

History of Violence Against Women (VAW) in the West, Recognition and Emerging Interventions

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Abstract

The recorded history of VAW dates back to 753 BC when wife beating was a conventional practice and an accepted norm as the law of chastisement allowed and made men responsible for all the crimes committed by their wives. The period of 1600 AD saw women taking refuge in convents to escape from violence in their homes. The paper uses qualitative approach to discuss the historical laws of West that supported wife beating. The women's right movement was generated as a result in West and the paper will then indicate how and when the VAW was being recognized as a social problem. At the end of this paper, the feminist movement involvement in developing VAW interventions and global recognition of discrimination and VAW is outlined.

Key Words: Violence Against Women, history, laws, recognition, interventions.

Wife Beating Supported by Historical Laws

Ancient Roman society was an inspiration for modern republics and contributed to modern government laws, customs, literature, technology, language, religion and society (Lemon, 1996). For example, beating a wife was accepted and forgiven by the Law of Chastisement during the rule of Romulus in Rome in 753 BC. This law allowed the husbands to reprimand and physically discipline their wives as they were considered accountable for their wives' misdeeds. Hence, husbands were given the privilege of beating their wives with a stick or rod equal to the circumference of a man's thumb, to protect themselves from their wife's harmful actions. During 1767 AD, the British Common Law was enacted, which allowed men to discipline or chastise their women with a stick or rod no larger in diameter than the thumb. This became known as the "rule of thumb" (Schechter, 1982). This law was a basis of most of the laws made under English Common Law as well as other laws over Europe (Lemon, 1996). But as the Punic War finished in 202 BC, women were given some freedom in the form of property rights and bringing their husbands to court if he had beaten her unduly (Lemon, 1996). During 300 AD, the Fathers of the Church restored the authority of the husbands according to the patriarchal values of Jewish and Roman laws.

During the Middle Ages (from 900 to 1300 AD) in Europe noblemen or masters used to abuse not only their slaves but often their wives; their slaves also tend to follow the examples of their lords in beating their wives (Martin, 1976). The Church also promoted the helplessness of the abused wives by advising them to win the hearts of their husbands by more obedience and serving them with more devotion. This was a time when a woman's feelings and capacity for sufferings was not considered as valued and equal to that possessed by a man. In the *Manual of Medieval Theology* (edited and translated by McCracken & Cabaniss, 1957), a man was given permission to rebuke and reprimand his wife even with physical beating for her correction (as cited in Martin, 1976).

During the 1400s, the Christian church was indecisive as to whether to support wife beating or to encourage husbands to be more sympathetic towards wives and to have self-control in punishing their wives (Lemon, 1996). Rules of marriage, including the trend of beating wives by their husbands, were documented by Christian scholar, Friar Cherbubino (Lemon, 1996). However, the *Book of the City of Ladies* (1364-1430), considered a classic literature book on women's issues, accused men of cruelty towards their wives in the form of physical abuse and promoted basic rights for women including education and the need to show kind and caring behaviour towards women in marriages (as cited in Pizan, 1999). In 1427, the Bernard of Siena advised his male worshippers to have self-control and mercy in treating their wives as they would with their hens and pigs (Lemon, 1996).

In 1500 English Jurist, Lord Hale laid down the foundation of non-recognition of rape in marital relationships as he stated that when a woman marries she gave herself to her husband in the form of contract which remains intact until their divorce (Lemon, 1996). He also stated that a wife cannot retract from the contract of all types of sexual relationships with her husband; thus a husband cannot be considered guilty of raping of his own wife owing to their contractual agreement (Lemon, 1996). This was also a basis of origin of contractual consent theory according to which the wife was to be available for sex to her husband at all costs. Lord Hale has been described by women advocates as misogynist as he used to burn women alive at the stake claiming that they were witches (Lemon, 1996). There was some retaliation to this concept as Abbe de Brantome raised the question that although husbands may have great authority over their wives, there is no sense in allowing them to kill their wives (Martin, 1976). In England, during late 1500s, under the Golden Age of the Rod Law

children and women were advised to be obedient of their men as their sacred duty (Martin, 1976).

Thus the practice of beating a wife has longstanding historical roots. The next part will describe some of the major milestones in the creation of laws in support of elimination of VAW.

Recognition of VAW as a Social Problem

The 1800's saw some favorable response towards the alleviation of suffering of women. For example, in 1824, the Mississippi Supreme Court of USA in *Bradley v. State* 2 Miss. Walker 156 decided a husband could only exercise restrained reprimands to his wife and then only emergency situations (Lemon, 1996; Martin, 1976). Similarly, in 1829 a husbands' unconditional power of physically reprimanding and rebuking his wife was abolished (Schechter, 1982). In 1874, the Supreme Court of North Carolina, in the United States renounced the finger-switch rule or rule of thumb that allowed the man to beat his wife with a stick not thicker than the finger and decided that under any situation a husband did not have the right to corporally punish his wife. The decision also included the provision that if a husband does not show his wife permanent hatred, cruelty or dangerous violence than both parties should forgive and forget (Martin, 1976).

In 1878 English author Francis Power Cobbe, wrote, *Wife Torture in England*, wherein she criticized the abusive behaviour towards wives in the Liverpool's district. She documented 6000 cruel physical attacks on women (for example, mutilated, blinded, trodden, set ablaze and murdered) in the span on over a three years period, concluding that most women were abused because people generally believe that a wife is the property of her husband.

The Parliament of England enacted the Matrimonial Causes Act in 1880 which allowed the women who were victim of their husband's violence to take legal separation from him (Dobash&Dobash, 1992). The Act also allowed women custody of their children in case of such separations and also entitled them to keep the earnings and property that they secured from their husbands (Dobash&Dobash, 1992). But separation could only be sought in cases of brutal assault by husbands in which the women's life was considered to be in grave danger (Dobash&Dobash, 1992; Lemon, 1996).

In 1882, the state of Maryland made wife beating unlawful, the stated punishment was either one year imprisonment or 40 lashes (Martin, 1976). But in North Caroline in 1886, a lower court affirmed that husbands cannot be convicted

unless the beating caused some permanent injury, the wife's life was endangered by the assault, or the beating was cruel (Martin, 1976). Subsequently, in 1890 the Supreme Court of North Carolina prohibited husbands from committing even a minor assault on their wives (Martin, 1976). During 1894 in Mississippi, according to *Harris v. State*, 71 Miss. 462 case, the court withdrew husband's right to administer even restrained chastisement (Lemon, 1996; Martin, 1976).

With Queen Victoria's ascension to the English throne in the late 1880s, lawmakers brought further reforms against wife beating. For example, it was prohibited to keep a wife in lock, harsh beating by a husband to endanger the life of a wife was considered grounds for divorce; it was also prohibited to sell wives and daughters for prostitution (Lemon, 1996). Further, in 1895 the Married Women's Property Act termed a husband's sexual and physical assault on his wife as sufficient grounds for divorce (Schechter, 1982). During late 1880s, the courts began to consider husbands responsible and thus guilty of marital rape (Lemon, 1996).

During 1919, America passed 19th Amendment in its constitution which gave right of vote to women in public elections (Martin, 1976). In 1945, California, USA passed a law which stated that a husband who deliberately meted out corporal injury upon his wife or child that was harmful or traumatic would be considered guilty and punished either in prison for not less than one year or more than 10 years (Martin, 1976). However, there was some criticism of this law. As an example, San Jose Superior Court Judge, Eugene Premo overruled charges against a husband who was accused of murdering his wife as unconstitutional, as the law only identified husbands as perpetrators of abuse (Martin, 1976).

These events and incidents set the stage for the development of the feminist movement where the activists advocated, demanded and struggled for more humane treatment towards women in the society.

The Feminist Movement Involvement in Developing Violence Against Women Interventions

The 1950s and 1960s gave birth to the US civil rights movement, the anti-war movement Black liberation and finally the feminist movement (Schechter, 1982). The feminist movement challenged unfair labour practices and discriminatory laws against women (Schechter, 1982). According to feminists views, violence and abuse against women are socially generated to maintain

dominance and social control over women (Lempert, 1996). Feminists also assert that as a consequence of male dominance in society men enjoy dominant positions economically, politically and socially (Greene & Bogo, 2002; Loue & Faust, 1998). Men have greater access to material resources and this economic discrimination against women promote their dependency on men and their lack of ability to terminate the abusive relationship with their male partners (Okun, 1986).

In 1962 New York State shifted cases of domestic violence from Criminal to Family Courts (Martin, 1976). As a consequence of the adoption of civil procedures in Family Court, couple's disputes were considered family affairs, VAW was shifted from a criminal act to a family's personal affair, and less severe charges were placed against the perpetrator (Martin, 1976).

In 1964, the feminist movement gave birth to two institutions for abused women in the USA: the Rainbow Retreat in Phoenix, Arizona and Haven House in Pasadena, California (Schechter, 1982). Both community-based institutions were individually run and offered help to battered women who had abusive husbands by providing temporary refuge to women and their children as well as other basic needs such as food, shelter and clothes and counseling for women (Schechter, 1982).

The efforts of feminist's movement in terms of labour relations came to some success when the American Congress in 1965 passed a law that prohibited employment discrimination by guaranteeing the same pay for women as equivalent work done by men (Martin, 1976). This was also a supporting step towards women's economic independence and it played a role in allowing women to be able to afford to live independently if they decided to separate from abusive relationship (Martin, 1976).

Further, in 1966 New York State legalized beating as sound grounds for divorce; but the wife had to present proof that substantial beating episodes had occurred before the courts would grant a divorce (Martin, 1976).

A groundbreaking study conducted in Chicago from 1965 to 1966 showed the widespread prevalence of VAW; 46.1% of the crimes against women took place in their homes and that police dealt with more number of complaints on domestic violence than the response against crimes like rape, murder, or other assaults (Martin, 1976).

As a consequence of emerging data on the prevalence of VAW and agitation by the feminist movement, shelter homes, whose aim was to provide temporary shelter to the women victims of domestic violence, were began to be established in the USA. In 1976, Maine established the first shelter home, the first

state-run institution also provided women with basic needs like food, clothes, and shelter (Lemon, 1996). This idea was later replicated by other states and countries around the world with the same purpose and structures. As a result of women's activism, shelter homes emerged throughout the West.

In the late 1960s, Italy declared that the honour killing, that is that in the terms used to describe in situations when women were either killed or traded to settle the dispute and to bring the honour back to their family, was a serious crime (Schechter, 1982). Soon after, other countries adopted this law. However, honour killing is still practiced in most of the world's developing countries (Schechter, 1982).

The feminist movement of 1960s and early 1970s in the US gave rise to the battered women's movement by claiming that peoples private life at home is a political issue (Schechter, 1982). As a result, women crisis centers and hotlines were established for battered women seeking help and support from their turmoil (Schechter, 1982). A group of feminists, established the Women in Transition Institute in Philadelphia, in 1971, which provided services to battered women, separated and divorced women as well as to single women who were facing abuse in their homes (Heinemann, 1996).

The feminist movement also resulted in establishment of similar structures in other countries. For example in the same year in 1971 in London England, an advice center, the Chiswick Women's Aid Center or Battered Wives Center, for battered women and their children was established by Erin Pizzey (Dobash&Dobash, 1992; Martin, 1976). At this center women could come to escape loneliness and could share mutual interests by meeting their peers (Dobash&Dobash, 1992). Erin Pizzey (1974) also wrote the book, *Scream Quietly or the Neighbors will Hear*, the first of its kind to highlight the issue of domestic violence in the society and its repercussions on women and their children.

Until 1980, approximately 150 shelter homes existed in England; most of which were sponsored by the National Women's Aid Federation and aimed to serve the battered women and their children (Johnson, 1981). During 1976, due to campaigning by Pizzey and other activists, the British parliament enacted laws which gave broader protection to women victims of domestic violence (Tierney, 1982). Thus, the issue of VAW became increasingly recognized as laws and institutions were created to safeguard women victims and to punish perpetrators.

After the establishment of shelter homes, crisis hotlines, where women can call to ask for help at times of immediate needs, emerged. The Women's Advocate Inc. started a crisis hotline service in St. Paul Minnesota, which provided

counseling to battered women and later the female staff members also provided shelter to such women in their own homes (Martin, 1976). The Abused Women's Aid in Crisis, founded by social worker Maria Roy from New York, established a hotline in 1975, and a shelter home in 1976 in New York (Tierney, 1982). The first emergency rape crisis hotline was started in Washington, D.C. in 1972 (Heinemann, 1996; Schechter, 1982).

The Rainbow Retreat of Phoenix Arizona established in 1973 was considered as the first formal shelter home for battered women in the USA. In 1974 Haven House, for battered women, was established in Pasadena, California and subsequently, two additional grassroots shelter homes were established: La Casa de las Madres in San Francisco and a Transition House in Massachusetts (Tierney, 1982). According to the United States News and World Report of 1979 almost 170 shelter homes were established in the USA from 1975 to 1978 (Tierney, 1982). By 1979 almost a dozen states of USA had made laws on wife beating and by 1980, 45 states of USA and the District of Columbia established special legal provisions for cases of wife beating (Seltzer & Kalmus, 1988).

Another achievement in the VAW struggle occurred in 1974 in California, when battered women were given rights to claim the compensation for the injuries inflicted on them by their husbands (Martin, 1976).

In the early 1970s Canada also established the first formal transition houses, which provided women and their children who are escaping violence housing till they find a safe alternative house (Gilman, 1988). Inaugural shelters include: Vancouver's Transition House, Ishtar in Langley, British Columbia and an Oasis House (now known as the Calgary Women's Emergency Shelter) in Alberta and Saskatoon's Interval House in Toronto, Ontario (Gilman, 1988; Hebert & Foley, 1996, MacLeod, 1989).

Thus, the recognition of VAW globally by the UN specifically, led to support for victims of violence through enacting laws, the establishment of shelter homes and crisis hotlines and other efforts. As members of UN, countries were responsible to take concrete steps in decreasing VAW and to establish structures to help women impacted by violence.

Global Recognition of Discrimination and Violence against Women

The UN recognized the prejudiced and biased practices against women on December 18, 1979 when its General Assembly implemented and approved the CEDAW, which was enforced on September 03, 1981 (UN, 1981). This convention stated that men and women have fundamental human rights of freedom, equality in dignity without any distinction on the basis of their sex and

that all members of the UN have to ensure equal rights of men and women in all civil, political, social, cultural and economic fields (UN, 1981).

In December 1993, the General Assembly of United Nations also approved the Declaration on the Elimination of Violence against Women (UN, 1993). It recognized that VAW is a demonstration of habitual imbalanced relationship of power between women and men that has created supremacy and unfairness of men towards women (UN, 1993) Moreover, it has blocked the means of development of women and as a result women are considered lower and secondary in status with regard to men in the society (UN, 1993).

According to the UN declaration (1993) VAW is any act that is carried on the basis of sex which causes physical, sexual or psychological injuries whether it occurred in public or private life. Physical abuse means unwanted contact of anything with the body of the women. Sexual abuse means pressurizing or coercing a woman to do something sexually which they do not wish to do themselves. Psychological abuse means non-physical behaviours like constantly threatening, insulting, humiliating, monitoring, stalking, isolating, or intimidating a woman (UN, 1993).

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