CHAPTER- II

HISTORICAL ROOTS OF DOMESTIC VIOLENCE AND ITS EMERGENCE AS A PROBLEM
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2.1 Introduction

Domestic violence against women is not confined to any particular political or economic system, but is prevalent in every society in the world and cuts across boundaries of wealth, race and culture. The power structure within society which perpetuate domestic violence against women are deep rooted and intransigent. The experience or threat of domestic violence inhibits women everywhere from fully exercising and enjoying their human rights.\(^1\) The underlying cause of domestic violence against women lies in discrimination, which denies women equality with men in all areas of life. Domestic violence is both, rooted in discrimination and serves to reinforce discrimination, preventing women from exercising their rights and freedoms on a basis of equality with men.\(^2\)

The United Nations Declaration on the Elimination of Violence Against Women states that violence against women is a “manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men”, and that “violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men”.\(^3\)

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\(^2\) Ibid., p.5.

Domestic violence against women is an expression of historically and culturally specific values and standards. Social and political institutions may foster women's subservience and violence against them. Certain cultural practices and traditions — particularly those related to notions of purity and chastity — may be invoked to explain or excuse such violence. In every part of the world, women's roles and positions in society are prescribed. One of the key aspects of every culture is the way it defines gender roles. Almost without exception women are assigned roles, which are subservient to those of men. Virtually every culture in the world contains forms of domestic violence against women that are nearly invisible because they are seen as "normal".

Wife abuse is a personal violence, but it is also structural violence that has its roots in historical attitudes toward women and in the institution of marriage. It involves the control of women by men who have defined the parameters of women's activities and enforce a male standard of accepted "feminine" behaviour. It is the product of the patriarchal system — of religious dogma, law, and behavioural science — that makes male supremacy seem sacred, just and natural. These institutions have not only endorsed the husband's authority in the home, but also his use of physical force to punish a disobedient wife.

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4 Amnesty International, supra note 1, p.6.
5 Ibid., p.29.
2.2 Historical Origins

Men have abused their wives with impunity for centuries. The practice began with the emergence of the first monogamous pairing relationships. In primitive societies prior to that time, women, as the bearers of children, were the only discernible parents and were held in high esteem; they had great power in the clans. With the transition to the pairing relationship, however, the “mother right” was overthrown and replaced by the “father right”. Polygamy and infidelity remained men’s privileges, but the strictest fidelity was demanded of the wife in order to guarantee and authenticate the husband’s fatherhood. The wife was relegated to certain parts of the home, isolated, guarded and her activities carefully monitored to protect her husband’s “honor”. This is called the turning point in human history “the proclamation of a conflict between the sexes entirely unknown hitherto in prehistoric times” and “the world historic defeat of the female sex”.

In speculating why women allowed this to happen, the idea of “individual sex love” was discarded and wondered if women had longed for the right to chastity or marriage with one man only as deliverance from the growing complexity of life. Another explanation seems more likely: “Female fear of an open season on rape, and not a natural inclination toward monogamy, motherhood and love was probably the single causative factor in the original subjugation of women by men, the most

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9 Engels, *supra* note 7, pp 4-5.
important key to her historic dependence, her domestication by protective mating". Thus began the "protection racket", the greatest hoax to be perpetrated on women. They have paid—and continue to pay—dearly for the personal protection they had sought. The word family comes from the Latin word *familia* signifying the totality of slaves belonging to a man. The slave-owner had absolute power of life and death over his wife and serfs who belonged to him.

Ancient history reveals that violence against one's wife was not only condoned but expected. For example, in ancient Egypt, it is said that no self-respecting man would have allowed his wife to speak out against him without bashing her teeth with a brick. The right of members of the clergy to beat their wives was affirmed in the council of Toledo in 400 A.D. According to an old English proverb, a women, a dog and a walnut tree the more you beat 'em, the better they be. According to Victorian proverb, a wife is like an egg; the more she is beaten, the better she is. The right also evolved from ecclesiastical law as men were given the authority to punish their wives physically.

11 Martin *supra* note 6, p.5.
2.3 Hindu Society
2.3.1 Vedic Period

Many have traced the enunciation of a liberal social attitude vis-à-vis women to the pristine sources of the Hindu Vedic Philosophy. Vedic era was the golden era so far as equality of status and personal freedom of women are concerned. During that period woman enjoyed a fair amount of freedom and equality with man. Women studied with men in Gurukul and there are instances like Gosa, Gargi and Maitreye who were well versed in Vedas and actively participated in intellectual and philosophical discussions and discourses. Brides were free to select their grooms. The Vedic hymns informed us that both husband and wife were joint owners of family property and daughter whether married or unmarried retained her right of inheritance in the property of her deceased father. Women were actively involved and associated with men in every socio-religious ritual and ceremony. The examples of polygamy were rare and mainly confined to ruling class. Dowry system was prevalent but only in rich and royal families. A wife was regarded as indispensable member of husband's family and a centre of domestic world. She proved herself a sincere friend, partner and a guide of her husband. She could move freely out of her house and enjoyed freedom of movement by attending fairs and festivals, sabhas and assemblies of learned persons. Marriage was regarded as indissoluble holy union and divorce was unknown except few examples of customary divorce in lower castes. Sati-pratha was not prevalent and a widow could marry again or undertake Niyoga to get a child. A woman had an absolute ownership over the property and it was regarded as her
‘stridhan’. Thus, a woman was regarded as equal partner, friend and equal sharer in joys and sufferings of her husband’s life in Vedic era. In social, cultural and educational activities she enjoyed considerable freedom and more or less possessed equal rights in matter of religion. She was considered as a human being and enjoyed a status and prestige in the society.16

2.3.2 Smriti Period

In Smriti era the position and status of woman enjoyed in Vedic era gradually started declining.17 In post Vedic period an entrenched patriarchal pattern was prescribed by the ‘smritis’ which were composed during the first two centuries of that era.18 It was in one of these ‘smritis’, that is, ‘Manu Smriti’, the Hindu Law giver laid down the outrageous dictum about women. Manu stated that “there is a vital structural difference between man and woman and a woman could not possess an independent status”. “During her whole life a woman should be an appendage to male. Father protects her during maidenhood, husband during coverture and sons protect her during widowhood and thus a woman is never free”.19 Manu expected too much from a virtuous wife by merging her personality in the personality of her husband. He emphatically stated that, “Even if the husband is immoral, a debauch and lacks good qualities the wife must still worship him as if he were God to himself.

17 Ibid., p.22.
19 Manu Smriti, V; cited in Dr.Tiwari, supra note 16, p.23..
A woman need not perform any Yajna or ceremony or undertake fast for her salvation, she will attain better life by service to her husband.\textsuperscript{20} Manu imposed manifold duties on a Hindu wife. She should be loyal to her husband and even after the death of her husband she should be virtuous and if she cohabited with another man after husband’s death she would be tormented by diseases as punishment for her sin.\textsuperscript{21} As regards property right, a wife had no separate right in the property because her identity is merged in the personality of the husband. On husbands death she acquired only limited interest in the husband’s property. The woman could exercise control over her stridhan only.\textsuperscript{22}

With regard to mutual duties and rights a husband’s duty was to provide residence and maintenance for the wife. As a home-maker the wife was expected to be clever in her domestic duties and should not be extravagant. A wife was expected to manage the house hold within the income of her husband. All the smritis, puranas and other ancient literature specify duties of a wife. The foremost duty of a wife is to obey her husband and to honour him as her God (pati parmeshwar).\textsuperscript{23} In Mahabharata there is a passage, “The husband is the wife’s God, he is her sole refuge”. In Sukra Niti this position is taken for granted: who does not worship the husband who is the giver of everything?”. Manu says that the wife should subject herself to the authority of her husband. She should never do anything that might displease him, whether he is

\textsuperscript{20} Ibid.
\textsuperscript{21} Ibid.
\textsuperscript{22} Dr.Tiwari, supra note 16, p.23.
\textsuperscript{23} Manu Smriti, supra note 19.
alive or dead. Similarly, Vyasa says that in obeying the husbands command she should eat the left over. A woman who serves her husband enjoys all the pleasures and good reputation in this world and after her death she lives with her husband in heaven. According to Katyayana Smriti, a woman who does not obey her husband goes to hell and one who serves her husband whether he is good or bad, whether considerate or not, goes to heaven.\(^{24}\)

The non-performance of her expected roles resulted in severe criticism and often physical punishment. On the basis of analysis of ancient Indian Literature it has been reported that wives were meant to be beaten occasionally and it was a normal behaviour pattern. It was often seen by the husband as a means of establishing his power over his wife, a right which most husbands did not hesitate to exercise. In most cases of wife beating the reasons were extremely petty like breach of code of feminine conduct or poor performance of domestic activities. Husbands possessed certain powers of physical correction over the wife. He could administer a beating with a rope or a thin stick of bamboo. The wife was however, expected to love her husband and she was not to cry loudly even when beaten. Narada recommends the expulsion of wife not only on the grounds of wasteful expenditure, procuring abortion, adultery or attempt on the husband's life, but also for less serious offences like showing malice, making unkind speeches or eating before the husband.\(^{25}\)


\(^{25}\) Ibid.
The above description clearly exposes the myth that in the traditional Indian society the wife was treated as an equal partner in the marital relationships. Different Smritis and Dharmsutras declare that women are not independent but dependent in all matters on men indicating a subordinate status of dependency for them. In fact, things were so arranged that a wife never became independent. Manu declares a woman's dependence on some male in all domestic matters at all stages of her life. Narada argues that the creator has made women dependent as women even of good family fall into ruin by independence. In short, the marital relationship was marked by asymmetry. The husband occupied a dominant position and a wife was to assume a subordinate position. She had no right even to complain against her mental, physical, and sexual exploitation and abuse. It can, thus, safely be concluded that marital relations in ancient India were marked by exploitation, assault, oppression, denial of freedom, and conjugal violence.26

Thus, in Shastric period a Hindu woman lost her individuality and status in society. Her existence and happiness was dependent on that of her husband. Conjugal fidelity, obedience, and faithfulness were regarded as wife's virtues even if the husband was debauch, drunkard, sadist or cruel to wife. A Hindu woman's life was full of sacrifice and child marriage, denial of education to daughters. Polygamy and restrictions on her free movements were the main factors for the degradation of Hindu woman's status during Smriti era. The pathetic condition of Hindu woman as

26 Ibid., p.6.
witnessed during smirit era i.e since 800 B.C. aggravated further after 10th century A.D. 27

2.4 Arabic and Islamic Societies

In Arabia, the birthplace of Islam, the condition of women was extremely degraded. Among the Arabs a woman was considered to be mere chattel. She formed an integral part of the ensure of her husband or her father; and the widow of a man descended on his sons, by right of inheritance, as any other portion of his patrimons. 28 A woman was not a free agent in contracting marriage. It was the right of her father, brother, cousin or any other male guardian to give her in marriage to whomsoever he chose. There was even a practice of marrying women by force. There was no restriction on the number of wives an Arab could take. He was, likewise, free to release himself from any of his marital ties. His power in this connection was absolute, and he was not required or expected to assign any reason for its exercise; nor was he required to observe any particular procedure. Arab fathers regarded the birth of a daughter as a calamity, mainly due to the degraded status of woman. Female infanticide was thus widely prevalent, and many fathers used to bury their daughters alive as soon as born. On the death of an Arab his possessions devolved on his male heirs capable of bearing arms; daughter, wives, sisters and mothers did not inherit at

27 Dr.Tiwari, supra note 16, p.23-24.
Some ancient Arabic proverbs which illustrate the idea of pre-Islamic era as to the position of women are: "A man can bear anything but the mention of his wives;" "Women are the whips of Satan", "Obedience to a woman will have to be repented for;" "Trust neither a king, a horse, nor a woman;" "What has a woman to do with the council of nation?".

At this juncture, the Holy prophet appeared on the scene as earnest champion of women's rights. The reforms advocated by the Holy Prophet ameliorated the deplorable position of woman and effected a vast and marked improvement in her status. Islam introduced a system in which they could be no discrimination between the two sexes; both would have rights and duties in an equal degree. There is no denying the fact that if any religion could boast of having raised the status of woman, it is Islam. The Holy Qurran mentions woman side by side with man. A separate chapter in the Koran-Al-Nisa contains the rights of women in general. Similarly, a number of traditions of the Holy Prophet refer to different aspects of women's life. Wrong interpretation of the Sharia laws on women has, however, resulted into certain misconceptions, misgivings, misunderstandings and confusions regarding the Islamic viewpoint on women.

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29 Ibid., pp 3-4.
30 Hughes, Dictionary of Islam, 677 (Lahore, 1964) cited in Dr. Shams Shamsuddin, supra note 28, p.7.
31 Dr.shams, supra note 28.
32 Ibid., p.4.
According to one view Islam is totally opposed to any freedom or liberty for women and compels her to stay, with her eyes and ears closed, in a corner of her house. A woman is not more than a chattel having no functions except to fulfil carnal desires of man or to be exploited by him at his whims and fancies. She has no rights, not even in the selection of her husband and determination of her own destiny. She is condemned to live the life of a miserable creature who has no role to play in the human society. She is a human being created to serve man and to live and die without any rights. She is seen as a ‘prisoner in the four walls of house’ and a ‘non-person’ under the domination of man.33

Those wishing to justify violence against women can also turn to Koran. Indeed, a famous Koran verse seems to allow a husband to beat his wife in some circumstances:

“Men are the maintainers of women because Allah has made some of them to excel others and because they spend out of their property; the good women are therefore obedient, guarding the unseen as Allah has guarded; as for the women who show rebellion, you shall first enlighten them, then beat them as a last resort. Once they obey you, do not seek a way against them; surely Allah is High, Great”.34

In the Islamic religion, the divine allowance to beat one’s wife is real progress compared to the status of women before Islam when girls were buried alive and husband had the right to life and death.

33 Ibid
The Holy Book severely condemned the old customs of ill-treating women and protected their rights in one of its longest chapters, IV which is given the title “Women”. Among the most impressive verses in the Koran about spouses are the following:

“....He created mates for you from yourselves that you may find rest, peace of mind in them, and he ordained between you love and mercy”. The Koran clearly indicates that marriage is sharing between the two halves of the society, and that its objectives, besides perpetuating human life, are emotional well being and spiritual harmony. Its bases are love and mercy. “.... But consort with them in kindness, for it you hate them it may happen that you hate a thing wherein God has placed much good”. When the continuation of the marriage relationship is impossible for any reason, men are still taught to seek a gracious end for it. “When you divorce women, and they reach their prescribed term, then retain them in kindness retain them not for injury so that you transgress the limits”.

In several sayings, Prophet Muhammad discouraged wife-abuse: “The most perfect believers are the best in conduct. And the best of you are those who are best to their wives”. “It is the generous (in character) who is good to women, and it is the wicked who insults them.” As defined by the Prophet it is not permissible to strike anybody’s face cause any bodily harm or even be harsh. What the Prophet qualified as “light striking” was interpreted by early jurists as a use of a “miswak” (a small natural toothbrush). They further qualified permissible “striking” as that which leaves

35 Ibid.
no mark on the body. This makes it clear that this law does not permit anything that would label as “physical abuse”, “family violence” or “wife battering” in the 21st century.36

All of these sources illustrate that any excess, cruelty, family violence or abuse committed by any Muslim cannot honestly be traced to any revelatory text (Koran or Prophet). Rather, such excesses and violation are the responsibly of the individual offender. Wife beating was only intended to discipline the rebellious and potentially unfaithfully spouse as physical sanctions were, until recently, largely accepted as a way of educating children. But currently this idea that it is a husband’s obligation to beat his wife has transcended these old limits such that beating her can be considered as a transgression of the religious commandments.37

Domestic violence and its acceptance cannot be attributed solely to religion but also to patriarchal ideologies. Often religion is used to rationalise and give authority to more human motives. It is also true, however, that in many so-called “Islamic” countries, women are not treated according to their God-given rights. But this is not the fault of Islamic ideology but rather the misapplication or sometimes the outright denial of the ideology in these societies. Many of these practices are based on cultural or traditional custom which have been injected into these societies.38

36 Ibid., p.170.
37 Ibid.
38 Ibid.
2.5 Ancient Roman, Jewish and Christian Societies

In the Encyclopaedia Britannica we find this summary of the legal status of woman in the Roman civilization:

In Roman law a woman was even in historic times completely dependent... if married she and her property passed into the power of her husband... the wife was the purchased property of her husband and like a slave acquired only for his benefit. A woman could not exercise any civil or public office.... Could not be a witness, surety, tutor or curator; she could not adopt or be adopted, or make will or contract. 39

Under the Roman law, wife was:

A babe, a minor, a ward, a person incapable of doing or acting anything according to her own individual taste, a person continually under the tutelage and guardianship of her husband. 40

The first law of marriage was proclaimed by Romulus in Rome in the 8th century B.C. The law “obliged married women as having no other refuge, to conform themselves entirely to the temper of their husbands and the husbands to rule their wives as necessary and inseparable possession.” 41

According to the Mosaic Law, to betroth wife to oneself meant simply to acquire possession of her by payment of the purchase money. The girl’s consent was

unnecessary, the woman being man’s property, the right to divorce her followed as a matter of course. Divorce was a privilege of the husband only.\textsuperscript{42}

The position of women in Christian cultural heritage seems to have been influenced by the Mosaic Law. Women were described by the early church fathers as the “gateway to hell”, “the origin of the devil”, “the mother of all evils”, “a scorpion ever ready to sting”, “daughter of falsehood”, and “the enemy of peace”. They enjoined her to live in continual penance on account of the curse she had brought to the world.\textsuperscript{43}

The bible is the foundation of all Judeo- Christian ideology. The Bible’s first story about mankind, the story of Adam and Eve, portrays women as the temptress who leads Adam into wrongdoing. It was woman who listened to the serpent, took a bite of the fruit of the tree of knowledge in disobedience to God’s mandate, and convinced Adam to do the same. With that bite came the knowledge the good and evil and the Almighty’s wrath.\textsuperscript{44}

In powerful biblical stories, women have been cast in the roles of the seductress, the virgin, the holy mother and the whore. These images serve as the basis for the most common expectations of what women are and are not supposed to be in the society.\textsuperscript{45}

\textsuperscript{42}III Encyclopaedia Biblica, (1902) pp.2924-47.
\textsuperscript{43}Doi A.R.I., Woman in Sharia (Zaria 1983) p.13 as cited in Dr. Shamsuddin Shams, supra note 28, p.7.
\textsuperscript{44}Ibid., p.14 (quoting Genesis Z:15-22; 3:2-20), cited in ibid.
\textsuperscript{45}Schornstein, supra note 12, p.14.
Throughout the early writings of Christian theologians are references that denigrate women. They were not to be listened to or trusted. Women were deceptive and seductive and might lure men into committing transgressions. Because of Eve’s wrong doing they were to be eternally punished and to suffer the pain of childbirth. Women were inferior, childlike and mindless. God endowed men with intelligence but created women with bodies that made them suitable only for conjugal duties, the bearing and raising of children, and keeping house.46

Through the Rules of Marriage, written by Friar Cherubino of Siena between 1450 and 1481 the church encouraged men to beat their wives, instructing:

“when you see your wife commit an offence, don’t rush at her with insults and violent blows..... scold her sharply, bully and terrify her. And if this still does not work.... take up a stick and beat her sound, for it is better to punish the body and correct soul than to damage the soul and spare the body... Then readily beat her, not in rage but out of charity and concern for her soul, so that the beating will redound to your merit and her good”.47

Family matters were originally adjudicated by church courts. When the courts separated from the church, wife beating remained sanctioned under the law on religious grounds. Legal justification for such abuse in present times still finds its basis in religious principle. Simone Beauvior, between 1949 and 1974 succinctly described the inherent conflict between Christianity, feminism, and the law: “Man enjoys the great advantage of having a god endorse the code he writes; and since man

46 Martin, supra note 6, p.6.
exercises a sovereign authority over women, it is especially fortunate that this authority has been vested in him by the Supreme Being."  

During the middle ages in Europe, church law exerted a strong influence on behaviour. Women were subject to the authority of men, who had the explicit support of church law to correct women’s behaviour through punishment. Punishment was justified by women’s inferior status and supposed spiritual weakness, which opened them to the influence of the devil. The legacy of medieval law, which permitted the authorised abuse of women continued through the eighteenth century Napoleonic Code, which in turn influenced the laws of France, Switzerland, Italy and Germany. In these countries men had absolute family power, including the use of violence against family members up to the point of murder.  

Under English Common Law, upon which American jurisprudence is based, confirmed, “By marriage the husband and wife are one persons in law; that is, the very being or legal existence of the woman is suspended in marriage.” Under the husband’s “wing, protection and cover” the wife performed everything. “To become a wife meant to take on a special legal status that excluded the woman from the legal

and elevated her husband to the position of lawmaker, Judge, jury and executioner.51

Law generally reflect social values and norms. The use of physical violence against one’s wife was legal under the Common Law. According to Judge William Blackstone:

“The husband also by the old law might give his wife moderate correction. For as he is to answer for her misbehaviour, the law thought it reasonable to entrust him with this power of restraining her, by domestic chastisement, in the same moderation that a man is allowed to correct his apprentices or children, for whom the master or parents is also liable in some cases to answer”.52

The practice of wife beating no doubt flourished in the Colonies as it had in England, but it was not legalised until 1824 when the Mississippi Supreme Court ruled that the husband could administer “moderate chastisement in cases of emergency.”53 Most states adopted laws that limited the husband’s right to whip his wife to use of a switch no bigger around than his thumb. In 1874, the North Carolina Supreme Court disavowed the husband’s right to chastise his wife “under any circumstances”, but went on to say, “If no permanent injury has been inflicted, nor malice, cruelty, nor dangerous violence shown by the husband, it is better to draw the curtain, shut out the public gaze, and leave the parties to forget and forgive.

52 Blackstone, supra note 50.
Unfortunately it was the latter clause that became American law enforcement policy for the century that followed.

2.6 The Emergence of Domestic Violence as a Problem

2.6.1 The Rise of the Women’s Movement

The great mobilization of women began with a vision supported by action. The vision was of a world transformed, of a society in which women occupied a place no longer subordinated and participated fully in all facets of society. A world in which women were revalorized, fully integrated and set free from male domination was a bold notion. This transformative vision could not be achieved without major social changes in all facets of cultural, political and economic life. Such an expansive vision was suggestive of limitless arenas for action.54

In both Britain and United States, the women’s movement of the late 1960s and 1970s provided the base of membership and the overall perspective from which numerous issues could be addressed and actions organised. Wage work and the economy, domestic work and the family, reproduction and medicine, mental health and psychiatry knowledge and the university, sex and the double standard, violence against women and many others became the sites of protest against disadvantages historically constructed and maintained through economic segmentation, cultural beliefs and institutional practices. Male domination and power were fundamental to

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all. The task of transformation was enormous, but the spirit and energy of the time was of equal measure and so began the struggle for change.\textsuperscript{55}

In creating their present, the new women's movement was innovative. Everything was up for consideration. Debates about the nature of the problem and possible solutions ranged widely.\textsuperscript{56} There was a legacy of ideas and actions from earlier periods of struggle and change, such as the mid-nineteenth and the early twentieth centuries.\textsuperscript{57} Based on personal experience, and sometimes using new scholarship, they engaged anew the debates about women's nature, the importance of citizenship and political representation, higher education, wage work, the state, independence, autonomy and freedom, motherhood, the 'moral superiority' of women, the family, patriarchy, power, domination, oppression and many, many others. Some ideas date back to the enlightenment of the late seventeenth century, others to the French and American revolutions, the Industrial revolution, Evangelicalism and the religious revivalism of the late eighteenth and early nineteenth centuries and early anti-slavery movements of mid nineteenth century Britain and America.\textsuperscript{58}

The knowledge that women are in a secondary position to men both in society and in the family and that this results in numerous problems for women, including

\textsuperscript{55} Ibid., p.16.
economic disadvantage and the use of violence against them, was becoming common currency in the women's movement. The new issue of the physical abuse of women in the home simply extended this knowledge of women's oppression beyond the more public spheres of wage work, safety in public places and the like and into the very heartland of private life, the family. Thus, the fact that women were beaten by husbands and cohabitants was a logical extension of earlier discoveries. 59

2.6.2 The Battered-Women's Movement

The battered women's movement (shelter or refuge movement) is a direct product of the women's movement in both countries, and most of the early shelter groups arose out of women's liberation consciousness raising groups, which had decided it was time to move from thought to action. In Britain, founding the first refuge was the result of pioneering efforts of the group of women who opened Chiswick Women's Aid. 60 It emerged in a rather unexpected manner, beginning with a campaign to protest against the elimination of free school milk and ending with a refuge for battered women. The story is now well known. Five hundred women and children and one cow marched through an English town in support of their claim. The cow aptly served as a symbol of their cause and amiable spectacle brought considerable attention. 61

59 Dobash and Dobash, supra note 54, p.17.
60 Dobash and Dobash, supra note 51, pp 1-3, 223-5.
61 Dobash and Dobash, supra note 54, p.25.
While not a direct success, the march did bring solidarity among the women and initiated a successful attempt to set up a community meeting place for local women in 1971. It was here that women began to tell one another horrific stories of the violence they had received at the hands of their male partners. Here, that the doors were first opened for them to find refuge. Here, that violence against women began to be defined as a problem of epic proportions. Here, that publicity was, and continues to be drawn. Here, that the inspiration for a social movement began.62 Although the house was meant to be used during office hours, the women obviously needed twenty four hours refuge where they and their children might escape from violence and the centre quickly became a refuge for battered women. This inauspicious beginning was soon to explode into a social movement of national and later, international proportions with the accompanying struggles for recognition and metamorphosis that characterize all dynamic social movements.63

Within months, Women’s Aid groups were established throughout Britain and they started the arduous campaign to open their own refuges. They pressured reluctant authorities, sought funds and used the mass media in their campaigning to assist battered women. The provision of refuges spread rapidly. Initially, local Women’s Aid groups were bound together only by the sense that “they were women working with women for women”, and by the limited contact they had travelling

62 Ibid.
63 Pizzey, E. Scream Quietly or the Neighbour will hear you, (England: Penguin,1974), pp.24-25.
across the country to meet and exchange ideas and experiences. There was a growing awareness that there was also a need for a national campaigning base through which the united voice of local Women’s Aid groups could be heard on issues of legislation, public policy, education, expanding provision of refuges, and more fundamental changes in the status of women. In 1975, dozens of groups met to form a national organisation.

In the United States, the battered women’s movement began a few years after its birth in Britain. Its initial character while informed by the British experience, was affected most specifically by the preceding women’s liberation and anti-rape movements in the U.S.A. The battered women’s movement in the U.S. A. had its first real beginnings in 1973 and 1974 with the opening of the first shelter in Minnesota, but wider public recognition and widespread activity similar to that in Britain did not come until somewhat later.

The battered women’s movements in the United States and Britain focused on raising public awareness about domestic violence. It was a decade of major achievements against the obdurate obstacles of tradition and apathy. By the early 1980, shelters in the United States were serving approximately 270,000 women and children annually. At any point in time in Britain, approximately 900 women were

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65 Ibid., p.579.
staying in 128 refuges.67 Close on the heels of the British and U.S. movements, shelter were set up in Ireland, Canada, Australia, and several European countries. By the end of its first decade, the battered women's movement had reached their goal to "name the hidden and private violence in women's lives, declare in public and provide safe havens and support."68

Advocates working with victims of domestic violence soon realized that lasting change in social conditions would not occur without increased public education and legislative action. Beginning in the mid 1970s legislation was passed in Britain and the United states to provide legal remedies and shelter for battered women.69 However, less industrialized countries are only just beginning to recognize the problem publicly and establish services. Worldwide statistics show that wife beating occurs in 84% of small-scale societies. When women in less industrialised countries were polled, they listed violence as the health problem of greatest concern to them. Yet wife beating was not officially considered under the purview of international action; rather the emic view (from within the culture) was taken. The United Nations finally included violence against women as a human rights violation at its International Conferences on Human Rights, which took place in Vienna in 1993. The same year, the World Bank (1993) also recognised wife beating as a significant economic problem in terms of health costs. These official actions signaled inclusion

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67 Dobash and Dobash, supra note 54.
69 Dobash and Dobash, supra note 54.
in the public international domain (versus cultural normative and therefore private) and paved the way for increased official global efforts against domestic violence.\textsuperscript{70}

Since that time, social and political changes have occurred, and women of all the countries are beginning to believe that they have a right to live without violence. Wife beating has become a common topic for public debate, if not public censure in most countries. This monumental shift in both public and private perception is the result of the sustained efforts by the grassroots battered women’s movements over the past three decades.

2.7 Conclusion

Gender crimes are not a recent phenomenon, but the horrific truth is that it continues even after centuries during which laws have been upgraded, women are more educated and are financially self-reliant. Social status, financial class, education, and the urban — rural divide — none of these come in the way of a man’s violence towards his wife and children. The deep roots of this evil lie in the traditional subordinate status of women in all societies. Rigid concepts of conjugality, patriarchal traditions of family structure and the endorsement of the male ego by customs, always take precedence over the concerns of women and children. Whenever male authority is challenged, the rights of women and children become redundant. In most societies, prejudice against women is so deeply entrenched, that it is part of religious dogma.

Whatever the reason for the deprivation or inferiority complex of a man, he is authorised by society to humiliate, control and weaken or exploit his wife by verbal abuse and physical violence. Many languages have sayings to the effect that a woman deserves to be 'shown her place' or 'disciplined' if she 'oversteps' the control lines drawn by men in her family.

The problem of domestic violence has only come into the limelight in the past few years, its progression toward public awareness paralleling the growth of the women's movement. Historically, there has never been any public outcry against this brutality. But now it is learnt that the problem is far more precarious and terrible than it was ever thought to be and that, the myths, which had previously rationalised why such violence occurred between men and women who supposedly loved each other, are untrue.

Today, many men still believe their rights to rule their women are primary. This notion has been supported not only by religion but also by the law, beginning with the century-old right of a husband to beat his wife with a stick "no thicker than his thumb". Domestic violence, though a universal phenomenon and existing through ages, has been shrouded in secrecy, guilt and shame on the part of the victims. It is only in the last decade with the emergence of second-phase feminism, that domestic violence has been recognised as "a social problem of major proportions involving serious physical injury and sometimes death".