model focuses on the personality characteristics of offenders and victim as the chief determinants of family violence.

This theory was criticized on the ground that it reduces offender’s responsibility for their action and minimizes the role of social structure in perpetuating violence in the society.

3.17 Psychological Theory

According to Psychological theory domestic violence results from specific characteristic of personality and interaction that lead some individuals to perpetrate
violence in family relationship. According to this theory personality disorders or early experiences of trauma predispose some individuals to violence. Being physically abusive is seen as a symptom of underlying emotional problems. Parental abuse, rejection and failure to meet a child’s dependence needs can be the psychological source of battering. People with these underlying problems may choose partners with whom they can re-enact the dysfunctional relationship, which they had with their parents.

This perspective linked domestic violence to specific disorders such as post-traumatic stress disorder probably due to childhood trauma e.g. being abused as child, poor self-esteem and personality disorders. Personality disorders usually mentioned by therapists who work with batterers are “anti-social personality disorder, narcissism and borderline personality disorder”. In addition, passive aggression, paranoia obsessive-compulsive disorder, and intermittent explosive disorder have also been said to foster aggression. According to psychologist Donald Dutton there are two types of abusive personalities. The first type, the abuser with “borderline personality organization” experiences feeling of emptiness, fear of being alone and insecure attachment to others. People who perpetrate domestic violence as a result of borderline personality disorder tend to use violence in an expressive and impulsive fashion. The second type of abused personality is characterized by psychopathic traits such as shallow affect and frequent manipulation of others. People with these personality traits are more likely than others to engage in serious violence both within and outside of the family, and their violence is instrumentally designed to gain control over others.

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136 Supra note 7, at p. 232.
137 A psychotherapeutic reference describes the personality disorders as follows: People with anti-social personality disorder are irresponsible, irritable and aggressive; they are not sadistic but are reckless and have no remorse; they are unable to maintain friendships or romantic relationship. Narcissists are hypersensitive but lack empathy; they have difficulty with relationships; because they expect others to meet special needs. Borderline personalities are characterized by instability of identity: self image, and relationship, they want to be alone but fear abandonment; they are often moody and depressed and in severe cases self-destructive and suicidal. Quoted in Misra Preeti Domestic Violence Against Women 2007 pp. 232-233
138 Ibid.
139 Supra note 135, at p. 313.
3.18 Physiological Theory

Physiological and Biological explanations focus on the contribution of individuals biological and neurological factors in producing violent behaviours. There are several variants of physiological theory of domestic violence. One focuses on evolution and the genetic characteristic that predispose men to violence. Others emphasize on brain structures, chemical imbalances, childhood attention deficit disorders, dietary deficiencies and hormonal factors such as testosterone as a risk markers for relationship violence. Genetic and hormonal explanations offer reasons for the greater pre-disposition towards violence in men than in women, but this does not apply to chemical imbalances or dietary deficiencies.

These theories are criticized on the ground that they are not context specific but purport to explain all forms of violence and contribute little to the understanding of specifically domestic violence. Their main deficiency, however, is that they play down both individual responsibility for violent acts and the influence of structural and political factors.

3.19 Multi-Factor Theories

3.19.1 Social Bond Theory

This theory has been developed by Dr. Ram Ahuja (1987) to explain all types of “violence against Women.” He describes this “middle-range theoretical proposition”.

This approach, based on the phenomenological approach, has been adopted by borrowing certain concepts from sociologists and criminologist like Hirschi, Schultz etc. It not only explains the etiology of violence against women but also uncovers the recurring patterns in which particular types of people are found to commit a particular type of crime against particular type of individuals in particular types of circumstances.

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The Social Bond model takes into consideration “innate and acquired behaviours” of an individual. This model assumes the role of four factors: firstly the social norms and social organization which socialize the individual, secondly, the personal characteristics of offenders and victim like emotional disturbances, aggressive impulses, a tendency to be rigid and domineering, a history of having been neglected or abused as a child, low self-esteem and so forth, thirdly inter-personal characteristics of offenders such as the failure to get praise, appreciation, words of affection and polite modes of address from others, higher than normal levels of coercive behaviours from other, such as verbal threats and words of dislike and disapproval, fourthly the ecological factors, for it is within ecological boundaries that personal dispositions to commit crime are developed and crime-evoking situations arise.

This model concentrates on the sociological analysis of socio-structural condition. According to this model the important conditions which lead a person to woman’s victimization are: status frustrations, life stresses and career crisis. This view focuses attention not only on the aggressive act itself but also on the person who uses aggression and the person against whom the aggression is used. The man who assaults a woman, physically or mentally, is often the man who feels at a disadvantage with woman or who either is demanding and jealous or has doubts about his sexual proficiency or his attractiveness as a male.

According to this model men use violent behavior against women because they suffer from insecurity feelings and anxieties. The origins of these feeling and anxieties are traceable to inappropriate upbringing, hindrances to childhood social development, and unfortunate incident in their life serve to aggravate rather than to ameliorate the tendency to irrational and unrealistic attitudes towards women. This theory takes into account the three factors in offenders’ behaviour, viz. adjustment, attachment and commitments. According to this theory when individuals lack adjustment, attachment and commitment it leads to “Status frustrations”. This theory examined maladjustment, unattachment and noncommitment in terms of age, income, education background factors as well as the socialized personalities of the individuals.

Thus Dr. Ram Ahuja’s social bond approach is based on the analysis of: (a) the social system; (b) the personality structure; and (c) cultural patterns. In a social
system, he include strains and frustrations; in personality structure, he include the adjustment (in status), attachment (to groups), and commitment (to values and roles), and in cultural patterns, he include the synthesis of traditional and modern values which operate as a means of social control (in group/community/society). According to this model, potential for violence varies strongly with the degree of adjustment, commitment and attachment of the individuals i.e. offender.

Thus, this approach explains the differential distribution and patterns of violence against women and those involved, not in terms of the offender’s motivations and mental processes which led to the crime, but in terms of the variations among individuals in their social adjustments, values and beliefs and their social conditions. This model assumed that offenders hold a particular set of conduct norms which emphasize aggressive behaviour while the victims have the least “resistance potential” towards aggressive behaviour. Thus, violence toward women is more likely to occur under specific circumstances. He further maintains that violence is used by people who are frustrated due to lack of adjustment, attachment and commitment under specific circumstances. Frustrated and relatively deprived individuals are not constrained by their beliefs and values and they use violence whenever and wherever they like, but they are influenced by the people against whom the violence is to be used i.e. the “victim” have to be those who lack “resistance potential” towards aggressive behaviour, and by the idea of the justification of their act before and after its commission. Thus, violence is used by these frustrated individuals when they view certain females as appropriate victims and certain situations as suggestive of, even opportune for, the use of violence i.e. in specific circumstances not in all circumstances.

All these theoretical explanations of domestic violence explains some types of family violence, but no theory can explain the causes of domestic violence thoroughly because they examines only certain variables and thus can explain only a part of the bigger picture. In addition, whereas some theories are generalizable to most types of family violence, other is more specific dealing with only one type. Moreover, some theories can account for the reasons that violence in the home begins, but they fail to explain why it prevails. Finally, it can be said that many of theories have been
valuable to the study of domestic Violence but there is no single theory that can or should predominate over all of the others.¹⁴⁶

3.20 Causes of Domestic Violence against Women

Many theories have been developed to know why some men use violence against women specifically in domestic relationship. All these theories may be associated with domestic violence against women, but to know the problem one has to understand the family which manifests crimes in different forms against different age groups women, depending upon its societal culture.¹⁴⁷ There are many myths about the cause of violence against women.¹⁴⁸ So far domestic violence against women in India is concerned, it is a manifestation of gender inequality within the family system, cultural beliefs, patriarchal social norms, superstitions, poor law and order situation and the extreme low valuation of female life. Poverty alcoholism, unemployment, frustration may also be the causing factor of violent behaviour.¹⁴⁹ But domestic violence against women cannot be linked particularly with any one of these factors. Thus to understand the causes of domestic violence against women in different stages of life it is necessary to analyze various factors which highlights the causes.¹⁵⁰

3.21 Causes of Violence against Female Foetus and Girl Child:

It is always said that childhood is a carefree and enjoyable time with carefree exploration, growth and support in one’s life. While this may be true for relatively larger number of children, it is not so to equally larger number of children and youngsters specifically in the case of a girl child for whom the world of reality is quite different from what she imagines.¹⁵¹ The girl child from conception to death is exposed to all sorts of discrimination, abuse and exploitation.¹⁵² Violence or crime against girls includes physical, psychological and sexual abuse of girl child, commercial sexual exploitation of young girls in pornography and prostitutions, and

¹⁴⁶ Supra note 69, at p. 53.
¹⁴⁷ Supra, note 76, at p. 121.
¹⁵⁰ Supra note 148, at p. 17.
¹⁵² Kumar, M.,and Kumar, K., ‘Childhood and Puberty Feeding Practice, Medical care & Growth Problems’. 2009, p. 278.
also many harmful practices such as preference for a son and the consequent killing of
the female foetus and female babies and female genital mutilation. Thus female
oppression continues from ‘womb to tomb’ and violence or discrimination
accompany women all their lives, even before birth.

There are various factors known and unknown that create and ultimately lead
to violence against female child which may either be manifest or concealed. These
various factors commonly found to be exercising their influence in the causation of
domestic violence of one kind or the other against female child. One of the main
cause of violence against female child is strong preference for sons, which is reflected
in the denial of fundamental needs and right of life to the female child and in such
harmful attitudes and practices such as, pre-natal sex determination, female foeticide,
female infanticide, denial of nutrition and immunization, female genital mutilation,
domestic abuse, less food, less access to health and education. Son preferences
refers to a whole range of values and attitudes, which are manifested in different
practices, the common feature of which is preference for male child often with
concomitant daughter’s neglect.

The practice of destroying female foetus due to preference for male child is
widely prevalent in India, which is one of the most gruesome forms of violence
against the female child before they born. The violence against women begins
before birth, if the foetus is female. The practice of female foeticides, which is
termination of foetus in the mother’s womb, has led to sex imbalance. New
Techniques are also being developed to select the sex of the child before
conception. In the past few years the misuse of these sophisticated technologies
has further deteriorated the status of women and girl child. The desire to have a son
or preferably two sons has led to the use of ultra sound and amniocentesis to identify
the sex of unborn child, with a view to abort the child if it is a female. Today this
technology has spread not only in the urban areas but also in the rural areas.
medical profession has thus largely contributed towards the identification and abortion of female foetuses. This female foeticide is an extreme manifestation of domestic violence against women.

Generally accepted fact is that victimization of women starts from the time of birth. But the fact has now been replaced by modern technology facilitating female feticide. Whatever it may be the truth is that even if a female child escapes from amniocentesis, she is faced with a lot of other violences within the home, first amongst them is the female infanticide. In female infanticide a child is killed after it takes its birth. In both these cases of violence against female foetus and female infanticide object is the same i.e. preference for male child.

Gruesome practice of dowry is also a cause of female foeticide and female infanticide in India. The practice of gifting unaffordable sum of money and gift to the groom of the daughter has made parents to choose not to have a daughter at all. Despite a multiple of laws against it the dowry system is nothing less than an open ‘get-rich-quick extortion racked’. The consequences of failure to give the asked amount of dowries to the bridegroom and his family, results in the bride burning and other types of violence against the girls. To avoid the burning or other kinds of torture of their daughter and for protecting the family from excessive burden in rearing the female child and meeting the demand of dowry at the time of her marriage, parent choose to kill female foetus before birth or after birth. Son preference also leads to abandonment of female babies. Many female child are deliberately underfed and neglected in different ways in difference to their male siblings which ultimately results in their death. Inferior and low value attached to girl’s life due to preference for male child is another cause of violence against the female child. Girls are often treated as inferior to boys both within the home and by the society at large. They are socialized to put themselves in the bottom of social scale and exclude from the social mainstream as a result of which a spiral of deprivation precedes leading to what has been termed as the feminization of poverty. This treatment and socialization of girls


\[161\] Supra note 147, at p. 139.

\[162\] Supra note 147, pp. 139-140.


\[164\] Supra note 152, at p. 278.
undermines their self-esteem and their ability to reach their full potential as human being. Sons are, even today, considered ‘assets’ and ‘daughters’ viewed as a ‘liability’. Sons are expected to provide old age security for their parents and they are also expected to eventually take responsibility for their natal family, as well as head their own. Sons gets preferential treatment because of multiple, socio-economic, religious and cultural factors, whereas girls are treated less desirable due to economic burdens, liabilities and many socio-cultural factors. Son preference is one of the key aspects underlining social values that view girls as burdens. Women are viewed as dependents within the family and face severe restrictions and discriminations, it is not the level of income or material well being that makes families to discriminate against the female child, much of it has to do with cultural belief, patriarchal social norms, traditional practices, customs, superstitions and mindset that combine to produce discriminating behaviour patterns.

Because of traditional practices, customs and gender bias, there are still cases of female infanticide. Blind adherence to these practices and state’s inaction with regard to these customs and traditions has made possible large scale violence against the girl child. Poverty is another major cause of female infanticide/female foeticide.

The most gruesome crime next to female foeticide and female infanticide is the girl child abuse and neglect. Child abuse within the family includes physical violence, sexual abuse, emotional abuse and neglect. As far as girl child abuse is concerned sexual abuse within the family is the most ghastly form of violence. Sexual abuse of the female child refers to sexual act perpetrated upon a female child by those people whom they know or trusts blindly e.g. parent, relative, caregivers, acquaintances, step-father, step-brothers, cousins, uncles, etc. Sexual abuse of female child includes intercourse, incest, sodomy and sexual exploitation.

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165 Supra note 152. at p. 278.
166 Supra note 160. at p. 97.
168 Supra note 7. pp. 252-253.
169 Supra note 152. at p. 264.
170 Supra note 147. at p. 142.
171 Id., p. 143.
The victimization of girls through sexual abuse and neglect affects millions of female child. It is but part of the large epidemic of domestic violence and family dysfunction. Violence against girl child happens everywhere, in every country and society and across all social groups. Most of the violent acts against the female child are carried out by those people who are responsible for their welfare and on whom the care of child is entrusted. Sexual abuse and exploitation of female child by her near and dears within the family is one of the least visible forms of child maltreatment which is widely prevalent in all societies.

One of the cause of the sexual abuse of the female child is that it takes place in the privacy of domestic life and most of these sex offences go unreported for fear of harassment, shame, disapproval, and hidden by those who have the care of the child and duty to disclose that violence i.e. parent, guardian, caregiver etc. Even when sexual abuse is recognized within a family there is often strong pressure to keep it secret for fear of breaking up of the family and to save the honour of family. Thus the true incidence of female child abuse is hard to discover, because unlike adults, child victim cannot answer and this secret and hidden nature of behaviour aggravates the violence. The perpetrators operate most secretively taking advantage of his power and position, while the victims are often helpless or stay silent. Non-discloser is a prevalent feature of female child sexual abuse. Generally victim do not report their abuses, families do not report the occurrence of incest, maltreatment, or other types of physical or sexual abuse and abuse is hidden from society and redressable authorities. There are various reasons for not disclosing sexual abuse, starting with the most common: wanting to forget, fearing what people would think, self blame, distrust, minimizing its importance, feeling guilty for experiencing pleasure, fearing being disbelieved, feeling she had been a willful participant, threat, blackmailing, bribe and fear of the abuser and feeling confused or not knowing to whom to tell. These are the few causes for girl’s silence in disclosing sexual abuse. Another important cause for non disclosure is that children instinctively know that

173 Supra note 73, pp. 5-6.
174 Supra note 172, at p. 525.
175 Ibid.
177 Supra note 147, at p.143
178 Ibid.
their disclosure will lead to denial and discomfort on the part of perpetrator. And so the sexual abuse continues and the child is traumatized by their own kith and kin.\textsuperscript{180}

Psychiatrists are of the view that molestation of a child, like any form of sexual abuse does not necessarily have to do with sex. It is about power—a depraved sense of asserting power. In cases of father or step-father-daughter, grand-father-grand-daughter, uncle-niece incest, there is strong need on the part of the father or step-father, grand-father or uncle to cover up their feeling of inadequacy as males by over compensating in a patriarchal way. The father presents himself as a strong authoritarian figure, and maintains his dominant position in the family by threats and physical abuse\textsuperscript{181}. Father in incestuous relationship generally comes from a background of emotional deprivation and/or physical desertion or abandonment i.e. they suffer from childhood trauma.\textsuperscript{182} Generally abusing parents came from families where violence has existed for generation. Most if not all, abusing parents were themselves victimized as children through an uncaring or abusive upbringing, such parental hostility perpetrates itself from generation to generation, which can be described as "quite literally a very vicious cycle.\textsuperscript{183} Thus personal experience of victimization can be the proximate cause of the child abuse. In fact this propensity has been referred to as the intergenerational theory of child abuse.\textsuperscript{184}

Some incestuous convicts have been reported to be psychotic at the time of commission of offence. Paedophilia often termed "Pedophilic behaviour" or the mental disorder that incites a man to molest a child is another reason for girl child abuse. According to psychiatrists, paedophilia is definitely not a normal trait in a person. It is a sexual perversion.\textsuperscript{185} It means "Love of Children" and in its broadest sense refers to a sexual act i.e. sodomy, intercourse, indecent assault, gross indecency performed against a child below the age of consent. Essential feature of pedophilia is the act or fantasy of engaging in sexual activity with pre-pubertal children as a repeatedly preferred or exclusive method of achieving sexual excitement.\textsuperscript{186} Generally there are two general characteristic of incest offender. One characteristic is

\textsuperscript{180} Virani, Pinki. ‘Bitter Chocolate: Child Sexual Abuse in India’. 2000, pp. 40–41.
\textsuperscript{181} Supra note 7, at p. 254.
\textsuperscript{182} Ibid.
\textsuperscript{183} Supra note 78, at p. 168.
\textsuperscript{184} Supra note 135, at p. 386.
\textsuperscript{185} Supra note 7, at p. 255.
inability to control impulses and the other concerns role of confusion; in which adult uses the child to meet his own needs, rather than playing the parental role of meeting the needs of the child, love becomes perverted into sexual abuse.\textsuperscript{187}

Alcohol or drug use also plays a role in incestuous behaviour as it acts as a destroyer of inhibition, thus neutralizing guilt. A man is no longer sure after using alcohol or substance use whether it is right or wrong to have sex with a girl child who is related to him by any relation. There are more probabilities of incestuous behaviour by an intoxicated person who was himself sexually abused as a child. An abused man is prone to become an abuser out of correct sense of vindictiveness, though he may appear perfectly normal outwardly.\textsuperscript{188}

Impotency is also a cause of sexual victimization of child. Impotency incites a man to rape a minor because he is ashamed to expose his inadequacy to an adult woman but has the normal sexual urge all the same. He finds a child the easiest prey to vent his urge. A child after all is less prone to talk later. This is aided by a total lack of resistance on the infant’s part. Thus, due to vulnerability of age, the girl child suffers this trauma.\textsuperscript{189}

Generally in India, prevalent myths, ignorance and superstitious beliefs are also the contributory factors in the sexual victimization of female child. The belief that having sex with an infant or a virgin can cure a man of impotency and venereal diseases is widespread especially in rural India. The problem is further complicated because most of the people hesitate to consult a sexologist, if there is one in the area.\textsuperscript{190}

Vulnerability of the family environment is another cause of the sexual victimization of female children. Marital conflict and family disruption provide the environment that contributes to the risk of female child sexual abuse. Being the child of an unhappy marriage, missing a father, or particularly missing a mother or a mother who is incapacitated due to illness, or lack of education leave a female child vulnerable to sexual abuse. In addition, presence of a step father, or step brothers in the family, is also associated with sexual victimization, not just because they

\textsuperscript{187} Supra note 7. at p. 255.
\textsuperscript{188} Ibid.
\textsuperscript{189} Id., at p. 254.
\textsuperscript{190} Ibid.
themselves take advantage of a girl but because they increase the likelihood of a non-family member of doing so.191

Social isolation of family is another factor which is correlated to incestuous abuse. Besides, adhering to cultural values that tolerate various aspects of incest, a family can be vulnerable to incest or other types of abuse because the members are isolated from the outside environment. When any type of abuse occurs, the family does not face the scrutiny of the outside systems which usually, provide a certain amount of control for deviant behaviour. Any family that is extremely isolated from the outside community's scrutiny is more vulnerable to incest than those families that are not isolated.192

Children's lack of knowledge and information about sex and specifically sexual abuse are assumed sources of childhood vulnerability. Childhood vulnerability to sexual abuse refers to those features, specific to children, that may make them target for sexually abusive advances, children are seen as socially groomed for conformity and passivity and thus they do not know when or how to resist and report inappropriate actions or request i.e. sexually abusive advances.193

Early marriage of a girl child is also a cause of violence against the girls. Child remains a child whether before marriage or after marriage and this fact equally apply in case of girl child. The practice of giving away girl child for marriage at the age of 11, 12, 13 … is still prevalent in certain ethnic groups despite having Child Restraint Marriage or other laws to prohibit child marriage. After marriage they have to perform household works beyond their capacity and must start producing children against their own will and health conditions. There are also probabilities of sexual abuse in the in-laws home by senior male member of the family. In addition, she has to face many types of physical, socio-economic violence in her day to day life.194

Neglect of the female child in comparison to the male child is also a contributory factor of child abuse. The child neglect has also been shown to be intergenerational. Neglected children tend to marry and conceive children earlier in

194 Supra note 152 at p. 255.
Neglect is a kind of child abuse in which more children suffer from neglect, than all other types of abuse combined. It is an act of omission, and is therefore less likely to be identified. It is an ongoing failure to provide for a child’s basic needs. One incident of neglect may not be considered abuse but if it is repeated, it is defined as abuse.\textsuperscript{196}

In addition to these various causes there are also more specific influences and conditions that can cause child abuse and neglect, directly or indirectly like unemployment or loss of income, severe stress and strain due to socio-economic factors, cultural tolerance for abuse or neglect, mental instability of the parents or caregiver, personality traits, family structure, lack of religious education and degradation of moral standards etc.

Although it is true that many parents and care-givers in the socially, economically, culturally and educationally deprived segments of the populations are more involved in child abuse in some form or other, but it is also true that a majority of the deprived families, do not engage in child abuse in spite of economic and social stress factors. Hence, social and economic factors have been overemphasized in the dynamics of child abuse. There are studies which have demonstrated that socio-economic stress factors are incidental intensifiers of personality-rooted etiological factors. There is an inter-play of mental, physical and emotional stresses in addition to socio-economic stress factors. Vulnerable psychological character and structures and personality weaknesses in the presence of added environmental stress factors, can give expression to uncontrolled physical and emotional aggression, which ultimately results in child abuse.\textsuperscript{197}

Thus it can be said that violence against the female child in domestic relationship cannot be explained on the basis of a single factor. It is the product of multiple factors interlocked with each other. Despite the personal characteristics, several interaction variables at the level of family, community, society and culture play dominant role in child abuse.\textsuperscript{198}
3.22 Violence against Married Women

Oppression of women is an expression of male chauvinism. Domestic violence is also a form of such oppression that occurs within a social context that makes violence against women possible and even acceptable. Violence is one of the mechanisms used by men to control and subjugate women; and is a manifestation of unequal power relationship sustained by patriarchy, built on male superiority and female inferiority, discriminatory cultural norms, sex stereotyped roles, expectations, and economic, social and political predominance of men and dependency of women. Although the legal and cultural embodiments of patriarchal thinking vary among different cultures, but there is astounding convergence in regard to the basic tenants of patriarchy and its legitimacy. Domestic Violence perpetuates woman’s dependence and her dehumanization as “other” a servant and a form of property. Thus domestic violence not only damages the dignity of woman as a human being but darken’s her future. It is a “silent crime” which completely shatters the psyche of women.

Many theories have been put forward to explain the key factors that give rise to domestic violence against women. But there is no simple explanation, which can certainly specify the causes of violence against women. Certainly any explanation must go beyond the individual characteristics of the men, women and the family. Rather, there is need to explore the structure of the relationships and the role of the society in emphasising that structure. Violence against women in a structure (whether it is family or is a society), is a function of the belief that men are superior and women are their property that they possess and they can treat them as they wish and as they consider appropriate. The causes of domestic violence are not known till date. The research carried out in different parts of the world indicates that any social structure which treats women as fundamentally of less value than men is conducive to violence against women. Victims of domestic violence are pre-dominantly women, while

201 Ibid.
203 Supra note 200, at p. 388.
perpetrators are overwhelmingly males which give credence to the theory that violence is an outcome of gender inequality.  

Gender inequality is the fundamental contributory factor in any analysis of violence against women because it refers to the inequalities in socially constructed roles, behaviours and expectation that are ascribed to men and women, and views men’s violence against women as a manifestation of male power that is replicated and endorsed through individual experience and wider structural inequalities. There cannot be any single simple explanation for the causes of violence against women in the home. But still there are certain factors which may be linked with domestic violence. The most comprehensive explanation for the causes of domestic violence results from the complicated dynamics that arise from personal, cultural, political and economic factors, all of which entrap women and create an environment in which gender based violence flourishes.

One of the main causes of violence against women is the patriarchal form of society which relatively lessen the status as well as the importance of women and also leads to violent activities against them. The patriarchal outlook develops the humiliating attitudes towards women, which perceives woman as an ‘object’ rather than a ‘subject’ and gives her low status in society. Patriarchal family style, which legitimizes violence in man-woman relationship and on which gender inequality is based, draws its sustenance from the male dominated religious belief, religious tradition and scriptures. In addition to these common beliefs, myths and assumptions prevailing in the community regarding women, contribute to the overall subordinate status of women in society.

The patriarchy system has its manifestation in the institution of male dominance over women and children in the family and the extension of male domination over women in society in general. It implies that men hold power in all the important institutions of society and that women are deprived of access to such

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308 Supra note 160. at p. 99.
The oppression of women and the right of husband to physically abuse their wives is rooted in a long practiced patriarchal tradition that men are the ruler of their home and women have to obey him. In all patriarchal societies there are cultural institutional beliefs and practices that undermine women’s autonomy and contribute to gender based violence. 

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 use violence against their wives as and when he likes. On the other way women having internalized patriarchal norms often do not perceive themselves as abused unless they suffered severe physical assault. Thus patriarchal system may be said to be the root cause of male violence against women in a male dominated society as ours. 

Female socialization has been also viewed as an important causal factor leading to domestic violence against women. When a girl is married and sent to her husband’s family, her parents and family members say, “We are sending your ‘Doli’ today, may only your Arthi i.e. dead body emerge from that house i.e. husband’s house.” The woman’s body and mind is socially and culturally disciplined to “fit in” and ‘adjust’ to traditions and practice in different ways at all cost. Women also consciously and unconsciously discipline themselves to be the bearers of tradition, harmony, familial and social honour. Female body thus becomes the edifice on which gender inequality is built and legitimised through socialization. Hence, negating the self in the cause of the family becomes the women’s prime concern. Women are not only socialized into being silent about their suffering but made to realize that being a woman they are supposed to bear the unbearable. The traditional norms and values teach them to accept and tolerate and even rationalise domestic violence.

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211 Supra note 7, at p. 258.
212 Supra note 167, at p. 44.
213 Id., at p. 97.
214 Supra note 160, at p. 97.
Thus, the real killer of women is gender based socialization and imposition of ill customs on women who are maltreated behind closed doors in the forms of various types of violence.\textsuperscript{215}

Another cause for violence against women, especially in the context of Indian culture, is the ever stretchable demands for dowry. The rising aspiration for materialistic comfort in a short time span is leading to an increase in the demand for dowry; this consequently results in an increase in acts of violence against women. Women whose dowries are perceived to be inadequate suffer considerable more harassment in the husband’s home than to woman whose dowries are more substantial. Thus dowry is one of the major factors responsible for domestic violence.\textsuperscript{216}

The economic inequality between men and women and the subsequent dependence of women on men renders women fearful of challenging the violence that is directed toward her. In our society, the majority of the women are economically inactive, and therefore, they are dependent upon their husband for financial support, or day to day needs, which renders them vulnerable to brutal acts from their husbands. It is not only women’s economic dependence but also their social dependence that perpetuates the violence against them. The husband knows that his wife’s social standing, status and prestige depend on him and therefore she will not leave him, no matter what the consequences of her choice to remain at his side may be. It has also been observed that the persistence with which Indian women stay in the relationship, hoping that one day her husband will change, matches the persistence of the husband’s brutality both mentally and physically. Thus problem of violence against women has also its roots in socio-economic order that is heavily biased against women. A woman having an identity of her own is a concept alien to Indian culture, when the entire milieu is steeped in the tradition of women’s utter subjugation to men, there can be little hope for a dramatic improvement in the status of women.\textsuperscript{217}

Childhood experience of witnessing violence against female member in the home is another cause of domestic violence. Individual who have observed their

\textsuperscript{215} Supra note 200, at p. 385.
\textsuperscript{216} Supra note 206, pp. 93-94.
\textsuperscript{217} Id., at pp. 95-96.
parent physically attacking each other or been subjected to violence as children are more likely to use violence in the homes. This has been referred to as the “battered child syndrome” in which children may learn to associate love with violence seeing the two as linked somehow. When they grow up and form their own families, they may apply what they have learned as children. They may feel it right to resolve domestic conflicts in an authoritarian manner and use violence against their wives, or subduing them through the use of force. Closely associated with this is the theory which suggests that reinforcement following a behaviour increases the probability that the violent behaviour will be repeated and also that intermittently reinforced behaviour is most difficult to extinguish. Therefore, if a husband’s first act of violence against his wife provides satisfactory results; the act of violence is likely to be repeated whenever she disagree with him.²¹⁸

Another cause of domestic violence against women is their unawareness of basic human rights and other legal rights of women. It is this state of ignorance that ensure their acceptance and consequently, the perpetuation of harmful traditional practices affecting their wellbeing and that of children.²¹⁹ Poor and weak implementation of various women oriented laws is also a factor we need to take into consideration as one of the cause of violence against women. As the Being Platform For Action admitted, - “unless the human rights of women, as defined by international human rights instruments, are fully recognized and effectively protected, applied, implemented and enforced in national law as well as in national practice in family, civil, penal, labour and commercial codes and administrative rules and regulations, they will exist in name only.”²²⁰ Contrary to this it has been also found that growing consciousness of women about their rights that have resulted from receiving education and enjoying financial independence has led to the behaviour, which seems both intolerant and assertive. The Indian woman is now beginning to question male dominance. She does not take the traditional custom of considering her husband as her lord at face value and stand up for her rights and privileges saying “no” to “ill-treatment.” Tragically this increasing consciousness and new self-assertiveness have

²¹⁸ Supra note 206. pp. 94-95.
²¹⁹ Supra note 152. at p. 276.
resulted in a sharp increase in a violent act against them. This may occur because their husbands feel threatened by their wives' ability to live and express themselves as independent individual.221

Psychological studies show that a need for power and control in a relationship are the primary reason for battering or other type of violence.222 It is the batterer's self interest to display the power and authority to dominate and gain control over the victim as well as maintain his own self-esteem and self-worth. When the victim defies or ignores the authority of the batterer, the batterer feels discounted and abandoned. He feels the loss of power, authority, self-worth, and self dignity. The batterer deliberately chose to inflict pain on the victim to restore and maintain his authority, self-dignity and control over the victim.223 Furthermore some partner exhibit extreme jealousy; possessiveness and need for control by force in relationship with wife which results in accusation and social isolation of the victim. Women typically curtail their activities with friends, co-workers and relatives so as not to invite any accusations of laziness, sneakiness or disloyal behaviour, any of which may result in an abusive episode. In addition to this, for some batterers the possessiveness has an obsessive quality. They may monitor their partner’s activities, eavesdrop, conduct surveillance and/or stalk. Batterer may take control of finances or other things of the victim, all because of their extreme jealousy and need for control. Ultimately these entire episodes may turn into violence against the women.224

Negative attitude towards women in general and adherence to stereotypical models of masculine and feminine behaviours are also responsible for violence against women225 Sex role stereotypes are the rigid fixed ideas of what is appropriate to masculine and feminine behaviour. They imply a belief that “masculine” “feminine” are two distinct and mutually exclusive categories and that an individual’s behaviour must be one or the other. This idea pervades in nearly every culture. Children are put under strong social pressure to confirm to these sex roles stereotypes, regardless of their natural dispositions. During the process of socialization boy and girls are reared differently. Boys are encouraged and reinforced to develop masculine

221 Supra note 206, pp. 93-94.
222 Supra note 199, at p. 11.
223 Id., at p. 10
224 Supra note 199, at p. 11.
225 Id., at p. 10.
characteristics i.e. aggression, dominance, independence, sense of adventure, high risk taking behaviour and achievement oriental outlook, whereas girls are encouraged to acquire feminine characteristics i.e. submissiveness, nurturance dependence, low achievement orientation etc. Under the influence of these ideas abuser generally expect his wife to act as a submissive and subservient housewife. He uses violence in different form on his partner to maintain her submissive role and to keep his position superior. A wall of silence, denial and neglect, and cultural acceptance of domestic violence are the other contributory factors of violence against women. These factors protect the problem of domestic violence and it remains continue behind the four walls of home. Therefore, whether it is a beating in the home, a rape by a neighbour or by a near relative, or an assault on the street, we cannot hope to respond effectively to violence against women unless we openly confront and condemn the attitudes that nurture violence against women.

There are many myths about the causes of domestic violence. Some people believe that women themselves provoke it or that the violence against women is excusable if the perpetrator is stressed, mentally ill or drunk. Abuser also commonly place blame on their victim for violence against them. They make statement such as “She drove me to it” – “She provoked me” etc. and/or they refuse to accept responsibility for the problems by blaming the abuse on some outside factors such as job stress, money problems, pressure of parenthood etc. But in reality all these myths are not true because domestic violence is neither caused nor provoked by the actions or inaction of the women. Further depression, lack of money or lack of job do no directly cause domestic violence. These may be the factors which may put women at greater risk of violence, because of the stresses created by these factors.

Use of alcohol or intoxicant is also a main cause of domestic violence. This factor is a primary cause of physical abuse and assaults. In additions to this other main causes are- conflict between husband and wife on trivial issues, embarrassment behaviour against victim by family members, husband’s unemployment, dowry

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226 Supra note 167, at p. 54.
227 Supra note 199, at p. 10.
229 Supra note 148, at p. 17.
230 Supra note 199, at p. 10.
231 Supra note 244, at p. 5.
attitudinal differences and conflicts between family members, ego clashes with in-laws, illiteracy, gambling, extra-marital affairs and authoritative behaviour by husband and in-laws, infertility or having only girl child and no son, misunderstanding between family member, mistrust by husband and in-laws, lack of adjustment between husband and wife, and beyond limit expectation from the wife/daughter-in-law. All these factors are identifies as the cause of domestic violence. Despite this, the preference of the causes of domestic violence differed in accordance with the rural or urban residential setting.²³²

Violence against women is not confined to a specific culture, region, or country or to particular groups of women within a society. The different manifestation of such violence and women’s personal experience are however, shaped by factors such as ethnicity, class, age, sexual orientation, nationality and region. Furthermore, it is very important to know that no single set of characteristics describes all violent men, because abusers come from all educational and economical levels, races, religion and family backgrounds.²³³

Thus violence against women in marital situation has more concern with the relationship of husband and wife in the social structure. The cultural factors relating to marriage, status of women and power structure relationship between man and woman in the society are the important factors in the causation of violence against women in the family context. Domestic violence against women may also have its origin in psychological factors like irrational pathological behaviour of abuser and the victim, which subsequently affect the interpersonal relationship of both the parties. It has also been observed that condition of learned helplessness, absence of viable alternatives of survival and lack of support group also forces a woman to continue to tolerate violent behaviour. It has been seen that men feel relieved after seeing the battered faces of their wives. It boosts and nurtures their egoistic superiority complex. On the other hand, woman’s acceptance of beating as a common phenomenon and as a way of interaction with their husband further perpetuates violence.²³⁴ Culture is also relevant in perpetuating domestic violence because it is one of the culprits that create the conditions that initiate, foster and maintain domestic

²³² Supra note 167. at p. 106.
²³⁴ Supra note 7. at p. 257.
violence. It has been observed that the general social belief in women’s subordination perpetuates a low self-images and inferior status in women, especially in a country like India. In addition to this religious philosophy, customs and rituals serve to reinforce the phenomenon of Sati-Savitri and Pati-Vrata and keep alive the tradition of male dominance and female oppression.

3.23 **Cause of Domestic Violence against Elderly Women:**

Elder abuse may not be a new phenomenon but it has come to the public’s attention as a “social problem” only recently. Older woman’s issue have been generally overlooked by the society but in past few years violence against older women by intimates has garnered scant attention as a women’s issue. Elder women abuse by intimate partner is one of the controversial issues of the domestic violence topic, which needs prompt intervention. It is only in past few years that researchers and policy maker have turned to the abuse of elderly. Elder abuse includes physical, sexual, psychological and material abuse. These acts may be committed by strangers, who work in an institutional setting which care for the elderly or may be inflicted by any intimate partner. But we are here concerned more with the domestic violence against elder women or elder abuse by intimate partner.

Elder abuse in domestic relationship should be seen as part of the wider debates on domestic violence; violence against women or anti-social behavior against elderly. Similar to other forms of domestic violence there are serious consequences suffered by victims of elder abuse which may be more serious than those of other form of domestic violence because of the special needs of the elderly. Until recently gender played a relatively small part in the analysis of elder abuse, but there is now appear a general acceptance that women are significantly more likely to be victim of domestic violence than men.

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236 Supra note 7. at p. 257.
237 Id., pp. 60-61.
239 Supra note 106. at p. 185.
240 Supra note 4. at p. 290.
241 Supra note 238. at p. 240.
242 Supra note 4. at p. 290.
243 Ibid.
244 Ibid.
245 Lind, Crain B., ‘Regulating Family Responsibilities’. 2013. p. 239.
‘Abuse’ is not primarily about old age at all but about certain damaging patterns which have continued into old age. Elder abuse is sometimes simply a marital violence which has continued into old age. It is, therefore not surprising that many of the factors that risk of elder abuse are the same one’s that also indicates a risk of domestic violence e.g. loving situation, social isolation, cognitive impairment, physical impairment, substance abuse and relationship dependency. 246

Elder abuse can encompass a complex range of behaviours, which may be the contributory factor to the elder abuse, specifically violence against elder women. Elder women abuse is caused by a complex mix of social and personal factors. Ageism and patriarchy are powerful forces which underpin and sustain the structural inequalities that enable the elder women abuse to be perpetuated. 247 The factor of ageism stigmatized and marginalized the elder people in society in such a way, which enables abuse to take place and hinders an effective challenge to it. 248

Vulnerability of elder women is another contributory causing factor of elder abuse. Vulnerability simply indicates victim’s characteristics that leave elderly open to abuse. Specifically as parent get older, they become dependent on adult children in absence of adequate social security. This dependence may be due to failing bodies, feeble minds, and depleted finances. 249

Disintegration of joint family system and absence or non-adherence of traditional norms of behaviour to take adequate care of aged parents and grandparents have also contributed to the elder abuse. 250 Nuclear families and increasing incompatibility between the young and the old have adversely affected the welfare of the elderly. 251 Besides this-model family situations where fewer children would be available for sharing responsibility of the care of aged parents, has also increased the likelihood of neglect or abuse of elderly persons. 252 Furthermore, generation gap 253 is

246 Id., at p. 238.
247 Id., at p. 245.
248 Id., at p 238.
249 Supra note 4, at p. 93.
250 Supra note 76, at p. 150.
252 Supra note 76, at p. 150.
253 At home elder persons watch the modern life style and conduct of young generation and the moment they start comparing them with their time and point out faults with younger person’s life style an atmosphere of resentment is created and they get isolated and ignored. The young often feel them as nuisance- Quoted in Supra note 78, p. 157.
another factor, which is widening and the attitude of youngsters is now becoming more individualistic. Consequently, the unquestioned regard for authority and respect to elders is vanishing, instead torture and abuse takes the place of respect and security to elder.\textsuperscript{254}

The factor of disability, lack of support and the absence of financial resources also tend to prevent elderly abused victims from leaving their abusive intimate partners/relations.\textsuperscript{255} The majority of abused elderly victims are females, largely because of their greater economic dependency or helplessness\textsuperscript{256} even the minority, who may have some source of income are not in a position to look after them or protect themselves due to frailty and age related disabilities. Thus these factor are widely believed to be an important factors in elder women abuse in domestic relationship because abuser is predetermined that victim has no other choice than to tolerate the violence in various forms.\textsuperscript{257}

Dependency in relationship contributes to elder abuse. Victims increased dependence on the abuser results in acts of abuse. Where there is a loss of mutual shaving of resources between the elder and the intimate caretaker, the quality of relationship degenerates. This result in the intimate partner’s perceiving the relationship as unfair, with an increase in hostility towards the elder. This imbalance may cause some intimate partners to abuse their elder.\textsuperscript{258}

Stress is another causing factor in cases of elder abuse because providing care for the elders, bring about stress for some intimate partners. This stress may be due to the economic hardship of providing medical care for the elder, the increased cost of having the elder live with family members, and payment for special transportation or other needs of the elder. This stress may also be due to loss of sleep due to getting up during the night to take care of the elder’s need and intrusions into the family privacy and activities.\textsuperscript{259} Frustrated spouse, financial strain, time issue, employment problem etc, may also be the cause of stress in intimate partner life. The stress explanation of abuse involves tension overload. Demands of providing care outweigh the resources

\textsuperscript{254} Ibid.
\textsuperscript{256} Supra note 116, at p. 362.
\textsuperscript{257} Supra note 78, at p. 151.
\textsuperscript{258} Supra note 4, at p. 286.
\textsuperscript{259} Ibid.
available to those providing it. Thus these stress in intimate partner’s life some time results into the elder abuse as a reaction to the stress environment.\textsuperscript{260}

Social isolation is also an important contributory factor in the causation of elder abuse. It implies that without social support intimate partner caring for elderly are more likely to abuse. Isolation forces the intimate partner to handle the strains of elder care alone without the help of others and it becomes harder to diffuse the responsibility of elder care.\textsuperscript{261} This is especially true, if an extensive amount of direct physical and mental efforts is demanded in providing care for elderly.\textsuperscript{262} Furthermore social isolation also lowers the potential of outsider to identify the presence of abusive attitude and intervene before abuse occurs. On the other hand, an elder with low social support is more susceptible to having an abusive care, given for the same reason.\textsuperscript{263} Abusers and their families, who were found to be less integrated with social and community networks exhibited greater risk of abusing their aged dependents in the family.\textsuperscript{264}

Furthermore, societal attitudes toward aged people tended to put them on the borders rather than in the mainstream of our society. Contemporary social circumstances and attitudes may predispose caregivers and other adults to be abusive with the elderly. Lack of social inclusion, lack of access to information and lack of remedies can all contribute to the social circumstances that enable the elder abuse to take place. There are wide ranges of forces that enable and reinforce ageist attitudes within the society.\textsuperscript{265}

Neglect, often lived alone, have little or no family involvement and the individual behaviour are also seen as the main causal factor in elder abuse.\textsuperscript{266} Most of the elder abuse cases go unreported and/or under-recognized because they remain hidden like other form of domestic violence and often not accurately perceived. Besides, the reluctance of witnesses to testify and unclear evidence add to the

\textsuperscript{260} Id., at p. 293.
\textsuperscript{261} Ibid.
\textsuperscript{262} Supra note 7, at p. 264.
\textsuperscript{263} Supra note 4, at p. 293.
\textsuperscript{264} Supra note 7, at p. 264.
\textsuperscript{265} Supra note 99, at p. 263.
difficulties in assessing the incidence of elder abuse. While it is true that various factors, including health, high level of illiteracy, negligible awareness about legal and economic rights, personality, and availability of resources along with land rights, property and inheritance etc determine the extent of discrimination and neglect of the elderly, but the fact of the matter is that there is drastic need in the country to reduce the ‘abuse’ and ‘dependency’ of older people specifically elder women on families and communities.

An analysis of various causes of domestic violence against different age group women reflect that etiology of domestic violence is a manifestation of historically unequal power relations between men and women, which have led to the domination over and discrimination against women by men and to the prevention of women’s full advancement. Violence against women throughout the life cycle derives essentially from cultural patterns, in particular the harmful effects of certain race, sex, language or religion that perpetuate the lower status accorded to women in society. Violence against women is exacerbated by social pressure, notably the shame of denouncing certain acts, that have been perpetuate violence against women, lack of access to legal information, aid or protection. lack of law that effectively prohibit violence against women; failure to reform existing laws; inadequate efforts on the part of public authorities to promote awareness of and enforce existing laws and absence of educational and other means to address the cause and consequences of domestic violence.

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267 Supra note 76, at p. 249.
268 Ibid.