



NATIONAL OPEN UNIVERSITY OF NIGERIA

SCHOOL OF ARTS AND SOCIAL SCIENCES

COURSE CODE: CSS 381

COURSE TITLE: DOMESTIC VIOLENCE

NATIONAL OPEN UNIVERSITY OF NIGERIA SCHOOL
OF ARTS AND SOCIAL SCIENCES

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COURSE TITLE:

DOMESTIC VIOLENCE

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MODULE I VIOLENCE DIAGONISED

Unit 1: Introduction to Violence

Unit 2: Violence Justified

Unit 3: The Ideological Root of Violence and its Legitimation

Unit 4: The Gender in Violence

MODULE 2: DOMESTIC VIOLENCE CONCEPTUALISED

Unit 1: Conceptual of Domestic Violence I

Unit 2: The Concept Domestic of violence II

Unit 3: The Trend of Domestic Violence

Unit 4: History of Domestic Violence

MODULE 3: CAUSES OF DOMESTIC VIOLENCE

Unit 1: Circle of Domestic Violence

Unit 2: The Theories of Domestic Violence I

Unit 3: The Theories of Domestic Violence II

Unit 4: Reasons for the Perpetration of Domestic Violence

MODULE 4: OBJECT CAUSES OF DOMESTIC VIOLENCE

Unit 1: Reasons for Perpetration of Male Violence

Unit 2: Domestic Violence and African Situation

Unit 3: Understanding the Effects of Domestic Violence

Unit 4: Addressing the Effects of Domestic Violence I

Unit 5: Addressing the Effects of Domestic Violence II

MODULE 5: CONTROL MEASURES AGAINST DOMESTIC VIOLENCE

Unit 1: Personal Control Measures against Domestic Violence.

Unit 2: The Legal Instruments to Control Domestic Violence

Unit 3: Legal Reform Advocacy

Unit 4: Challenges to Legal Reform Advocacy in Nigeria

Unit 5: Obstacles to Realising Better Legal Regime in Nigeria

Assessment File

An assessment file and a marking scheme will be made available to you. In the assessments file, you will find details of the works you must submit to your tutor for marking.

Tutor Marked Assignment (TMAs)

There are two aspects of the assessment of this course; the tutor marked and the written examination. The marks you obtain in these two areas will make up your final marks. Every unit in this course has a tutor marked assignment. You will be assessed on four of them but the best three performances from the (TMAs) will be used for your assessment. The assignment must be submitted to your tutor for assessment in accordance with the deadline stated in the presentation schedule and the Assignment file. The work you submit to your tutor for assessment will count for 30% of your total score. Make sure each assignment reaches your tutor on or before the deadline for submissions. If for any reason, you cannot complete your work on time, contact your tutor. Extensions will not be granted after the due date unless under exceptional circumstances.

Final Examination and Grading

The final examination will be a test of three hours. All areas of the course will be examined. Find time to read the unit all over before your examination. The final examination will attract 70% of the total course grade. The examination will consist of questions, which reflect the kind of self-assessment exercises and tutor marked assignments you have previously encountered. You should use the time between completing the last unit, and taking the examination to revise the entire course.

Course Marking Scheme

The following table lays out how the actual course mark allocation is broken down.

Assessment	Marks
Assignments (Best three out of four tutor marked assignment)	= 30%
Final Examination	= 70%
Total	100%

Presentation Schedule

The dates for submission of each of the assignments will be communicated to you. You will also be told the date for examinations. Be informed through constant visiting of your portal for deadlines, assignments, examination and other relevant information.

Course Overview and Presentation Schedule

Unit	Title of Work	Weeks Activity	Assignment
	Course Guide		
	Module 1: VIOLENCE DIAGONISED		
1	Introduction to Violence	Week 1	Assignment
2	Violence Justified	Week 1	Assignment
3	The Ideological Root of Violence and its Legitimation	Week 2	Assignment
4	The Gender in Violence	Week 2	Assignment
	Module 2: DOMESTIC VIOLENCE CONCEPTUALISED		
1	Conceptual Definition of Domestic Violence I	Week 3	Assignment
2	Conceptual Definition Domestic of violence II	Week 3	Assignment
3	The Trend of Domestic Violence	Week 4	Assignment
4	History of Domestic Violence	Week 4	Assignment
	Module 3: CAUSES OF DOMESTIC VIOLENCE		
1	Circle of Domestic Violence	Week 5	Assignment
2	The Theories of Domestic Violence I	Week 5	Assignment
3	The Theories of Domestic Violence II	Week 5	Assignment
4	Reasons for the Perpetration of Domestic Violence	Week 6	Assignment
	Module 4: OBJECT CAUSES OF DOMESTIC VIOLENCE		
1	Reasons for Perpetration of Male Violence	Week 7	Assignment
2	Domestic Violence and African Situation	Week 8	Assignment
3	Understanding the Effects of Domestic Violence	Week 8	Assignment
4	Addressing the Effects of Domestic Violence I	Week 9	Assignment
5	Addressing the Effects of Domestic Violence II	Week 10	Assignment

	Module 5: CONTROL MEASURES AGAINST DOMESTIC VIOLENCE		
1	Personal Control Measures against Domestic Violence.	Week 10	Assignment
2	The Legal Instruments to Control Domestic Violence	Week 11	Assignment
3	Legal Reform Advocacy	Week 11	Assignment
4	Challenges to Legal Reform Advocacy in Nigeria	Week 12	Assignment
5	Obstacles to Realising Better Legal Regime in Nigeria	Week 12	Assignment
	Revision	1	
	Examination	1	
	Total	1 3	

How to Get the Most from this Course

In distance learning, the study units replace the university lecture. This is one of the great advantages of distance learning; you can read and work through specially designed study materials at your own pace, and at a time and place that suits you best. Think of it as reading the lecture instead of listening to the lecturer. In the same way a lecturer might give you some reading to do, the study units tell you where to read, and which are your text materials or set books. You are provided with self-assessment exercises to do at appropriate points, just as a lecturer might give you an in-class exercise.

Each of the study units follows a common format. The first item is an introduction to the subject matter of the unit, and how a particular unit is integrated with the other units and the course as a whole. Next to this is a set of learning objectives. These objectives let you know what you should be able to do by the time you have completed the unit. These learning objectives are meant to guide your study. The moment a unit is finished, you must go back and check whether you have achieved the objectives. If this is made a habit, then you will significantly improve your chance of passing the course. The main body of the unit guides you through the required reading from other sources. This will usually be either from your set books or from a reading section.

The following is a practical strategy for working through the course. If you run into any trouble contact your tutor. Remember that your tutor's job is to help you when you need assistance, do not hesitate to call and ask your tutor to provide it.

1. Read this Course Guide thoroughly, it is your first assignment.
2. Organize a Study Schedule. Design a 'Course Overview' to guide you through the Course. Note the time you are expected to spend on each unit and how the Assignments relate to the units. Whatever method you choose to use, you should decide on and write in your own dates and schedule of work for each unit.
3. Once you have created your own study schedule, do everything to stay faithful to it. The major reason why students fail is that they get behind with their course work. If you get into difficulties with your schedule, please, let your tutor know before it is too late to help.
4. Turn to the Unit and read the introduction and the objectives for the unit.
5. Assemble the study materials, as you work through the unit, you will know what sources to consult for further information.
6. Keep in touch with your study centre. Up-to-date course information will be continuously available there.
7. Well before the relevant due dates (about 4 weeks before due dates), keep in mind that you will learn a lot by doing the assignment carefully. They have been designed to help you meet the objectives of the course and, therefore, will help you pass the examination. Submit all assignments not later than the due date.
8. Review the objectives for each study unit to confirm that you have achieved them. If you feel unsure about any of the objectives, review the study materials or consult your tutor.
9. When you are confident that you have achieved a unit's objectives, you can start on the next unit. Proceed unit by unit through the course and try to pace your study so that you keep yourself on schedule.
10. When you have submitted an assignment to your tutor for marking, do not wait for its return before starting on the next unit. Keep to your schedule. When the assignment is returned, pay particular attention to your tutor's comments, both on the tutor-marked assignment form and also the written comments on the assignments.
11. After completing the last unit, review the course and prepare yourself for the final examination. Ensure that you have achieved the unit objectives (listed at the beginning of each unit) and the course objectives (listed in the Course Guide).

Tutors and Tutorials

Information relating to tutorials will be provided at the appropriate time. Your tutor will mark and comment on your assignments, keep a close watch on your progress and on any difficulties you might encounter and provide assistance to you during the course. You must take your tutor-marked assignments to the study centre well before the due date (at least two working days are required). They will be marked by your tutor and returned to you as soon as possible. Do not hesitate to contact your tutor if you need help. Contact your tutor if:

- You do not understand any part of the study units or the assigned readings.
- You have difficulty with the exercise.
- You have a question or problem with an assignment or with your tutor's comments on an assignment or with the grading of an assignment.

You should try your best to attend the tutorials. This is the only chance to have face-to-face contact with your tutor and ask questions which are answered instantly. You can raise any problem encountered in the course of your study. To gain the maximum benefit from course tutorials, prepare a question list before attending them. You will learn a lot from participating in discussion actively.

Summary

This course guide gives you an insight of what to expect in the course of this study. The course exposes you to the rudiments of Domestic Violence. We wish you success with the course and hope that you will find it both interesting and useful.

Course Code: **CSS 318**

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MODULE 1: VIOLENCE DIAGONISED

Unit 1: Introduction to Violence

Unit 2: Violence Justified

Unit 3: The Ideological Root of Violence and its Legitimation

Unit 4: The Gender in Violence

UNIT1: INTRODUCTION TO VIOLENCE

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1.0: INTRODUCTION

We speak of violence in several senses: physical, psychological, emotional and conceptual. Most immediately, though (and in that sense most violently), it is said to erupt among people in motivated personal or political struggles, sometimes irrationally, criminally, unexpectedly; in any event, violence leaves its victims in shock or lying wounded or dead.

2.0 : OBJECTIVES

At the end of this unit, you should be able to:

- a) Appreciate the various facets and perspectives of violence.
- b) Understand the instances and forms of violence.

3.0: Main Content

3.1: Defining Violence and its facets

In his book, *Religion and Violence: Philosophical Perspectives from Kant to Derrida*, Hent de Vries (2002: 1) offers a basic and inclusive definition of violence as entailing ‘any cause, any justified or illegitimate force, that is exerted – physically or otherwise – by one thing (event or instance, group or person, and, perhaps, word and object) on another’. As inclusive as it is, the definition harbors a serious problem, which becomes one of the main strands of the work. The definition of violence as ‘force’, or at least the concept of force as violence, presupposes a relation between more than one, and thus a potential *play*, or worse, *opposition*, of forces. Violence as a condition of possibility is thus presupposed by any act of force. Any *real* violence (physical, psychological, social, etc.) might seem to presuppose an ideal (a priori or transcendental) violence – or even a radical non-violence. Yet the reverse is true as well: the thought of violence seems necessarily constrained by circumstances, contained by history.

Violence is a ‘slippery concept’ (Scheper-Hughes and Bourgois, 2004), difficult to define, and a stress on physicality ignores its social context. The World Health Organization definition emphasizes both physical and psychological dimensions:

The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in, injury, death, psychological harm, mal-development or deprivation. (WHO, 2002)

Viewing violence as a continuum, including ‘extreme’ violence of murders, rapes and shootings, and ‘everyday’ violence of playground disputes and physical punishments, can enable connections to be traced across multiple forms (Buzan and Hansen, 2009) and can encompass a broad range of interactions defined by research participants (Derrida, 2002).

When I invited the children in the groups to brainstorm the word ‘violence’, they referred mainly to acts of physical violence located in the neighbourhood, though when asked about ‘problems’ in the neighbourhood or playground, they frequently expressed concerns about the ‘everyday’ violence of fights and disputes, and included verbal as well as physical aggression. They did not usually name as violent physical punishments – parents or teachers beating children, or fathers and uncles using force to defend their families – since these were usually taken for granted and viewed as legitimate forms of retributory justice, which could protect them from the violence of others. Who enacted the violence, where it took place, the

outcomes and the perceived intentions each influenced the multiple ways in which children understood violence.

Girls and boys of all ages described incidents of neighbourhood violence they had experienced directly or through close family members, and their accounts revealed how they were exposed to frequent dangers. They gave numerous accounts of murders, robberies and break-ins, with crimes often attributed to gangs. They talked of shootings, with gang fights ‘every Friday’, of hearing gunshots and of escape, as described by 10-year-old Chantal: “it was on Saturday, last Saturday, we was sitting in the park and so they start shooting, so we had to go home”. Much of the violence children talked of was associated with alcohol and drugs, escalating into violent fights, sometimes with guns or knives, and children were afraid of being hurt through their proximity, as described by 10-year-old Mikhail: “when they drink wine, and then, then they [get] drunk and they throw bottles over your head and they shoot gun and all of that thing”. Children also spoke of being chased by or threatened by groups of young people, or by drunken adults, and of their fears of abduction, sexual coercion and rape. Ten-year-old Faiza, for example, spoke of how her cousin had been attacked by an intruder in a neighbouring primary school: “and he pushed her against the wall and then he pulled her hair, then he choked her and so she couldn’t breathe”.

The 13-year-olds had more access to neighbourhood space, with the 8-year-olds more likely to speak of staying close to home, the 10-year-olds of staying in the street and the 13-year-olds of avoiding other neighbourhoods deemed more dangerous. But while the direct exposure to danger appeared to increase with age, incidents like those described in the previous paragraphs were described by children of different ages.

Violence matters wreck and shorten lives, causes pain and suffering, and is often part of rapid social change. The field of violence encompasses war, terrorism, securitization, ethnic ‘cleansing’, domestic violence, violent crime and hate crime. It has increasingly become a matter for public debate and intervention by states and other actors.

Violence is becoming visibly important for sociology as a discipline, yet has often been dispersed and fragmented into specialist areas of analysis. Sociologists have contributed much to the intellectual understanding of violence as social processes and institutions; there are a multiplicity of sociological theories and perspectives under discussion and subject to

vigorous critical debate, at global and national levels. While violence was a theme addressed by classical sociological theorists such as Marx and Engels (1967) and Weber (1968), it became less central after the Second World War (Malesevic, 2010). However, it did not disappear, but rather became fragmented, located in subfields often considered specialist, rather than core to 'theory'.

Ontologically, and disciplinarily, this means that violence has been seen in two major forms: interpersonal violent crime and inter-state war. The first, violent crime and deviance, is often analysed within the field of criminology, which is relatively separate from sociology. The second, the use of warfare by the state, is sometimes seen as more appropriately analysed by international relations, political science and the new security studies (Buzan and Hansen, 2004; Collins, 2010) than by sociology, though there are important exceptions (Giddens, 1985; Shaw, 2005). In the area of governance, overt violence has often been assumed to be in decline (Foucault, 1991, 1997). However, there have always been those who have analysed violence as central to societal developments and not reducible to other social processes (see Garland (2001) and Wacquant (2009) on crime and Mann (1986) and Shaw (2000, 2005) on war). There is a re-emergence of violence as more central to sociology, partly as a consequence of the greater inclusion of views from the South, from women and minorities, and partly because of the increased visibility and practice of violence in everyday life, governance and inter-state relations. Research on interpersonal violence in relation to inequalities of gender, ethnicity, religion and sexuality, as new forms of violence are documented and theorized (Abraham, 2002; Ertürk and Purkayastha, 2012; Fregoso and Bejarano, 2010; Iganski, 2008), and the inclusion of more perspectives from the global South, concerning experiences of postcolonialism, war and conflict zones (Caforio and Kümmel, 2005; Connell, 2007; Fanon, 1990) has raised questions about core issues of sociology.

The increased visibility of violence in sociology challenges core understandings about the social changes of modernity. The uncovering of new forms of violence contests several of the theses that suggest that violence declines with modernity, including those of Elias on the civilizing process; of Foucault on the shift in governance from state brutality to discipline to securitization; and of Weber on the monopolization of legitimate violence by a modern state. The rethinking of the relationship between violence and modernity in response to these challenges includes that of pluralizing the concept of modernity, so as to recognize its multiple and varied forms.

The definition and conceptualization of violence is contested in these debates. Violence has often been seen as reducible to or contained within other categories, especially as an instrument of other forms of power. In such an approach, violence is included within categories and concepts variously related to power, the state, politics, culture or symbols. Alternatively violence has been analysed as a distinctive phenomenon, as a non-reducible form of power, a form of practice, a set of social institutions, with its own rhythm, dynamics and practices. The debate on these ontological issues as to the nature of the object under analysis shapes the structuring of the field and its location within academic disciplines.

3.2: Theories and pattern of Violence

The word violence is associated with two kinds of terminology; it participates in at least two registers. If it belongs with the lexical series – force, power, *polemos*, *eris*, etc. – then it does so where this register is no longer distinguishable from an ethical or political register: *polites*, *praxis*, law, right, rules, respect, duty and justice. Violence is the term, it seems, that causes the most confusion between these registers. For instance, *Dike*, justice, for the Greeks, whether conceived as right, trial, penalty or vengeance, is identified with a kind of *Eris*, discord or conflict, and thus with *adikia*, injustice. Justice thus presupposes a certain notion of violence, both in the condition that calls for justice and the just response to that call.

A generally applicable pattern can be traced across situations otherwise constrained by their historical conditions. What this pattern manifests each time it emerges is an aporia that resides at the heart of conceptions about violence. Violence is perceived, always, as excessive to some stable principle, condition, or state of affairs (e.g. the Law). But this excess also makes justice possible as a necessary action over and above whatever conditions prevail. Such a situation then gives rise to a concept of present justice that remains beyond, or exceeds, the Law. All attempts to establish justice, therefore, aim either to revise existing laws or to establish laws not yet in existence. No such attempt would escape violence.

For this reason violence is singled out as a problem or question during times of perceived crisis. For instance, European models of parliamentary democracy, which are regularly confronted by crisis, also regularly fail to overcome the aporia that functions as their ground. Crises and their responses emerge in the forms, variously, of revolutions, world wars, both liberal and fascist discourses, pre- and post-war failures of pacifism, anti-militarism, as well as intellectual or scholarly attempts to form judgments about, critiques of, violence, including

state political violence. The problem of non-violence is that its ends are the foundation of new laws or re-interpretation of existing ones on principles that do not yet exist (for it will be the task of the new laws to justify the principles of their founding). Walter Benjamin's (1996) example of the general strike in 'Critique of Violence [*Gewalt* – also legitimate force]' finds a logic there similar to that which grounds the idea of the proletariat revolution. Laws are founded in violence (always and everywhere) just as all attempts to contest, rewrite, re-found – whether in the name of justice in general or on behalf of some identifiable party or parties – are also made in the moment of violence.

Violence also defines the human subject as a possible subject of violence, injustice, or even lack of respect. But this is the result of a peculiar metaphysical and anthropocentric axiomatic that presupposes a hierarchy even within the category *man* – as, for instance, male, European, citizen, capable of sacrifice and omnivorous. Again, this conception is both historically specific and also, in critical terms, a resource for considerations of performative justice in the light of the aporia that it exemplifies.

Attempts to distinguish justice from violence tend to reproduce the distinction between foundation(s) and end(s). The Greek notion of the founding violence of law can be uneasily compared with Jewish notions of divine, destructive, annihilating violence; there are equivalent notions of founding violence in the Indo-European tradition, and in Islam. In each case these notions of founding violence are coupled with catastrophic ends: the last judgment, divine positioning, *telos* and *eschatos* (the end of hope in death and the final destiny of the race). In concrete political terms the metaphysics of origin and end becomes the pragmatic distinction of means and ends, where one can be justified only in reference to the other (the ends justify the means or the means justify the ends). Aristotle's distinction between legitimate force and criminal violence presupposes a law governed constitution (*politeia*) that has been founded. The good of that (arbitrary) foundation must, however, be distinguished from the arbitrary and impetuous acts that characterize crimes. The power of a King must therefore remain outside the Kingdom, so that it is best that the sovereign acts as warrior as opposed to governor, for here the distinction resolves into that between justice and tyranny.

Examples from many times and geographical spaces reveal the emergence of horizons like these and their deconstructions: the enlightenment *idea* (whether in repetition of or distinguished from the Platonic one); various forms of Messianism (Jewish, Christian,

Islamic); eschatology and teleology. As Jacques Derrida (2002) suggests in 'The Force of Law: The Mystical Foundations of Authority', the aporia of justice lies in the fact that the requirement to be just falls between a violent founding and the horizon of a present justice, always *to come* (in the French, '*avenir*' – or future). The requirements of both justice and law are excessive but each exceeds itself to the extent that it appeals to the other: law exceeds itself in an appeal to justice; justice exceeds itself in its appeal to law. If the Law is founded in violence, then justice, insofar as it is distinguished from the law, would always be called on to reinterpret or adjust the law as it currently stands, or to found a new one entirely, whose justification is written mysteriously in the future anterior of its moment of violence. So what the law most fears in its other is what resides in itself.

3.3: Tactics of Violent Threat-Reduction

According to Lofland (1969:50), the threat-perceiving individual may experience a state of encapsulation, "... a constriction of the range of perceptible action alternatives and a foreshortening of the time span to which Actor refers his conduct in order to judge its propriety." The actor becomes responsive to available threat reducing mechanisms which provide an immediate payoff and psychological closure. When one's self and public identity have been threatened, there are at least three tactics by which the threat may be reduced.

Avoidance. The first tactic by means of which ego may attempt to deal with the perceived threat is avoidance, wherein he may physically withdraw from the location or socially withdraw from the encounter. In both instances the actor has avoided an escalation of the hostility and he may be able to salvage his identity by refusing to admit defeat-if there is no battle there can be no victor. When the actors are not dependent upon or accountable to one another, neither has power over the other (Emerson, 1966) and a condition of conflict is more likely to terminate in the use of the tactic of avoidance (Schellenberg, 1965). Yet tactics of avoidance are difficult in some relationships, especially when there are, as in marriage and employment, external constraints upon the participants.

Acceptance. Another tactic is the acceptance of alter's definition of the situation and the new self-other identities. Ego's acceptance may indicate that he views the new identities as legitimate or, by contrast, illegitimate but not worth the effort of negotiation. When the cost of acceptance is lower than the anticipated cost of escalating the hostility, especially if the actor anticipates a greater cost should he lose the negotiation, there is a greater likelihood of acceptance (Shomer et al., 1966). Whereas the tactic of avoidance is difficult under

conditions of accountability and claiming behavior, the tactic of acceptance is facilitated by these conditions. If either avoidance or acceptance is selected as the tactic with which to respond to the perceived threat, the likelihood that the encounter will terminate in interpersonal violence is severely diminished.

Retaliation. In the case of retaliation, ego's calculation of the situation is paramount. It is assumed that ego will return the threat to alter when he perceives one or more of the following conditions. First, retaliation will be enough to restore the situated identities or compel alter to implement one of the first two tactics. Second, a retaliatory threat by ego will be ineffective and not change the situation in that the worst is expected to happen even if he does not retaliate. Third, the anticipated gains of continued interaction are important enough to risk failure. In this case the anticipated gain is the receipt of additional support for role-identities or support for additional role-identities (Fanon, 1990).

It is the tactic of retaliation which is most likely to lead to interpersonal violence. These face-saving activities in a process of negotiation involve attempts by ego to block actions by alter which would cause him to appear foolish, weak, inept, unmanly, incapable, or, in short, attempts to stigmatize him. Toch (1969) suggests that a strategy of self-preservation, such as defending or promoting self-image, removing pressure, and enforcing norms, may underlie the violent act. Indeed, Matza (1964) maintains that the sub cultural delinquent's conception of self-defence is capable of adapting to varying situations and may serve as a justification for crimes of violence. Thus it is that an insult, affront, or rebuff may be perceived as a threat to the authority, masculinity or status of the actor, calling for retaliation.

When ego adopts the tactic of retaliation, he risks retaliation by alter. That is, ego's retaliatory threat means that alter may also experience encapsulation, choose among the available alternatives, and adopt the face-saving tactic of retaliation. The longer the process continues to escalate in this manner, the lower the probability of accepting the alternative tactics of avoidance or acceptance. In a situation of threat and counter-threat the cost of failure increases with each new act of retaliation. For either ego or alter to yield under the threat of the other would be perceived as a negatively valued form of behavior, with negative implications for the actor's self-concept (Wacquant, 2009).

Initiation of Violence In the early phases of exchanges that culminate in physical violence the first ex-changes are nearly always verbal or gestural, although on occasion they are

tactical, e.g., a shove. It appears that there are at least five interdependent factors that are critical in triggering physical violence.

Subculture of Violence. The assumption is made that physical attack must be one of the perceivable alternatives within the encapsulation process if the actor resorts to this alternative. Therefore, the first factor to facilitate the use of violence is the acceptance of its legitimate use by one or more of the participants. A pervasive norm of violence within segments of the population would condone its use as an available, short-term, and acceptable solution to the threatening situation. Wolfgang, (1970) maintains that this ". . . normative system designates that in some types of social interaction a violent and physically aggressive response is either expected or required by all members sharing in that system of values." This is not to maintain that a violent response will occur only within such a subculture; rather, a violent response as a mechanism of problem-solving and threat-reduction is more likely to occur within such a normative framework.

Experience.

Even within the subculture of violence most threatening situations do not terminate in physical violence. One reason is the realization that such acts are defined and acted upon as illegitimate by the enviroing society. More important, however, is the previous experience of the actor in similar situations. Those who have been successful in the use of violence in the past are likely to consider it a viable alternative in the present situation. It is to be noted that it is not merely prior success with violence, but rather prior success in similar situations with similar (or the same) persons that facilitates violence in the present situation. It should be clear that success in assaulting old women or in using a gun will have diminished impact in a situation in which the individual confronts a young man or is without a weapon. Then too, a violent response need not be grounded in personal experience only; being witness to an altercation settled by violence may suffice to instruct the individual that a shove, kick, slap, or some other similar act will reduce the threat.

Intoxicants

Intoxicants, especially alcohol, are present in over one-half the encounters terminating in violence (Wolfgang and Ferracuti, 1967). Two major implications of intoxication are obvious. First, the established self-other identities of the participants may be challenged, leading to an identity threat. A breakdown in the taken-for-granted patterns of accountability

and claiming behavior may occur: abrasive claims or a change in the symmetry of the claiming behavior may be evidenced when the participants are intoxicated. Furthermore, the movement from preteens to an open awareness context is frequently encountered in drinking situations. On a more general level, the established rituals of deference and demeanour may be neglected or openly challenged. Any such violation of the relational rules of the dyad may threaten the identity of the interactants.

Second, intoxicants may have an impact upon the actor who perceives a threat to his identity. Alcohol tends to reduce cognitive skills, such as the ability of the drinker to perceive viable threat-reducing tactics, and may thus enhance the encapsulation process and lead to the tactic of retaliation. Unable to retaliate with lucid verbalization, the intoxicated participant may resort to some other technique of establishing his identity and saving face.

Audience. The presence of an audience can have significant effects upon the encapsulation process and the alternatives perceived (Lofland, 1969). In deciding how to react to the perceived threat to one's identity, the individual must find a compromise between his desires and the commitments to lines of action he is forced to make in accommodating the claims of alter and the audience. That is, he may be held accountable to, and claims may be placed upon him by, the audience.

The most direct means by which the audience can make claims upon ego is to actively intervene in the escalated hostility. When this occurs the initial threat is reduced and the state of encapsulation is diminished. Those who intervene may provide additional alternatives that were not perceived by the participants. Furthermore, intervention provides the actor with an extended time period in which to judge the propriety of his behavior. Finally, those who intervene may not be supportive of ego's face-saving tactics and may hold him accountable for his behavior. The role of the audience is illustrated by the fact that reported acts of violence are more likely to occur in the privacy of the home, where intervention is not as likely, than on the streets or in the commercial establishments (bars, restaurants, retail stores, etc.) of the city.

On the other hand, the audience may provide implicit or explicit support for face-saving tactics that escalate to violence. Individuals attracted to the audience (family, friends, and spouse) are more susceptible to the influence of the audience (Kiesler and Corbin, 1965). The more ego perceives that he has the support of the audience, the greater his level of hostility toward alter (Strickland et al., 1960). Because self-conception and public identity are

heightened by the audience's acceptance of ego's claim for deference and prestige, ego may continue to escalate the hostility. Finally, the use of violence is more likely to occur when ego perceives that violence is also perceived by the audience as an acceptable and available alternative.

Cost of Failure. It appears likely that he who perceives the need for successful retaliation, but whose verbal and non-physical methods fall short, will resort to violence. After repeated thrusts and parries the available alternatives in encapsulation may be severely restricted if the actor no longer considers as viable those alternatives which have been implemented and failed. His choice, indeed, may be reduced to acceptance, avoidance, and physical retaliation. Assuming the cost of the first two choices is now too high, the third alternative may be acceptable as a last effort to save face and secure victory.

It is the cost of failure, in conjunction with the above-mentioned factors that accounts for so many acts of violence by persons of lower socioeconomic status. Lower socioeconomic status persons have been found to have fewer identities than persons of higher status levels (McPartland and Cummings, 1958). Certainly, it seems clear that they have fewer positive identities. Furthermore, the acceptance of violence as normative behavior is more prevalent among persons of lower socioeconomic status. Finally, present discussions of the sub culture of violence indicate that public identities and self-esteem are of central importance to those who subscribe to such a sub cultural norm. Thus, lower socio-economic status persons, with few positive identities, who adhere to the sub cultural norm of violence, consider their self-esteem and public identities to be of crucial significance. A threat to the identity of such a person is a grave threat. The cost of anything short of victory is greater for those who are attempting to salvage the few positively valued identities they do hold than for those with a large number of identities to fall back upon. The lower socioeconomic status individual must preserve his few positive identities at all cost and violent face-saving efforts are supported by sub cultural norms.

Goffman (1967) suggests that ego's definition of the situation will determine the extent of face-saving activity needed. Accordingly, it is expected that persons in this situation will exert additional efforts to maintain identities. Given the available and efficacious alternative of violent attack supported by sub cultural norms, previous experience and an audience, identity-threatening encounters that terminate in interpersonal violence, especially when intoxicants are present, should not be surprising.

3.4 Violence and African context of Violence

The struggle over the right of ownership to access land and resources has been a major driver of conflict in Jos. Both groups – the BAA and the Hausa-Fulani – have sought to preserve their cultural autonomy, cultivate close relations between their community and the land, have a firm grip on their traditional institutions and be in charge of development, politics and the economy. A combination of factors – economic, political and identity – has instigated violence over the years, producing segregation in the city mainly along ethnic lines.

National security measures against Violence

Emblematic of a national malaise, police and military responses have highlighted many security inadequacies. Some analysts regard most of the responses as “a monumental crisis”. (Crisis Group, 2012). Nigeria’s weak security architecture has been further exposed by its response to Boko Haram. A viable and effective security solution appears currently elusive without state-of-the-art equipment for intelligence gathering, early warning and ensuring safety (De Vries, (2002) Retooling of security agencies, re-training of personnel in counterterrorism and urban guerrilla tactics, a more humane approach to law enforcement and winning the trust of local communities are major priority areas. The federal government appears to have made some progress in this respect, (Benjamin, 1996) but the major obstacle to a more efficient security response remains entrenched corruption and lack of integrity. Guaranteeing and ensuring the basic welfare of the security personnel should also be on top of the agenda.

Historical and political-scientific understandings of organized violence in Africa emerged in the 1950s as alarmed studies fixated on an apparent resurgence of a racialized atavism that threatened the civilizing, democratizing promise of colonial rule. Today, in the wake of perceived “failures” of that democratic promise of independent African national governments in since the 1960s, scholars attempt to understand modern violence in Africa – genocide, warlords with battalions of armed children, urban criminal gangs, and Islamic fundamentalist terrorists – as thoroughly modern rational pursuits of personal power and wealth.

The first visions of violence in Africa came from white settlers in the 1950s who viewed attacks on white Africans (understandably enough) as illegitimate, irrational ‘terrorism’ on the part of disgruntled ‘tribes’ rebelling mindlessly and atavistically against what white

settlers presumed was a benevolent, flexible, civilizing colonial state. Liberal historians of the 1960s responded to this colonial perspective by defending the political rationality and ultimately the legitimacy of African violence, arguing that ‘rebels’ fought for nationalistic, western, democratic ideals against the repressive, indiscriminate colonial violence. Neo-Marxist academics of the 1970s legitimated guerrilla warriors as fighting battles behind the nationalist façade to rectify the social inequalities that had emerged along ethnic and class boundaries within Africa. In the 1980s, Africanist historians explored, reaffirmed, then (eventually) rejected the romanticized relationship that Maoists predicted would connect ‘guerrillas’ with politically conscious ‘peasants,’ whose interests the guerrillas presumably had at heart. In the atmosphere of ‘African crisis’ of the 1990s, public media outlets featured spates of seemingly irrational criminal violence in Africa while popular academics prophesied an epidemic of anarchy in the developing world. Academics of the late ‘90s, writing in increasingly post-modern veins, responded to these resurgent tropes of ‘tribal’ savagery with new rationalizations for African violence construed in behavioristic and highly individualized terms. The most recent academic studies of organized violence in Africa have rejected inferential explanations, which deduced individual motives from the social, political or economic groups to which individuals belonged, in favor of observational explanations that contextualized individual actions and allowed for a myriad of highly personalized, rationalized justifications for violent behavior. People are replacing perpetrators in yet another field of the modern history of Africa.

The inherently emotionally-charged nature of the subject – violence, killing (homicide) – precludes any attempt to explain people’s actions without simultaneously adjudicating the moral/legal legitimacy of those actions. By attempting to explain violence in Africa rather than condemn its perpetrators, historians and political scientists entered (unconsciously, at first) into an oscillating dialectic – alternately condemning and defending the violence that they studied. Within this dialectic, academics – led by political scientists in a discipline inherently committed to peaceful democratic process – have participated (and continue to participate) in the process of constituting, contesting, and re-constituting the legitimacy of organized, extra-governmental violence in Africa.

4.0: CONCLUSION

Violent behavior does not just happen at random. The notion of a subculture of violence is insufficient to explain all acts of violence. Violent behavior is constructed within a situation, between two or more persons, through a process of interaction. The first stage in this process is a perception of a threat to situated identities such that identities must be negotiated and the interaction becomes identity directed. Reciprocal accountability and claiming behavior have been pointed out as factors facilitating the transition to identity-directed interaction.

Once a threat is perceived, encapsulation may occur, and the individual must then decide upon a tactic of reducing the threat. Avoidance and acceptance are not likely to escalate the hostility. Retaliation, however, may lead to violence. The factors which facilitate a violent response are: a pervasive norm of violence, referred to as the subculture of violence; the actor's prior experience with violence in similar situations; the presence of intoxicants; the overt and/or covert support of the audience to the interaction; and, the perceived cost of failure.

A search for the "cause" of violence in interpersonal situations must include both the structural factors and the processual developments that occur within enduring dyadic relationships. It is their complementarity that allows an examination of violent behavior in interpersonal situations.

5.0: SUMMARY

Violence, in this immediate sense, can be the result of natural catastrophes, terrorism, demonstration, rioting or revolt, state policing, military conflict, various kinds of warfare, major offensives, strategic assaults or domestic abuse. Here, this immediate sense of the notion of violence is itself violent. Considered as a category of global knowledge, violence can erupt as the spectacular instance of underlying conditions, complex and often unobserved political negotiations and uncontrolled, incalculable effects. Identifying the causes of violence in certain ways – determining an instance of violence as the consequence of this or that motive or ideology – can itself be regarded as a kind of violence, which would be manifested when a determination is acted upon (e.g. in the form of a retaliation or deterrence), leading to conceptions of justified violence, necessary violence, sufficient force, etc. Violence, in this immediate sense, *escalates*. There is no doubt that the last 150 years *have* seen an escalation of violence in terms at least of the sheer numbers of a global,

increasingly urban, population who have been or who are currently (at any time) the victims of the several causes of violence. Simply identifying the empirical escalation of violence does nothing to solve the *problem* of violence, which is as old, it seems, as the race itself.

6.0 TUTOR-MARKED ASSIGNMENT

1. Define Violence
2. Mention 4 tactics of violent threat-reduction.

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UNIT 2: VIOLENCE JUSTIFIED

CONTENTS

- 1.0: Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Conceptual Explanation of Violence.
 - 3.2 Making sense of violence.
 - 3.3 Violence and subjectivity
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0: INTRODUCTION

Violence is a reversible process of change. What seems violent today may tomorrow be normal act or attitude. In a social interaction it is inevitable and unavoidable. It is to this end that violence has come to get some basis for its justification. However, some experts are of the opinion that violence is needful while others view it as an aberration to social interaction.

2.0: OBJECTIVES

At the end of this unit, you should be able to:

- a) Evaluate the various conceptual explanations of violence.
- b) Make sense of violence.
- c) Examine violence and subjectivity.

3.0: Main Context

3.1: Conceptual Explanation of Violence.

Since group violence is but one of several means of conducting conflict, explanation for its occurrence must be embedded in a comprehensive theory of conflict. Yet violent conflict is

so topical and important that an effort to reflect on it sociologically is well worth undertaking at this time even in the absence of a comprehensive theory of social conflict. Indeed, Max Weber (1968) has written that "the treatment of conflict involving the use of physical violence as a separate type is justified by the special characteristics of the employment of this means and the corresponding peculiarities of the sociological consequences of its use."

Second, I do differentiate between legal and illegal use of physical violence as a basic category of analysis because Weber's, (1996) and others' definitions of the state rely so centrally on this distinction. The reason is that violence is not only the result of interaction between two or more groups in a conflict process, but also one of which may be the state or its agents.

Moreover, the authorities often initiate violence under circumstances where its use is perceived as illegitimate and uncalled for, and this then becomes a further and often predominant issue in the conflict. The use of illegitimate violence by the authorities, whether provoked or not, is also a topic of interest in itself, and ought to be therefore explained theoretically.

Violence is a means used to pursue conflict, one of several means, and the same conflict can be simultaneously conducted using several means. Dimensions of conflict that readily come to mind are its duration, scale (measured by the number of participants in the confrontation and its geographic spread), intensity, and the magnitude of violence. Intensity, as Dahrendorf (1959) points out, refers to the "energy expenditure and degree of involvement of conflicting parties. A particular conflict may be said to be of high intensity if the cost of victory and defeat is high for the parties concerned." Intensity stands for the importance attached to the issues under dispute by the parties to the conflict. Intensity is probably going to be a particularly difficult variable to measure. The magnitude of violence might be measured simply by the total number of casualties, fatalities, and injuries that result from it, although some researchers persuasively argue for the inclusion of property damage as well. The total magnitude of conflict will probably have to be constructed as an index with duration, scale, intensity, and magnitude of violence as its component parts. For a much more comprehensive discussion of the dimensions and measurement of conflict, the reader is referred to the interesting contribution in (Anifowose, 1982).

3.2: Making sense of violence

While violent incidents were frequent events in children's lives, they did not appear to have a desensitizing or numbing effect, which some studies have suggested teaches children that violence is a normal and therefore acceptable way of life (Garbarino et al., 1991; Matthews et al., 1999). Indeed, children made sense of violence in complex ways, and the overriding emotions were of fear, repulsion and powerlessness. These emotions were clearly conveyed in 13-year-old Fatima's response when I asked her about the good things in the neighbourhood:

There's just nothing is good because on every corner there's gangsters and we're very scared to walk past them now and I don't want to play actually outside. . . . There's nowhere a safe place to play because there's just gangsters, gangsters – everywhere you see is gangsters, sitting on the roads and smoking this dr . . . dagga stuff and so you're too scared to walk past them. . . . Because they rob people in the road. Like old people. Like my gran also – this one lady went . . . this one lady, um, man – she was coming out. . . . She's a pensioner, she get pension, and so she was working very hard for this money and so this man just came here and took her bag and she was shivering in the road.

In this extract, Fatima expresses her repulsion in several ways. She speaks directly about her own fear of gangs, stressing their ubiquity within the neighbourhood through the repetition of the word 'gangsters' and conveying clearly the restrictions on her own freedom to move about the neighbourhood. While the older children were more likely than younger children to describe themselves as free to move about the neighbourhood, they were also, like Fatima, more likely to express a generalized sense of danger, that nowhere is safe, perhaps because as access to the neighbourhood increased, so did the likelihood of exposure to danger and the feelings of frustration about the constraints on their agency.

Fatima's account of the robbery of the pensioner illustrates how violence can happen to anyone at any time, including the most vulnerable in society. The vivid description in the evocative remark that 'she was shivering in the road' corresponds to the use of graphic images in many children's accounts of the nature of the wounds – the young girl caught up in the crossfire of a gang fight: 'they shot her here in the back and here in the stomach'; the old lady who was murdered as she hang out her washing: 'they put the black bag over her neck'. This vivid description, a technique of fact construction (Edwards and Potter, 1992), lends authority to the children's narratives and stresses their repulsion. But it may also signify a way in which children appeared to be attracted to violence, with a thirst for detail that seemed at times macabre. Both boys and girls competed to tell stories of violent events, they

sometimes appeared haunted and mesmerized by the violence, and sometimes they talked of the excitement or thrill of their own risky engagements. Ten-year old Imraan, for example, told me about the excitement of escaping from a fast car: ‘because we were frightened and sometimes when we’re frightened we’re happy’. When 8-year-old Karen told me about how, on the way home from school, she and her friend had to pass a group of men gathered by the river, she appeared to relish the exhilaration of the risky encounter:

Then I said, ‘ja,’ I said ‘come, Odette, run!’ And so she ran, so she came. So then we ran across the river, by the river we just ran there on the pavement.

Her repetition of and stress on the word ‘ran’ emphasized both the excitement and the speed of the escape. These narratives positioned children as close to the violence and as taking risks, but also distanced them through the retelling, which enabled children to reframe and control events within a coherent narrative form.

3.3: Violence and subjectivity

Violence therefore had multiple meanings. Frequently it disempowered and repelled children, while the perpetrators were often viewed as gaining power through their use of violence. But sometimes, when the violent incident awarded children more agentic positions, it could at the same time attract. As they talked, children were sometimes able to reinterpret violence in ways that shifted these dynamics, through wresting power from the perpetrator. For example, Fatima’s choice to describe an incident in which the victim was an old woman suggests that the perpetrator is only able to injure the weakest members of society, thus assigning him a less powerful position in the dynamic. Her choice to talk about an incident in which the victim is deemed weaker than the narrator enables her to avoid positioning herself as victim.

The victims in boys’ stories were often girls, while the girls talked of violence against old people, people with disabilities or babies. Children were therefore reluctant to position themselves as powerless. And while in many accounts the perpetrators clearly used violence to control and exert power over others, in other narrations children talked with disdain about the weakness of adults whose use of violence signifies a loss of control: ‘this alcohol is just making them so dizzy and then they catch on all this nonsense’.

Violence was therefore reinterpreted in ways that reduced its power over children. Rather than being viewed as a form of capital generating power for the perpetrators, it was reconfigured as a sign of loss of control or weakness. But in a social context where violence

continued to exert control in many ways, attempts to rupture the connection were only partially successful, and children's perspectives were marked by ambivalence, conflict and contradiction, as they struggled to construct coherent subjectivities.

This struggle was evident, for example, in two somewhat contradictory accounts of a break-in, recounted by 8-year-old Alex. In both, Alex portrayed his father as a heroic protector of the family, using force if necessary to confront crime and violence. Such positioning was common in children's accounts, and was perhaps connected to the perceived ineffectiveness of the police and prison systems. Children complained repeatedly of how police ignored requests for help or took a long time to reach crime scenes, a problem which the 13-year-old boys felt was marked in 'coloured' neighbourhoods: 'because they're very quick in the White areas, but they're not so quick here'. In the absence of effective justice systems, strength, bravery and the ability to use force became valued commodities or capital for fathers, uncles and older brothers. Less common in the accounts of most children talking about the neighbourhood context was Alex's positioning of himself within this heroic masculine discourse, as he told me in an individual interview how he and his father had defended the female members of the family:

Alex: And the last time and so there was a man there by my sister's window and so she went to go call my daddy, wake my daddy and my mommy awake and so I also waked up and so I went to go take my pellet gun out and my daddy took my brother's pellet gun out because my brother wasn't there . . . (Jenny: Mm.) . . . because he always shoots the people with pellets.

In this narrative, Alex positions himself alongside his father as brave, fearless and able to protect the weaker, female members of the family. He offered another version of this narrative later in a group discussion:

Alex: And the last time and the last time and so I went into my sister's room and so she was reading and so I wanted – I asked her for a sweet and so I went to go fetch 'cause the cupboard's there by the window and so I saw, so I first saw 'what's this by the window' and so I saw a man and so I just took a sweet and so I made like I went out and so I went to go call my daddy and my brother and so my brother went to go fetch his pellet gun and my daddy were – and my daddy did go fetch his shotgun and so he 'pah-pah-pah' and then he go and my daddy did throw old wiggles from the last Guy Fawkes and so he strike it and so throw it just to get him away.

There are clear discrepancies between the accounts, which challenge the veracity of Alex's narratives. In both, there is an intruder at Alex's sister's window, and the boys and men collect weapons to protect the family. But the actions of family members and the weapons vary (pellet guns, shotguns, even fireworks) and Alex's own position shifts from defending

the family, to spotting the intruder and alerting his father and brother. These variations illustrate how Alex's narrative, rather than giving an accurate or 'true' representation of events, acts to position him within the social context. The story, as narrated to me or to his group of friends, is modified and embellished, but in both he constructs an identity as fearless, powerful and heroic. He is at the same time resisting the threat of violence and reiterating a violent masculinity through that resistance.

The discrepancies in Alex's talk illustrate how he grappled to position himself in relation to a heroic adult masculine discourse, through playfully blending fact and fiction in his narratives. For the 8-year-old boys, conceptualizations of childhood dependency enabled them to imagine themselves heroically, without in reality having to live up to these masculinities in the neighbourhood. While the older boys engaged with similar masculine discourses in the safe context of the playground, they positioned themselves in more complex and ambivalent, and much less playful, ways in relation to the violence of the neighbourhood, as can be illustrated through considering the case of Luke.

Luke, at the age of 15, was one of the oldest boys at the school, well known for his quick temper and his fighting skill, which he talked about with pride: 'I ask him, do you want to fight and if he's willing to go argue, then I'll take him on, 'cause I'm a person I'm scared of nobody.' Luke was well aware that these attributes were a source of social status within the peer group, telling me about his popularity in the class: 'they look up to us probably because we're the strongest in the classes. At the same time, as one of the oldest pupils at the school, Luke positioned himself as reliable, responsible and able to exercise restraint.

While in the field of the playground, Luke's fighting skill was a source of capital, this was not the case in the social field of the neighbourhood. The more extreme violence of the neighbourhood left Luke powerless, as on the occasion when a gang attacked a local drug dealer in his street. His frustration, he told me, was not that his street was full of armed men, but because: 'I had to stay almost the whole day inside'. The heroic self-positioning of the younger boys' accounts was not available to the older boys in the field of the neighbourhood, because of their increased proximity to violence. Their own vulnerability increased as they had more access to neighbourhood space and were less able to rely on the protection of adult men.

Like most of the children, Luke was hostile to the violence of gangs, who had shot and killed his cousin, and he proposed harsh punishments, including the reintroduction of the death penalty: 'They hurt a lot of people; they kill people; the drugs that they give people kill the people. So I think it's time that they take their lives away from them.' But his talk, like that of the other boys in the older group, also revealed his fascination for and identification with gangs. Gangs in this context epitomized a violent masculinity, and were associated with a potent combination of coolness, fearlessness and violence. While he denied that he would join a gang himself, his friend Charles told me that Luke 'says he's also in a gang. I don't think he's in a gang. I think he just says it to feel like, feel great.' Luke explained to me that people join gangs 'because they want to be cool, want to be taken notice of'. He talked with pride about his own knowledge of and contact with the local gangs:

'I can name, Jenny, almost all the gangs here, I know all this gangs here. . . . But I know them so they won't try anything with me.'

His words illustrated his simultaneous repulsion from and attraction to gangs, as he carefully tried to position himself as outside the gangs, yet close enough to reap some of the perceived benefits, including social status and a level of protection.

Violence in the social field of the neighbourhood therefore generated tensions for boys, as they tried to live up to hegemonic masculinities that entailed the potential to protect and defend with force. As they strove for agency within the constrained social field of the neighbourhood, they trod an uneasy path between resistance and perpetuation of violence, a path which changed with age as personal proximity to violence increased and the discourse of adult protection receded.

Girls also experienced tensions, which changed with age, although strength and fighting skill were not an expected part of girls' repertoire. While they too sometimes positioned fathers and uncles within the discourse of strength, bravery and physical force, they were not expected to exercise such control themselves, and the bravado of boys' talk was absent from their narratives. Preferred femininities in this context entailed caring and compliance, positioning girls further from violent practices, but also making them reliant on others for protection and therefore vulnerable.

Girls sometimes resisted these powerless positions, and there were tensions in the oldest girls' positioning in relation to gangs. At age 13, Jacqueline, for example, identified with the freedom from constraint associated with gangs and explained how girls might be attracted by the lifestyle: 'May be because their parents *skell* them out [scold them], they can't go to dances or they can't go to their friends' house, they can't be out so late and they think they're like old enough to be out so late, but their parents doesn't want them to and that kind of makes them cross.' She went on to narrate how girls became involved in crime through sexual relationships with gangsters: 'It's when, say your boyfriend belongs to the gang and they want to go fetch drugs at a place and then they know the police won't like search the ladies because they're not allowed to.' Jacqueline, like most of the children, stressed the coercive practices of gangs and the negative consequences for girls of agreeing to carry drugs: 'And so they'll ask you to do that once and if you want to butt out the next time they ask you to do it, then they will like kill you or something or they hurt your family. So if they ask you once, you must say no because otherwise you will like be there forever.' But, while much of her talk clearly positioned her within the feminine discourse of caring and compliance, Jacqueline also identified with a more agentic but also risky positioning and talked about her fear for the future, expressing doubts that when she transferred to high school she would be able to continue to resist these temptations. The freedom and recklessness of gangs, which contrasts with the constrained gendered positioning of girl children, may generate attraction in the older girls to gang lifestyles as they shift towards more adult positions. As with the boys, therefore, tensions in their positioning increased with age and with growing proximity to violence, in time and place.

4.0: CONCLUSION

Violence carries multiple meanings and thus may have multiple consequences for children, as they strive to make sense of their experiences. For the South African children in this study, violence in the neighbourhood was a constant threat, which undermined their safety. Often erupting as alcohol- and drug induced conflicts between adults or youth escalating into violence, children became caught up in these encounters and endangered through their proximity. They also spoke of violence intentionally targeting children, and while this predatory violence may in reality have been less common, it appeared to engender more fear, perhaps because it rendered children as potential victims rather than bystanders and so inevitably disempowered them. Violence generated feelings of helplessness, antipathy and repulsion, but it was also viewed as a form of capital, enabling control by the strong over the

weak, and children could be attracted to these glimmers of power. One way of resisting the helplessness generated by violence was to seek these forms of capital, or to endorse forms of violence that appeared to award control.

As young people struggled to construct coherent subjectivities, they rejected some forms of violence, while endorsing others. Violence was not fully repudiated, but bounded by a discourse of justice in which violent action was often deemed necessary for retaliation or for retributory justice. Girls and boys of all ages talked of the need for harsh punishments, including the reintroduction of the death penalty, and the strength to exact these forms of justice was associated with adulthood and masculinity. Boys attempted to align themselves with masculinities in which violence was a tool to defend, protect and punish. While they overtly rejected gang violence, their perspectives were ambivalent and, in a context of social and economic hardship in which alternative sources of capital were limited, gang practices viewed as generating control might become increasingly attractive for young men. In these ways, therefore, life in a violent context may increase the potential for young people to employ violent practices within their own social relationships, in, for example, the ways they resolve conflict, impose punishments and negotiate social positions. Boys in particular may incorporate within their subjectivities violent beliefs and practices, increasing the risks to their own and others' safety.

5.0: SUMMARY

The unit focused on the conceptual explanation of violence so as to make sense of violence in terms of violence and subjectivity.

6.0: TUTOR-MARKED ASSIGNMENT

- a) Explain your understanding of Violence in interpersonal and group relationships
- b) Discuss violence and subjectivity

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UNIT 3: THE IDEOLOGICAL ROOT OF VIOLENCE AND ITS LEGITIMATION

CONTENTS

- 1.0: Introduction
- 2.0: Objectives
- 3.0: Main Content
 - 3.1: Ideological thrust of violence
 - 3.2: Exclusive right of government to the use of violence thesis
 - 3.3: Violence and Compromise
 - 3.4: Epistemological Violence
- 4.0: Conclusion
- 5.0: Summary
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1.0: INTRODUCTION

The unit considered the ideological root of violence and its legitimation. It intends to look into the ideological thrust of violence, exclusive right of government to the use of violence thesis as well as violence and sacrifice.

2.0: OBJECTIVES

At the end of this unit, you should be able to:

- a) explain the ideological thrust of violence
- b) Discuss the exclusive right of government to the use of violence
- c) Discuss violence and compromise
- d) Explain the epistemological violence

3.0: Main Content

3.1: Ideological thrust of violence

Violence may also be seen as ideological in a more specific and derogatory sense, popularised by (Marx, 1969) according to which it offers a phoney vision of an ideal situation

of equality and fairness which actually masks and perpetrates oppressive power relationships. It is part of the Marxist theory of exploitation that the class with economic power in a particular type of society (capitalist society precisely) is sustained in power partly by the 'false consciousness of those classes who mistakenly accept the ideals of the ruling class as representing the interests of all classes. Thus violence legitimisation in a capitalist system is the domain of the ruling class in the sense that it represents the interests of capitalists and falsely purports to legitimate existing social and economic relationships as being objectively in the interests of all classes.

While there is no doubt that all moral and political concepts are part of the culture and rhetoric which sustain existing power relationship, I note that the language of violence is frequently used to criticise existing power relationships, making it implausible to argue that justice always disguises legitimisation of the status quo, although there is no doubt that it frequently does so. However, all operative theories of violence are ideological in the weak sense that they are embedded in a particular world-view. Thus, it is illuminating to compare libertarian, welfare liberal and communitarian ideologies of justice, even if turns out that they are not all equally self-serving.

Libertarian justice stresses individual rights as the irreducible basis for social organisation, with justice being a matter of each individual getting that to which they are entitled by virtue of their exercise of these rights or violence being a matter of people not getting that to which they are entitled. In content such rights cluster around the idea of the autonomy and independence of each individual and the premise that all individuals may choose to do what they like as long as they do not infringe the rights of others (Dworkin, 1978). This is a normative structure within which individuals can pursue their own goals without infringing the rights of others (Campbell, 1999). Violence arising from this pursuit as a consequence of neglect of right according to Karl Max is legitimised only by the upper class because its aim is to ensure the class interest. On the other hand, violence in Africa is mostly used by the people to protest imposition of normative standards by the upper class.

Welfare Liberalism, here 'welfare' refers to the totality of the happiness and well-being of all persons and particularly to the alleviation of the sufferings of the poor and disadvantaged (Rawl, 1971). Violence is possible because the people's welfare is compromised. They are alienated from the good of the land. The oligarchic structure of most African society metamorphosed into personality rule by autocrats or their surrogates. This arrangement

shrinks the political space from people's participation. This is the argument behind the various mass revolts sweeping across Africa and the Arab world in general.

Both Dworkin's (1978) libertarianism and Rawls's (1971) welfare liberalism rest on strong assertions of individual independence and autonomy as the bedrock of justice to avoid violence. In contrast, is the ideology that stresses the priority of society, community or state over the conception of individuals as units which are detachable from their cultural context. 'Communitarian' is a convenient and currently popular label to identify positions which seek to get away from the stark individualism of individual rights and regard all values as embedded in a particular social or community culture, the understanding being that all cultures, even individualistic once, construct a set of values and expectations within which all human interaction takes place (Nozick, 1989). Violence here arises as a result of the compromise of agreed rules maintaining the collective sentiment.

3.2: Exclusive right of government to the use of violence thesis

There is a great debate on the issue of justification of violence or violent actions. Some scholars believe that it is only the government that possesses rights to the application of violence. According to these theorists or simply members of this school of thought, the essence of a state is to regulate the human conduct for the purpose of maintaining law and order. How do you feel if you find yourself in a society which has no laws or agency to enforce the laws? There is tendency that there will be breakdown of law and order if not perpetually but such misnomer is bound to occur occasionally. Even in places where there are laws and (effective) regulatory agencies, some deviant members of such societies will still break the laws.

However, one of the responsibilities of government is to make laws and ensure strict compliance of the people to the laws of the land. Knowing that the fundamental basis of law is to check the excesses of man especially as it concerns the issues of violence and violent crimes, having the enforcer of the law remains very important. Nevertheless, the importance of government in the maintenance of law and order cannot be overemphasized. This explains why people, in the state of nature, had to submit their individual sovereignty to the state according to the intellectual articulations of Thomas Hobbes. Here, Hobbes claimed that the absence of government in the state of nature accounted for various unspeakable atrocities that dominated the affairs of men, such that the life of man was not only "solitary" but also "poor, nasty, brutish and short".

Moreover, power is so fundamental to the business of governance. Even as a parent, you need some power to be able to compel your children to respect the rules of the house. At levels of leadership, power plays a very important role to ensure that the followers comply with the rules and regulations guiding their relations within and outside the organisations. I therefore agree with my submission elsewhere on the relationship between the government and power (Igwe, 2012).

Owing to the need to guarantee law and order, the state exercises its power by applying sanctions against lawbreakers or deviant members of the society. The government fulfils this task by putting in place law enforcement mechanisms (Police, Customs Service, and Immigration Service, etc) that ensure strict compliance of the people to the laws of the land through the use of violence.

Additionally, there are legal systems which contain the rules, regulations and laws that govern the conduct of each individual and public officer. The laws are itemized and codified with relevant penalties particularly in penal codes and other relevant documents of law. The scholars like Max Weber who argue that, it is only government that has the right to the use of violence also claim that in anticipation to maintain law and order in a given state, the government has the power to apply some considerable amount of violence through the use of the police and military.

3.3: Violence and Sacrifice

The texts of widely varying traditions reveal a strong link between violence and the sacred (and, by extension, secular law and metaphysical justice). The most apparent form of this link, perhaps, can be found in the sacrifice. Girard (1979) argues that sacrifice serves as a means of staving off violence by redirecting it toward a victim incapable of seeking vengeance, an initial act of violence that seeks to prevent an escalation of it. Religious sacrifice as a means for containing human violence yielded to the secular Law in later societies, and the judicial system (always somewhat derivative for its authority on Divine Law) takes over the mantle of ritualized violence within the State apparatus. Girard argues further an exteriority of violence in relation to humans, much as Heraclitus asserted it as a force operative in the universe. Because violence is exterior to humans, Girard (1979) writes, it is a 'part of all the other outside forces that threaten mankind. Violence is the heart and the

secret soul of the sacred. We have yet to learn how man succeeds in positing his own violence as an independent being'. Violence's exteriority, then, connects it to the sacred and through the containment of it in the form of sacrifice, humans perform a sacred ritual.

The three great monotheistic religions each include the willingness of Abraham to sacrifice his son, only to have God intervene and stay his hand. The early tribes of Israel would seem to have positioned their belief in relation to sacrifice, much as each of the monotheistic traditions has had to address the relationship between sacrifice and murder. The crucifixion of Jesus has been read by many as a sacrifice to end all sacrifices; the son of God is also the Lamb of God, or the sacrificial lamb. Nevertheless, the question of sacrifice is amongst the deepest questions of ontology.

The problem, in the peculiar (and fecund) form it takes in the western critical tradition, culminates in Hegel's philosophy (1948, 1977). Hegel's early theological works (written between 1795 and 1800) manifest the mature systematic philosophy in rudimentary form. There, the concept of sacrifice plays the role of removing a prior violence: the violence of irreconcilable division. In Hegel's account, Abraham founds the history of the Jewish people and thus inaugurates a dialectical process. In emancipating his people from slavery Abraham institutes a singular relation to his (the Hebrew) God and at the same time establishes a fundamental and hostile division between the Jewish nation and the rest of the world. Abraham encounters foreign people as he encounters nature: as a wandering stranger, destined to remain in absolute opposition: 'he was a stranger on earth, a stranger to the soil and to men alike' (Hegel, 1948). This foreignness particularly characterizes his God, who remains absolutely alien to the world. For readers of the *Phenomenology* Abraham's *foreignness* with regard to the world anticipates how consciousness in its early manifestation seizes on *mastery* as the only possible relationship to a world infinitely opposed to it (the canonical form, for us, of the subject-object relationship). Abraham's willingness to sacrifice his son can thus be grasped as the mythical version of a necessary phase in the process by which consciousness becomes aware of itself beyond its naïve opposition to its others – essentially yet only ultimately, of course, between selfish interests and the ethical interests of the total community.

The point is that a remainder – construed as absolute division or absolute difference – will throughout history have determined particular kinds of response. Regarded as violence, this

division, this utter difference, will provoke counter measures of all kinds. Sacrifice is often presented as the lesser violence. For Hegel, Christianity marks a further step forward. The sacrifice of Jesus, the Lamb of God, functions as a kind of refined repetition of the previous situation (perhaps, in Samuel Beckett's sense, a better failure): Jesus supposedly dies for *everybody's* sins, thus revealing the Christian God as somewhat less exclusive than its Hebrew predecessor. Moreover, Jesus is supposed to; though he does not quite, resolve the absolute division between the mundane and the divine. Jesus' ascension, which attempts to resolve the division between the Jews and the rest of the world, leaves, if anything, a greater calamity in the wake of his absolute disappearance into the divine. And, Hegel argues, as long as Christianity remains a 'positive' religion (excluding heathens), the unity of life is divided by the principle of bondage to the Christian lord. Thus Hegel begins his philosophy (properly speaking) with (what remains as) a short fragment on 'Love', which he saw (still as early as 1798) as the only possible solution to the several kinds of violence produced by discord: not the restricted love that binds all Christians but what he thought of as a 'living' bond capable of uniting radical opposites. The ways in which Hegel's dialectic both fails (catastrophically) and succeeds (beyond expectation) in establishing the bond of love as the basis for ethical life remains one of the key problems of modern critical thought in the European tradition.

3.4: Epistemological Violence

Many critical approaches to global epistemological violence generally identify a reductionist model of knowledge based on modern science and determined by the capitalist hold over organizations of government. Shiva (1990), for instance, argues as follows: The linkage between modern science and a profit-based economic system can be discerned in major and varied scourges such as desertification, diarrhoea, and deforestation. Since the alternative modes of knowledge which can provide solutions to these problems are oriented to social benefit rather than to personal or corporate profits, reductionist science scoffs at them as hocus-pocus. The fact, however, is that reductionist science itself often resorts to misinformation and falsehood in order to establish its monopoly on knowledge.

While Shiva's account of epistemological violence is grounded in the idea of a suppressed socialist alternative to capitalism, it remains credulous of the basic rationality of capitalism. In this conception capitalism (as the economic base of western modernity) and socialism (in terms of its stifled postcolonial potential) are rationalities in opposition (the rationality of

‘social benefit’ opposed to that of ‘personal or corporate profits’). It is just this kind of ‘mode of production’ argument that is challenged by the idea of the *postmodern condition*, which, it is argued, cannot be related back to any kind of rationality, as the cause for violence under the rubric either of modernization or of military objectives.

The profit driven notion of capitalism as a cause of international military aggression is widespread, as the popular media representation of both the Gulf War and the war in Iraq (as economically driven offensives) shows. Against this Baudrillard (1994) notoriously insists on the *irrationality* of capitalism. His 1981 book, *Simulacra and Simulation* (translated into English in 1994), takes as its main device (mapped out in a multitude of both military and non-military scenarios) the idea of the simulated war. He argues that Vietnam was the site of an experimental war, which must be distinguished from any previous meaning of war (and the motivated political struggles manifested by it). There is only one aim of the simulated wars of the last 50 years or so: total liquidation of any form of rational social relation. The war is simulated to the extent that no *actual* principles of antagonism are involved, which does not, of course, lessen – in fact it increases – the actual violence and atrocity that civilians and military personnel face in the field (and behind the scenes). Just as military scenarios are created for purpose-built simulation (several in Southeast Asia, Australia and across the USA), which produce with minute accuracy hypothetical battlefields of the future (jungles, cities, deserts), so the wars in Vietnam, Afghanistan and Iraq must be accompanied by their simulated scenarios and objectives. This was the lesson, Baudrillard (1994) argues, of Vietnam. Use of the media to create the hypothetical scenarios of war is vital. So with the war in Iraq a test hypothesis is produced comprised of an enemy of elite troops in command of a huge arsenal of the most powerful long range weaponry. The war is *fought* on the basis of this hypothesis, *as if it was true*, and the objective (the capture of Baghdad) one that could be met, as if in training for some future antagonism. Then the long range weapons and elite force melt back into the hypothetical world from which they first emerged. The phenomenon of terrorism that accompanies today’s armed conflicts is perhaps, as Baudrillard suggested in 1981, the appropriate complement to simulation, the purpose of which, he argued, is ‘the terrorist rationalization of the social. Baudrillard’s vision of violence without reason is bleak – and his evident outrage at the situation he exhaustively describes is unmistakable. There remains a biblical element, a return of the eschatological tradition, to Baudrillard’s theoretical grounds, which evoke (albeit without nostalgia) categories of the real that would justify

violence in a world where justification has simply been replaced by its endless simulation in objective operationality.

4.0: CONCLUSION

While there is no doubt that all moral and political concepts are part of the culture and rhetoric which sustain existing power relationship, I note that the language of violence is frequently used to criticise existing power relationships, making it implausible to argue that justice always disguises legitimation of the status quo, although there is no doubt that it frequently does so. However, all operative theories of violence are ideological in the weak sense that they are embedded in a particular world-view. Even in places where there are laws and (effective) regulatory agencies, some deviant members of such societies will still break the laws. Account of epistemological violence is grounded in the idea of a suppressed socialist alternative to capitalism, it remains credulous of the basic rationality of capitalism that sacrifice serves as a means of staving off violence by redirecting it toward a victim incapable of seeking vengeance, an initial act of violence that seeks to prevent an escalation of it. Religious sacrifice as a means for containing human violence yielded to the secular Law in later societies, and the judicial system (always somewhat derivative for its authority on Divine Law) takes over the mantle of ritualized violence within the State apparatus. Girard argues further an exteriority of violence in relation to humans, much as Heraclitus asserted it as a force operative in the universe.

5.0: SUMMARY

Exclusive right of government to the use of violence is expressed in the fact that scholars like Max Weber argued, that it is only government that has the right to the use of violence. Also, he claimed that in anticipation to maintain law and order in a given state, the government has the power to apply some considerable amount of violence through the use of the police and military. However, violence is the search for justice and equity. Violence may also be seen as ideological in a more specific and derogatory sense, popularised by (Marx, 1969) according to which it offers a phoney vision of an ideal situation of equality and fairness which actually masks and perpetrates oppressive power relationships. Violence's exteriority, then, connects it to the sacred and through the containment of it in the form of sacrifice, humans perform a sacred ritual. The profit driven notion of capitalism as a cause of international military aggression is widespread, as the popular media representation of both the Gulf War and the war in Iraq (as economically driven offensives) shows.

6.0: TUTOR-MARKED ASSIGNMENT

- a) Discuss the concept of violence legitimation.
- b) Explain the exclusive right of the government to the use of violence.
- d) Discuss violence and compromise
- e) Explain the epistemological violence

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UNIT 4: THE GENDER IN VIOLENCE

CONTENTS

- 1.0: Introduction
- 2.0: Objectives
- 3.0: Main Content
 - 3.1: Education, Nurture and the Roots of Violence
 - 3.2 Transitions from Violence
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 - 3.4: Gender based Violence
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- 6.0: Tutor-Marked Assignment
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1.0: INTRODUCTION

To be disused here is why the victors seek redress, restitution, and often revenge. But this had little to do with reconciliation, forgiveness, the healing of memories and the restoration of relationships. Violence against women as acts or gender based violence that result in physical suffering to women, including threat of such acts coercion or arbitrary deprivation of liberty whether accruing in public or private life is hereby evaluated. The idea of gendered inequalities in relation to other social inequalities established analysed.

2.0: OBJECTIVES

By the end of this unit, you should be able to:

- a) Discuss nurture and root of violence dichotomy
- b) Explain violence transition
- c) Understand violence as child abuse and gender based.
- d)

3.0: Main Content

3.1: Education, Nurture and the Roots of Violence

Just war thinking tends to assume that the conflicts with which it is primarily concerned arise entirely or mainly out of deep-seated conflicts of interest between nations, or quasi-national

groups. The roots of conflict are thus understood as structural matters, to be resolved either through patient diplomacy or political action, or by the controlled use of force. There is truth here, but just war thinking tends to neglect the deep roots in personality, psychology and group dynamics of a tendency to turn, perhaps prematurely, to violence in the hope that it might resolve matters. The potentiality of social institutions such as the family, the church and the school to encourage peaceable resolution of conflicts and resist an easy recourse to violence is also frequently disregarded (Hesburgh, 1993).

The debate about the establishment by the World Council of Churches of its Programme to Overcome Violence illustrates the point I am making. The critics saw it as broad, ill-defined and overambitious. Thinkers like Ronald Preston rightly challenged the utopian sloganizing out of which it arose, such as the Vancouver WCC Assembly's statement that 'without justice for all everywhere we shall never have peace anywhere' (Kassmann, 1998). But the Programme, for all its excessive idealism, does endeavour to address the deep roots of violence, conflict and war in the life of nations, individuals, families and society, and indeed especially in churches.

It is a commonplace of social psychology that violence in the home makes it more likely that the children will be aggressive and prone to violence in later life. Cycles of violence often start in the domestic circle, and yet the family is the primary locale for moral education and the formation of character. In the family a child receives powerful messages and examples of the kinds of behaviour that are regarded as good and acceptable. Through being loved, we learn to love. Through being trusted, we learn to trust. Through being treated reasonably and gently, we learn how to handle anger, aggression and frustration. A violent family in which disagreements are met with violence, discipline is enforced with fear and children are intimidated, is a breeding ground for violence in later life.

The educational system too can entrench or undercut lines of social division and suspicion — or strengthen them. The formal content of education is not the only, or the most important, part of the total educational experience. The environment, the way the school as a community operates, the human relations, the general atmosphere, the discipline of the school, the way disputes are resolved, the behaviour towards others that is encouraged are all important and influential parts of education. Sometimes the structure of education effectively denies its content, and forms pupils and their relationships in ways that are at odds with the declared

aims of the system, tacitly encouraging misunderstanding of others and openness to violence in the settlement of disputes.

The WCC's Programme to Overcome Violence, as is appropriate for an ecumenical initiative, puts the role of the Church in the centre of its attention as a place where people should experience reconciliation and be encouraged to seek the non-violent resolution of disagreements. Churches, in their own inner life, and in their relations to one another, should provide a model of reconciliation, but in reality are sometimes instigators of violence. Both the World Council of Churches and the Vatican have frequently spoken of the Church as the sign and sacrament of the coming unity of humankind. This is the calling of the Church, but it is painfully obvious that in many situations, especially perhaps in former dictatorships where civil society has been seriously eroded, the Church has become the guardian and expression of a rather chauvinist sense of national identity. Religion — almost any religion — can be a promoter of violence. Yet today in this, as in other respects, both the Vatican and the World Council of Churches are playing an important role in summoning the churches to proclaim and to exemplify the Christian importance of reconciliation in the life of the world. Progress may be slow, but there has been progress in several areas.

3.2: Transitions from Violence

The transitions from armed force to non-violent means of dealing with conflicts that I wish to consider in this section are not only the changes that result from a victory, but the more subtle transitions that can take place when many people discover that violence is incapable of achieving their objectives.

I am not so much concerned with what one might call the Versailles or the Nuremberg ways of concluding a war, when in effect the victors determine the conditions for the restoration of peace, and the vanquished for a time at least are incapable of resisting the terms imposed on them by the victors. The victors seek redress, restitution, often revenge. At the Nuremberg trials justice was seen as the infliction of their just deserts upon the perpetrators of atrocities and crimes against humanity on the defeated side. But this had little to do with reconciliation, forgiveness, the healing of memories and the restoration of relationships.

After the First World War the post-war settlement visited a punishment believed, by the victors, to be just upon the whole defeated population. The bitterness and recrimination which resulted fuelled the disputes which culminated in the Second World War. In neither

situation was the process of the establishment of peace seen as primarily restorative, as oriented to the future, as concerned with healing relationships rather than settling past accounts. This way there was no easy escape from the cycle of recrimination, no healing of memories, little stress on penitence and forgiveness. I would like to reflect briefly on situations where neither side any longer believes it can win, and many people conclude that the continuation of military action makes the achievement of a good and happy resolution of the conflict less and less likely. The particularities of such situations vary widely, and it is difficult to generalise. But lessons can perhaps be learned from a brief discussion of two such situations in recent times — South Africa after the collapse of the apartheid regime, and Northern Ireland today.

In South Africa, they have been attempting an alternative approach to peacemaking after their apartheid past, with all its atrocities and wounds and bitterness. They are using ‘a different kind of justice’ (Shriver, 1995), which is restorative and healing, rooted both in Christian faith and in African tradition, and which sees justice as ‘indispensable in the initial formation of political associations’ with forgiveness as ‘an essential servant of justice’ (Shriver, 1995). The issues of guilt and of retribution are not avoided or disguised, but they are put within a broader frame and a fuller understanding of justice and its end. The truth must be faced and moral responsibility accepted; the attitudes of the victims towards the perpetrators must be taken into account, for reconciliation is the ultimate aim. Perpetrators as well as victims need rehabilitation and healing. Justice and reconciliation rest on truth-telling, which is in itself often healing. Charles Villa-Vicencio explains the work of the Truth and Reconciliation Commission:

Our task is to explain and to understand, making every effort to enter the mind of even the worst perpetrators — without allowing those who violate the norms of decency to escape the censure of society. Guilt rests not only with those who pull the trigger, but also with those who wink as it happens. It does, however, rest decidedly more with those who kill. The one who plots and designs death may well be more guilty than the person who pulls the trigger. The person, too terrified or even too indifferent to restrain the killer, is at the same time surely less guilty than the killer who may simply have followed orders. An appeal to superior orders or to due obedience is insufficient ground for claiming immunity — and the concern of the Truth and Reconciliation Commission focuses clearly on those who gave the command to kill and those who did the killing — not on fearful bystanders or ‘passive collaborators’. It would at the same time be a betrayal of history to suggest that they alone supported the evils of apartheid and its crimes. To fail to identify the extent of the evasion

of moral responsibility for the failures of the past, is to undermine the possibility of there emerging a moral fabric capable of sustaining a society within which the atrocities of the past shall never again occur (Biggar, 2001: 26-30).

The Commission held hearings throughout the country under slogans such as ‘Revealing is Healing’, ‘Truth, the Road to Reconciliation’, and ‘The Truth Hurts, But Silence Kills’ (Tutu), (Hester et al., 2006) inviting people to tell their stories and listen to the stories of others, for the healing of memories, for the redress of offences, for the overcoming of animosities and the lies that hostility engenders, and above all, quite consciously for reconciliation.

Where did this understanding of the need for a resolution that is healing, relational, restorative come from? Informed commentators are quite clear: it is derived directly from the depths of the Judaeo- Christian tradition, and finds significant affinities and resonances within African traditional culture and society. It seems therefore that theological insights have in this transition at least been important factors in enabling a relatively undisturbed move from a situation of civil war to one of reconstruction, reconciliation and community building.

In South Africa there was an increasingly strong conviction that timing was of the essence. Back in 1986 the Kairos theologians warned against the dangers of seeking an easy and premature reconciliation that was formal and ideal rather than real. According to Terence McCaughey, ‘those who labour under the acutest sense of grievance, or who have simply suffered most, will recognise premature calls to reconciliation as a kind of impertinence’ (Morton, 1998). In South Africa many observers speak of moving from confrontation through transition to transformation — a long drawn out process, which needs to be handled with great wisdom and discernment because it is dealing with deep-seated conflicts of interest and understanding.

In some respects the ‘troubles’ in Northern Ireland are similar to the conflicts about apartheid in South Africa. But the long history of oppression and injustice and the bitter memories of the past in Ireland run even deeper, and go back some five hundred years. There are memories in Ireland that call out for healing, and which must be healed before a settlement, reconciliation and healing become possible. Timing, in situations such as this, is crucial. There must be a *kairos*, an opportune moment, before trust and confidence and a new and

broader, or perhaps more ambiguous, sense of identity can be built. And there also must be a change of goal, on both sides, changing from seeking victory in a 'war against terrorism', or retribution for ancient wrongs, to seeking reconciliation by way of forgiveness.

3.3: Violence as child abuse

Men's violence against female partners is an issue of direct concern for children (Kitzmann et al., 2003). Almost all children in these families are subjected to the emotional cruelty of seeing, hearing or being aware of violence against their mother (Øverlien, 2007). In an increasing number of countries this form of cruelty to children is defined as child abuse and in current Swedish legislation children witnessing intimate partner violence are even defined as crime victims.

Researchers have pointed out that the notion of children 'witnessing' violence is often too limited to really capture children's experiences when one parent is violent against the other (Eriksson et al., 2007; Hydén, 1995). The concept of witnessing is easily associated with being a distant eye witness. This is a misrepresentation of children's position and it can easily lead to an underestimation of the problems children may suffer from. The impact upon children due to their closeness to both the abusive and abused parent may be underestimated. Furthermore, the focus on the sense of vision may downplay the experiences.

Children live in the middle of violence and are often involved in some way, for example through attempts to stop the violence (e.g. Eskonen, 2005; Mullender et al., 2002). They can be in the next room or in the same room with their eyes shut. They may not see the violence, but they hear it. They can experience violence after the fact through marks on their mother or on the furniture. Thus children experience violence from one parent against the other by seeing it, hearing it, getting involved in it and/or through the consequences of violence (Edleson, 1999). To capture all of these dimensions of experience the concept of *exposure* to violence is used in this article, instead of witnessing. For the sake of clarity when dealing with violence within heterosexual partnerships, the concept of *intimate partner violence* is preferred over other concepts often used in the field, such as, for example, domestic violence, which sometimes includes children, sometimes not.

Challenging interacting power relations

As mentioned above, children exposed to intimate partner violence constitute an ‘intersectional’ issue, shaped by inequality tied to gender as well as age and kinship. In the typical case, it is the children’s father who is violent to their mother. In societies like Sweden, father, mother, daughter and son are social positions tied to several social structures. Empirically the positions of man and woman (gender), adult (age) and parent (kinship) are ‘inhabited’ simultaneously. Notions of gender give meaning to notions of age and vice versa. Different power relations construct and are constructed in relation to each other. Systems of meaning that can be separated analytically are intertwined empirically.

The idea that gendered inequalities must be analysed in relation to other social inequalities is well established within social research today. Already in the 1970s and 1980s the relationship between gender and, for example, class (Hartmann, 1979; Walby, 1986), sexuality (e.g. Rich, 1980) and race (Lorde, 1984) was explored. Later on, the concept of intersectionality was established (Crenshaw, 1991; Hill Collins, 1998; West and Fenstermaker, 1995; Young, 1997) and entered into social theory more broadly (Walby, 2009). However, age as in child–adult relations seems to have been quite absent in these debates and developments. Barrie Thorne pointed out already in the late 1980s that on the whole, children have not been included in the discussions about intersecting power relations:

“I want to add to that complexity [of theorizing intersecting patterns of domination and their effects on knowledge] by pursuing a relatively simple observation: Both feminist and traditional knowledge remain deeply and unreflectively centred around the experiences of adults. (Thorne, 1987: 86)”

She also asks how we can bring children more fully into our understanding of social life, including processes of social change. Almost 20 years later, the situation seems to be quite similar when it comes to intersectionality and very young age (Krekula et al., 2005). One of the aims of this article is thus to bring child–adult relations a bit more clearly into the picture. Furthermore, since one contested question in the debates on intersectionality seems to be *how* the theoretical insight about interacting power relations should be put into research practice (De los Reyes et al., 2003; Lykke, 2003; Walby, 2009), this article aims to contribute to such a discussion as well.

Doing difference, inequality regimes and the societal order of inequality

The discussion draws upon two key concepts: doing difference (West and Fenstermaker, 1995) and inequality regimes (Acker, 2006). As Candace West and Sarah Fenstermaker point out, different power relations are both experienced and produced simultaneously: the very same actions may produce several different forms of inequality (West and Fenstermaker, 1995; see also Messerschmidt, 1998). To make the framework of intersectionality useful for empirical analyses it is vital to recognize this *ongoing simultaneity*, they argue. However, intersectionality has often tended to be framed in a way that makes it both too static and too overarching to be useful in an actor and practice-centred analysis. This theoretical framework clearly needs to be translated into more concrete analytical tools.

One such tool used here is inequality regimes. According to Acker (2006), inequality regimes are loosely interlocked practices and processes that result in systematic disparities between the organizations' members in terms of power. They are shaped by inequalities in the surrounding society and the organizational structure as well as a number of different organizational practices. When outlining the concept, Acker focuses on class, gender and race. However, she claims that other forms of inequality may be relevant as well (Acker, 2006). Another important issue is the relative legitimacy of inequalities. According to Acker, legitimacy is partly linked to the organizational ideology and she points to the differences between organizations with democratic goals and bureaucratic ones. She also claims that gender and race inequality tend generally to be less legitimate than class (Acker, 2006). I would argue that the relative legitimacy of different forms of inequality is an empirical question. In the discussion below on how to understand the rapid change in policy regarding children exposed to intimate partner violence, I will return to the question of the relative visibility and invisibility, legitimacy and illegitimacy, respectively, of inequality tied to age and gender.

I want to add that sometimes it is necessary to make a distinction between the organizational level discussed by Acker, and more overarching societal patterns. Connell, (1987) argues that gendering practices may also be analysed as a social order: at any given moment in time it is possible to 'freeze' the picture and explore the pattern of social relations and positions, as well as the system of meaning produced through every day practices. According to Connell, such explorations may concern the overall societal gender order as well as the gender regimes of specific organizations (Connell, 1987). Combining ideas from Connell and Acker, it is

possible to make a distinction between *organizational inequality regimes* and the *societal order of inequality*.

3.4: Gender based Violence

The gender question here implies that there is a disparity in the victimisation and experience of violence between male and female. While the male are the major perpetrators of this crime of violence, the female are usually on the receiving side. This situation is predominant in societies where patriarchy is cultural like in Africa. In Africa for instance, only in rare cases of women financial or status supremacy over the male or husband can you find the woman in control within the domestic arena. At point violent can take the form of female against male. According to Cutterman (1991), in his view, states that it is economical, physical, social/mental suffering imposed on women by their gender counterpart, culturally based biases and stereotyping of women” All these are violation of the fundamental human rights of women. Gender-based violence affects millions of women all over the world irrespective of their location, educational, social and economic status and this in turn affect their productivity both in the homes, communities and places of work.

There are different types of gender-based violence, which occur at different levels such as the family, community, local government and state. Domestic violence is the most prevalent form of gender-based violence and this occurs mostly within the families and inside the homes. According to Eze, Olisa and Onunwa in Adekola and Falase (2006) women facing domestic violence often suffer physical and psychological consequences which usually affect their behavior and productivity. Adekola and Falase (2006) also revealed that domestic violence negatively correlates with women participation in community development. Violence against women within the general communities in Ikwerre ethnic nationality include battery, rape, sexual assault, forced treatment and the exploitation and commercialization of women’s bodies. The social exclusion of women in some parts of the Ikwerre ethnic nationality is also a form of violence.

Violence against women is one of the twelve critical areas of concern identified in the Platform for Action (PFA) on Women at the Beijing Conference in September 1995. In a statement to the Fourth World Conference on Women in that year, the United Nations Secretary General, Boutros. Boutros Ghali, observed that violence against women is a universal problem that must be universally condemned as it would be difficult to find one

woman, whom at one time or the other in her lifetime, had not been afraid merely because she is a woman.

For instance, Adekola, Oyebamiji and Ugwu (2009) noted that girls are usually the first to be withdrawn from school whenever the family suffers financial depression. This is based on nothing else except their gender. The World Health Organization (WHO) estimates that at least one in every five of the world's female population has been physically or sexually abused at some time (Population Reference Bureau, 2001).

4.0: CONCLUSION

The victors seek redress, restitution, often revenge. But this had little to do with reconciliation, forgiveness, the healing of memories and the restoration of relationships.

The United Nation General Assembly defines violence against women as acts or gender based violence that result in physical suffering to women, including threat of such acts coercion or arbitrary deprivation of liberty whether accruing in public or private life. Gender-based violence affects millions of women all over the world irrespective of their location, educational, social and economic status and this in turn affect their productivity both in the homes, communities and places of work.

The idea that gendered inequalities must be analysed in relation to other social inequalities is well established within social research today. As mentioned above, children exposed to intimate partner violence constitute an 'intersectional' issue, shaped by inequality tied to gender as well as age and kinship.

5.0: SUMMARY

Violence is a social fact that is rooted in domination, projects inequality and foists on its victim intimidation and hostility. Genderised violence is biased against woman. It is a tool of oppression and intimidation both within and without. Transition from violence to peace involves genderised negotiation equally biased in favour of the male.

6.0: TUTOR-MARKED ASSIGNMENT

- a) Discuss nurture and root of violence dichotomy
- b) Explain violence transition
- c) Understand violence as child abuse and gender based

7.0: REFERENCES

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MODULE 2 DOMESTIC VIOLENCE CONCEPTUALISED

Unit 1: Conceptual definition of Domestic Violence I

Unit 2: Conceptual definition of Domestic Violence II

Unit 3: The Trend of Domestic Violence

Unit 4: History of Domestic Violence

UNIT 1: THE CONCEPT OF DOMESTIC VIOLENCE I

CONTENTS

1.0: Introduction

2.0: Objectives

3.0: Main Content

3.1: The Meaning of Domestic Violence

3.2: Types of intimate partner violence

3.3: Scope of the problem of domestic violence

3.4: Nigerian and African conception of domestic violence

4.0: Conclusion

5.0: Summary

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7.0: References/Further Reading

1.0: INTRODUCTION

To establish a foundation for understanding of domestic violence (DV), this module provides an overview of the definition, scope, and causes of domestic violence, along with the evolving societal responses. It also provides a description of victims and perpetrators of domestic violence, highlighting prevalent misconceptions, common behaviors, and parenting issues.

2.0: OBJECTIVES

By the end of this unit, you should be able to:

- a) Define Domestic violence (DV)
- b) Establish the relationship between domestic violence and intimate partner violence (IPV)
- c) Discuss the types of IPV
- d) Explain the scope of DV
- e) African definition of domestic violence

3.0: Main Content

3.1: The Meaning of Domestic Violence

Historically, domestic violence has been framed and understood exclusively as a women's issue. Domestic abuse affects women, but also has devastating consequences for other populations and societal institutions. Men also can be victims of abuse; children are affected by exposure to domestic violence, and formal institutions face enormous challenges responding to domestic violence in their communities. The effects of domestic violence on victims are more typically recognized, but perpetrators also are impacted by their abusive behavior as they stand to lose children, damage relationships, and face legal consequences. Domestic violence cuts across every segment of society and occurs in all age, racial, ethnic, socio-economic, sexual orientation, and religious groups. Domestic violence is a social, economic, and health concern that does not discriminate. As a result, communities across the country are developing strategies to stop the violence and provide safe solutions for victims of domestic violence.

Defining Domestic Violence

Domestic violence is a “pattern of coercive and assaultive behaviors that include physical, sexual, verbal, and psychological attacks and economic coercion that adults or adolescents use against their intimate partner” (Ganley and Schechter, 1996). DV is not typically a singular event and is not limited to only physical aggression. Rather, it is the pervasive and methodical use of threats, intimidation, manipulation, and physical violence by someone who seeks power and control over their intimate partner. Abusers use a specific tactic or a combination of tactics to instill fear in and dominance over their partners. The strategies used by abusers are intended to establish a pattern of desired behaviors from their victims. Certain

behaviors often are cited by the perpetrator as the reason or cause of the abusive behavior, therefore, abusive verbal and physical actions are often intended to alter or control that behavior.

Further Definitions

Domestic violence is the inflicting of physical injury by one family or household member on another; also: a repeated / habitual pattern of such behaviour. The term "intimate partner violence" (IPV) is often used synonymously with domestic abuse/domestic violence. Family violence is a broader definition, often used to include child abuse, elder's abuse and other violent acts between family members (Markowitz, 2000). Wife abuse, wife beating, and battering are descriptive terms that have lost popularity recently for at least two reasons:

- There is acknowledgment that many victims are not actually married to the abuser, but rather cohabiting or in other arrangements (Waits, 1985).
- Abuse can take other forms than physical abuse. Other forms of abuse may be constantly occurring, while physical abuse happens occasionally.
- Males as well as females are victims of domestic violence.

These other forms of abuse have the potential to lead to mental illness, self-harm, and even attempts at suicide (Mayhew et al, 1996).

Government definitions

The US Office on Violence Against Women (OVW) defines domestic violence as a "pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner". The definition adds that domestic violence "can happen to anyone regardless of race, age, sexual orientation, religion, or gender", and can take many forms, including physical abuse, sexual abuse, emotional, economic, and psychological abuse (Rennison, 2003).

The Children and Family Court Advisory and Support Service in the United Kingdom in its "Domestic Violence Policy" uses *domestic violence* to refer to a range of violent and abusive behaviours, defining it as:

Patterns of behaviour characterised by the misuse of power and control by one person over another who are or have been in an intimate relationship. It can occur in mixed gender relationships and same gender relationships and has profound consequences for the lives of children, individuals, families and communities. It may be physical, sexual, emotional and/or psychological. The latter may include intimidation, harassment, damage to property, threats and financial abuse (Domestic Violence Assessment Policy, 2007).

3.2: Intimate partner violence (IPV) types

Michael P. Johnson argues for three major types of intimate partner violence, which is supported by subsequent research and evaluation (Janel et al, 2004). Distinctions are made among the types of violence, motives of perpetrators, and the social and cultural context based upon patterns across numerous incidents and motives of the perpetrator. Types of violence identified by Johnson (Tilbrook et al, 2010):

- **Common couple violence (CCV)** is not connected to general control behavior, but arises in a single argument where one or both partners physically lash out at the other.
- **Intimate terrorism (IT)** may also involve emotional and psychological abuse. Intimate terrorism is one element in a general pattern of control by one partner over the other. Intimate terrorism is less common than common couple violence, more likely to escalate over time, not as likely to be mutual, and more likely to involve serious injury. It batterers include two types: "Generally-violent-antisocial" and "dysphoric-borderline". The first type includes men with general psychopathic and violent tendencies. The second type is men who are emotionally dependent on the relationship (Jacobson and Gottman, 1998). Support for this typology has been found in subsequent evaluations (Hamberger, et al, 1996).
- **Violent resistance (VR)**, sometimes thought of as "self-defense", is violence perpetrated by victims against their abusive partners (Bachman And Carmody, 1994).
- **Mutual violent control (MVC)** is rare type of intimate partner violence occurring when both partners act in a violent manner, battling for control (Saunders, 1988).

Types of male batterers identified by Holtzworth-Munroe and Stuart (1994) include "family-only", which primarily fall into the CCV type, who are generally less violent and less likely to perpetrate psychological and sexual abuse (Holtzworth-Munroe and Stuart, 1994).

Other

Others, such as the US Centers for Disease Control, divide domestic violence into two types: reciprocal, in which both partners are violent, and non-reciprocal violence, in which one partner is violent; it is possible that the former is more common (Whitaker et al, 2007).

3.3: Scope of the problem of domestic violence

Currently, national crime victimization surveys, crime reports, and research studies indicate:

- An estimated 85 to 90 percent of domestic violence victims are female (Rennison and Welchans, 2000).
 - Females are victims of intimate partner violence at a rate about five times that of males (Tjaden and Thoennes, 2000)
- Females between the ages of 16 and 24 are most vulnerable to domestic violence (Rennison, 2001).
- Females account for 39 percent of hospital emergency department visits for violence-related injuries, and 84 percent of persons treated for intentional injuries caused by an intimate partner (Greenfeld et al, 1998).
 - As many as 324,000 females each year experience intimate partner violence during their pregnancy and pregnant and recently pregnant women are more likely to be victims of homicide than to die of any other cause (Gazmararian et al, 2000).
 - Females experience the greatest assault rate (21.3 per 1000 females) between the ages of 20 and 24. This is eight times the peak rate for males (3 per 1000 males ages 25 to 34) (Horon and Cheng, 2001).
 - Domestic violence constitutes 22 percent of violent crime against females and 3 percent of violent crime against males (Rennison and Welchans, 2000).
 - Eight percent of females and 0.3 percent of males report intimate partner rape (Tjaden and Thoennes, 2000).
 - Approximately 33 percent of gays and lesbians are victims of domestic violence at some time in their lives.
 - Twenty-eight percent of high school and college students experience dating violence and 26 percent of pregnant teenage girls report being physically abused
 - Seventy percent of intimate homicide victims are female, and females are twice as likely to be killed by their husbands or boyfriends as murdered by strangers.

- On average, more than three women are murdered by their husbands or boyfriends in the United States every day. In 2000, 1,247 women were killed by an intimate partner. The same year, 440 men were killed by an intimate partner (BJS, 2003).
- An estimated 5 percent of domestic violence cases are males who are physically assaulted, stalked, and killed by a current or former wife, girlfriend, or partner.
- Domestic violence victims lose a total of nearly 8.0 million days of paid works—the equivalent of more than 32,000 full-time jobs—and nearly 5.6million days of household productivity as a result of the violence (NCIPC, 2003).
- The costs of intimate partner rape, physical assault, and stalking exceed \$5.8 billion each year, nearly \$4.1 billion of which is for direct medical and mental health care services (NCIPC, 2003).
- Males are significantly more likely to be victimized by acquaintances (50 percent) or strangers (44 percent) than by intimates or other relatives.
- Females experience over 5 to 10 times as many incidents of domestic violence as males. In comparison to men, women have a significantly greater risk for being a victim of domestic violence and suffering chronic and severe forms of physical assaults (Rennison, 2003).

3.4: Nigeria and African conception of domestic violence

In Nigeria, women and girls are subjected to multiple forms of violence in the homes. However, the most common form of violence is wife battery ranging from slapping, kicking, verbal abuse, denial of financial resources, rape, and death. Due to a dearth of official statistics; it is difficult to establish the extent of domestic violence. However, it is believed that gender based violence is of “epidemic proportions,” (Gender Action, 1997) and is “seldom reported because of fear of reprisal and lack of response from law enforcement officials... statistics relating to this problem would not be available until women are motivated to report domestic and other forms of violence.” (Rennison, 2003).

Non-governmental organizations rely on media reports and the number of victims who come to them for assistance for statistics. For example, “No Safe Haven: An Annual Report of Attacks on Women in Nigeria,” (Domestic Violence Assessment Policy, 2007) reports a total of 170 cases based on media reports covering the period from December 2004 to November 2005. These do not include incidents reported to the police or to civil society organizations. Obviously, this is just the tip of the iceberg, as hundreds of cases go unreported and undocumented.

Domestic violence cuts across all communities in Nigeria and at times is excused by a woman's actions or inaction. When a woman suffers violence due to failure to meet some socially accepted standard of behavior, such failure is usually an accepted excuse for the violence she suffers, especially within the family context. A woman could suffer violence for refusing sex, nagging, or challenging the man's behavior; for example, if he took a second wife or is an alcoholic. She could be subjected to violence for not preparing meals on time, having, or being under suspicion of having, a sexual relationship outside the marriage, or being accused of witchcraft.

Interestingly, under certain circumstances, women, more than men, tend to justify the infliction of violence. However, violence against women is a term collectively used to refer to violent acts that are primarily or exclusively committed against women basically because of their gender. United Nation General Assembly defines violence against women as "acts or gender based violence that result in physical suffering to women, including threat of such acts coercion or arbitrary deprivation of liberty whether accruing in public or private life" (Report of the fourth world conference on women /A/51/322). Gender Action (1996), in its view, states that it is economical, physical, social/mental suffering imposed on women by their gender counterpart, culturally based biases and stereotyping of women" All these are violation of the fundamental human rights of women. Gender-based violence affects millions of women all over the world irrespective of their location, educational, social and economic status and this in turn affect their productivity both in the homes, communities and places of work.

4.0: CONCLUSION

Domestic violence, also known as domestic abuse, spousal abuse, battering, family violence, and intimate partner violence (IPV), is broadly defined as a pattern of abusive behaviors by one or both partners in an intimate relationship such as marriage, dating, family, or cohabitation. Domestic violence, so defined, has many forms, including physical aggression (hitting, kicking, biting, shoving, restraining, slapping, throwing objects), or threats thereof; sexual abuse; emotional abuse; controlling or domineering; intimidation; stalking; passive/covert abuse (e.g., neglect); and economic deprivation. Alcohol consumption and mental illness can be co-morbid with abuse, and present additional challenges in eliminating domestic violence. All forms of domestic abuse have one purpose: to gain and maintain

control over the victim. Abusers use many tactics to exert power over their spouse or partner: dominance, humiliation, isolation, threats, intimidation, denial and blame.

5.0: SUMMARY

This unit examined the meaning of Domestic violence as all forms of domestic abuse for the purpose to gaining and maintaining control over the victim. It also itemised the types DV in form of IPV and the scope of domestic violence.

6.0: TUTOR-MARKED ASSIGNMENT

- a) Attempt a definition of domestic violence
- b) Discuss the types of intimate partner violence
- c) Examine the scope of domestic violence

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UNIT 2: THE CONCEPT OF DOMESTIC VIOLENCE II

CONTENTS

- 1.0: Introduction
- 2.0: Objectives
- 3.0: Main Content
 - 3.1: Tactics of Domestic Violence
 - 3.2: The root causes of domestic violence
 - 3.3: Societal Responses to domestic violence
- 4.0: Conclusion
- 5.0: Summary
- 6.0: Tutor-Marked Assignment
- 7.0: References

1.0: INTRODUCTION

All forms of domestic abuses have one purpose: to gain and maintain control over the victim. Abusers use many tactics to exert power over their spouse or partner. There are many different theories as to the causes of domestic violence. These include psychological theories that consider personality traits and mental characteristics of the perpetrator, as well as social theories which consider external factors in the perpetrator's environment, such as family structure, stress, social learning. As with many phenomena regarding human experience, no single approach appears to cover all cases. Responses to DV vary from place to place and from time to time.

2.0: OBJECTIVES

At the end of this unit, you should be able to:

- a) Explain the tactics of DV
- b) Discuss the root causes of DV
- c) Explain the various societal responses to DV

3.1 Domestic Violence Tactics

The types of domestic violence actions perpetrated by abusers include physical, sexual, verbal, emotional, and psychological tactics; threats and intimidation; economic coercion; and entitlement behaviors. Examples of each are provided below. Some of the behaviors identified in the following lists do not constitute abuse in and of themselves, but frequently are tactics used in a larger pattern of abusive and controlling behavior.

Physical Tactics

- Pushing and shoving;
- Restraining;
- Pinching or pulling hair;
- Slapping;
- Punching;
- Biting;
- Kicking;
- Suffocating;
- Strangling;
- Using a weapon;
- Kidnapping;
- Physically abusing or threatening to abuse children.

Sexual Tactics

- Raping or forcing the victim into unwanted sexual practices;
- Objectifying or treating the victim like asexual object;
- Forcing the victim to have an abortion or sabotaging birth control methods;
- Engaging in a pattern of extramarital or other sexual relationships;
- Sexually assaulting the children.

Verbal, Emotional, and Psychological Tactics

- Using degrading language, insults, criticism, or name calling;
- Screaming;
- Harassing;
- Refusing to talk;
- Engaging in manipulative behaviors to make the victim believe he or she is “crazy” or imagining things;

- Humiliating the victim privately or in the presence of other people;
- Blaming the victim for the abusive behavior;
- Controlling where the victim goes, who he or she talks to, and what he or she does;
- Accusing the victim of infidelity to justify the perpetrator's controlling and abusive behaviors;
- Denying the abuse and physical attacks.

Threats and Intimidation

- Breaking and smashing objects or destroying the victim's personal property;
- Glaring or staring at the victim to force compliance;
- Intimidating the victim with certain physical behaviors or gestures;
- Instilling fear by threatening to kidnap or seek sole custody of the children;
- Threatening acts of homicide, suicide, or injury;
- Forcing the victim to engage in illegal activity;
- Harming pets or animals;
- Stalking the victim;
- Displaying or making implied threats with weapons;
- Making false allegations to law enforcement or CPS.

Economic Coercion

- Preventing the victim from obtaining employment or an education;
- Withholding money, prohibiting access to family income, or lying about financial assets and debts;
- Making the victim ask or beg for money;
- Forcing the victim to hand over any income;
- Stealing money;
 - Refusing to contribute to shared or household bills;
- Neglecting to comply with child support orders;
- not providing an allowance.

Entitlement Behaviors

- Treating the victim like a servant;
- Making all decisions for the victim and the children;
- Defining gender roles in the home and relationship.

3.2: Root Causes of Domestic Violence

There are many different theories as to the causes of domestic violence. These include psychological theories that consider personality traits and mental characteristics of the perpetrator, as well as social theories which consider external factors in the perpetrator's environment, such as family structure, stress, social learning. As with many phenomena regarding human experience, no single approach appears to cover all cases.

Whilst there are many theories regarding what causes one individual to act violently towards an intimate partner or family member there is also growing concern around apparent intergenerational cycles of domestic violence.

Some people believe domestic violence occurs because the victim provokes the abuser to violent action, while others believe the abuser simply has a problem managing anger. In fact, the roots of domestic violence can be attributed to a variety of cultural, social, economic, and psychological factors (NCVC, 1997). As a learned behavior, domestic violence is mode led by individuals, institutions, and society, which may influence the perspectives of children and adults regarding its acceptability. Abusive and violent behaviors can be learned through:

- Childhood observations of domestic violence;
- One's experience of victimization;
- Exposure to community, school, or peer group violence;
- Living in a culture of violence (e.g., violent movies or videogames, community norms, and cultural beliefs) (Markowitz, 2001).

Domestic violence is reinforced by cultural values and beliefs that are repeatedly communicated through the media and other societal institutions that tolerate it. The perpetrator's violence is further supported when peers, family members, or others in the community (e.g., co-workers, social service providers, police, or clergy) minimize or ignore the abuse and fail to provide consequences. As a result, the abuser learns that not only is the behavior justified, but also it is acceptable. Psychopathology, substance abuse, poverty, cultural factors, anger, stress, and depression often are thought to cause domestic violence. While there is little empirical evidence that these factors are *direct* causes of domestic violence, research suggests that they can affect its severity, frequency, and the nature of the perpetrator's abusive behaviour (Barrerra et al, 1994). Although there is debate among

researchers regarding a definitive theory to explain domestic violence, there is little disagreement that it is an insidious problem requiring a complex solution.

3.3: Evolving Societal Responses to Domestic Violence

Many people believe that, the historical inequality of women and gender socialization of females and males contribute to the causes of domestic violence (Pence and Paymar, 1993). Until the 1970's, women who were raped or suffered violence in their homes had no formal place to go for help or support (Markowitz, 2001). Shelters and services for victims of domestic violence did not exist and there was little, if any, response from criminal or civil courts, law enforcement, hospitals, and social service agencies. Society and its formal institutions viewed domestic violence as a "private matter." As awareness and recognition of this problem grew, groups of women organized an advocacy movement that focused on addressing the safety needs of victims and the systemic barriers and social attitudes that contributed to domestic violence. Volunteers established safe haven and crisis services for victims of domestic violence in their homes and held meetings where they began to define violence against women as a political issue. This grass roots effort, commonly referred to as the "Battered Women's Movement," revolutionized the responses to injustices against women into a social movement that forms the foundation of existing domestic violence advocacy and community-based programs throughout Southern Africa (Schechter, 1982). The need for safe alternatives for victims of domestic violence called for a major social transformation and the Battered Women's Movement was an essential part of that struggle. Feminists, community activists, and survivors of rape and domestic violence responded with three primary goals: (1) securing shelter and support for victims and their children, (2) improving legal and criminal justice responses, and (3) changing the public consciousness about domestic violence (Schechter, 2000).

Through a collective vision, the Battered Women's Movement was guided by a set of inherent principles that continue to direct the current network of community-based domestic violence programs and advocacy efforts. These principles include:

- Safety for victims and their children;
- Victims' rights to self-determination, which includes their decision to either remain with or leave their abusive partner;
- Accountability for perpetrators of domestic violence through societal and criminal sanctions;
- Systemic change to combat social oppression of victims and to promote victims' rights.

Today, community-based domestic violence programs throughout the country provide an array of services, including:

- Shelter and safe houses;
- National, State, and local emergency hotlines;
- Crisis counselling and intervention;
- Support groups;
- Medical and mental health referrals;
- Legal advocacy;
- Vocational counselling, job training, and economic support referrals;
- Housing and relocation services;
- Transportation;
- Safety planning;
- Children's services.

Domestic violence programs also engage in continuous advocacy efforts that include developing public awareness campaigns, collaborating with community service providers, and being active in political lobbying efforts aimed at improving safety for victims and their children. One of the benefits of the increased awareness of the problem garnered by these activities is the greater recognition that many sectors of society beyond shelters, law enforcement, and the judicial system have important roles to play in identifying and addressing this problem. These sectors include child welfare, health care, mental health, substance abuse treatment, business, and faith communities. Along with the recognition that legal sanctions are not always the best response, there is a growing awareness that communities themselves must take responsibility for preventing and aiding victims of domestic violence by establishing programs and services that meet the needs of their citizens. One example is a community-based approach that involves combining the efforts of law enforcement, domestic violence victim advocates, social service providers, faith-based communities, and community members.

Society's recognition that domestic violence is no longer a private matter, but a widespread social problem, is evidenced in the establishment of approximately 2,000 shelters and domestic violence programs, legislation in every State identifying domestic violence as a criminal act, legal rights to civil protection orders, and Federal legislation that provides funding and national recognition regarding its seriousness.

4.1: CONCLUSION

Domestic violence produces abusers who use many tactics to exert power over their spouse or partner. Whilst there are many theories regarding what causes one individual to act violently towards an intimate partner or family member there is also growing concern around apparent intergenerational cycles of domestic violence. Responses that focus on children suggest that experiences throughout life influence an individuals' propensity to engage in family violence (either as a victim or as a perpetrator).

5.0: SUMMARY

The unit examined the tactics of domestic violence, its root causes and the various societal responses to the scourge of domestic violence.

6.0: TUTOR-MARKED ASSIGNMENT

- a) Identify the tactics of domestic violence
- b) Discuss the root causes of domestic violence
- c) Explain the societal reaction to domestic violence

7.0: REFERENCES

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UNIT 3: THE TREND OF DOMESTIC VIOLENCE

CONTENTS

- 1.0: Introduction
- 2.0: Objectives
- 3.0: Main Content
 - 3.1: The Prevalence of Domestic Violence
 - 3.2: Victims of Domestic Violence
 - 3.3: Barrier to Leaving an Abusive Relationship
 - 3.4: The Impact of Domestic Violence on its Victim
- 4.0: Conclusion
- 5.0: Summary
- 6.0: Tutor-Marked Assignment
- 7.0: References/Further Reading

1.0: INTRODUCTION

This unit presents the description of who a victim of domestic violence is and the impacts it has on the victim. It also provides statistics though limited (due to dearth of relevant data) of domestic violence. It further examined the barriers to leaving DV infected relationship.

2.0: OBJECTIVES

At the end of this unit, you should be able to:

- a) Appreciate the trend of DV and its impact on victim
- b) Identify DV victim
- c) Discuss barriers to leaving DV infected relationship.

3.0: Main Content

3.1: The Prevalence of Domestic Violence

Both SA and IPV are common, but the frequency of their co-occurrence is not entirely clear. The co-occurrence rates of substance use and IPV in most published studies have ranged between 25 and 50 percent. In a Arkansas, US national study of man-to-woman IPV in 6,002 households, of the 12% of adults who reported IPV, 22% of the men and 10% of the women

were using alcohol at the time of the violence, but in three out of four episodes of IPV, neither party had been drinking (Kantor & Strauss, 1987). A study in Canada sets the co-occurrence rate closer to 50% (Pernanen, 1991). However, these figures demonstrate the number of batterers or victims who had been drinking at the time of the violence (alcohol use), and not their drinking patterns or the cumulative effects of drinking (alcohol abuse).

The proportion of men in the general population who use IPV increases with the frequency they get drunk (Johnson, 2001; Kantor & Straus, 1987). The relationship between drunkenness and IPV also varies by social class. In one study, lower income men who never got drunk rarely committed IPV (2%) compared to the rate of IPV among lower income men who got drunk often (40%). For men in the higher income group in this study, the annual IPV rate increased from 2% of men who never got drunk to 9% of men who got drunk often (Coleman & Straus, 1983). These data appear to support a public perception that men who batter are *drunken bums*, that is, men are more likely to commit IPV if they earn low income and abuse alcohol (Kantor & Straus, 1987).

But, the *drunken bum* perspective on IPV is limited in several ways. First, the relationship between SA and IPV is strongest for those men who already think IPV is appropriate in certain situations (Field, et al., 2004; Kantor & Straus, 1987). One study found that when the endorsement of men's dominance was considered, the correlation between SA and IPV disappeared (Johnson, 2001). Second, even though the per capita rate of IPV is higher among lower socio-economic groups (Gelles, 1993); the occurrence of IPV is well established across all income groups. Third, the amount of alcohol used prior to most episodes of intimate violence is often far less than imagined. In Pernanen's (1991) classic study of alcohol-related violence, the average amount of alcohol consumed prior to a violent episode was only about an ounce, equal to a beer or glass of wine.

A common misunderstanding is that men who batter are extremely intoxicated and *out of control* when they batter. Despite the impairment in men's behaviour caused by alcohol and drugs, IPV remains a matter of choice, a *guided doing* (Pernanen, 1991). IPV usually occurs in a safe setting (for the batterer), selected for the protection it affords him, at a time of his choosing, with a predictable victim. The fact that violence rarely occurs outside men's comfort zone suggests that men who batterer are very much in control, not out of control. Drug use may be even more strongly correlated to IPV than use of alcohol (Testa, 2004), but

in most cases, this difference does not reflect the biochemical properties of the substance but rather exposure to criminals and antisocial lifestyles.

3.2: Victims of Domestic Violence

This section describes some common characteristics of victims of domestic violence, dynamics of the victimization (e.g., common barriers to leaving an abusive relationship, protective strategies), and the impact that domestic violence has on the individual and on parenting behaviors.

Who is the Victim?

Victims of domestic violence do not possess a set of universal characteristics or personality traits, but they do share the common experience of being abused by someone close to them. Anyone can become a victim of domestic violence. Victims of domestic violence can be women, men, adolescents, disabled persons, gays, or lesbians. They can be of any age and work in any profession. Normally, victims of domestic violence are not easily recognized because they are not usually covered in marks or bruises. If there are injuries, victims have often learned to conceal them to avoid detection, suspicion, and shame.

Unfortunately, an array of misconceptions about victims of domestic violence has led to harmful stereotypes and myths about who they are and the realities of their abuse. Consequently, victims of domestic violence often feel stigmatized and misunderstood by the people in their lives. These people may be well-intended family members and friends or persons trained to help them, such as social workers, police officers, or doctors.

3.3: Barriers to Leaving an Abusive Relationship

The most commonly asked question about victims of domestic violence is “Why do they stay?” Family, friends, co-workers, and community professionals who try to understand the reasons why a victim of domestic violence has not left the abusive partner often feel perplexed and frustrated. Some victims of domestic violence do leave their violent partners while others may leave and return at different points throughout the abusive relationship (Kantor and Straus, 1989). Leaving a violent relationship is a process, not an event, for many victims, who cannot simply “pick up and go” because they have many factors to consider. To understand the complex nature of terminating a violent relationship, it is essential to look at

the barriers and risks faced by victims when they consider or attempt to leave. Individual, systemic, and societal barriers faced by victims of domestic violence include:

Fear: Perpetrators commonly make threats to find victims, inflict harm, or kill them if they end the relationship. This fear becomes a reality for many victims who are stalked by their partner after leaving. It also is common for abusers to seek or threaten to seek sole custody, make child abuse allegations, or kidnap the children. Historically, there has been a lack of protection and assistance from law enforcement, the judicial system, and social service agencies charged with responding to domestic violence. Inadequacies in the system and the failure of past efforts by victims of domestic violence seeking help have led many to believe that they will not be protected from the abuser and are safer at home. While much remains to be done, there is a growing trend of increased legal protection and community support for these victims.

Isolation: One effective tactic abusers use to establish control over victims is to isolate them from any support system other than the primary intimate relationship. As a result, some victims are unaware of services or people that can help. Many believe they are alone in dealing with the abuse. This isolation deepens when society labels them as “masochistic” or “weak” for enduring the abuse. Victims often separate themselves from friends and family because they are ashamed of the abuse or want to protect others from the abuser’s violence.

Financial dependence: Some victims do not have access to any income and have been prevented from obtaining an education or employment. Victims who lack viable job skills or education, transportation, affordable day care, safe housing, and health benefits face very limited options. Poverty and marginal economic support services can present enormous challenges to victims who seek safety and stability. Often, victims find themselves choosing between homelessness, living in impoverished and unsafe communities, or returning to their abusive partner.

Guilt and shame: Many victims believe the abuse is their fault. The perpetrator, family, friends, and society sometimes deepen this belief by accusing the victim of provoking the violence and casting blame for not preventing it. Victims of violence rarely want their family and friends to know they are abused by their partner and are fearful that people will criticize them for not leaving the relationship. Victims often feel responsible for changing their

partner's abusive behavior or changing themselves in order for the abuse to stop. Guilt and shame may be felt especially by those who are not commonly recognized as victims of domestic violence. This may include men, gays, lesbians, and partners of individuals in visible or respected professions, such as the clergy and law enforcement.

Emotional and physical impairment: Abusers often use a series of psychological strategies to break down the victim's self-esteem and emotional strength. In order to survive, some victims begin to perceive reality through the abuser's paradigm, become emotionally dependent, and believe they are unable to function without their partner. The psychological and physical effects of domestic violence also can affect a victim's daily functioning and mental stability. This can make the process of leaving and planning for safety challenging for victims who may be depressed, physically injured, or suicidal. Victims who have a physical or developmental disability are extremely vulnerable because the disability can compound their emotional, financial, and physical dependence on their abusive partner.

Individual belief system: The personal, familial, religious, and cultural values of victims of domestic violence are frequently interwoven in their decisions to leave or remain in abusive relationships. For example, victims who hold strong convictions regarding the sanctity of marriage may not view divorce or separation as an option. Their religious beliefs may tell them divorce is "wrong." Some victims of domestic violence believe that their children still need to be with the offender and that divorce will be emotionally damaging to them.

Hope: Like most people, victims of domestic violence are invested in their intimate relationships and frequently strive to make them healthy and loving. Some victims hope the violence will end if they become the person their partner wants them to be. Others believe and have faith in their partner's promises to change. Perpetrators are not "all bad" and have positive, as well as, negative qualities. The abuser's "good side" can give victims reason to think their partner is capable of being nurturing, kind, and nonviolent.

Community Services and Societal Values: For victims who are prepared to leave and want protection, there are a variety of institutional barriers that make escaping abuse difficult and frustrating. Communities that have inadequate resources and limited victim advocacy services and whose response to domestic abuse is fragmented, punitive, or ineffective cannot provide realistic or safe solutions for victims and their children.

Cultural hurdles: The lack of culturally sensitive and appropriate services for victims of colour and those who are non-English speaking pose additional barriers to leaving violent relationships. Minority populations include African-Americans, Hispanics, Asians, and other ethnic groups whose cultural values and customs can influence their beliefs about the role of men and women, interpersonal relationships, and intimate partner violence. For example, the Hispanic cultural value of “machismo” supports some Latino men’s belief that they are superior to women and the “head of their household” in determining familial decisions. “Machismo” may cause some Hispanic men to believe that they have the right to use violent or abusive behaviour to control their partners or children. In turn, Latina women and other family or community members may excuse violent or controlling behavior because they believe that husbands have ultimate authority over them and their children. Examples of culturally competent services include offering written translation of domestic violence materials, providing translators in domestic violence programs, and implementing intervention strategies that incorporate cultural values, norms, and practices to effectively address the needs of victims and abusers. The lack of culturally competent services that fail to incorporate issues of culture and language can present obstacles for victims who want to escape abuse and for effective interventions with domestic violence perpetrators. Well-intended family, friends, and community members also can create additional pressures for the victim to “make things work.”

3. 4: Impact of Domestic Violence on its Victim

If you think women are most at risk from violence out on the streets away from the safety of home, you’d be mistaken. Women are more likely to be attacked in their own houses by people they live with.

Domestic violence, which affects women of all ages and from all countries, is a type of abuse that takes many different forms. Besides physical violence it can include threats, insults or sexual assault. It can also include interfering with someone’s personal freedom by keeping them away from their family or friends, or withholding money to which they’re entitled. These types of abuse have one thing in common - they’re ways that someone (usually a man, but occasionally a woman) uses to control his partner and sometimes other members of the family.

Some people believe this abuse is a private matter to be dealt with by the family. But domestic violence is a crime and families have the right to be protected against it. Hiding it behind closed doors allows the abuse to continue, inflicting physical and emotional damage on family members. If nothing is done about it, the abuse usually gets worse, sometimes resulting in serious injury or death in the community.

As with anyone who has been traumatized, victims demonstrate a wide range of effects from domestic violence. The perpetrator's abusive behavior can cause an array of health problems and physical injuries to victim who vexes their aggression on others in the society through transferred aggression. Victims may require medical attention for immediate injuries, hospitalization for severe assaults or chronic care for debilitating health problems resulting from the perpetrator's physical attacks (Plichta and Falik, 2001). The direct physical effects of domestic violence can range from minor scratches or bruises to fractured bones or sexually transmitted diseases resulting from forced sexual activity and other practices. The indirect physical effects of domestic violence can range from recurring headaches or stomach aches to severe health problems due to withheld medical attention or medications.

Many victims of abuse make frequent visits to their physicians for health problems and for domestic violence-related injuries. Unfortunately, research shows that many victims will not disclose the abuse unless they are directly asked or screened for domestic violence by the physician (Bennett, 1997). It is imperative, therefore, that health care providers directly inquire about possible domestic violence so victims receive proper treatment for injuries or illnesses and are offered further assistance for addressing the abuse.

The impact of domestic violence on victims can result in acute and chronic mental health problems. Some victims, however, have histories of psychiatric illnesses that may be exacerbated by the abuse; others may develop psychological problems as a direct result of the abuse. Examples of emotional and behavioural effects of domestic violence include many common coping responses to trauma, such as:

- Emotional withdrawal

- Denial or minimization of the abuse

- Impulsivity or aggressiveness

- Apprehension or fear
- Helplessness
- Anger
- Anxiety or hyper-vigilance
- Disturbance of eating or sleeping patterns
- Substance abuse

Depression

- Suicide
- Post-traumatic stress disorder (Dobash, 1979).

Some of these effects also serve as coping mechanisms for victims. For example, some victims turn to alcohol to lessen the physical and emotional pain of the abuse. Unfortunately, these coping mechanisms can serve as barriers for victims who want help or want to leave their abusive relationships. Psychiatrists, psychologists, therapists, and counsellors who provide screening, comprehensive assessment, and treatment for victims can serve as the catalyst that helps them address or escape the abuse.

4.0: CONCLUSION

Crime statistic that shows the trend of any particular crime is usually challenged by accessibility and the nature of reportage of that crime. DV is such a crime with very low report rate anywhere. This is because of shame, value and belief. Victims had to live with DV for fear of response and label.

5.0: SUMMARY

The unit has examined the statistics and impact of DV on its victims. It identified w ho a victim of DV is and the barrier to leaving DV infected relationship.

6.0: TUTOR-MARKED ASSIGNMENT

- a) List at least five barriers to leaving DV infected relationship.

b) Explain who a victim of DV can be.

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UNIT 4: HISTORY OF DOMESTIC VIOLENCE

CONTENTS

- 1.0: Introduction
- 2.0: Objectives
- 3.0: Main Content
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1.0: INTRODUCTION

This course material provides insight into men's historical experiences of domestic violence against their female partners. The data's departure point is that, information that has been gathered on domestic violence so far has concentrated on understanding its dynamics largely from the experiences of women as the victims of domestic violence and not from the perpetrators. As such, initiatives to fight gender violence such as policies, treatment programs and researches have to a large extent leaned towards empowering the victims of violence who in most cases are women. Whilst this has spawned remarkable success because of the space created for women to speak about their abuse, the prevalence of male violence against women is highly undeniable.

2.0: OBJECTIVES

At the end of this unit, you should be able to:

- a) Discuss with timeline the history of DV
- b) Explain DV in Africa
- c) Discuss DV in Nigeria.

3.1: History of Domestic Violence with Timeline

According to Hearn, (2013), knowing our history is vital to pursuing our future. Our history needs to be our guide in making the changes necessary to end the violence. Violence against women has been sanctioned throughout history. We need to know the struggles of those who came before us. By knowing our history we honor their spirits, we keep the flame of justice alive and it brings us to the stark reality that we have much work still to do.

1500s- • Early settlers in America based their laws on an Old-English
1800s common-law that explicitly permits wife-beating for correctional purposes. The states tried to break away from that law by saying that the husband is only allowed to whip his wife with a switch no bigger than his thumb.

(Early 1500s)

• Mississippi’s Supreme Court allows a husband to administer “moderate chastisement in case of emergencies”.

(1824)

• The American Society for the Prevention and Cruelty to Animals (SPCA) is founded. The SPCA predates both the Prevention of Cruelty to Children and preventing any cruelty to women.

(1866)

• Alabama is the first state to rescind the legal right of men to beat their wives.

(1871)

• Maryland actually was the first state to pass a law that makes wife-beating a crime, which is punishable by 40 lashes or a year in jail.

(1882)

• North Carolina courts declared that a criminal indictment cannot be brought against a husband unless the battery is so great as to result in permanent injury, endanger their life or is malicious beyond all reasonable bounds.

(1886)

• With Queen Elizabeth’s rise to the English throne lawmakers

began enacting reforms for women. Wives can no longer be kept under lock and key, life threatening beatings are considered grounds for divorce and wives and daughters can no longer be sold into prostitution.

(Late 1800s)

1900s- • The first Family Court is created in Buffalo, NY; the decision

1960s was that it is better to solve family problems in a setting of discussion and reconciliation with social service intervention.

(1911)

• Women are allowed to vote for the first time with the passing of the 19th amendment.

(1919)

• Civil rights, anti-war and black liberation movements challenge the country, this lays a foundation for the feminist movement.

(1950s and 1960s)

• The women's libertarian movement started. It claimed that what goes on in the privacy of people's homes is deeply political.

(1960s and 1970s)

1970's • Women were coming together with African Americans seeking their equal rights.

As a result, women started talking about violence against women in the forms of spouse abuse and sexual assault. Women recognized three major contributors to the violence against them: economic disparity, traditional gender role expectations, and a criminal justice system that did not hold men accountable for violence against women. From this, the battered women's movement was born.

1980s • The Pennsylvania Coalition against Domestic Violence begins holding regional retreats and state wide meetings in order to build support, involve more women and strengthen support of coalition activities.

(1981)

• The Victims of Crimes Act is amended to make awards available

for the first time to victims of domestic violence.

(1988)

- The United States has 1200 battered women programs which shelter 300,000 women and children per year.

(1989)

1990s • Stalking is first identified as a crime.

(1990)

- For the first time judges are required to consider any history of spousal abuse before determining child custody or visitation rights.

(1990)

- The Surgeon General ranks abuse by husbands to be the leading cause of injuries to women ages 15-44.

(1992)

- The American Medical Association releases guidelines that doctors screen women for signs of domestic violence.

(1992)

- In California, a bill was passed protecting children from the effects of domestic violence. This bill gives the court the authority to remove the battering parent or guardian from the household and prohibiting visitation if it would jeopardize the safety of the child.

Every year throughout the world violence against women in the home and in the community devastates the lives of millions of women. Violence against women is a global phenomenon and not unique to Africa or Nigeria. What is in fact striking is how similar the trends are in relation to violence against women globally, in fact a study done in 2000 based on over 50 population surveys found that violence against women in the home is a truly global phenomenon and whilst figures may vary in different countries of the world the suffering and its causes are similar around the world (Eriksson, 2013).

Like all other forms of gender-based violence, violence against women in the family constitutes a violation of women's rights and fundamental freedoms. It violates the rights of women and girls to mental and physical integrity, to liberty and security of the person, and in some cases to life. Such violence also prevents the full enjoyment of rights and fundamental

freedoms such as the right to health, employment and freedom of expression. Under the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), States are obliged to *"take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women"* (Hearn, 2013). In its General Recommendation 19 on Violence Against Women, the CEDAW Committee went on to elaborate by stating that that gender-based violence is a form of discrimination which gravely affects women's enjoyment of their human rights. The 1993 UN Declaration on the Elimination of Violence against Women in its preamble describes violence against women as *"a manifestation of historically unequal power relationships between men and women" and as one of the "crucial social mechanisms by which women are forced into a subordinate position compared with men."*

Violence against women as a fundamental violation of human rights was highlighted in the African context for the first time with the African Platform for Action and the Dakar Declaration of 1994 (Dakar Declaration), which acknowledged that in most African countries violence against women in domestic, private and public places had reached alarming levels. The Dakar Declaration acknowledges that *"women are subjected to violence and to the threat of violence in their daily relationships"*, violence which *"deprives women of their ability to achieve full equality"* and *"threatens their safety, their freedom and their autonomy"*. It also acknowledges that violence is often unreported as *"the majority of women do not speak out or report to the court on violence but keep silent as victims because of fear, shame or a misplaced feeling that they are somehow responsible"* (Collins, 2013).

International recognition of violence against women is reflected in the Beijing Declaration and Platform for Action, adopted in 1995 at the Fourth World Conference on Women in Beijing – to which Nigeria sent the third largest national delegation – and its five-year review in 2000. At its 10-year review in March 2005, the Nigerian Minister of Women Affairs reaffirmed Nigeria's commitment to the full and effective implementation of the Platform for Action and acknowledged *"persistent violence against women"* (Rita Akpan, 2005). At the African preparatory meeting for the 10-year review, African governments stated:

"Violence against women and girls, including rape and domestic violence, is rampant...Some cultural and traditional practices continue to inhibit progress in promoting women and girls' human rights. In some countries women are denied equal rights to inherit property. Furthermore, public awareness of women's and girls' human rights and the obligation to

ensure the enjoyment of their rights remains low. In some countries, several sources of (modern, religious, traditional) laws continue to govern the lives of women and restrict the enjoyment of their rights" (ARC, 2004).

Nigeria ratified the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa on 18 February 2005. Of significance is the fact that the Protocol obliges states to take a variety of measures to address violence against women in all its manifestations. The Protocol in Article 1 defines violence against women as:

"all acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflict or of war."

The Protocol furthermore states that:

"Every woman shall be entitled to respect for her life and the integrity and security of her person. All forms of exploitation, cruel, inhuman or degrading punishment and treatment shall be prohibited", and requires states to prohibit, prevent and punish *"all forms of violence against women including unwanted or forced sex whether the violence takes place in private or public"* (Beijing +10, 2004). The Protocol also obliges states to prohibit and condemn all forms of harmful practices, which negatively affect the human rights of women and which are contrary to recognized international standards.

3.2: Domestic Violence in Africa, South African example

Prior to the passing of the initial 1993 Prevention of Family Violence Act 20, women tried to protect themselves using the normal interdict proceeding or would apply for a peace order. But interdicts were expensive and violations of peace orders resulted in such light and ineffective sentences they were not well enforced. The procedure was also cumbersome and not utilized effectively. Until 1992 breach of a peace order resulted in the loss of a recognizance fee of R50 or one month's imprisonment for example.

Since 1993 South Africa's government has attempted to deal with the problem of domestic violence primarily through law reform and the criminal justice system. The Prevention of Family Violence Act was a specific system, which operated through the interdict system. The

process was meant to be easier and faster and this law also importantly abolished the marital rape exemption.

The South African Domestic Violence Act of 1998, defines domestic violence as physical abuse, sexual abuse, emotional, verbal and psychological abuse, economic abuse, intimidation, harassment, stalking, damage to property, entry into complainant's residence without her consent where the party does not share the same residence and any other controlling or abusive behavior toward a complainant, where such conduct harms or may cause imminent harm to the safety, well-being and health of the complainant. However, for the purposes of this study the following definition is constructed, male violence against female partners is any act of violence, whether it be physical or psychological that is perpetrated by a male towards his female partner, which has detrimental effects to the female's physical or psychological wellbeing and has the intention of reaffirming male dominance over women. This study will use the following terms: domestic violence, battering, intimate partner violence, and male violence against female partners interchangeably.

Male violence against women has been placed on the national political agenda as a priority in South Africa, as statistics are overwhelmingly high. These studies have also established that South Africa has one of the highest levels of gender violence in the world; as such the South African court system is often overwhelmed in dealing with domestic violence and rape cases quickly and sensitively (Huth-Bocks, et al, 2002). Statistics provided by "People Opposing Women Abuse" (POWA) point out that, one in every six women who die in Gauteng is killed by a male intimate partner (Gondolf, 1988).

In light of such factors, it can be concluded that male violence against adult women is a public health problem of enormous proportion in South Africa. A troubling aspect of male violence is its benign social and cultural acceptance in several parts of country. Demaris and Jackson, (1987) is of the view that, this acceptance has led to violence being viewed as normal male behaviour that is taken for granted and not problematised. According to Daly and Pelowski, (2000), male pattern violence against women lays on a continuum which includes diverse acts such as: sexual harassment, violent rape, hitting with sticks and other objects, assaulting with fists, stabbing with a knife and murder. Research has confirmed the link between male violence and the rise in HIV and AIDS statistics among women. This is

due to the fact that, male violence robs women of power to have a say over their sexuality (Macdougall, 2000).

In South Africa, there is a scarcity of information on male violence as minimal studies have been undertaken (Demaris, 1989). This is because violence has largely been seen as a women's problem and not an issue that is central to men despite them being the perpetrators in most instances. Resultantly, policies and strategies formulated to fight gender violence like the Domestic Violence Act of 1998 have not begun to address the question of involving men in ending violence against women (Hearn, 2013). This study thus puts the spotlight on men who perpetrate violence against women in-order to get their perspectives on their acts of violence and their empowerment needs. It is hoped that such information can orchestrate proactive strategies that focus on domestic violence perpetrators and a revision of the existing domestic violence policies and legislation.

3.3: Domestic Violence in Nigeria

Between half and two thirds of Nigerian women are subject to domestic violence in their homes. Domestic violence affects all social groups and can consist of physical, sexual and psychological abuse. Although men can also be affected by domestic violence, women suffer disproportionately.

This trend occurs across much of the world, but Nigeria's discriminatory laws and dismissive police compound its particularly high rates of domestic violence. Most potently, its prevalent culture of silence and stigma for the victims of domestic violence hinders public acknowledgement of the problem. There exists an urgent need to challenge the social prejudices and institutional structures in order to protect its women, not just from danger, but also from ridicule, fear and isolation.

Stephen Mikala said:

"On a daily basis, Nigerian women are beaten, raped and even murdered by members of their family for supposed transgressions, which can range from not having meals ready on time to visiting family members without their husband's permission," adding that "husbands, partners and fathers are responsible for most of the violence" (Amnesty International Report, 2005: p, 120).

Although more widespread in South Asia, acid attacks on women which cause extreme pain, disfigurement and can be fatal, have also been on the rise in Nigeria, and have failed to be taken seriously as an offence by the Nigerian authorities.

What is happening and why?

A combination of factors contributes to the high rates of domestic violence in Nigeria. In general, domestic violence is seen as a 'private' matter to be dealt with by the family, typically a domain of male authority. Nigerian women are expected to behave with subservience to their husbands, and domestic violence is often accepted as a part of marriage. According to Amnesty International, many believe that a woman is "expected to endure whatever she meets in her matrimonial home", and to provide "sex and obedience" to her husband, who has the right to violate and batter her if she fails to meet her marital duties. For some victims, domestic violence is seen as a sign of love. Domestic violence in Nigeria is often viewed as a necessary corrective tool for women, at best a part and parcel of married life.

Two key factors help to perpetuate domestic violence. The first is the inability of many women to escape violence and domination due to their disadvantaged economic status. Many women and girls depend on the financial resources of their husband, father or families. This forces them to put up with domination for fear of the withdrawal of this financial support. In Nigeria, adult literacy of female is below the national average at 54.6% and the number of women below the poverty line is 65% compared to that of men at 35%. Yet even for educated women, domestic violence poses a serious threat to their safety and wellbeing. According to a recent study by the Global Press Institute, 65% of educated women have been beaten by their husband or boyfriend.

A second crucial factor is a culture of silence that stigmatises the victims of domestic violence rather than the perpetrators. Funmi Tejuoso of the Lagos State House of Assembly claims that women were told to "go home and be a good wife" when they brought complaints to the police, making women fear the label of being a "bad wife". This reinforces the need for raising awareness about women's political rights and to educate women that they are not to blame for the physical, sexual or psychological abuse to which they are subjected.

Lack of institutional support

Many Nigerians have little faith in the integrity or capacity of the police to redress crimes of domestic abuse. This can be attributed to corruption and under-resourcing of the police as well as perceived pervasive institutional sexism. Itoro Eze-Anaba of the Legal Defence and Assistance Project (LEDAP) said, "The police and courts often dismiss domestic violence as a family matter and refuse to investigate or press charges". Like much of the world, women in Nigeria face humiliating rules regarding evidence in court when it concerns violence against them.

This results in a very low level of reporting. In 2005, only 18.1% of 10,000 women who said they had been raped went to the police. Furthermore, women who have been raped were unable to obtain medical examinations and did not know how to report rape or obtain help.

Dr Mairo Mandara, Chairperson of the Right to Information Initiative Nigeria (R2K), and Director of the charity Girl Child Concerns, spoke to Think Africa Press regarding the futility of making police complaints:

"Domestic violence is pretty common in Nigeria and rape is on the increase...Unfortunately, the police and support systems for these cases are very poor. Unless the victim is lucky to be supported by Civil Society groups, seeking redress is almost a waste of time."

Unprotective law

Discriminatory national laws pose a serious threat to women's safety in Nigeria. The penal code in Northern states allows the correction of child, pupil, servant or wife as long as it does not amount to grievous harm (Section 55). Furthermore, marital rape is excluded from the definition of rape under state-level Sharia penal code in Northern states and under the criminal code in Southern states. Specifically, section 295 of the criminal code recognises "the resort to some degree of violence for correctional purposes".

Nigeria is failing to implement its current obligations under international law. In early 2007, Nigeria's National Assembly rejected the domestication of the international law of CEDAW (the Convention on the Elimination of all forms of Discrimination Against Women), despite having ratified it in the 1980s without reservation.

However, some legal reform has got underway. In 2007, the Lagos State House of Assembly passed a law “to provide protection against domestic violence”. However, Funmi Falana, Chairwoman of Women Empowerment and Legal Aid (WELA) said that since being passed, “the law has rarely been tested by victims of domestic violence”. The Domestic Violence Protection Bill 2006 has only passed its first reading at the National Assembly, and out of the 36 states in Nigeria, only four have enacted the Domestic Violence Law.

There are certain alternative authorities to the courts that are often consulted when settling a case of domestic violence. However, discrimination against women may continue in the consulting of community elders, and women’s version of events may be dismissed out of hand. Rape cases in particular are often settled financially out of court.

This results in a serious lack of data on the levels of rape in Nigeria. Not only does a culture of silence and distrust prevent women from coming forward, but government policy prevents records of gender-based violence such as rape going public. The reasons for this may be manifold but it is notable that violence against women is perpetrated not just inside homes but directly by the police and security forces. An Amnesty International report documents sexual violence including rape by members of the police against women in their homes, in the street and in detention. Currently, the Public Officers Protection Act prevents prosecution of state actors charged for rape.

Clearly, the provision of gender sensitivity training to Nigeria’s police and security forces, judges, and other officials in the criminal justice system and lawyers would go a long way. However, long-term behavioural changes will not be incurred through top-down approaches. The public must be educated about women’s rights, women and men must have access to safe houses where they can escape domestic violence, and thorough documentation of cases of domestic violence must be gathered, and the statistics made publicly available. Only then will the culture of impunity be confronted.

Murmurs of improvement

There are murmurs of improvement on some of these issues. After years of wrangling, the Freedom of Information Bill, which guarantees the rights of access to information held by public institutions, was passed by Goodluck Jonathan in June 2010. In terms of public

awareness, WELA held a seminar in 2012 on domestic violence aimed at encouraging civil rights organisations to utilise the new law on domestic violence.

Funmi Falana of WELA highlighted that the current Lagos law on domestic violence had failed to deter perpetrators because it was still being viewed as a private matter, and called for advocacy, counselling, and political activism in order to rid Nigerian society of "all inequities and discrimination against women".

Nigeria's successful film industry also has the potential to defy the patriarchal culture that currently accepts violence against women. A recent music video from Nigerian artist Waje about a woman who refuses to let her husband's abuse get to her is one example of the ways in which popular culture can be mobilised to raise awareness of human rights violations such as domestic violence.

Men and women in Nigeria have no small task ahead of them in challenging the sexism that keeps women at a disadvantage in society, starting with their low levels of literacy, education and economic dependence on men. Furthermore, civil activism must hold the government to account and push for a transformation of the legal and institutional structure that, at present, puts women's lives at risk. It is unacceptable that members of the Nigerian government, police, military and the legal profession are able to treat women's safety and security as a private concern that deserves little recognition at best, and ridicule at worst.

4.0: CONCLUSION

Common law permits wife beating for correctional purposes. The state broke away from that law by saying that the husband is only allowed to whip his wife with a switch no bigger than his thumb. Prior to the passing of the initial 1993 Prevention of Family Violence Act²⁰, in South Africa, women tried to protect themselves using the normal interdict proceeding or would apply for a peace order. The Nigerian Constitution of 1999 guarantees freedom from discrimination and equality before the law in Article 17(2)(a) and Article 42 (1). Despite these provisions no federal laws specifically criminalize violence in the family, and prosecutions for violence in the family have to rely on the law on common assault and other criminal provisions. At State level and in Lagos State, for example, there is no federal, state or customary law applicable that explicitly makes violence in the family a criminal offence. The legal system of the state, based on common law, is likewise inadequate in ensuring justice for women who have experienced such violence

5.0: SUMMARY

This unit took a historical exploration of the legislative enactment to control DV starting from the global to Africa, Nigeria and Lagos State legislative effort to control DV. Yet, the power play usually entrenched in the whole arrangement seemed insurmountable.

6.0: TUTOR-MARKED ASSIGNMENT

a) Compare the fate of DV legislation in Lagos State of Nigeria and in Nigeria's 1999 constitution.

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MODULE 3: CAUSES OF DOMESTIC VIOLENCE

Unit 1: Circle of Domestic Violence

Unit 2: The Theories of Domestic Violence I

Unit 3: The Theories of Domestic Violence II

Unit 4: Reasons for the Perpetration of Domestic Violence

UNIT 1: THE CIRCLE OF DOMESTIC VIOLENCE

CONTENTS

1.0: Introduction

2.0: Objectives

3.0: Main Content

3.1: Cycle of abuse

3.2: Management of Domestic Violence

3.3: Domestic Violence and Lethality Assessment

4.0: Conclusion

5.0: Summary

6.0: Tutor-Marked Assignment

7.0: References/Further Reading Circle of Abuse

1.0: INTRODUCTION

When violent and abusive behaviours happen within a relationship, the effects of those behaviours continue after these overt incidents are over. Over time, occurrence pattern is formed that makes DV habitual in a home. Yet, if nothing is done the pattern develops into a circle of abuse that can deteriorate into a routine with a lethal tendency on the victim if not properly managed.

2.0: OBJECTIVES

At the end of this unit, you should be able to:

- a) Analyse the circle of abuse from DV.
- b) Estimate the lethal implication of DV
- c) Suggest management techniques of DV

3.0: Main Content

3.1: Cycle of abuse

Frequently, domestic violence is used to describe specific violent and overtly abusive incidents, and legal definitions will tend to take this perspective. However, when violent and abusive behaviours happen within a relationship, the effects of those behaviours continue after these overt incidents are over. Advocates and counsellors will refer to domestic violence as a pattern of behaviours, including those listed above.

Lenore Walker presented the model of a Cycle of abuse which consists of three basic phases:

Tension Building Phase

Characterized by poor communication, tension, fear of causing outbursts. During this stage the victims try to calm the abuser down, to avoid any major violent confrontations.

Violent Episode

Characterized by outbursts of violent, abusive incidents. During this stage the abuser attempts to dominate his/her partner (victim), with the use of domestic violence.

Honeymoon Phase

Characterized by affection, apology, and apparent end of violence. During this stage the abuser feels overwhelming feelings of remorse and sadness. Some abusers walk away from the situation, while others shower their victims with love and affection. Although it is easy to see the outbursts of the Acting-out Phase as abuse, even the more pleasant behaviours of the Honeymoon Phase serve to perpetuate the abuse. Many domestic violence advocates believe that the cycle of abuse theory is limited and does not reflect the realities of many men and women experiencing domestic violence.

3. 2: Domestic Violence and Lethality Assessment

A lethality assessment is a tool that can assist in determining the best course of treatment for a client, as well as helping the client to recognize dangerous behaviours and more subtle abuse in their relationship (Maxwell et al, 2001). In a study of victims of attempted domestic

violence-related homicide, only about one-half of the participants recognized that their perpetrator was capable of killing them, as many domestic violence victims minimize the true seriousness of their situation (Buzawa and Buzawa, 1990). Thus, lethality assessment is an essential first step in assessing the severity of a victim's situation.

a. Safety planning

Safety planning allows the victim to plan for dangerous situations they may encounter, and is effective regardless of their decision on whether remain with their perpetrator. Safety planning usually begins with determining a course of action if another acute incident occurs in the home. The victim should be given strategies for their own safety, such as avoiding confrontations in rooms where there is only one exit and avoiding certain rooms that contain many potential weapons (such as kitchens, bathrooms, etc.) (Straus, 2006).

b. Counselling for offenders

The main goal for treatment for offenders of domestic violence is to minimize the offender's risk of future domestic violence, whether within the same relationship or a new one. Treatment for offenders should emphasize minimizing risk to the victim, and should be modified depending on the offender's history, risk of reoffending, and criminogenic needs (Elliott, 1989). The majority of offender treatment programs are 24–36 weeks in length and are conducted in a group setting with groups not exceeding 12 participants (Hocter, 1997). Groups are also standardized to be gender specific (male offenders only or female offenders only). It has been demonstrated that domestic violence offenders maintain a socially acceptable façade to hide abusive behaviour, and therefore accountability is the recommended focus of offender treatment programs. Successful completion of treatment is generally associated with old age, higher levels of education, lower reported drug use, non-violent criminal histories, and longer intimate relationships (Carswell, 2006). Anger management alone has not been shown to be effective in treating domestic violence offenders, as domestic violence is based on power and control and not on problems with regulating anger responses (Schmidt et al, 1993). Anger management is recommended as a part of an offender treatment curriculum that is based on accountability, along with topics such as recognizing abusive patterns of behaviour and re-framing communication skills. Treatment of offenders involves more than the cessation of abusive behaviour; it also requires a great deal of personal change and the construction of a self-image that is separate from

former behaviour while still being held accountable for it (Dawson and Ronit, 2001). Any corresponding problems should also be addressed as part of domestic violence offender treatment, such as problems with substance abuse or other mental illness (Hector, 1997).

c. Prevention and Intervention

There are many community organisations which work to prevent domestic violence by offering safe shelter, crisis intervention, advocacy, and education and prevention programs. Community screening for domestic violence can be more systematic in cases of animal abuse, healthcare settings, emergency departments, behavioural health settings and court systems. Tools are being developed to facilitate domestic violence screening such as mobile apps (Siegel, 2003).

d. Domestic violence and pregnancy

Pregnancy, when coupled with Domestic violence, may amplify health risks. Abuse during pregnancy, whether physical, verbal or emotional, produces adverse effects for both the mother and foetus. Domestic violence during pregnancy is categorized as abusive behaviour towards a pregnant woman, where the pattern of abuse can often change in terms of severity and frequency of violence. Abuse may be a long-standing problem in a relationship that continues after a woman becomes pregnant or it may commence in pregnancy. Although female-to-male partner violence occurs in these settings, the overwhelming form of domestic violence is perpetrated by men against women (Orgánica, 2004).

Domestic abuse can be triggered by pregnancy for a number of reasons. Pregnancy itself can be used a form of coercion and the phenomenon of preventing one's reproductive choice is referred to as birth control sabotage, or reproductive coercion. Studies on the birth control sabotage performed by males against female partners have indicated a strong correlation between domestic violence and birth control sabotage. Pregnancy can also lead to a hiatus of domestic violence when the abuser does not want to harm the unborn child. The risk of domestic violence for pregnant women is greatest immediately after childbirth (Lawson, 2003).

e. Prognosis

New research illustrates that there are strong associations between exposure to domestic violence and abuse in all their forms and higher rates of many chronic conditions. The strongest evidence comes from the Adverse Childhood Experiences' series of studies which show correlations between exposure to abuse or neglect and higher rates in adulthood of chronic conditions, high risk health behaviours and shortened life span (Campbell, 2002). Evidence of the association between physical health and violence against women has been accumulating since the early 1990s (Campbell, 2005). Moreover, it is important to consider the effect of domestic violence and its psycho physiologic sequelae on women who are mothers of infants and young children. Several studies have shown that maternal interpersonal violence-related posttraumatic stress disorder (PTSD) can, despite traumatized mother's best efforts; interfere with their child's response to the domestic violence and other traumatic events (Andrews and Bonta, 1994). Thus, practitioners and service agencies addressing the needs of domestic violence victims should assess the victim-as-parent and evaluate the safety and well-being of children in the home.

More recently work by such researchers as Corso (Pollard, 2004) has begun to quantify the economic impact of exposure to violence and abuse. A recent publication, *Hidden Costs in Health Care: The Economic Impact of Violence and Abuse* (Roberts, 2002) makes the case that such exposure represents a serious and costly public health issue that should be addressed by the health care system.

3.3: Management of Domestic Violence

The response to domestic violence is typically a combined effort between law enforcement, social services, and health care. The role of each has evolved as domestic violence has been brought more into public view.

Domestic violence historically has been viewed as a private family matter that need not involve the government or criminal justice. Police officer were often reluctant to intervene by making an arrest, and often chose instead to simply counsel the couple and/or ask one of the parties to leave the residence for a period of time. The courts were reluctant to impose any significant sanctions on those convicted of domestic violence, largely because it was viewed as a misdemeanour offense (Adkins and Katie, 2010).

Medical response

Medical professionals can make a difference in the lives of those who experience abuse. Many cases of spousal abuse are handled solely by physicians and do not involve the police. Sometimes cases of domestic violence are brought into the emergency room, while many other cases are handled by family physician or other primary care provider (Rand and Strom, 1997) Subspecialist physicians are also increasingly playing an important role. For example, HIV physicians are ideally suited to play an important role in managing abuse given the association between abuse and HIV infection as well as their often life-long relationships with patients.

In the U. S., the Institute of Medicine recognized the shortcomings of the health care system in its 2002 report entitled *Confronting Chronic Neglect* and attributed some of the problems cited to a lack of adequate training among health professionals (Muelleman and Burgess, 1998) Health professionals have an ethical responsibility to recognize and address exposure to abuse in their patients, in the health care setting. For example, the American Medical Association's code of medical ethics states that "Due to the prevalence and medical consequences of family violence, physicians should routinely inquire about physical, sexual, and psychological abuse as part of the medical history. Physicians must also consider abuse in the differential diagnosis for a number of medical complaints, particularly when treating women" (Aguinaldo, 2000).

a. Duluth model

In 1981, the Duluth Domestic Abuse Intervention Project became the first multi-disciplinary program designed to address the issue of domestic violence. This experiment, conducted in Duluth, Minnesota, frequently referred to as the "Duluth Project." (Warshaw, 1993)

It coordinated agencies dealing with domestic situations, drawing together diverse elements of the system, from police officers on the street, to shelters for battered women and probation officers supervising offenders.

This program has become a model for other jurisdictions seeking to deal more effectively with domestic violence. Corrections/probation agencies in many areas are supervising

domestic violence offenders more closely, and are also paying closer attention to the victim's needs and safety issues.

There has been controversy as the Duluth framework depends on a strict “patriarchal violence” model and presumes that all violence in the home and elsewhere has a male perpetrator and female victim. Also evidence of success of the model is limited, with scholarly analysis and critique.

Many victims leave their abusers, only to return. Research has shown that a major factor in helping a victim to establish lasting independence from the abusive partner is her or his ability to get legal assistance. Economists at the Brennan Center for Justice analyzed Bureau of Justice Statistics data to determine what accounted for the nationwide reduction in reported abuse. Their findings revealed that one significant factor was the availability of legal services to assist abuse victims. Another major study by economists at Colgate University and the University of Arkansas flatly stated that the only public service that reduces domestic violence in the long term is legal aid. Legal assistance can provide essential safety planning, buttress a family’s economic position through child or spousal support, allay fears planted by the batterer about loss of custody, and help victims to secure needed government benefits.

b. Break the cycle

If you're in an abusive situation, you might recognize this pattern:

- Your abuser threatens violence.
- Your abuser strikes.
- Your abuser apologizes, promises to change and offers gifts.
- The cycle repeats itself.

Typically the violence becomes more frequent and severe over time. The longer you stay in an abusive relationship, the greater the toll on your self-esteem. You might become depressed and anxious. You might begin to doubt your ability to take care of yourself or wonder if the abuse is your fault. You might feel helpless or paralyzed. If you're an older woman who has health problems, you might feel dependent upon an abusive partner.

If you're in a same sex relationship, you might be less likely to seek help after an assault if you don't want to disclose your sexual orientation. If you've been sexually assaulted by

another woman, you might also fear that you won't be believed. Still, the only way to break the cycle of domestic violence is to take action — and the sooner the better. Start by telling someone about the abuse, whether it's a friend, loved one, health care provider or other close contact. At first, you might find it hard to talk about the abuse. But you'll also likely feel relief and receive much-needed support.

c. Counselling for person affected

Due to the extent and prevalence of violence in relationships, counsellors and therapists should assess every client for domestic violence (both experienced and perpetrated). If the clinician is seeing a couple for couple's counselling, this assessment should be conducted with each individual privately during the initial interview, in order to increase the victim's sense of safety in disclosing DV in the relationship. In addition to determining whether DV is present, counsellors and therapists should also make the distinction between situations where battering may have been a single, isolated incident or an on-going pattern of control. The therapist must, however, consider that domestic violence may be present even when there has been only a single physical incident as emotional/verbal, economic, and sexual abuse may be more insidious.

Another important issue in assessing clients for DV lies in differing definitions of abuse – the therapist's definition may differ from that of the client, and paying close attention to the way the client describes their experiences is crucial in developing effective treatment plans. The therapist must determine if it is in the best interest of the client to explain that some behaviour (such as emotional abuse) are considered domestic violence, even if the client did not previously consider them as such.

If it becomes apparent to the therapist that domestic violence is taking place in a client's relationship, there are several statements the clinician can make that have been shown to be effective in rapport-building and immediate crisis intervention with clients. Firstly, it is essential that the therapist believe the victim's story and validate their feelings. It is recommended that the therapist acknowledge them for taking a risk in disclosing this information, and assure them that any ambivalent feelings they may be having are normal. The therapist should emphasize that the abuse they have experienced is not their fault, but should keep their feelings of ambivalence in mind and refrain from blaming their partner or telling them what to do. It is unreasonable for the therapist to expect that a victim will leave

their perpetrator solely because they disclosed the abuse, and the therapist should respect the victim's autonomy and allow them to make their own decisions regarding termination of the relationship. Finally, the therapist must explore options with the client (such as emergency housing in shelters, police involvement, etc.) in order to uphold their obligation to protect the welfare of the client (Sherman et al, 1984).

4.0: CONCLUSION

Frequently, domestic violence is used to describe specific violent and overtly abusive incidents, and legal definitions will tend to take this perspective. However, when violent and abusive behaviours happen within a relationship, the effects of those behaviours continue after these overt incidents are over. The model of a Cycle of abuse which consists of three basic phases: Tension Building Phase, Violent Episode and Honeymoon Phase. Advocates and counsellors will refer to domestic violence as a pattern of behaviours including those listed above. Despite the lethal consequences of DV, the courts still seem reluctant to impose any significant sanctions on those convicted of domestic violence, largely because it was viewed as a misdemeanour offense.

5.0: SUMMARY

The unit examined the circle of abuse from DV and the consequential lethality it inflicts on the society and family in particular. Assessment of this lethal consequence led to the analysing the issue of lethal management and the management of the scourge of DV itself.

6.0: TUTOR-MARKED ASSIGNMENT

- a) Identify and discuss the three basic phases of abuse.

7.0: REFERENCES

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Unit 2: THE THEORIES OF DOMESTIC VIOLENCE I

CONTENTS

1.0: Introduction

2.0: Objectives

3.0: Main Content

3.1: Social learning theory of DV

3.2: Systems theory of DV

3.3: Subculture theory of DV

4.0: Conclusion

5.0: Summary

6.0: Tutor-Marked Assignment

7.0: References

1.0: INTRODUCTION

Simply put, a theory may be seen as a valid explanation put forward to provide comprehension of some observed uniformity and consistency in the social and natural world. By implication, theories have a heavy empirical bias (stemming from systematic observation and or testing validation of perceived order or relationship) and makes a factual statement about the connection or relationship between two or more different things (phenomena/variables).

2.0: OBJECTIVES

At the end of this unit, you should be able to:

- a) Explain DV in terms of Social learning model
- b) Discuss DV in terms of System Model
- c) Relate DV in terms of sub-culture model

3.0: Main Content

3.1: Social learning model of domestic violence

The social learning theory provides a broad analysis to examine the individual within the larger social context in which he/she is situated (Barnett, Perrin & Perrin, 2005). The social learning school of thought is of the view that experiencing violence in the family of origin

contributes to one's risk of committing wife abuse during adulthood (Cunningham, Jaffe, Baker, Malla, Mazaheri & Poisson, 1998). Thus, the theory argues that people model behaviour that they were exposed to as children. By the same token, they state that violence is learned through role models provided by the family either directly or indirectly and reinforced in childhood and continued in adulthood as a coping response to stress or a method of conflict resolution (Mihalic & Elliot). Barnett, Perrin & Perrin (2005), state that:

“Abusive parents provide children with a classroom for learning specific forms of abusive behaviours, particular attitudes, and distinct cognitions that justify violence”(p327).

In similar fashion, people attend to the modelled behaviour of the significant others, encode this behaviour and integrate it through motor reproduction. Moreover, the amount of observational learning that take place is dependent on a number of factors including, observed and experienced rewarding or deterring consequences of the behaviour and the characteristics of the observer and the individual modelling the behaviour (Loseke et al, 1998).

A critical analysis of this information shows that the social learning school of thought holds that, male violence is a result of men's socialisation. The socialisation process of men takes place from birth and perpetuated through childhood stages and practised throughout life. For example, men's aggressiveness towards women to prove their strength is something that young boys learn from childhood (Tshesane, 2001). Moreover, notions of male dominance are taught within institutions like the family, school and therefore reinforced through the mass media representations of masculinity (Tshesane, 2001). Be that as it may, the connection between these two variables is over-elaborated as the major cause for violent action. Witnessing spousal abuse in one's family of origin does not by itself explain a substantial proportion of batterers (Loseke et al, 1999). Arguments forwarded in support of this postulation perceive that, the interaction of these two variables only happen to a few men (Blacklock, 2001). Not all men who had abusive experiences in childhood will go on to be batterers and conversely, not all batterers have had abusive childhoods (Barnett et al, 2005). This notion comes after substantial occasions of working with men and the realisation that most violent men use this as an excuse and making them look as victims of violence too (Blacklock, 2001). Moreover, there is a scarcity of literature to prove the relationship

between the two variables: childhood exposure to violence and spousal abuse (Loseke, Gelles & Cavanaugh, 2005).

This researcher's take on this matter is that, there have not been adequate studies to prove this relationship however; people's learning experiences can have an impact on their future behaviours. As such, the researcher purports that there is a possibility that men's violent behaviours can be a result of their childhood experiences. However, this cannot be overemphasised as the main cause of violence mainly because there are several issues such as power, inadequate problem solving skills and alcohol, only to mention a few that come into play. The study contends that, there is need for more research to ascertain the relationship.

However, this study places its emphasis on men's actual experiences of violence and not on their childhood histories. The researcher concurs that utilising this theory on its own would be erroneous, as the research questions and the problem statement do not tally with it.

3.2: System model of domestic violence

Male violence can also be linked to the systems theory as it holds that an initial maladaptive behaviour most often results from the interaction of learning the different response patterns. Serovich & Craft (2005) are of the notion that individuals learn behaviour by watching and imitating actions experienced in the home environment. This can be as a result of attempts to maintain equilibrium, the family members may engage in violent means to attain this goal. Cunningham et al (1998), also contend that, violence against intimates is a product of the family system. Within this model, the family is viewed as a dynamic organisation of interdependent components that continually interact with one another. An aggressive action by a man towards his wife, from this theoretical perspective, results in a reaction by another family member. Thus Cunningham et al (1998) believe that, violence is maintained through the roles, relations and feedback mechanisms that regulate and stabilise the system. If violence is rewarded by the system its most likely to recur. Serovich (2005) writes that:

“In violence prone families, love is equated with possession and disagreement is equated with hostility, disrespect or rejection” (p77)

One paradox of intimate partner violence is that, in an attempt to gain control, family members are actually increasing the dysfunction of the family (Serovich, 2005). Hence, for men who are abusive, witnessing violence in their families of origin provides a model of how

to deal with relationship problems. In an attempt to maintain control over the relationship, these men may resort to violence because it is their most accessible coping strategy (Serovich, 2005).

The theory thus, contends that the unit of analysis for assessment and intervention is the family or a subsystem within the family for example, an adult couple rather than one or more individuals in isolation. The emphasis is on interaction, which enables the identification of behaviour patterns associated with relationship violence (Cunningham et al (1998). Cunningham et al (1998) further state that, in most cases, romance and violence co-exist at some points in relationships, combined with the complexity of interactions between partners. This suggests that relationship characteristics may mediate the significance and interpretation given to violence both by the aggressor and the victim.

It has been noted that analysis of the co-existence of marital dissatisfaction and physical aggression in couples is associated with high levels of evasiveness, reciprocity of negative behaviour and anger responses, overt hostility, defensiveness, poor problem solving skills, patterns of demand-withdraw on the parts of both individual (Ronan, 2004). Thus, the holistic approach resulting from the systems perspective is appealing in its potential to increase an understanding of the links between violence against women and particular styles of family processes that involve the child.

Those that do not support this school of thought voice that systematic explanation assigns co-responsibility for violence, which contributes to perpetrator justifications for aggression and victim blaming (Barnett et al, 2005). This study shares the same ideology with this proposition in that, it places the spotlight on male violence perpetrators, mainly because men's individual standpoints in relation to their violent actions have been submerged in the victims (women) accounts. Despite this fact, the systems theory informs us of the impact of initial family lifestyles on the respondents' present violent behaviour. The study will thus incorporate this theory into the study to a lesser extent in-order to obtain a holistic understanding of male violence. It also important to note that there is a relationship between the systems theory and the social learning theory in that there are both socialisation theories as they both look at violence as learned behaviour.

3.3: Subculture model of domestic violence

The sub-culture of violence theory is one of the most popular and controversial explanations for violence among blacks. According to Wolfgang and Ferracuti in (Oliver, 1994), the disproportionate rates of criminal violence among blacks are a product of their commitment to sub-cultural values and norms that condone violence as an acceptable means of resolving interpersonal conflicts (Oliver, 1994). This theory also contends that members of the sub-culture of violence develop favorable attitudes towards the use of violence through the processes of differential learning, association and identification. A subculture, according to him is a normative system of some groups or groups smaller than the society.

The theory purports that; there is a potent theme of violence current in the cluster of values that make up life style, the socialisation process, and the interpersonal relationships of individuals living in similar conditions. Like all human behavior, Wolfgang wrote that homicide and other violent assaultive crimes must be viewed in terms of the cultural context from which they spring" (Wolfgang & Ferracuti in Baron, 1998). Deviant behavior is not evenly distributed throughout the social structure. There is much empirical evidence that class position, ethnicity, occupational status, and other social variables are effective indicators for predicting rates of different kinds of deviance" (Wolfgang & Ferracuti in Oliver, 1994). This information tallies with findings established in some parts of South Africa in which violence was predominantly discovered among people whose occupational statuses are low. Violence was used as a means to reassert their masculinities (Morrell, 2002).

In essence, the subculture of violence theory holds that the overt use of violence is generally a reflection of basic values that stand apart from the dominant, the central, or the parent culture. This overt (and often illicit) use of violence constitutes part of a sub cultural normative system that is reflected in the psychological traits of the members of the subculture (Wolfgang & Ferracuti, in Baron, 1998). They argue that the black subculture actually *values* violence and that it is "an integral component of the subculture which experiences high rates of homicide". Jewkes et al, 1999) state that just as the dominant society punishes those who deviate from its norms, deviance by the comparatively non-violent individual from the norms of the violent subculture is likewise punished, either by being ostracized, or treated with disdain or indifference. The African culture in relation to gender relations has generally been perceived as embracing violence, which in most cases is viewed as a way of disciplining the

female spouse in instances where they would have disrespected the husband (Macdougall, 2000, Abrahams & Laubsher, 2004).

According to Wolfgang, "it is not far-fetched to suggest that a whole culture may accept a value set dependent upon violence, demand or encourage adherence to violence, and penalize deviation". Also, the more a person is integrated into this subculture, "the more intensely he embraces its prescriptions of behavior, its conduct norms, and integrates them into his personality" (Wolfgang & Ferracuti in Baron, 1998). Baron (1998) supports the above proposition by contending that no subculture can be totally different from or totally in conflict with the society of which it is a part.

Furthermore, to establish the existence of a subculture of violence does not require that the actors sharing in these basic value elements should express violence in all situations (Oliver, 1994). Members of groups having a subculture of violence might need to carry weapons for protection against others. But they say that the very act of carrying these weapons becomes a common symbol of willingness to participate in violence, to expect violence, and to be ready for its retaliation. This study argues that labelling the whole South African society as violent because of the violent subcultures inherent in it is misleading and erroneous in that not everyone subscribes to the violent culture.

In the light of these facts, it is plausible to conclude that male violence in some parts of the society is not viewed as illicit conduct, but as normal, in specific relation to situations where violence is embraced as an instrument for discipline. This is evident in studies with abusive men that have exposed unremorseful feelings about their actions of violence against their spouses (Macdougall, 1999; Kim, 2000). It is also assumed that the subculture of violence theory can be incorporated into our understanding of violence however; the reasons it forwards are but a part of a constellation of many others.

4.0: CONCLUSION

The social learning school of thought is of the view that experiencing violence in the family of origin contributes to one's risk of committing wife abuse during adulthood. Also, within the system model, the family is viewed as a dynamic organisation of interdependent components that continually interact with one another constituting classed members ranging

from mother, father uncle etc working together to ensure control and moral upbringing of its members. Any maladjustment in role play results in the malfunction of members in their responsibility. On the other hand, the subculture model posit that the disproportionate rates of criminal violence among blacks are a product of their commitment to sub-cultural values and norms that condone violence as an acceptable means of resolving interpersonal conflicts

5.0: SUMMARY

This unit examined how domestic violence relates to the social learning model, system model, and subculture model. It also attempt holding the position of these model responsible for the occurrence of domestic violence.

6.0:TUTOR-MARKED ASSIGNMENT

- a) Define domestic violence in terms of subculture model
- b) Relate domestic violence to social learning model
- c) What do you understand by system model?

7.0: REFERENCES

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UNIT 3: THEORIES OF DOMESTIC VIOLENCE II

CONTENTS

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 - 3.1: Radical feminism and male violence against women
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1.0: INTRODUCTION

Feminist theory is a generalised, wide ranging system of knowledge about social reality and human experience expressed from a woman centered perspective. This idea is woman centered and its tool of investigation is anchored on the situations and experiences of women in society.

2.0: OBJECTIVES

At the end of this unit, you should be able to:

- a) Discuss domestic violence from women perspective
- b) Appreciate the causes of domestic violence from women theoretical view.

3.0: Main Content

3.1: Radical feminism and male violence against women

The Radical feminist thought as purported by Loseke, Gelles & Cavanaugh (2005), acknowledges that patriarchy enables men to dominate and control women (Loseke, Gelles & Cavanaugh, 2005). By the same token, within a patriarchal social order, men maintain a privileged position through their domination of women and their monopoly of social institutions (Cunningham et al, 1998). It is therefore not a misplacement to argue that this permits men to benefit from their power over women in every way, from ego-satisfaction to economic and domestic exploitation, sexual domination and political power.

Patriarchy is regarded as a violence that is practiced by men and male dominated organizations over women and is linked to all forms of abuse against women (Moult, 2005). Feminist analysis of male violence connects it to the pervasive sexism in our norms, values and institutions (Loseke, Gelles & Cavanaugh, 2005). By the same token, Barker, (2005), proposes that,

“ When a man rapes his wife because he feels it is her wifely duty to submit, this is not just a conflict of individual interests, but that which is deeply gendered and the husband’s perceived entitlement has strong institutional support”(p115).

Radford & Stanko (1997) argue that, sexual violence is used by men as a way of securing and maintaining relations of male dominance and female subordination, a notion central to the patriarchal social order. Thus male violence within families is part is of a wider system of male power (Barker, 2005). This ideology converges with the hegemonic masculinity concept which projects that men’s use of violence against women embodies the currently accepted answer to the legitimacy of patriarchy, which guarantees the dominant position of men and the subordination of women (Gilgun et al, 1999).

This realisation has acted as an impetus for feminist treatment programs that focus on addressing power relations in gender violence cases, such as the use of power control wheels that deconstruct fertile grounds that support the further breeding of male violence against women (Loseke, Gelles & Cavanaugh, 2005). The researcher’s frame of reference is that, the South African society like many other societies is patriarchal and that violence is largely perpetrated by men against women. As such, domestic violence cases are difficult to deal with, as society comprehends a man’s use of violence against his spouse as a mechanism to discipline his partner.

Conclusively, the researcher contends that feminists have exposed the breeding ground for domestic violence, which is patriarchy. The study’s standpoint is that although patriarchy contributes to the abuse of women, it is not fair to insinuate that all men are consciously programmed to violate women, as the entire male population is not abusive. Currently, feminism is an ideology, if not a social movement that is subject to many qualifications

(MWSGC, 1999). The distinction between the mainstream feminism (white feminism) and Black and African feminism reflect contestations that have become very much a part of history and worldwide development of feminist ideas. Mainstream feminism has been considered inadequate in addressing the needs of all women as it has fallen short in concerns of racial/ethnic and class diversity among women (Loseke, 2005) and this has resulted in the birth of Black and African feminism.

3.2: Black Feminism and male violence against women

The Black feminist thought was spawned as a subsequent result of understanding that although gender is important and crucial to consider in intimate partner violence cases, other inequities must be considered. These include key factors such as race, ethnicity, sexuality and economic status. The black feminist thought purports that, experiences of black women and their way of knowing and understanding the world around them are different from other women in relation to race, class and gender (Messerschmidt, 1993). This study contends that in as much as the black feminism addresses specific issues faced by black women; it also has potential to give a more precise picture on the dynamics of violence perpetrated by black men. Black feminism is comprised of an afrocentric and gender consciousness components that form the value system, which is derived from a shared history of people of African descent (Collins, 1991). The afrocentric views are core and still very much present in the Black thought process, which have survived racial, imperialism, colonialism and apartheid (Collins, 1991). It suggests that gender consciousness in the context of shared oppression cannot be separated from social relations of intersected race and class oppression. The researcher purports that, since the black feminist theory addresses the afrocentric view of gender relations, it has the ability to explain the discourse of male violence among African men as it seeks to understand the culture and its impact on people's social practises.

The theory contends that, dominant patriarchal and capitalistic structures have socially constructed the pathology and stigmatised perception of the Black women's experience of domestic violence. Mihalic, (1997) informs us that, Black feminism is rooted in the black communities and nourished by them even as it challenges these very communities to address issues of internal oppression. According to Oliver, (1994), black feminism addresses the concerns in the lives of black women that are categorised into four themes: the social structural oppression, the black community and culture, intimate and familial relations and the black woman as an individual. The standpoint of these foci areas is that, under social

structural oppression, black feminists routinely address matters of institutional racism, sexism and classism. Included in this is black women's limited access to adequate education and employment as consequences of racism, sexism and classism (Collins, 1991). In relation to male violence, this limited access to resources can be said to be the driving force, which has contributed to domestic violence, as women remain dependent on men, and thereby perpetuating the domination of men as the sole breadwinners.

The theory addresses relationships among blacks as a topic being meticulously discussed by the critical race and black feminists. These include issues of black women and men's occurrence of violence within the black community and the role of the black church as staple institution in the black community (Oliver, 1994). Research in black communities indicates that there is a profound difference when it comes to power and control issues among the black community as compared to white communities (MWSGC, 1999). This is due to the complexities of the black culture concerning relationship issues. By scrutinizing the characteristics of batterers abusive behaviours and the motivation for battered black women to remain in abusive relationships. A sufficient explanation can be formed to demonstrate the method in which these men are still able to assert some level of power and control over the women (Oliver, 1994).

Black feminism shares the view that, intimate familial relations of black women, separate them from the other women as the strong familial ties inherent in black families contribute to their chronic subordination (Oliver, 1994). As such, these strong familial ties also contribute to men's chronic domination over women. Thus, if violence is seen as an instrument for maintaining discipline and maintaining order in the family, it is very likely that men's violence against women is mostly not challenged in such communities. This causes the cycle of violence to remain a thorny issue amongst black families.

3.3: African feminism and male violence against women

African feminism unlike black feminism stresses the need for the recognition of culture and traditions in the oppression of women and the domination of men from Africa (MWSGC, 1999). This approach is important to this study since it combines racial, sexual, class and cultural dimensions of oppression to produce a more inclusive brand of feminism. It is an approach, which speaks of cultural experiences of African women and how this impacts on their lives. African feminism addresses issues that African women face, that have not been a

priority for mainstream feminism. For example mainstream feminism demands individual woman's liberation, but African Feminism is more concerned with the liberation of all African Women with particular emphasis on culturally linked forms of oppression (Njovana and Watts, 1996).

Critics of the feminist analysis argue that patriarchy and a strictly gendered view of power and control do not provide a framework within which to understand other forms of violence (Messershmilitz, 1993). For example, child abuse appears to present challenges to feminist perspectives on the use of violence within families. This study however, directs its energies towards men only and thus in this current research this limitation does not hold water. Further critics have questions on how feminism can explain the high rate of wife to husband assault. Feminist contenders however, believe that this phenomenon has been spawned as a result of women's critical consciousness of the need for them to defend themselves (Barnett & LaViolette, 1997).

In addition, family violence researchers suggest that other substantive disciplines argue that patriarchy is just one variable in a complex constellation of causes (Anderson, 2002). They contend that socio-demographic indicators like educational and employment status among others, influence propensities for domestic assaults. The researcher contends that whilst these postulations have substance, ignoring the part played by patriarchy is simplistic and mechanistically misleading in that the power and control dimension remains the core issue in most relationships. The researcher is of the opinion that violence in the African context is seen as normal behaviour among men because of the values embodied in the culture. The fight against male violence in the African culture has to focus on all men and not individuals as the cultural values bind almost every African man. The study also perceives that, although there are different branches of feminism, which hold contradictory viewpoints, their central conviction is that society is patriarchal and that patriarchy is the culprit that is perpetuating violence in the home. The categorisation of feminism becomes essential in explaining the experience of violence in white, black and more specifically in the African context.

3.4: Feminism and male violence against women

This study has chosen to use the feminist theory to a larger extent over the other three theories mainly because the other theories failed to adequately meet the requirements of the research questions and the problem statement of the study. The social learning theory places

emphasis on violence as learned behavior during childhood and thus concentrating on respondents' histories and yet the study is focusing on present experiences of violence. The systems theory focuses on the family and yet the research intends to acquire information from the perpetrators experiences of violence.

The subculture of violence puts emphasis on criminal violence among blacks as a product of their commitment to sub-cultural values and norms that condone violence as an acceptable means of resolving interpersonal conflicts (Oliver, 1994). Although this is true, the researcher believes that this theory on its own does not give a concrete explanation to domestic violence. In addition, the theories ignore the patriarchal context in which domestic violence occurs. Researchers like Loseke, Gelles & Cavanaugh (2005), concede that theories that fail to acknowledge the presence of patriarchy in domestic violence issues are flawed and meaningless.

Studies have shown that in the past three decades, largely through feminist activities the issue of domestic violence has been raised to the public consciousness as a serious societal problem. Furthermore, research findings internationally have been consistent with feminist propositions, in India findings showed that violence occurs within the traditional family system and within the context of institutional patriarchy (Pilcher & Whelehan, 2004). In America, 29 studies have concluded that assaultive husbands perceived the use of marital violence as acceptable. Studies in China documented that, the patriarchal family system and gender inequality within the family are largely responsible for the prevalence of wife abuse. Lastly, the impetus to develop treatment models like the Duluth Model- Power and Control Wheel operating in Western countries like America, Canada and United Kingdom has been spawned by feminist work with battered women (Pilcher & Whelehan, 2004).

4.0: CONCLUSION

Patriarchy is regarded as a violence that is practiced by men and male dominated organizations over women and is linked to all forms of abuse against women. The black feminist thought purports that, experiences of black women and their way of knowing and understanding the world around them are different from other women in relation to race, class and gender. African feminism unlike black feminism stresses the need for the recognition of culture and traditions in the oppression of women and the domination of men from Africa. The next unit primarily focuses on discussing the reasons for perpetration of violence.

5.0: SUMMARY

The unit examined radical feminism, black feminism, African feminism, and general feminist position concerning domestic violence. It held sway on the racial and patriarchal injunctions in most setting particularly African, as highly demonstrating men`s world fallacy as a world that must be entrenched.

6.0: TUTOR-MARKED ASSIGNMENT

- a) Define patriarchy in the light of domestic violence
- b) Discuss race in terms of male violence against women.

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UNIT 4: REASONS FOR THE PERPETRATION OF DOMESTIC VIOLENCE.

CONTENTS

- 1.0: Introduction
- 2.0: Objectives
- 3.0: Main Content
 - 3.1: Male violence and the construction of masculinity
 - 3.2: Men's violence as an instrument for discipline
 - 3.3: Exposure to male violence during childhood
- 4.0: Conclusion
- 5.0: Summary
- 6.0: Tutor-Marked Assignment
- 7.0: References

1.0: INTRODUCTION

There are various reasons and factors that contribute to male violence against women and these reasons and factors are critically discussed in this unit. These include: construction of masculinity, disciplinary factor, and early childhood exposure to violence.

2.0: OBJECTIVES

At the end of this unit, you should be able to:

- a) Discuss masculinity and its construction in violent situation.
- b) Explain discipline as reason for violence
- c) Discuss childhood and violence

3.0: Main Content

3.1: Male violence and the construction of masculinity

As male violence is on the forefront of researcher's consciousness, a growing body of research is critically examining its causes (Abrahams et al, 1999). One of the prominent reasons that social scientists have forwarded to explain male violence is that of the need to construct masculinity (Barker & Ricardo, 2005). Radical feminists define masculinity, as an enactment of patriarchal hegemonic values central to men's very beings and intentionally excluding women from practical and neotic power (Imms, 2000). Gilgun and McLeod

(1999), support this notion by arguing that violence is a way in which men fulfil their “hegemonic masculinity”. They derive the concept “hegemony”, from Donaldson, (1993), who states that:

“Hegemony is about winning and holding power and how the ruling class establishes and maintains its dominance often through destroying other groups.” (p.645).

In hegemonic masculinity, violence is used by men to maintain dominance and to those who use it, not only do they feel justified, but believe it is within their right. Connell, (1995) described this concept as, “an ideology of supremacy that gives them authorisation”. Thus, violence enacts and particularises the idea of hegemony and hegemonic masculinity. In a study carried out in Eastern Cape Province of South Africa by Macdougall (2000), participants, who at the time of the interview were incarcerated for killing their spouses, gave no hint of remorse for their actions; instead, they blamed their spouses for their acts of violence. To them, acts of violence would not have occurred if it were not for their partners. Moreover, another study in Cape Town confirmed that 73,3% of men interviewed believed it was acceptable to hit a woman (Jewkes, Penn-Kekana Ratsaka, & Laubsher, 1999). Such discourses expose the notion that men justify their acts of abuse as normal, which is a clear depiction of hegemonic values inherent in parts of the South African communities. Loseke, Gelles & Cavanaugh (2005), further this proposition by stating that men use violence to construct their masculine identities. Their argument is that, violence is a form of “doing gender”, in which men engage in ongoing interactional processes which they invoke, construct and enact polarized images of the two genders (Gilgun & McLeod, 1999). These polarizations place men in dominant positions and in turn devalue women. In similar fashion, feminists contend that these polarizations are a result of patriarchy, which is a system that enables men to dominate and control women (Loseke et al, 2005).

The rise in domestic violence statistics, which ranges as far as intimate femicide, indicates men’s beliefs that authorize them to perpetrate violence on women (Matthews et al, 2004). It is evident that men’s adamant belief that they have control over women compels them to reach as far as murdering their female partners, which Bean (1992) describes as the, “ultimate expression of men’s control over women”. Studies are constantly revealing that violence is used as reassertion of masculinity in communities where opportunities for assertion of masculine power are limited. The myth of the desirability of male dominance still holds a

very strong currency for many working class men, but unemployment and low wages is a feature of the lives of many men (Campbell, 1992). Thus, the erosion of material dimension from the definition of “what a man is” prompts disenfranchised men to use violence against their female partners as a way of commanding control and respect from their spouses. A study executed in Kwazulu Natal revealed that:

“... Mostly a father who could not provide (for his family), because of humiliation, often turned to drinking, women for consolation, squandering a portion of his meagre salary on the indulgences and further embittering his family ...”(Campbell, 1992:14).

Campbell’s observation shows that for men who cannot provide, compensatory mechanisms like drinking and promiscuity are resorted to. Consequences of such actions are emotional and economic abuse committed against the female partner and the family, and the burden ends up resting on the wife to provide for the family and, to nurse wounds of infidelity caused by the husband.

A similar study undertaken in Nigeria and Uganda postulated that the chief mandate of manhood in Africa is the achievement of financial independence, employment, and income (Barker & Ricardo, 2005). In the Yoruba speaking regions of Nigeria, there are documented accounts of women belittling husbands when they are not able to provide financially for the family. Men themselves reported feeling emasculated when they could not contribute towards the family income (Barker & Ricardo, 2005). Black feminists hold the notion that; mainstream feminism has failed to satisfactorily capture the experiences of black women and men (MWSGC, 1999). They concur that mainstream feminism turns a blind eye on racial and economic dimensions, in which black people have limited access to economic resources because of racial segregation (Collins, 1991). These distinctions reflect contestations that have become part of history and the development of feminist ideas.

In the light of these facts, violence amongst black men is utilised as a compensation mechanism by disenfranchised men to boost their bruised self-esteems. This study assumes that, violence is still part and parcel of masculine constructions in the present day society, as violence has become “normal” behaviour associated with men. However, the question that this study seeks to pursue is, to what extent does men perceive violence as contributing adequately towards their masculine constructions? In addition the research seeks to inquire what violent men themselves have to say about this postulation. The research also intends to

uncover alternative ways of masculine construction, which do not include violence from men themselves.

3.2: Men's violence as an instrument for discipline

Another reason for men's perpetration of violence is to discipline their partners (Jewkes et al, 1999). The notion of men having authority to discipline their female partners is a manifestation of patriarchal values and norms inherent in our society. Violence is used as a tool for gaining power and control over women (Barnett et al, 2005). Blacklock (2001) states that men use violence and other abusive actions to support their sense of entitlement by punishing a woman for something she has done wrong (teaching her a lesson), forcing her to do something she does not want to do (e.g. to shut up), and stopping her from doing something she wishes to do (e.g. leaving the relationship).

Feminists further this proposition by stating that, these acts of violence are enacted to control the partner, which in their analysis is a manifestation of patriarchal ideologies of gender and identity (Cunningham et al, 1998). This sense of entitlement allows him to see his behaviour as reasonable given his partner's unreasonable resistance to his expectations (Blacklock, 2001).

A study undertaken in Umtata articulated men's frame of reference about the use of violence as a tool for enforcing discipline and control over the female partners, where they were perceived to have broken rules (Jewkes et al, 1998). A similar research in Cape Town revealed that men use violence in instances where they perceive their position as 'heads' being threatened (Abrahams & Laubsher, 1999). Participants unanimously agreed that women's tendencies to override their authority in the home propelled them to use violence as a way of putting women in their places (Abrahams, Jewkes & Laubsher, 1999). In addition, violent practises are deployed by men against women in attempts to maintain a particular self-image and self-evaluations in the face of real or imagined threats to prove that they are "real" men and their women are under their control (Jewkes and Wood, 1998). It is reasonable to conclude that violence in most instances is a resource for demonstrating and showing a person is a man (Hearn 1998). The current study aims to add on to the current information by inquiring on the meaning attached to violence as a mechanism utilised to discipline women.

3.3: Exposure to male violence during childhood

Male violence has also been linked to exposure to violence during childhood (Cunningham et al, 1998). Studies have shown that male violence is learned behaviour (Loseke, Gelles & Cavanaugh, 2005). A study conducted in the United Kingdom established that violence in one's family of origin was associated with acceptance of interpersonal violence (Cunningham et al, 1998). As such, scholars who support this ideology, state that during childhood, observations of how parents and the significant others behave in intimate relationships providing an initial learning of alternative behaviours which are "appropriate" in these relationships (Mihalic and Elliot, 1997).

If the family of origin handled stress and frustrations with anger and aggression, the child who has grown up in such an environment is at greater risk of exhibiting those same behaviours, witnessed and experienced as an adult (Mihalic et al. 1997). Barnett, Miller-Perrin & Perrin (2005), also postulate that exposure to inter-parental violence or direct physical or sexual abuse during childhood is associated with later aggression. The above notions have been derived from the social learning school of thought that holds the sentiment that people model behaviour that they have been exposed to as children. In essence, male violence is a result of men's socialisation from childhood, which is perpetuated and practised throughout life (Tshesane, 2001).

Blacklock (2001) does not share the same sentiment by arguing that whereas violence can be learned behaviour and can be consequently a cause of why some men can be violent, only few men fall in this category. Moreover, there is a scarcity of literature to prove the relationship between the two variables, childhood exposure to violence and spousal abuse (Loseke et al, 2005). This is in the light of the fact that most violent men use this as an excuse and making them look as victims of violence too and can be a deterring factor for men to see their abusive behaviour for what it is and to neglect responsibility for their behaviour.

This research acknowledges the heated debate on the relationship of the above variables. It concludes that the issue is very subjective in that there are cases in which the relationship between childhood exposure to violence and spousal abuse can be proven. However, not all cases can further this postulation as not all children from violent homes is aggressive. Be that as it may, this research will divert its attention only to men's current experiences of violence and not the correlation between the latter stated variables.

4.0: CONCLUSION

In the light of the foregoing facts, violence amongst black men is utilised as a compensation mechanism by disenfranchised men to boost their bruised self-esteem. This study assumes that, violence is still part and parcel of masculine constructions in the present day society, as violence has become “normal” behaviour associated with men. Also, exposure to inter-parental violence or direct physical or sexual abuse during childhood is associated with later aggression. The above notions have been derived from the social learning school of thought that holds the sentiment that people model behaviour that they have been exposed to as children. However, it is revealed that men use violence in instances where they perceive their position as ‘heads’ being threatened. So, violence becomes the tool to secure compliance and obedience from women.

5.0: SUMMARY

The unit dwelt on some factors contributing to male violence against women and came to the summary that structure of masculinity in society is not reducing the incidence of violence therein instead it amplifies chances of violence occurring. Violence against women was seen as a tool of control and discipline while early childhood exposure to violence whether at home or outside home also was identified to be a possible reason for violence.

6.0: TUTOR-MARKED ASSIGNMENT

- a) Explain how masculinity can be deconstructed.
- b) Mention two reasons why violence against women is a disciplinary tool.

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MODULE 4: OBJECT CAUSES OF DOMESTIC VIOLENCE

Unit 1: Reasons for the Perpetration of Male Violence

Unit 2: Domestic Violence and African Situation

Unit 3: Understanding the Effects of Domestic Violence

Unit 4: Addressing the Effects of Domestic Violence I

Unit 5: Addressing the Effects of Domestic Violence II

UNIT 1: REASONS FOR PERPETRATION OF MALE VIOLENCE

CONTENTS

1.0: Introduction

2.0: objectives

3.0: Main Content

3.1: Male violence and alcohol abuse

3.2: Male violence and women's employment

3.3: Male violence and capitalism

4.0: Conclusion

5.0: Summary

6.0: Tutor-Marked Assignment

7.0: References

1.0: INTRODUCTION

This unit is considering the causes of domestic violence perpetrated by male against women and then reviews some salient factors. The factors include: alcohol, capitalism and workplace discrimination and prejudices. These factors are in some parts institutionalise into a routine and part of the system.

2.0: OBJECTIVES

At the end of this unit, you should be able to:

- a) Know the harm alcohol pose to advancement of the womenfolk
- b) Discuss discrimination and prejudices against women development
- c) Explain the impact of capitalism on women development

3.0: Main Content

3.1: Male violence and alcohol abuse

Among other variables that have been known to contribute to male violence is alcohol abuse, a repetitive use of alcohol that causes harm to the drinker or other persons (Barnett & Perrin-Perrin, 2005). Gelles & Cornell (1990) state that virtually every study of aggression in families shows that alcohol consumption is a strong correlate of violence. The “drunken bum theory” of wife beating (1985) proved that there is a strong connection between the two as this belief has been bolstered by medical, biological and psychoanalytic opinion. Embedded in this theory, is the opinion that:

“Alcohol effects on the central nervous system release inhibitions by depressing brain function or suppressing the super-ego function and thereby allowing the expression of rage” (Kaufman, 2001:1).

In similar fashion, a study carried out in Cape Town saw men admitting that alcohol did play a part in their violent behaviours. They stated that rape was mostly likely to occur when women did not want to have sex with them when they were drunk (Abrahams, Jewkes & Laubsher, 1999). Moreover, in the United States, an overview of studies carried out on intimate partner violence estimated that men were drunk when violence occurred in about 45% of the cases (Caetano, Schafer, Cunrad, 2001). Although a connection has already been observed, some researchers question the cause and effect relationship between the abuse of alcohol and male violence (Blacklock, 2001). Supportive arguments forwarded state that,

“Many who abuse substances also abuse partners and that one problem does not cause another. For them stopping substance abuse does not mean stopping battering as all too many women can testify. Battering ends when men do not benefit from this behaviour, cannot get away with it, and learn to act differently” (Kaufman, 2001: 1).

Arguments similar to these postulate that, in perpetrators of domestic violence, alcohol and drugs are not themselves causal factors in their aggression. Rather, perpetrators with substance abuse problems have two problems and both which should be treated in tandem (Kaufman: 2001).

In this frame of reference, it is evident that the relationship between alcohol and male violence is another thorny issue in the explanation of spousal violence, as a flurry of debate has emanated from this discussion. This overview realises the probable connection between violence and the use of alcohol, it attempts to inquire from men whether they had the

intention to abuse their spouses before and during the violent episode. Moreover, the research aims to gain information on whether men were aware of their violent actions at the time of perpetration or not.

3.2: Male violence and women's employment

Men's use of violence has also been found as a reaction towards women's employment. Family violence sociologists argue that, whereas feminism and its ideologies contend that gender violence is as a result of the patriarchy system, they state that it is one variable in a complex constellation of causes which among others are poverty, unemployment, socio-economic status, and cohabiting status (Gelles, 1993).

The advent of modernization has seen the proliferation of more and more women into the labour force system. For some researchers like Anderson (1997), this has been one common cause of male violence against women. Anderson (1997) proposed that a woman's employment status has critical symbolic importance as it signifies a challenge to the culturally prescribed norm of male dominance and female dependence. Where a man lacks this sign of dominance, violence may be a means of reinstating his authority over his wife.

On the contrary, Barnett & LaViolette (1993) articulate that, women's dependence on men is the significant reason why men abuse women. They further postulate that abusive behaviour, including economic abuse help men maintain power and control over women, worst of all they has been a confirmed connection between women's failure to leave their abusive relationships and economic dependency. The study contends that the sociological proposition of women's employment as contributing to men's use of violence contradicts with feminist ideologies. Feminists claim that women abuse is a result of their economic dependence on men and thus it advocates for women's employment to ensure their financial dependence.

This study contends that, both socio-economic statuses have an impact on male violence in that women's economic independence threatens men's cultural role as providers and thus are forced to use violence as a way of reasserting their masculinity. On the other hand women's dependence also gives men power to control them, as they will be the breadwinners. This study aims to find out if there is a correlation between these two variables in respondents' accounts of their experiences of violence.

3.3: Male violence and capitalism

Campbell (1999) states that capitalism has also played a profound role in the increase of male violence in South Africa. This is because it oppressed working-class men and the wider community. For men oppressed in race and class terms, their socially sanctioned power over women and young men in the family is often the only arena in which they were able to exercise any dominance (Campbell, 1999). Morrell (2002), states that:

“Where black men resisted class and race oppression, they were also, simultaneously, defending their masculinity. This involved efforts to reestablish or perpetuate power over women” (p.45).

Thus, because capitalism disenfranchises a lot of working class men through exploiting and dehumanising them, consequences of such a mechanism on the black South African men are loss of power and control over what they produce and frustrations caused by the brutality and belittling that occurs in the working arena.

Suffice to say; the only place that men can exercise their power and control is in the homestead. These notions corroborate black feminist ideologies that enunciate that the economically disempowered men utilize violence as an instrument to attain power and control over women in instances where they feel emasculated (Loseke et al, 2005).

4.0: CONCLUSION

Alcohol consumption is viewed here as strong correlate of male violence. The unit is also to consider the impact of market economy driven modernisation particularly leading to is the proliferation of more and more women into the labour force system and its consequence of gender conflict and discrimination in employment, promotion and designation are seen as common causes of male violence against women. Thus, because capitalism disenfranchises a lot of working class men through exploiting and dehumanising them, consequences of such a mechanism on the men are loss of power and control over what they produce and frustrations caused by the brutality and belittling that occurs in the working arena. Where a man lacks this sign of dominance, violence may be a means of reinstating his authority over his wife.

5.0: SUMMARY

The unit has considered male violence against women in terms of substance abuse like alcohol or drug. It also looked into the discrimination and prejudices in the work places schemed against women interest and finally evaluated capitalism as a concept and as a tool of oppression to the male who vex their alienation and frustration on their wives at home.

6.0: TUTOR-MARKED ASSIGNMENT

- a) Mention and discuss two ways capitalism has exacerbated domestic violence.
- b) Explain capitalism as an object cause of domestic violence.

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UNIT 2: DOMESTIC VIOLENCE AND AFRICAN SITUATION

CONTENTS

- 1.0: Introduction
- 2.0: Objectives
- 3.0: Main Content
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1.0: INTRODUCTION

African culture, the international media and the overriding effects of HIV and AID pandemic have collectively blown out of proportion domestic violence occurrence in Africa as if it does not occur elsewhere. To this end, this unit attempt to ex-ray these disgusting epidemics.

2.0: OBJECTIVES

At the end of this unit, you should be able to:

- a) Explain the role of African culture in advancing increase in the rate of domestic violence occurrence.
- b) Discuss media impact and misrepresentation of the scourge of domestic violence.
- c) Explain HIV and AIDS is associated with domestic violence.

3.0: Main Content

3.1: Male violence and the African Culture

Bowman (1997) is of the opinion that almost every traditional African society is patriarchal and a woman's place within this scheme was decidedly subordinate. The institutionalisation of this inequality remains common in the African customary law; women have no right to inherit from their husbands, are not regarded as sharing ownership of marital property/land and are almost without remedy upon divorce (Bowman, 1997). Clearly, it is evident male

violence in this case, economic abuse is supported strongly by the African culture and thus, making the abuse of women complex to deal with as the abuse goes beyond the husband but to the broader extended family.

Wife battering is regarded normal in the traditional culture. In support of this proposition, one author describes interviews at the social welfare office in the Ibadan region of which police officers remind female complainants that the Yoruba culture allows men to beat women (Bowman, 1997). In addition, a study carried out in South Africa saw male nurses stating that in the African culture,

“Physical abuse is frequently described using terms such as punishment or discipline and that men who were able to discipline their wives were regarded with approval as maintaining order in the home” (Kim, 2002).

Armstrong (Bowman 1997) argues that the uneven distribution of power embedded in the traditional African marriages is portrayed through the acknowledgement of polygamy, the acceptance of male promiscuity, the power of the extended family over the married couple and the universal institution of bride-price as underlying the widespread abuse of wives. Black feminism contends that the strong familial ties inherent in black families contribute to women’s chronic subordination (Pilcher and Whilchan, 2006).

Not only is polygamy accepted in the African culture, it is also heavily recognised in the African Customary Law. Bride price for most abused women makes it difficult for women to leave abusive husbands unless their families of origin are willing to return the amount paid (Bowman, 1997). African feminism puts the cultural perspective into consideration in explaining the complex gender disparities in the African cultures (Ronan et al, 1999). It concurs that men and women are bound by traditional values, thus men’s use of violence is culturally seen as a mechanism for maintaining order in the family. Addressing the issue of violence in the African context cannot only target classism and sexism but race and cultural traditions (Collins, 1991).

Armstrong (in Bowman, 1997) carried out a study of domestic violence in Zimbabwe, which involved twenty-five male abusers, and seventy-five female victims of spousal abuse in the Shona speaking region. The study established that women’s acts of challenging their husband’s authority and prerogatives by inquiring about their extramarital involvements were

according to the participant's instances that called for the use of violence. To them, traditionally, women are expected to be submissive and not to question and argue with their husbands. Another study revealed that, infidelity is socially accepted and even encouraged. In fact, because it is widely regarded as a man's right to have extramarital affairs, a woman's lack of co-operation would be an occasion for her physical abuse (Kim, 2002). Owing to this view, African feminism takes into account the cultural dimension that makes the oppression of women complex in African societies (Ronan et al, 1999). Hence, it advocates for the liberation of all African women with particular emphasis on culturally linked forms of oppression.

For some men "jealousy" is the main cause of domestic violence. The double standard that men are traditionally justified to have extramarital affairs and yet women are not allowed to be in contact with other men seems to be operational in the African culture. Abrahams et al (1999), highlighted this point in their study, as they found out that most men unanimously agreed that arguments that led to violence mostly "starts when a men sees his woman talking to another men he does not know, and this would give him thoughts" that his partner was cheating. Another study carried out in Kwazulu Natal revealed that, young men were catapulted into beating their partners when they cheated or suspected to have cheated (Jewkes and Wood, 1998). Pence and Paymar (1993) state that, men's preoccupation with jealousy is a depiction of their low self-esteem, thus violence is used to maintain and to reaffirm their controlling position.

On the contrary, scholars such as Armstrong in Bowman (1997) have argued that, culture is often an excuse for male violence rather than a cause for it. The researcher contends that culture is people's lifestyle and the way people live. Thus, if the norms and values of today's African society do not condemn violence, then culture partly plays a part in its perpetuation, as the increase of violence statistics expose a society that has accepted this social ill as a way of life. This study, thus, seeks to inquire on the cultural practises that create a breeding ground for violence, the meaning the practises carry and how they contribute to the gender inequalities in the society.

3.2: Male violence and the media

The media is playing a part in the perpetuation of male dominance and the subordination of women as it promotes violence and accentuations the objectification of women (Salo, 2005).

This is because the media has a profound effect in shaping our identities and our frame of reference on certain issues. The public's awareness of pertinent and sensitive issues such as domestic violence and intimate femicide stems from what they have heard in the media or what they have watched on television (Macdougall, 2000). Salo, 2005, points out that,

“The portrayal of gratuitous violence on television plays a role in promoting violence and view of women as objects of desire subjected to graphic violence” (p.1).

Furthermore, study analysing the Cape times coverage of women abuse, found out that, journalists are often uninformed of the dynamics of violence against women or write articles purely for the sales value irrespective of whether they distort the true story of what actually happened (Anderson and Umberson, 2001). The study also confirmed that, more often than not, the media upholds flawed perceptions of women and gender based violence. It upholds the status quo and even goes as far as to create an enabling climate for gender based violence by normalising and legitimising gender based violence in its reporting or omission of reporting (Anderson and Umberson, 2001).

Another worst form of male violence that is being trivialised in newspapers is intimate femicide. Radford and Russel (1992), criticize the media for its failure to report intimate femicide cases. They noted that the killing of a woman by a stranger in a public place often gets front-page coverage, exploited for its ability to sell newspapers. Instances of domestic violence are subsumed under the category of “family tragedy” and are given less attention. Rude (1999), states that the language used and details revealed were said to often hide the brutality involved, blamed the victim for assault and perpetuating that intimate femicide cases were domestic affairs.

Radical feminists contend that patriarchy has permeated almost every social institution in the society because the oppression of women is maintained by these institutions (Barnett et al, 2005). It is feasible for one to conclude that, the media is a classic example of an institution that is preserving patriarchal values as it is biased towards domestic violence issues and partly reinforcing male violence against women. Added to that information conveyed is more dramatic, sensational and entertaining and not exposing the seriousness of this social evil and the implications it has to the moral fabric of the society.

3.3: Male violence and HIV and AIDS

In the evolution of the AIDS pandemic, Sub-Saharan Africa has come to be known as the global epicentre. The social, cultural, economic and even political aspects comprise of the HIV and AIDS pandemic making it one of humanity's greatest challenge at the beginning of the 21st century. Weiss and Gupta, (1998) contends that the AIDS pandemic has yet again exposed the persistent inequality, which dominates gender relations. This is witnessed by women's inability to access resources and participate in issues that affect them and the rest of the society. A recent review of some of the existing studies suggests that, gender-based violence makes women vulnerable to HIV and AIDS through three main mechanisms (Campbell et al, 2003).

First, there is a position of possibility of direct transmission through forced or coerced sexual acts. Secondly, the trauma associated with violent experiences can impact later behaviour. Third, violence or the threat of violence may limit women's ability to adopt safer sex practices within on-going relationships (Dunkle, et al, 2003).

The issue of infidelity is a common practise among African men, with the rise of HIV and AIDS statistics; most women in violent relationships are at risk of being infected (Campbell & Maman, 2000). This is because having multiple partners has been a well-known reason for susceptibility to the HIV and AIDS pandemic (Wingood & Diclemente, 1998). It has been known that women with a history of violence, fear violent retaliation for requesting condom use (Weiss & Rao Gupta, 1998) and attempts by disadvantaged women to use condoms or access sexually transmitted disease services are likely to lead to abuse

Furthermore, women in Zimbabwe report physical violence and forced sex as retaliation for attempts to refuse sex with their partners (Watts & Ndlovu, 1997). Thus, it is evident that male violence against women robs women of their power to make decisions about their sexuality and thus making them susceptible to the HIV virus. Intersections between violence and economic vulnerability may also increase women's HIV risk. Economically vulnerable women often depend on men's financial contributions and are less likely to successfully negotiate safer sex and less likely to leave relationships perceived as risky (Mane, Rao Gupta, 1994).

In this frame of reference, male violence contributes to women's susceptibility to the AIDS pandemic. Radical feminists point out that, patriarchy is a violence that is practised by men and male dominated organisations over women (Watts & Ndlovu, 1997). Drawing from this ideology, one can contend that HIV/AIDS has been spawned by the patriarchal system in the South African society as women's subordination has stripped them of power over their sexuality. The essence of this project is to find out if men are conscious of the contribution of violence to the rise of HIV infections among women.

4.0: CONCLUSION

Culture is often taken as an excuse for male violence rather than a cause for it. Thus, if the norms and values of today's African society do not condemn violence, then culture partly plays a part in its perpetuation, as the increase of violence statistics expose a society that has accepted this social ill as a way of life. Radical feminists contend that patriarchy particularly in Africa has permeated almost every social institution in the society because the oppression of women is maintained by these institutions including the media houses. AIDS pandemic has yet again exposed the persistent inequality, which dominates gender relations. This is witnessed by women's inability to access resources and participate in issues that affect them and the rest of the society. A recent review of some of the existing studies suggests that, gender-based violence makes women vulnerable to HIV and AIDS through different mechanisms.

5.0: SUMMARY

This unit examined cultural hindrances to the control of domestic violence and how the dominant value of patriarchy had disallowed institutions particularly the mass media to be objective when it comes to the issue concerning gender equality thus entrenching domestic violence in Africa. The unit went further to diagnose the impact of domestic violence on the spread of HIV and AIDS in Africa.

6.0: TUTOR-MARKED ASSIGNMENT

- a) Mention and explain how gender-based violence makes women vulnerable to HIV and AIDS.
- b) Discuss patriarchy and media in increasing women vulnerability to domestic violence.

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UNIT 3: UNDERSTANDING THE EFFECTS OF DOMESTIC VIOLENCE

CONTENTS

- 1.0: Introduction
- 2.0: Objectives
- 3.0: Main Content
 - 3.1: Effects of domestic violence
 - 3.2: Effects of domestic violence on children
 - 3.3: Effects domestic violence on older children
 - 3.4: Effects of domestic violence on toddler
- 4.0: Conclusion
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1.0: INTRODUCTION

There has been an increase in acknowledgment that a child who is exposed to domestic abuse during their upbringing will suffer in their developmental and psychological welfare. Due to the awareness of domestic violence that some children have to face, it also generally impacts how the child develops emotionally, socially, behaviorally as well as cognitively. It is to critically diagnose the foregoing that this unit attempts building upon experts` positions on the concerns above of the effects of domestic violence on children and infants witnessing domestic violence particularly toddlers.

1.0: OBJECTIVES

At the end of this unit, you should be able to:

- a) Discuss the effects of domestic violence on children and infants witnessing domestic violence particularly toddlers.
- b) Explain the symptoms children may have while witnessing domestic violence

3.0: Main Content

3.1: Effects of Domestic Violence

Domestic violence physically, psychologically and socially affects women, men and their families. Initially, the abuse usually is an attempt by one partner to exert control through intimidation, fear, verbal abuse or threats of violence. Victims of domestic violence may be isolated from friends, family and neighbors and lose their network of social support. With time, the abusive partner, or batterer, may use increasingly severe methods to maintain control. Eventually the violence may lead to serious injury and can result in hospitalization, or death.

Domestic violence robs victims of their fundamental right to maintain control over their own lives. Individuals who are abused live in fear and isolation in the one place they should always feel safe, their home. With tremendous courage and strength, they struggle each day to keep themselves and their children safe.

Child abuse and domestic violence often occur in the same family. Researchers have found that 50 percent to 70 percent of the men who frequently assaulted their wives also frequently abused their children.

Children are 1,500 times more likely to be abused in homes where partner abuse occurs. Domestic violence may result in physical injury, psychological harm or neglect of children. There is a definite relationship between family violence and juvenile delinquency. These children have a six times greater chance of committing suicide, 24 percent greater chance committing sexual assault crimes and a 50 percent greater likelihood of abusing drugs and alcohol.

One of the most tragic outcomes of domestic violence is that well more than half of the young men between the ages of 11 and 22 who are in jail for homicide have killed their mother's batterer. Children growing up in violent homes do not need to be physically abused to take on violent and delinquent behavior—it is enough to witness their mother's abuse.

Signs of Abuse

Individuals involved in an on-going abusive relationship are more likely to have multiple injuries, repeated bruises and broken bones. They are more likely to have frequent doctor

visits, frequent headaches, chronic generalized pain, pelvic pain, frequent vaginal and urinary tract infections, gastrointestinal (stomach and intestine) problems and eating disorders. They may also exhibit more physical symptoms related to stress, anxiety disorders or depression. The locations of injuries in women most commonly include the head, chest, breasts and arms. During pregnancy, the most common locations are the abdomen and the breast.

Are You a Victim?

If you answer yes to any of the questions below, you may be a victim of domestic violence. You may take action and stop abuse by referring to the Guidelines for Victims of Domestic Violence section.

1. Are you in a relationship in which you have been physically hurt or threatened by your partner?
2. Has your partner ever hurt your pets or destroyed your clothing, objects in your home or something special to you?
3. Has your partner ever threatened or abused your children?
4. Has your partner ever forced you to have sex when you did not want to or does your partner ever force you to engage in sex that makes you feel uncomfortable?
5. Do you ever feel afraid of your partner?
6. Has your partner ever prevented you from leaving the house, seeing friends, getting a job or continuing your education?
7. Has your partner ever used or threatened to use a weapon against you?
8. Does your partner constantly criticize you and call you names?

3.2: Effects of domestic violence on children

Effects of domestic violence on children, result from witnessing domestic violence in a home where one of their parents are abusing the other parent, plays a tremendous role on the well-being and developmental growth of children witnessing the violence. In 2009 in the Philippines, it was estimated that as many as 7 to 14 million children were exposed to domestic violence with about 3.3 million children exposed to domestic violence in their homes every year (Women's Work Program, 1994). Children who witness domestic violence in the home often believe that they are to blame, live in a constant state of fear and are 15 times

more likely to be victims of child abuse. Close observation during an interaction can alert providers to the need for further investigation and intervention, such as dysfunctions in the physical, behavioral, emotional, and social areas of life, and can aid in early intervention and assistance for child victims.

Symptoms children may have while witnessing domestic violence

Physical symptoms

In general, children who witness domestic violence in the home can suffer a tremendous amount of physical symptoms along with their emotional and behavioral state of despair. These children may complain of general aches and pain, such as headaches and stomach aches. They may also have irritable and irregular bowel habits, cold sores, and they may have problems with bedwetting. These complaints have been associated with depressive disorders in children, a common emotional effect of domestic violence. Along with these general complaints of not feeling well, children who witness domestic violence may also appear nervous, as previously mentioned, and have short attention spans. These children display some of the same symptoms as children who have been diagnosed with attention deficit hyperactivity disorder. On the reverse, these children may show symptoms of fatigue and constant tiredness. They may fall asleep in school due to the lack of sleep at home. Much of their night may be spent listening to or witnessing violence within the home. Children of domestic violence victims are frequently ill, and suffer from poor personal hygiene. Children who witness domestic violence also have a tendency to partake in high risk play activities, self-abuse, and suicide (National Institute of Justice, 1996).

Prenatal

The physical effects of domestic violence on children, different than the effects of direct abuse, can start when they are foetus in their mother's womb, can result in low infant birth weights, premature birth, excessive bleeding, and fatal death, due to the mother's physical trauma and emotional stress. Increased maternal stress during the times of abuse, especially when combined with smoking and drug abuse, can also lead to premature deliveries and low weight babies (Friedman, et al, (1987).

Infants

Infant children who are present in the home where domestic violence occurs often fall victim to being "caught in the crossfire." They may suffer physical injuries from unintentional trauma as their parent is battered. Infants may be inconsolable and irritable, have a lack of

responsiveness secondary to lacking the emotional and physical attachment to their mother, suffer from developmental delays, and have excessive diarrhoea from both trauma and stress (Peled, et al., (1995).

3.3: Effects of Domestic Violence on older children

The trauma that children experience when they witness domestic violence in the home plays a major role in their development and physical wellbeing. The children, however, will exhibit physical symptoms associated with their behavioral or emotional problems, such as being withdrawn from those around them, becoming non-verbal, and exhibiting regressed behaviors such as being clingy and whiney. Anxiety often accompanies a physical symptom in children who witness domestic violence in the home. These children harbor feelings of guilt, blame, and are constantly on edge. They may startle at the smallest things, such as a car door slamming or a glass cup accidentally falling to the floor. If their anxiety progresses to more physical symptoms, they may show signs of tiredness from lack of sleep and weight and nutritional changes from poor eating habits (BJS Press Release, 1998).

Behavioral symptoms

Children exposed to domestic violence are likely to develop behavioral problems, such as regressing, exhibiting out of control behaviour, and imitating behaviors. Children may think that violence is an acceptable behavior of intimate relationships and become either the abused or the abuser. Some warning signs are bed-wetting, nightmares, distrust of adults, acting tough, having problems becoming attached to other people and isolating themselves from their close friends and family. Another behavioral response to domestic violence may be that the child may lie in order to avoid confrontation and excessive attention getting (Straus, et al, 1980).

Adolescents are in jeopardy of academic failure, school drop-out, and substance abuse. Their behavior is often guarded and secretive about their family members and they may become embarrassed about their home situation. Adolescents generally don't like to invite friends over and they spend their free time away from home. Denial and aggression are their major forms of problem solving. Teens cope with domestic violence by blaming others, encountering violence in a relationship, or by running away from home (Peled, et al, 1995).

Teen dating violence

An estimated 1/5 to 1/3 of teenagers subject to viewing domestic violent situations experience teen dating violence, regularly abusing or being abused by their partners verbally,

mentally, emotionally, sexually and/or physically. 30 to 50% of dating relationships can exhibit the same cycle of escalating violence in their marital relationships (Peled, et al, 1995).

Emotional symptoms

Children exposed to violence in their home often have conflicting feelings towards their parents; For instance, distrust and affection often coexist for the abuser. The child becomes overprotective of the victim and feels sorry for them. They often develop anxiety, fearing that they may be injured or abandoned, that the child's parent being abused will be injured, or that they are to blame for the violence that is occurring in their homes. Grief, shame, and low self-esteem are common emotions that children exposed to domestic violence experience (Peled, et al, 1995).

Depression

Depression is a common problem in these children. The child often feels helpless and powerless. More girls internalize their emotions and show signs of depression than boys. Boys are more apt to act out with aggression and hostility.^[9] Witnessing violence in the home can give the child the idea that nothing is safe in the world and that they are not worth being kept safe which contributes to their feelings of low self-worth and depression (Peled, et al, 1995).

Anger

Some children act out through anger and are more aggressive than other children. Even in situations that do not call for it, children will respond with anger (NCH Fact Sheet, 1999).

Post-traumatic stress disorder

Post-traumatic stress disorder can result in children from exposure to domestic violence. Symptoms of this are nightmares, insomnia, anxiety, increased alertness to the environment, having problems concentrating, and can lead to physical symptoms (Friedman, Lucy, et al, 1987).

Role reversal

There is sometimes role reversal between the child and the parent and the responsibilities of the victim who is emotionally and psychologically dysfunctional are transferred to the child. In this situation, the parents treat their child as a therapist or confidant, and not as their child. They are forced to mature faster than the average child. They take on household responsibilities such as cooking, cleaning, and caring for younger children. The

responsibilities that they take on are beyond normal assigned chores, and are not age appropriate. The child becomes socially isolated and is not able to participate in activities that are normal for a child their age. The parentified child is at risk for becoming involved in rocky relationships because they have been isolated and are not experienced at forming successful relationships. Also they tend to become perfectionists because they are forced to live up to such high expectations for their parents (National Institute of Justice, 1996).

Social symptoms

Children exposed to domestic violence frequently do not have the foundation of safety and security that is normally provided by the family. The children experience a desensitization to aggressive behavior, poor anger management and problem solving skills, and learn to engage in exploitative relationships (Ewing and Patrick, 1987).

- School age children exposed to domestic violence present with an excessive worry of possible danger and feelings of resentment towards the perpetrating party. Symptoms include isolation from friends and relatives in an effort to stay close to siblings and victimized parent.
- Adolescent children present with a difficulty in trusting adults and engage in excessive social involvement to avoid volatile situations at home. The adolescent may display these symptoms by joining a gang or becoming involved in dating relationships that mimic the learned behaviour.
- Children exposed to domestic violence require a safe nurturing environment and the space and respect to progress at their own pace. The caretaker should provide reassurance and an increase sense of security by providing explanations and comfort for the things that worry the children, like loud noises.

The children should develop and maintain positive contact with significant others such as distant family members. All family members are encouraged to become involved in community organizations designed to assist families in domestic violence situations.

3.4: Effects of Domestic Violence on Toddler

Children exposed to domestic violence at infancy often experience an inability to bond and form secure attachments, often resulting in intensified startle reactions and an inhibited sense of exploration and play.

Children may portray a wide range of reactions to the exposure of domestic violence in their home. The preschool and kindergarten child does not understand the meaning of the abuse and may believe they did something wrong, this self-blame may cause the child feelings of guilt, worry, and anxiety (Browne, 1987). Younger children do not have the ability to express their feelings verbally and these emotions can cause behavioral problems. They may become withdrawn, non-verbal, and have regressed behaviors such as clinging and whining. Other common behaviors for a child being a victim of domestic violence are eating and sleeping difficulty, and concentration problems.

Preschoolers living with violence internalize the learned gender roles associated with victimization, for instance seeing males as perpetrators and females as victims. This symptom presents itself as the preschooler imitating learned behaviors of intimidation and abuse. The preschooler may present with aggressive behavior, lashing out, defensive behavior, or extreme separation anxiety from the primary caregiver.

Effects on infants witnessing domestic violence

- Cries excessively, screaming
- Diarrhea
- Digestive problems
- Failure to thrive
- Feeding and sleeping routines are disrupted
- Frequent illness
- Injuries while caught in the crossfire
- Irritability, sadness, anxiety
- Low weight
- Need for attachment is disrupted
- No appetite
- Sleeping problems
- Startles easily

Effects on toddlers witnessing domestic violence

- Insomnia/parasomnias
- Lack feelings of safety

- Regressive behaviors
- Separation/stranger anxiety

Dual exposure

It is important to note that children exposed to domestic violence are more at risk for other forms of maltreatment such as physical abuse and neglect. Research suggests that parents who are violent with one another are at higher risk for physically abusing their children. Recent research has proposed that the consequences of child abuse and domestic violence exposure are often similar and mimic one another. Children who are abused and exposed to domestic violence exhibit emotional, psychological, and behavioral consequences that are almost identical to one another. In fact, some researchers refer to this dual exposure as the "double whammy" effect because children receive double exposure to traumatic events and thus react twofold to the abuse and exposure to domestic violence. Emotionally children who experience the "double whammy" effect can exhibit fear, guilt, isolation, and low self-esteem. Additional psychological outcomes for these children include depression, anxiety, and even post-traumatic stress disorder (PTSD) (Psych Central, 2006). Children who experience dual exposure to both physical abuse and domestic violence possess more behavioral problems than those who experience only one or the other.

The long term effects of dual exposure in young children can have very negative outcomes later in life. These outcomes have been documented as leading to behavioral problems including: school dropout, violence, teen pregnancy, substance abuse, eating disorders, and even suicide attempts.¹ A study following children from preschool through adolescence found that young children exposed to domestic violence and child abuse were more likely to experience anti-social behaviors in their adolescence. Young children exposed to both domestic violence and child abuse were also more likely to commit an assault and participate in delinquent behavior in their adolescence than those not exposed at all. Lastly, the ACE (adverse childhood experiences) study found a connection between multiple categories of childhood trauma (e.g., child abuse, household dysfunction including domestic violence, and child neglect) and health/behavioral outcomes later in life. The more traumas a child was exposed to, the greater risk for disabilities, social problems and adverse health outcomes. More recently, researchers have used elements of this model to continue analysis into different aspects of trauma and stressful experiences and later development (Maria, 1992).

4.0: CONCLUSION

Children growing up in violent homes do not need to be physically abused to take on violent and delinquent behavior—it is enough to witness their mother’s abuse. Children who witness domestic violence in the home often believe that they are to blame, live in a constant state of fear and are 15 times more likely to be victims of child abuse. Physical effects of witnessing domestic violence in older children are less evident than behavioral and emotional effects. There is sometimes role reversal between the child and the parent and the responsibilities of the victim who is emotionally and psychologically dysfunctional are transferred to the child. In this situation, the parents treat their child as a therapist or confidant, and not as their child. They are forced to mature faster than the average child.

5.0: SUMMARY

In this unit, emphasis is placed on the effects of domestic violence and child rearing. For this reason, the effects of domestic violence on toddlers, children, and older children were considered exhaustively. Domestic violence that some children have to face, it also generally impacts how the child develops emotionally, socially, behaviorally as well as cognitively.

6.0: TUTOR-MARKED ASSIGNMENT

- a) Discuss the symptoms children may have while witnessing domestic violence
- b) Explain domestic violence and children upbringing.

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UNIT 4: ADDRESSING THE EFFECTS OF DOMESTIC VIOLENCE I

CONTENTS

- 1.0: Introduction
- 2.0: Objectives
- 3.0: Main Content
 - 3.1: Global context of domestic violence challenges against women
 - 3.2: International context of domestic violence challenges against women
 - 3.3: State duties under international law to control DV challenges
- 4.0: Conclusion
- 5.0: Summary
- 6.0: Tutor-Marked Assignment
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1.0: INTRODUCTION

This unit will attempt highlighting violence against women as a fundamental violation of human rights in the global and international context. It presents the expected state duties to control the scourge and its challenges.

2.0: OBJECTIVES

At the end of this unit, you should be able to:

- a) Discuss the global perspective of domestic violence
- b) Explain the international relevance of domestic violence scourge.
- c) Appreciate state roles in dealing with domestic violence.

3.0: Main Content

3.1: Global context of domestic violence challenges against women

Every year throughout the world violence against women in the home and in the community devastates the lives of millions of women. Violence against women is a global phenomenon and not unique to Africa or Nigeria. What is in fact striking is how similar the trends are in relation to violence against women globally, in fact a study done in 2000 based on over 50 population surveys found that violence against women in the home is a truly global

phenomenon and whilst figures may vary in different countries of the world the suffering and its causes are similar around the world (Ending violence against women, 2000).

Like all other forms of gender-based violence, violence against women in the family constitutes a violation of women's rights and fundamental freedoms. It violates the rights of women and girls to mental and physical integrity, to liberty and security of the person, and in some cases to life. Such violence also prevents the full enjoyment of rights and fundamental freedoms such as the right to health, employment and freedom of expression. Under the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), States are obliged to "*take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.*"(SARC, 2004). In its General Recommendation 19 on Violence Against Women, the CEDAW Committee went on to elaborate by stating that that gender-based violence is a form of discrimination which gravely affects women's enjoyment of their human rights. The 1993 UN Declaration on the Elimination of Violence against Women in its preamble describes violence against women as "*a manifestation of historically unequal power relationships between men and women*" and as one of the "*crucial social mechanisms by which women are forced into a subordinate position compared with men.*"

Violence against women as a fundamental violation of human rights was highlighted in the African context for the first time with the African Platform for Action and the Dakar Declaration of 1994 (Dakar Declaration), which acknowledged that in most African countries violence against women in domestic, private and public places had reached alarming levels. The Dakar Declaration acknowledges that "*women are subjected to violence and to the threat of violence in their daily relationships*", violence which "deprives women of their ability to achieve full equality" and "threatens their safety, their freedom and their autonomy". It also acknowledges that violence is often unreported as "*the majority of women do not speak out or report to the court on violence but keep silent as victims because of fear, shame or a misplaced feeling that they are somehow responsible.*"(FMH, 2003).

International recognition of violence against women is reflected in the Beijing Declaration and Platform for Action, adopted in 1995 at the Fourth World Conference on Women in Beijing – to which Nigeria sent the third largest national delegation – and its five-year review in 2000. At its 10-year review in March 2005, the Nigerian Minister of Women Affairs

reaffirmed Nigeria's commitment to the full and effective implementation of the Platform for Action and acknowledged "persistent violence against women". At the African preparatory meeting for the 10-year review, African governments stated:

"Violence against women and girls, including rape and domestic violence, is rampant...Some cultural and traditional practices continue to inhibit progress in promoting women and girls' human rights. In some countries women are denied equal rights to inherit property. Furthermore, public awareness of women's and girls' human rights and the obligation to ensure the enjoyment of their rights remains low. In some countries, several sources of (modern, religious, traditional) laws continue to govern the lives of women and restrict the enjoyment of their rights." (Akpan, 2005:45).

Nigeria ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa on 18 February 2005. Of significance is the fact that the Protocol obliges states to take a variety of measures to address violence against women in all its manifestations. The Protocol in Article 1 defines violence against women as:

"all acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflict or of war."

The Protocol furthermore states that:

"Every woman shall be entitled to respect for her life and the integrity and security of her person. All forms of exploitation, cruel, inhuman or degrading punishment and treatment shall be prohibited", and requires states to prohibit, prevent and punish "all forms of violence against women including unwanted or forced sex whether the violence takes place in private or public." The Protocol also obliges states to prohibit and condemn all forms of harmful practices, which negatively affect the human rights of women and which are contrary to recognized international standards.

3.2: International context of domestic violence challenges against women

The UN Declaration on the Elimination of Violence Against Women defines violence against women as:

“any act of gender-based violence – that is, violence directed against a woman because she is a woman or that affects women disproportionately – that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.” (U.N. Doc., 1993:24:38).

The Declaration goes on to address violence in the family as one manifestation of violence against women, and defines it as:

“Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation.” (U.N. Doc., 1993:24).

Former UN Special Rapporteur on violence against women Radhika Coomaraswamy provided a definition that also included:

“kidnapping, threats, intimidation, coercion, stalking, humiliating verbal abuse, forcible or unlawful entry, arson, destruction of property, sexual violence..., violence related to exploitation through prostitution, violence against household workers and attempts to commit such acts.”(U.N. Doc., 1993: 38).

Violence in the family included:

“violence perpetrated in the domestic sphere which targets women because of their role within that sphere... Such violence may be carried out by both private and public actors and agents.” (Douna, 1991: 158)

Radhika Coomaraswamy’s definition of violence in the family was made on the basis of a broad definition of the "family". She also said that its perception as a private matter obstructs recognition that *“violence against women in general, and domestic violence in particular, serve as essential components in societies which oppress women, since violence against women not only derives from but also sustains the dominant gender stereotypes and is used to*

control women in the one space traditionally dominated by women, the home." (U.N. Doc., 1999:49).

The State, through legal and moral regulation, plays an important role in family life, as well as an important role in determining the status, rights and remedies of individual family actors. Women's traditional familial roles are enshrined in laws and such laws validate and entrench the dominant ideology of the traditional family and the woman's position within it. Familial ideology is therefore often the site of violence against women and social constructions of women's role in society that are disempowering. The World Health Organization has defined partner violence as

"any behaviour within an intimate relationship that causes physical, psychological or sexual harm, including: acts of physical aggression, such as slapping, hitting, kicking and beating; psychological abuse, such as intimidation, constant belittling and humiliation; forced intercourse and other forms of sexual coercion; various controlling behaviours, such as isolating a person from their family and friends, monitoring their movements, and restricting their access to information or assistance (U.N. Doc., 1999:60).

The UN Development Fund for Women (UNIFEM) has found that cultural factors associated with higher levels of family and community violence include sexual double standards; rigid gender roles; lack of access to education; women's isolation and lack of support; community attitudes that tolerate physical "punishment" of women and children; and acceptance of violence as an appropriate means of resolving conflict.

3.3: State duties under international law to control DV challenges

But what are State duties under international law? International human rights treaties and standards define the obligations of states to secure human rights for individuals subject to their jurisdiction. They provide guarantees of freedoms and entitlements that individuals may claim at national, regional and international levels. Under international human rights law, states incur obligations to "respect, protect, and fulfil" human rights. Government officials, or those acting with the authorization of the state, must respect women's human rights by ensuring that no state agents commit acts of violence against women.

The state has a **duty to respect** the human rights of women, for example the State, via its state agents, has to refrain from directly or indirectly interfering with the rights of women.

Thus, where police or armed forces commit acts of violence against women, the duty to respect is breached.

The **duty to protect** requires that the state and its agents must take effective measures against other individuals or groups (including private enterprises and corporations) who violate the integrity, freedom of action or other human rights of the individual. This duty is upheld when the state institutes laws, policies and practices that protect victims of violence, provide them with appropriate remedies, and bring the perpetrators to justice. The CEDAW Committee stresses that:

"States parties should take appropriate and effective measures to overcome all forms of gender-based violence, whether by public or private act [and to] ensure that laws against family violence and abuse, rape, sexual assault and other gender-based violence give adequate protection to all women, and respect their integrity and dignity." (General Recommendation 19, 1992:38).

Appropriate measures should be taken to prevent harm to individuals known to be at specific and immediate risk as well as preventing harm in a more general way at an earlier stage for all victims. For instance, a comprehensive set of services should be provided to women to guarantee their safety before serious violence occurs, and a general judicial and administrative framework should be established, including effective human rights education for state officials. States must also fulfil women's human rights by ensuring the appropriate infrastructure to support these laws, policies and practices, and to render them effective. The duty to fulfil and promote human rights has reactive and preventive aspects. It requires the state, for example, to:

- change the criminal and civil laws to ensure protection against all forms of gender-based violence in a gender-sensitive manner;
- not allow illegal defences such as „correction“ under Section 55 of the Penal Code, to promote a culture of impunity;
- ensure women access to justice by implementing laws and encouraging women to turn to the justice system and supporting those who do;

- provide adequate protection for victims and witnesses taking part in investigations; ensure effective and impartial police investigations and prosecution practices which are responsive to victims concerns and needs;
- complement criminal sentences with civil remedies;
- provide training and educational programs in schools and for state agents, including judicial and law enforcement personnel and those working in the health sector;
- provide support services for victims;
- and study patterns of gender-based violence and prepare statistics on the basis of disaggregated data.

States are thus under an obligation to take effective steps to end violence against women, and to take a comprehensive approach to eliminating *all* forms of violence against women and adopting measures designed to eradicate all forms of violence and discrimination. States have an on-going obligation to monitor the situation and respond accordingly, changing or supplementing tactics when progress subsides. If a state fails to act diligently to prevent violence against women – from whatever source – or fails to investigate and punish such violence after it occurs, the state can itself be held responsible for the violation. This is known as the standard of due diligence. It does not absolve the actual perpetrators and their accomplices from being prosecuted and punished for the initial acts of violence.

The concept of due diligence is used when assessing the accountability of governments for the acts of private individuals or other non-state actors. This principle describes the degree of effort that a state must undertake to ensure that human rights are respected by all in practice, thus making rights a reality. The state has a duty to put in place sufficient measures to prevent violation (by its officials) and abuses (by non-state actors) of human rights. Where a right has been violated or abused, the state has a duty to redress it as far as possible, and to provide appropriate remedy, including compensation where appropriate.

The UN Declaration on the Elimination of Violence against Women calls on states to: "exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons".¹⁰ Similarly, the African Charter on Human and Peoples Rights, ratified and domesticated by Nigeria, is unequivocal that states parties incur the duty to "*recognize the*

rights, duties and freedoms enshrined in the Charter and...to adopt legislative or other measures to give effect to them" (Article 1). In a seminal decision on a communication by *The Social and Economic Rights Action Center and the Center for Economic and Social Rights/Nigeria*, relating to the operations of Shell Petroleum and Development Corporation and communities of Ogoniland in the Niger Delta, the African Commission on Human and Peoples' Rights set out and defined the state's responsibility to respect, protect, promote and fulfil the rights guaranteed under the African Charter, including protection of the rights of the population from damaging acts perpetrated by non-states actors (U.N. Doc., 1993).

4.0: CONCLUSION

Violence against women is a global phenomenon and not unique to Africa or Nigeria. It affects the lives of millions of women worldwide, irrespective of their socio-economic status. It cuts across ethnic, cultural and religious barriers, impeding the rights of women to participate fully in the society. The State, through legal and moral regulation, plays an important role in family life, as well as an important role in determining the status, rights and remedies of individual family actors. The urgency of addressing this global problem is tragically illustrated by the treatment of women in conflict or crisis situations, where various forms of harassment, intimidation, rape and forced pregnancies are being used as instruments of war, especially by the opposing forces or the supposed. Appropriate measures should be taken to prevent harm to individuals known to be at specific and immediate risk as well as preventing harm in a more general way at an earlier stage for all victims. For instance, a comprehensive set of services should be provided to women to guarantee their safety before serious violence occurs, and a general judicial and administrative framework should be established, including effective human rights education for state officials.

5.0: SUMMARY

The unit examined the global and international context of domestic violence. It reveals the intervention strength of the state mitigating the scourge of domestic violence. The unit by way of prescription, recommended measures to be taken to prevent harm to individuals known to be at specific and immediate risk as well as preventing harm in a more general way at an earlier stage for all victims. Some of these include effective monitoring and supervision of policy against domestic violence and its implementation from the trenches.

6.0: TUTOR-MARKED ASSIGNMENT

- a) Mention at least five ways the state can eradicate domestic violence.
- b) Define domestic violence in terms of the United Nation Declaration

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UNIT 5: ADDRESSING THE EFFECTS OF DOMESTIC VIOLENCE II

CONTENTS

- 1.0: Introduction
- 2.0: Objectives
- 3.0: Main Content
 - 3.1: Nigerian context & legal framework address the challenges of DV
 - 3.2: Nigerian Women and Domestic Violence
 - 3.3: Gender, Violence, and Control
- 4.0: Conclusion
- 5.0: Summary
- 6.0: Tutor-Marked Assignment
- 7.0: References/Further Reading

1.0: INTRODUCTION

The Nigerian Constitution of 1999 guarantees freedom from discrimination and equality before the law in Article 17(2)(a) and Article 42 (1). Despite these provisions no federal laws specifically criminalize violence in the family, and prosecutions for violence in the family have to rely on the law on common assault and other criminal provisions. Human rights and women's rights organizations in Nigeria believe that violence in the family is the most prevalent form of violence against women in Nigeria. In light of the foregoing and the possibility of gender differences in the process of control and violence, I am considering in this unit how personal control is associated with domestic violence for men and women.

2.0: OBJECTIVES

At the end of this unit, you should be able to:

- a) Evaluate control mechanism in Nigeria against DV.
- b) Explain women response to these mechanisms.
- c) Understand the local place gender in the equation of DV.

3.0: Main Content

3.1: Nigerian context & legal framework to address the challenges of DV

Countless women and girls in Nigeria are subjected to violence by members of their family or within their community, as is the case in many other countries of the world. Women of all ages and from all socio-economic groups, living in rural and urban communities, are affected

with more than a third and in some groups nearly two-thirds of women in Nigeria believed to have experienced physical, sexual or psychological violence in the family. Human rights and women's rights organizations in Nigeria believe that violence in the family is the most prevalent form of violence against women in Nigeria. Its scale may be of "endemic proportions", according to the government report of 1997 to the CEDAW Committee, which monitors implementation of the CEDAW, to which Nigeria is a party. (U.N. Doc., 1993) The CEDAW Committee has subsequently in 2004 expressed concern about the "*continued prevalence of violence against women and girls, including domestic violence and sexual harassment in the workplace,*" in its concluding comments on Nigeria's fourth and fifth reports.

Violence against women in the home is widely regarded in Nigeria as a fact of married life that must be tolerated according to the only known official survey of public opinion on violence against women in the home in Nigeria. This 2003 Study found that the proportion of women and men who justified wife-beating was found to be highest in the north-central zone of Nigeria, and lowest in the south-west zone, which includes Lagos State. The proportion was also found to be higher in rural areas than in towns. A higher proportion of female than male respondents justified "wife-beating" where:

- *the wife goes out without telling her husband (women 36.3 per cent, men 21.3 per cent);*
- *the woman neglects her children (women 39.3 per cent, men 25.4 per cent);*
- *the husband thinks that the wife is unfaithful (women 52.5 per cent, men 31.0 per cent);*
- *meals are not ready on time (women 23.7 per cent, men 13.0 per cent);*
- *the wife argues with her husband (women 33.3 per cent, men 18.3 per cent); and*
- *the wife refuses to have sex with her husband (women 34.4 per cent, men 19.1 per cent).*

Nigeria has a projected population of 124 million of which women constitute 49.6% of the population. The Federal system of Nigeria operates three tiers of government: Federal, State and Local government and the Constitution recognises six geo-political zones.

The Nigerian Constitution of 1999 guarantees freedom from discrimination and equality before the law in Article 17(2)(a) and Article 42 (1). Despite these provisions no federal laws

specifically criminalize violence in the family, and prosecutions for violence in the family have to rely on the law on common assault and other criminal provisions. Cases of physical and sexual abuse, including wife-battering, are subsumed under the offence of assault. The law fails to address the specific circumstances of gender-based violence in the family, when the crime takes place in the home in which both perpetrator and victim have lived and may continue to live. At state level, legal systems operate concurrently that reflect the multicultural composition of the state. The statutory legal system is applied in parallel with customary law and to a certain extent also religious customary law, mainly Sharia.

At State level and in Lagos State, for example, there is no federal, state or customary law applicable that explicitly makes violence in the family a criminal offence. The legal system of the state, based on common law, is likewise inadequate in ensuring justice for women who have experienced such violence. The provisions on indecent assault in the Criminal Code applicable in Lagos State discriminate against women on the basis of sex. For example, if the victim of indecent assault is a woman the perpetrator upon conviction receives a lower sentence compared to if the victim had been male. In addition, at present there is no legislation in Lagos State providing for orders to be issued protecting victims of violence in the family. Protection orders complement criminal proceedings by restricting the actions of the perpetrator and offering protection to the victim while criminal investigations or proceedings are on-going. By contrast, criminal prosecution of the perpetrator or an action under civil law for compensation provide the victim with forms of redress.

Moves to fill gaps in the law have been made by Lagos State. The Domestic Violence and Related Matters Bill, which by December 2004 had received its second reading in the Lagos State House of Assembly, provides civil remedies for victims of violence in the family, including specific provisions for protection orders. In considering draft legislation in Nigeria currently it is useful to consider how domestic violence has been dealt with internationally and more specifically in South Africa.

3.2: Nigerian Women and Domestic Violence

One of the key issues addressed at the 1995 Fourth World Conference on Women in Beijing was the elimination of violence against women. Violence affects the lives of millions of women worldwide, irrespective of their socio-economic status. It cuts across ethnic, cultural

and religious barriers, impeding the rights of women to participate fully in the society. The urgency of addressing this global problem is tragically illustrated by the treatment of women in conflict or crisis situations, where various forms of harassment, intimidation, rape and forced pregnancies are being used as instruments of war, especially by the opposing forces or the supposed peacekeepers (Federal Ministry of Health, 2003). The recent incident in the Darfur region of Sudan, where women were violently abused both physically and sexually and some killed is typical (UN Doc., 1992). However, it is not only in times of war that women are vulnerable to abuse. Throughout the world, women suffer untold violence in the family, at work and in the wider community, while the perpetrators include individuals and the state apparatus. Women worldwide remain vulnerable to life-threatening conditions and abuse of physical and psychological integrity. Although violence against women is highly under-reported, its prevalence is high in many cultural settings both in the developed and developing countries. For instance, studies indicate that 10-58% of women have experienced physical abuse by an intimate partner in their lifetime. Furthermore; cross-sectional studies show that 40% of women in South Africa, 28% in Tanzania and 7% in New Zealand reported that their first sexual intercourse was forced (UN Report, 1996).

Violence against women is evident in many forms, including domestic, verbal and physical abuse, rape and sexual assault, early and forced marriages, incest and female genital cutting. In most societies, physical abuse is often considered an acceptable behaviour, and where it is frowned at, women are often blamed for inciting men to engage in it.^{10,14-16} For example, among the Luhya community in western Kenya and Tiv-speaking people of Nigeria, wife beating is even regarded as a sign of love, which women have been socialised to accept and sometimes encourage it.¹⁰⁻¹¹ Violence against women by male partners is widely condoned by many Nigerian societies, where the belief that a husband may chastise his wife by beating her is deeply embedded in the culture. Traditional attitudes regarding the subordination of women exacerbate problems of sexual and domestic violence (UN Report, 2004). Therefore, violence against women provides one of the most obvious illustrations of the low position and status that women are accorded in many cultures. In sub-Saharan Africa, a number of socio-economic and demographic factors are significant correlates of violence against women (Seventh African Regional Conference, 2004).

The social context of violence against women in Nigeria is related to the traditional African patriarchal society that defines the gender power structure. For instance, upon marriage a

woman surrenders to her husband exclusive sexual rights and obedience. This invariably gives her husband the liberty to violate and batter her if he feels that she has not adequately fulfilled her obligations, or for any other reason. Where the socio-cultural context of domestic violence is largely dependent on the gender power relation, men are always right; they always win in any case against their wives; the female relatives of a man are usually the first to accuse the woman and find her guilty irrespective of obvious signs of physical abuse (Seventh African Regional Conference, 2004).

Despite the fact that violence against women is a daily occurrence both in the public and private spheres, it is often rendered invisible, unrecognised and at best trivialised.^{10,20} For many years in Nigeria, violence against women received very little or no attention, with the silence engulfing it being used as a weapon in further perpetrating the act. However, since the UN Declaration on the Elimination of Violence Against Women (CEDAW) (Akpan, 2005), attempts have been made by government, non-governmental organisations and other stakeholders in Nigeria to address the powerful cultural, traditional and religious forces that have hitherto hindered the elimination of domestic and sexual violence. However, these programmes may be hampered without a good understanding of people's attitudes and perceptions toward violence against women, and the underlying cultural underpinning of the practice.

Most of the studies reviewed focus on prevalence, patterns, causes and consequences of domestic violence. There is virtually no published work on perceptions of domestic violence in Nigeria, and in so far as changing people's perception is a major step toward behavioural change, this paper is of utmost importance for the efforts to eliminate violence against women in Nigeria. Since men and the community in general see violence against women as normal, it is instructive to find out what women - who are at the receiving end - think about it. The first step to combating the problem of violence against women in Nigeria, or any subculture for that matter, is documentation of women's perceptions or opinions about it. This is a prelude to any attempt at effecting a serious change in societal attitude. Hence, to facilitate the design of effective programmes to reduce domestic violence, this paper examines women's perception of domestic violence against women under various scenarios.

3.3: Gender, Violence, and Control

In light of the possibility of gender differences in the process of control and violence, we consider how personal control is associated with domestic violence for men and women. The literature on control and the perpetration of domestic violence has concentrated on men, and the literature on the consequences of domestic violence for personal control has focused almost entirely on women, although neither literature has empirically tested the association of personal control and domestic violence with national data. Women report lower levels of personal control than do men in national surveys (Umberson, 1993). There is also some evidence that men and women differ in their definition of control and in the salience of control for personal well-being (Ross, 1991). Campbell (1993) provides qualitative evidence that the meaning of control in relation to aggression may differ for men and women. She argues that women tend to see violence as a negative outcome that represents a loss of self-control, but men tend to view violence as an instrument through which control and a sense of self-esteem can be reclaimed.

Smith, (1990) argues that issues of control are linked to "common couple violence" (less serious domestic violence in which both partners participate) and "patriarchal violence" (more severe domestic violence perpetrated primarily by men against women), although in different ways. He contends that common couple violence is an "intermittent response to the occasional conflicts of everyday life, motivated by a need to control in the specific situation." Acts of patriarchal terrorism, in contrast, reflect "a general intent to control one's partner" (p. 291). Furthermore, control is seen as more central to patriarchal violence than to common couple violence. The general need to control one's partner, then, is primarily an issue for men who perpetrate patriarchal violence. A situational need to control, according to Johnson, is an issue for men and women involved in common couple violence.

Feminist researchers contend that social structures of gender and power shape men's and women's access to resources for control within intimate relationships. Kirkwood (1993) suggests several ways that domestic violence and control may be shaped by gender and power:

A partner who is abusive uses his or her own powers of persuasion, his or her sensitivity to the vulnerabilities of a woman, his or her physical strength, and many more personal resources to enact control. Moreover, if that partner has access to external resources, such as management of the family income, he or she can use this to enact further control, such as

economic deprivation. The hierarchies of Western culture, which afford men greater resources in terms of money, cultural status, and the historical legacy of men's right to "punish" their wives, support men's abuse of women. (p. 64).

Certainly the significance of violent acts generally differs for women and men. Men are, on average, larger and stronger than women so that the same acts perpetrated by men are likely to be more damaging than those perpetrated by women. Compared with men, women are more likely to be injured during domestic disputes and to report engaging in violence in self-defence (Gelles & Straus, 1988). Smith, (1990) suggests that there may be gender differences in "(a) motivation to control, (b) normative acceptability of control, (c) inclination to use violence for control, [and] (d) physical strength differences that make violence effective ..." (p. 292). The clinical work on domestic violence and control-along with the different nature of men's and women's violent acts in terms of severity, injuriousness, and self-defence suggest that the link between personal control and violence may reflect different social-psychological processes in men and women.

4.0: CONCLUSION

The social context of violence against women in Nigeria is related to the traditional African patriarchal society that defines the gender power structure. For instance, upon marriage a woman surrenders to her husband exclusive sexual rights and obedience. This invariably gives her husband the liberty to violate and batter her if he feels that she has not adequately fulfilled her obligations, or for any other reason. Cases of physical and sexual abuse, including wife-battering, are subsumed under the offence of assault. The law fails to address the specific circumstances of gender-based violence in the family, when the crime takes place in the home in which both perpetrator and victim have lived and may continue to live. At state level, legal systems operate concurrently that reflect the multicultural composition of the state. The statutory legal system is applied in parallel with customary law and to a certain extent also religious customary law, mainly Sharia. In light of the possibility of gender differences in the process of control and violence, we consider how personal control is associated with domestic violence for men and women.

5.0: SUMMARY

The unit examined Nigerian context and legal framework to address the challenges of DV. It evaluated the interaction of gender, violence and control and further addressed Nigerian women in the face of domestic violence. It is against this background that the unit upon evaluation concluded that men are less likely to be injured in the event of domestic violence.

6.0: TUTOR-MARKED ASSIGNMENT

- a) Why was it posited that males are less likely to be injured in the event of DV?
- b) Discuss any local legal mechanism in place to counter DV.

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MODULE 5: CONTROL MEASURES AGAINST DOMESTIC VIOLENCE

Unit 1: Personal Control Measures against Domestic Violence

Unit 2: The Legal Instruments to Control Domestic Violence

Unit 3: Legal Reform Advocacy

Unit 4: Challenges to Legal Reform Advocacy in Nigeria

Unit 5: Obstacles to Realising Better Legal Regime in Nigeria

UNIT 1: PERSONAL CONTROL MEASURES AGAINST DOMESTIC VIOLENCE

CONTENTS

1.0: Introduction

2.0: Objectives

3.0: Main Content

3.1: Personal Control and Victims of Domestic Violence

3.2: Personal Control and Perpetrators of Domestic Violence

3.3: Unique Provisions of the DV bill

4.0: Conclusion

5.0: Summary

6.0: Tutor-Marked Assignment

7.0: References/Further Readings

1.0: INTRODUCTION

Most times, the victims of domestic violence are as guilty as the perpetrators of the same act. This unit attempt to strike a balance between who is a victim and who is a perpetrator in the event of domestic violence. It argued that though the bill against domestic violence may be genuine and attractive that real control depends on the victim and the perpetrators of the act.

2.0: OBJECTIVES

At the end of this unit, you should be able to:

- a) Identify who a perpetrator is and who a victim is.
- b) Discuss the relationship between the actor and victim
- c) Explain the position of the domestic violence bill succinctly.

3.1: Personal Control and Victims of Domestic Violence

A substantial research literature describes the repercussions of domestic violence for victims' physical and psychological wellbeing, and this literature suggests that violence may affect well-being partly by affecting one's sense of personal control. Exposure to violence within an individual's immediate social environment can produce temporary or permanent changes in that individual's physical health and emotional state. Several studies conducted with victims of domestic violence suggest that experiencing physical or emotional assaults at the hands of a family member significantly reduces a victim's sense of personal control. Lenore Walker (1984) characterizes this psychological outcome as one component of the "battered woman's syndrome." He contends that women who are repeatedly victimized by domestic violence learn that they cannot predict the outcome of their behaviour a process called "learned helplessness." Although women attempt to keep male partners calm in order to avoid conflicts that could escalate into violence, they are unable to predict whether their behavior will soothe or enrage their male partners. The women studied by Walker clearly suffered a reduced sense of control over their own physical safety.

This loss of personal control has severe psychological and emotional consequences. Some studies document the presence of flashbacks and dissociative experiences among women victimized by domestic violence (Walker, 1984). Other studies suggest that domestic violence is associated with depression, substance abuse, suicide, and a loss of self-esteem among female victims (Kirkwood, 1993; Stark & Flitcraft, 1991; Stark, Flitcraft, & Frazier, 1979). These findings are consistent with the epidemiologic literature documenting associations among the social environment, personal control, and psychological distress. The negative psychological effects of domestic violence documented in past research may be due, in part, to victims' lack of personal control over the violence in their environments. However, previous survey research has not examined whether exposure to violence within the social environment leads to a reduced sense of personal control.

3.2: Personal Control and Perpetrators of Domestic Violence.

Much theory and research on batterers and some intervention programs designed for batterers emphasize some aspect of "control" as playing a role in domestic violence (Stets, 1988). For example, many studies suggest that domestic violence occurs in response to a perceived lack of control over the environment and in order to obtain control over the primary individual in one's social environment (Campbell, 1993). This may explain why physical aggression

toward women escalates when women attempt to leave their male partners and when women are pregnant (Reiss & Roth, 1993). These situations may threaten men's actual or perceived control over women and their own lives. Previous studies imply that a perceived lack of control over one's partner or perceived threats to control by one's partner cause emotional distress for some men, especially those with a high need for control (Gondolf, 1985). In turn, distress may trigger violent acts (Umberson & Williams, 1993). Separation and divorce often are associated with the initiation or escalation of domestic violence (Reiss & Roth, 1993). This may occur, in part, because men feel a loss of control in such situations, and violence is an attempt to regain control over their environment (Umberson & Williams, 1993). Stets (1995) makes a similar argument based on dissonance theory. She suggests that:

when people suffer a loss of control over their environment, this threatens their view of themselves as having efficacy or mastery, and compensation through controlling others will occur in order for them to regain the view that they have control. (p. 491)

In an earlier study, Stets (1992) found that attempts to control one's partner were associated with interpersonal aggression. These studies suggest that attempts to establish personal control may be linked to the use of violence.

Several studies of perpetrators of domestic violence have found that violent men often attribute their behavior to a "loss of control" (Ptacek, 1988). Feminist theorists, however, have argued that male perpetrators often are explicit about the timing, place, and target of their violence. This suggests that these men are actually in control of their behavior and are using violence in an instrumental fashion (Ptacek, 1988). These are not necessarily mutually exclusive situations. Perpetrators may, indeed, feel that they have little control over some element of their social environment (e.g., unemployment). Violence may be an instrumental act initiated in an attempt to regain a sense of control over at least one element of their environment when they feel out of control generally. This suggests that perpetrating acts of violence may enhance the perpetrator's sense of personal control.

3.3: Unique Provisions of the Domestic Violence Bill

A Bill presently on the floor of Lagos House of Assembly provides a quasi-criminal, quasi-civil procedure in that the legal process under the bill does not involve arrest, or trial or punishment of the perpetrator but only aims at protecting the survivor from violence within

the home. It is only when the perpetrator violates the court order that he can be arrested. Under the Bill, a survivor of domestic violence or third party who is qualified to do so may approach any court in the state and ask for a protective order against the perpetrator for a certain period of time, within which also the perpetrator undergoes counselling. If the perpetrator continues with the violence despite the protective order against him or her, the court may make an order to protect the woman's insecurity with respect to her subsistence, shelter, and maintenance of the children while the perpetrator is compelled to comply with the protective order. The bill enjoins the court to hear complaints under the bill in strict confidence and in chambers. This is to protect the social, psychological and personal integrity of the parties, especially the survivor. It also aims at protecting the children from undue attention and publicity.

A third party, usually a relative, welfare officer, community health, social or welfare worker, the community itself, or such other person as defined by the bill may intervene to obtain a protective order in favor of the survivor who has refused or is unable to seek legal remedy.

4.0: CONCLUSION

Women who are repeatedly victimized by domestic violence learn that they cannot predict the outcome of their behaviour a process called "learned helplessness." Although women attempt to keep male partners calm in order to avoid conflicts that could escalate into violence, they are unable to predict whether their behavior will soothe or enrage their male partners. Feminist theorists, however, have argued that male perpetrators often are explicit about the timing, place, and target of their violence. This suggests that these men are actually in control of their behavior and are using violence in an instrumental fashion Under the Bill, a survivor of domestic violence or third party who is qualified to do so may approach any court in the state and ask for a protective order against the perpetrator for a certain period of time, within which also the perpetrator undergoes counselling. If the perpetrator continues with the violence despite the protective order against him or her, the court may make an order to protect the woman's insecurity with respect to her subsistence, shelter, and maintenance of the children while the perpetrator is compelled to comply with the protective order.

5.0: SUMMARY

This unit has examined the impact of personal control and victims of DV. Personal control and perpetrators of DV was also considered in the light of the unique provisions of domestic violence bill.

6.0: TUTOR-MARKED ASSIGNMENT

- a) Discuss the position of the feminist theorist concerning perpetrators of Domestic violence.
- b) Explain what you understand by “victimization”

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UNIT 2: THE LEGAL INSTRUMENTS TO CONTROL DOMESTIC VIOLENCE

CONTENTS

1.0: Introduction

2.0: Objectives

3.0: Main Content

3.1: Nigeria's Obligation under Regional and International Legal Instruments.

3.2: The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

3.3: International Control Instruments

4.0: Conclusion

5.0: Summary

6.0: Tutor-Marked Assignment

7.0: References/Further Readings

1.0: INTRODUCTION

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, which was ratified by the required fifteen member states, including Nigeria, and came into force on November 26, 2005, Other key provisions of the Protocol Constitutions and laws of African states.

2.0: OBJECTIVES

At the end of this unit, you should be able to:

- a) Examine the prospects and challenges of legal reform regarding domestic violence in Nigeria and beyond.
- b) Have good focus on efforts at getting better legal regime for victims of domestic violence.
- c) Know the peculiar challenges faced by victims in dealing with this issue.

3.0: Main Content

3.1: Nigeria's Obligation under Regional and International Legal Instruments

Regional Instruments

The African Charter on Human and Peoples' Rights (the African Charter) entered into force on October 21, 1986. It has been domesticated by Nigeria, (Section 12 of the Nigerian

Constitution, 1999) and is now a part of the domestic law. The African Charter recognizes women's rights in three clear provisions. Article 18 (3) ensures the elimination of every discrimination against women and ensures protection of women. Article 2 contains a non-discrimination clause, providing that the rights enshrined in the Charter shall be enjoyed by all irrespective of race, ethnic group, colour, sex, language, political or any other opinion, national or social origin, fortune, birth or other status. The equal protection clause in Article 3 provides for equality before the law and equal protection before the law (African Charter, 2006).

This Charter, however, was inadequate in protecting the rights of women in Africa. It did not take into consideration critical issues such as custom and marriage. Within the marital relationship, there was no provision on the age of marriage and equality of spouses. More importantly, the Charter promoted African traditional values and traditions without due consideration to the harmful effects of some traditional values on women. Because of these and other issues, there was a heightened agitation by women's rights advocates for a regional instrument on women's human rights that resulted in the African Women Protocol discussed below.

Violence against women was first highlighted within the African context in the Dakar Declaration of 1994—African Platform for Action and the Dakar Declaration of 1994—as widespread in most African countries. The Dakar Declaration acknowledged that violence deprives women of their ability to achieve their full potential and threatens their safety, freedom and autonomy. It also acknowledged that violence is often unreported, as the majority of women do not speak out or report to the court but keep silent out of fear, shame or misplaced feeling that they are somehow responsible (African Platform for Action, 2004).

3.2: The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, which was ratified by the required fifteen member states, including Nigeria, and came into force on November 26, 2005, places an obligation on state parties to take measures to address not only violence against women, but also other aspects of women's rights. Article 1 defines violence against women as:

All acts perpetrated against women which cause or could cause them physical, sexual, psychological and economic harm, including the threat to take such acts, or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life, in peace time and during situations of armed conflict or of war (African Charter, 2006).

Interestingly, unlike many Constitutions and laws of African states, this definition of violence against women widens the scope of sexual violence to include marital rape. Prohibition of marital rape is further emphasized in Article 4, which requires states parties to prohibit, prevent, and punish all forms of violence against women including unwanted or forced sex whether the violence takes place in private or public.

Other key provisions of the Protocol include Article 1(f), which guarantees the enjoyment of women's rights regardless of marital status in all spheres of life. This provision implies that national laws and constitutions that discriminate against married women—an example is Section 26 of the 1999 Nigerian Constitution—are in conflict with the Protocol and violate its non-discrimination principles (Sec. 26 (1999) (Nigeria).

Article 1(g) defines harmful practices as practices that “negatively affect the fundamental rights of women and girls such as their rights to life, health, dignity, education, and physical integrity.” Article 3 imposes an obligation on all parties to the Charter to combat all forms of discrimination against women through appropriate legislative, institutional, and other measures. States should, among other things, include in their constitutions and other legislative instruments the principle of equality between men and women and ensure its effective implementation. Article 3 reaffirms women's rights to dignity inherent in a human being and the recognition and protection of her human and legal rights. It obligates state parties to adopt and implement appropriate measures to ensure the protection of every woman's right and protection from all forms of violence, particularly sexual and verbal violence (African Charter, 2006).

Having already defined harmful traditional practices, Article 5 focuses on measures to be taken by the government to eliminate them such as public awareness, legislative measures, provision of necessary support to victims, etc. Importantly, Article 6 establishes the minimum

age for marriage as 18, thereby abolishing child marriages. It also gives women the right to acquire, own, and freely manage their property. In the case of divorce, Article 7 provides the right to an equitable sharing of the joint property deriving from the marriage. Under Article 8, state parties have an obligation to reform existing discriminatory laws and practices in order to promote and protect the rights of women (African Charter, 2006).

For the first time in an international instrument, women have the right to medical abortion in cases of rape, sexual assault, incest, and where the pregnancy endangers the mental and physical health of the mother or the life of the mother or the unborn child. Widows' rights are provided for under Article 20, and state parties are urged to take appropriate legal measures to ensure that widows are not subjected to inhuman, humiliating, or degrading treatment. A widow automatically becomes the guardian and custodian of her children unless this is contrary to the best interest and welfare of the children. A widow also has the right to equitable share in the inheritance of the property of her husband and shall have the right to continue to reside in the matrimonial house. Nigeria has signed and ratified this instrument and is therefore bound to implement its provisions.

3.3: International Control Instruments

As a member of the United Nations, Nigeria has signed and ratified several of the human rights instruments. Some are general human rights instruments that specifically recognize the right to non-discrimination. Such general instruments that provide protection against non-discrimination which Nigeria has signed and ratified include the International Covenant on Economic, Social and Cultural Rights (in force in 1976), the International Covenant on Civil and Political Rights (in force in 1976), the Convention on the Rights of the Child. There are also other instruments, which focus specifically on women such as the Declaration on the Elimination of Discrimination Against Women, and CEDAW (CEDAW, 1981).

Nigeria signed and ratified CEDAW on June 13, 1985 without any reservations.⁹⁴ It also ratified the Optional Protocol to CEDAW on November 22, 2004. CEDAW provides the basis for ensuring equality between men and women. It urges state parties to condemn discrimination against women in all its forms and pursue without delay a policy of eliminating discrimination against women by embodying the principles of equality of men and women in the Constitutions. Article 4 encourages the principle of Affirmative Action as a temporary special measure to ensure women's advancement. Sexual exploitation of women, especially for prostitution and trafficking, are addressed in Article 6 and state parties are

obliged to take all appropriate measures to ensure trafficking and other forms of sexual exploitation are eliminated. Article 15 grants women equality before the law, while Article 16 obliges state parties to take all appropriate measures to eliminate discrimination against women in all matters relating to family relations (Amnesty International, Nigeria, 2005).

By ratifying CEDAW and its Optional Protocol, Nigeria promises to incorporate the principles of equality in the Nigerian legal system, abolish all discriminatory laws, and adopt appropriate legislative and other measures to eliminate discrimination against women. By ratifying CEDAW and its Optional Protocol without reservation, Nigeria is promising the international community that it would be bound by those provisions and would repeal laws that impede the success of women. However, the Nigerian government is yet to domesticate CEDAW in line with Section 12 of the Constitution (Sec. 12 (1999) (Nigeria). This means that at best, the principles of CEDAW can only have persuasive influence on the domestic legal system.

4.0: CONCLUSION

As a member of the United Nations, Nigeria has signed and ratified several of the human rights instruments. Some are general human rights instruments that specifically recognize the right to non-discrimination. Article 2 contains a non-discrimination clause, providing that the rights enshrined in the Charter shall be enjoyed by all irrespective of race, ethnic group, colour, sex, language, political or any other opinion, national or social origin, fortune, birth or other status. The equal protection clause in Article 3 provides for equality before the law and equal protection before the law (African Charter, 2006).

This Charter, however, was inadequate in protecting the rights of women in Africa. It did not take into consideration critical issues such as custom and marriage. Within the marital relationship, there was no provision on the age of marriage and equality of spouses. More importantly, the Charter promoted African traditional values and traditions without due consideration to the harmful effects of some traditional values on women. Because of these and other issues, there was a heightened agitation by women's rights advocates for a regional instrument on women's human rights that resulted in the African Women Protocol.

5.0: SUMMARY

This unit has examined the legal instruments to the control of domestic violence under the sub-theme of Nigeria's obligations under regional and international legal instrument. Also, it considered the protocol to the African charter on human and people's rights on the right of women in Africa. Further, it reviewed domestic violence and legal reforms in Africa.

6.0: TUTOR-MARKED ASSIGNMENT

- a) Has Nigeria fared in her obligation to international legal instruments to the control of domestic violence?
- b) Discuss a provision of the African charter on human and people's rights on the right of women in Africa.

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UNIT 3: LEGAL REFORM ADVOCACY

CONTENTS

- 1.0: Introduction
- 2.0: Objectives
- 3.0: Main Content
 - 3.1: Domestic Violence and Legal Reforms in Africa
 - 3.2: Violence against Women (Prohibition) Bill 2003
 - 3.3: Domestic Violence Bill Advocacy Project
- 4.0: Conclusion
- 5.0: Summary
- 6.0: Tutor-Marked Assignment
- 7.0: References/Further Readings**

1.0: INTRODUCTION

Legal reforms are not easy to come by due to its human and material cost implication on the state. However, in recent years, there have been increased efforts to enhance the protection and promotion of women's rights through the international, regional, and national enactment of laws and policies. This concern of this unit is to review efforts in this direction.

2.0: OBJECTIVES

At the end of this unit, you should be able to:

- a) Discuss legal reforms and advocacy at least in Nigeria.
- b) Identify the lop-sidedness of these reforms

3.0: Main Content

3.1: Domestic Violence and Legal Reforms in Africa

Women in Africa, like their counterparts the world over, suffer domestic violence irrespective of class, age, religion or social status (Hamm, 2000). Incidents of domestic violence include battery, beatings, torture, acid baths, rape, and even death through honour killing. It is estimated that one in every three women suffers domestic violence from the hands of those who claim to love and protect them (Hudson, 1998).

Many of the victims do not speak out about violations of their rights due to lack of positive response from the society. Domestic violence is so entrenched in the society that even the victims condone such violations of their rights, some claiming it is a sign of love.⁴ Due to poverty and economic dependence on men, many victims suffer in silence for fear of losing the economic support of the male perpetrator—where a victim summons the courage to report to law enforcement agents, the issue is trivialized and termed a “private matter.” (Amnesty International, Nigeria, 2005).

In recent years, there have been increased efforts to enhance the protection and promotion of women’s rights through the international, regional, and national enactment of laws and policies. Such efforts have resulted in standard setting documents like the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) and the Beijing Platform for Action at the international level. Some countries have passed laws and policies incorporating such international standards into their domestic laws. For example, Nigeria has incorporated the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, and the United Nations Convention Against Transnational Organized Crime, and the Convention on the Rights of the Child into domestic law (United Nations, 2007).

In many other countries, however, women are faced with various and diverse obstacles to the enforcement of international human rights standards and therefore suffer from a lack of protective laws that would meet recent international standards. Such obstacles include lack of political will by the government to integrate ratified international instruments as required by their constitutions, discriminatory cultural and traditional practices, religion, and poverty (Agina, 2007). Others include lack of participation in politics and decision-making processes, denial of access to education and inheritance, high cost of legal services, and prejudices against women in all the communities. In these societies, women are afforded inferior status in relation to men, despite the significant contributions made by women to the development of the community.

Nigeria, the focus of this research, is one of such countries where international human rights instruments have yet to be incorporated into domestic laws. The long-standing military regime in Nigeria resulted in gender-insensitive laws and policies passed by military leadership. Despite increased awareness of democracy and the need to sustain democratic

rule in the country, women's rights issues are still not properly articulated in terms of policies and have yet to be given their proper priority by the government. An example is the declaration of May 29 of every year as "Democracy Day" by the government of Olusegun Obasanjo. The majority of women's rights activists, as well as other human rights activists, are not experienced in the art of lobbying and advocacy in a democratic regime, having spent most of their time working under a military dictatorship (Ojo, 2006).

However, there have been initiatives to integrate international instruments and protect victims and survivors of domestic violence. Current initiatives include an advocacy campaign for the passage of a law on violence against women, which would provide rehabilitation services including shelters and skills acquisition programs for victims and survivors. Other initiatives include the Domestic Violence Bill Advocacy project, a campaign that involves raising awareness about domestic violence, and campaigning for the enactment of a domestic violence law in twelve states in Nigeria (The Embassy of Nigeria, 2007). These initiatives have been met with various obstacles and challenges at different stages of the law reform process.

3.2: Violence against Women (Prohibition) Bill 2003

Initiatives for legal reforms have come mainly from civil society organizations and human rights activists in Nigeria. Such initiatives include the following. The Violence Against Women (Prohibition) Bill 2003—(VAW)—is an initiative of a coalition of non-governmental organizations involved in law reform advocacy as well as provisions of services to victims and survivors of violence against women. In addition to drafting a comprehensive bill on violence against women, the coalition aims at creating awareness that will promote attitudinal changes in the society that are necessary for the Bill's successful implementation. The Bill was first submitted to the House of Representatives in 2000, but did not see the light of day until the end of that legislative session in 2003. It was then reintroduced to the same House of Representatives in 2003 but has yet to be passed into law (Amnesty International, Nigeria, 2007).

The VAW Bill aims at addressing obstacles to the practice of constitutional principles arising from all forms of gender based violence. Section 1 of the Bill prohibits certain acts that constitute violence against women, including wilfully placing or attempting to place a woman or girl in fear of physical injury, coercing a woman or girl—by force or threat—to engage in

any act—sexual or otherwise—to the detriment of her physical or psychological wellbeing, mutilating, attempting or aiding the mutilation of a woman’s or girl child’s genitals, indecently assaulting a woman or girl, raping a woman or girl, committing incest with a woman or girl, marrying or giving an under-aged girl into marriage, sexually harassing a woman or girl, sexually assaulting a woman or girl, sexually exploiting or enslaving a woman or girl, sexually abusing a woman or girl, forcing a woman or girl into prostitution, slavery or trafficking, depriving a woman of her liberty, denying a woman of economic benefit without just cause, exposing any woman or girl to forced labor, forcing any woman to isolate herself from family and friends, inflicting any emotional abuse on a woman, abandoning wife or children without any means of subsistence, stalking or intimidating any woman or girl and inflicting any domestic violence on a woman (VAW, 2003).

Any person who attempts to commit any of the offenses listed there or any person who aids, incites or counsels another person to commit any of these offenses is deemed to have taken part in committing the offence. If the court finds that person guilty, such a person will be liable on conviction to imprisonment for a minimum of two years or a minimum fine of 10,000 Naira or both fine and imprisonment. The State High Court is designated as the court of competent jurisdiction to hear cases of violence against women brought pursuant to the provisions of the proposed bill.

The Bill stipulates conditions for issuing a Protection Order for survivors of violence and provides that an application for a protection order may be made before any High Court following a complaint of violence against a woman as defined under Section 1. According to Section 6 (1) (a)–(g), only certain persons or agencies may apply for a Protection Order at the State’s High Court, namely, the complainant, the Commission on violence against women, the police, a relative of the victim, a social worker or health worker, a representative of a relevant civil society organization, or any person who witnesses the act of violence.

The modalities and procedures for applying for a protection order are also included in the Bill. The Bill provides for an Interim Protection Order in circumstances where there is reasonable cause to believe that unless the order is issued, the applicant or dependent will be at risk of acts of violence by the respondent. Subsection 2-3 provide that applications for a Protection Order must be made *ex parte* supported by an affidavit of the applicant or any person knowledgeable about the matters concerned and can be heard by the judge in

chambers. Such application must be heard within twenty-four hours of being filed. The return date on the interim protection order should not be more than fourteen days from the date the interim order is made and a copy of it must be given to the respondent. The police officer must assist a survivor of domestic violence to file a complaint, provide or arrange safe transport to alternative residence or shelter, provide transportation to the nearest medical facility for treatment and inform the survivor of her rights to protection against domestic violence (VAW, 2003).

Section 15 provides for the establishment of a Commission on violence against women which will monitor and supervise the implementation of the provisions of the Bill. The Commission will also administer the operation of the Trust Fund provided for in the Bill to provide aid for survivors of violence such as rehabilitation and reintegration, shelters, legal aid and supporting organizations that provide direct assistance to survivors of violence. As stated above, this Bill has been in the lower House of Representatives for the past five years and has not even been listed in the Order Paper for hearing. At a meeting organized by the House Committee on Human Rights, the author raised concern about the slow progress of the Bill. A member of the Committee in the House of Representatives explained in confidence that the provision on marital rape has delayed the passage of the bill into law. According to this source, committee members view this provision as western and against the culture of Nigeria and once this “issue” is settled, the Bill will be passed into law. With just a few more months left before this legislative year ends in 2007, the possibility of passing the Bill into law grows dimmer every day.

3.3: Domestic Violence Bill Advocacy Project

The Domestic Violence Bill Advocacy Project is an initiative of the Legal Defence and Assistance Project (LEDAP) a non-governmental membership organization of lawyers in Lagos, Nigeria. As the then Coordinator of the women’s program of LEDAP, the author drafted the Domestic Violence Bill between June and September 2000. In drafting this bill, the first of its kind in Nigeria, references were made to the Family Violence Law of South Africa as well as other laws on domestic violence and/or family violence. The goal of the project is to raise awareness about the dangers of domestic violence in the project states and mobilize support for the campaign to enact a law on domestic violence. The project is being implemented in twelve states in Nigeria (LEDAP, 2007).

Several strategies were adopted for the campaign on domestic violence taking into consideration the state and the geopolitical zone of the country. Generally however, the following strategies were adopted in all the project states:

a) Stakeholders Consultative Forum on the draft bill—this first meeting after the drafting of the bill was the Stakeholders Consultative Forum held in Lagos on November 16, 2000. Participants included non-governmental organizations, lawyers, and legislators, members of the Ministry of Justice and Ministry of Women’s Affairs, and Journalists. Three key learning points at the roundtable were: the need to sensitize and enlighten men on the dangers of domestic violence and carry them along in the campaign, the need for counselling services for the perpetrators of domestic violence in the draft bill and the willingness and enthusiasm of other women’s groups to support and contribute to the success of the project and carry them along in the campaign. A Strategic Committee of eleven civil society activists and five media partners was set up to harmonize the views of participants at the consultative roundtable and produce the second draft.

b) As part of the advocacy campaign, the first ever National Workshop for men on domestic violence was held from August 15 –17, 2001 in Abuja. This workshop provided an opportunity for Nigerian men to discuss the issue of domestic violence and their role in raising awareness and campaigning for the enactment of the Domestic Violence Act. Participants included students, legislators, journalists, lawyers, judges, religious leaders, and police officers. Participants at the workshop highlighted the need for a multi-disciplined lobby and advocacy network of men on domestic violence, identification of strategies for lobby at the States Houses of Assembly as well as creation of awareness at pilot states and at the National Assembly. An important output of this workshop was the formation of all male lobby groups in the project states to campaign for the Domestic Violence Bill (Declaration on the Elimination of Discrimination Against Women, 2004). This network, known as the Blue Ribbon, played a vital role in the advocacy campaign.

c) Series of Legislative Advocacy Training and Strategic Linkage workshops were held in all the project states. The goal of the training and strategic linkage workshops was to train civil society organizations on the skills of legislative advocacy with particular focus on the domestic violence bill. This provided a link and platform for interaction and networking for community based organizations and other agents of change in the state. It also built a network

of civil society organizations in the states on legislative advocacy and promotion of rights of women and other vulnerable persons. These workshops also provided participants the opportunity to discuss the provisions of the draft bill and make suggestions in line with the peculiarities of the states. Participants at these workshops formed the legislative advocacy coalitions, which lobbied intensively for the passage of the bill into law. They followed the progress of the bill in the parliament and lobbied legislators to pass the bill into law. Members of the coalition engaged in several consultation and advocacy visits with state legislators. At the roundtable, the legislators were given the opportunity to discuss the provisions of the bill and for the coalition to lobby for sponsors of the bill. It also provided an opportunity to open dialogue between the legislators and civil society organizations.

d) The Enlightenment and sensitization program was launched in each of the project states on the issues of domestic violence and its implications on the lives of the people as well as the benefits they will derive if the bill is passed into law. The goal was to raise awareness of women's human rights generally and the issue of domestic violence in particular and to provide information to lobby legislators on the issue. Campaign materials included radio and television interviews, posters, booklets, rallies and use of t-shirts. The media proved to be a strong ally in the domestic violence bill campaign. In each of the project states, the state or national media provided wide coverage on the issue of domestic violence and encouraged state legislators to pass the bill into law. In one of the states, Cross River State, the state media provided a live television phone-in program, which allowed members of the public to air their views on domestic violence. Two days before the public hearing on the bill, an analysis of domestic violence and the key provisions of the bill were highlighted and members of the public urged to turn out for the public hearing. This strategy was hugely successful as the state legislature eventually passed the bill into law.

4.0: CONCLUSION

Initiatives for legal reforms have come mainly from civil society organizations and human rights activists. Such initiatives include the following. The Violence Against Women (Prohibition) Bill 2003—(VAW)—is an initiative of a coalition of non-governmental organizations involved in law reform advocacy as well as provisions of services to victims and survivors of violence against women. Current initiatives include an advocacy campaign for the passage of a law on violence against women, which would provide rehabilitation

services including shelters and skills acquisition programs for victims and survivors. The Domestic Violence Bill Advocacy Project is an initiative of the Legal Defence and Assistance Project—LEDAP—a non-governmental membership organization of lawyers in Lagos, Nigeria.

5.0: SUMMARY

This unit has examined legal reform advocacy locally and internationally. Despite these reforms, many issues still remain unattended to like some African reform that ended up incorporating harmful cultural values especially absence of rehabilitation services for domestic violence victims and survivors.

6.0: TUTOR-MARKED ASSIGNMENT

- a) Discuss any one initiative taken to control domestic violence.
- b) Mention two strategies and their goals, adopted in all the project states involved in advocacy programmes.

7.0: REFERENCES

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UNIT 4: CHALLENGES OF LEGAL REFORM ADVOCACY IN NIGERIA

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- 1.0: Introduction
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1.0: INTRODUCTION

The civilian government which came into being in 1999 provided women's rights organizations with the opportunity to lobby and advocate changes in the laws and policies for a better legal regime for women in Nigeria. All the state Houses of Assembly and the National Assembly had one bill or another aimed at empowering women. Many of these initiatives were unsuccessful for several reasons, three of which will be highlighted here.

2.0: OBJECTIVES

At the end of this unit, you should be able to:

- a) Discuss deficiency in legal reform advocacy
- b) Explain short falls in gender representation in Nigeria
- c) Explain weakness of gender policy

3.0: Main Content

3.1: Lack of Advocacy Skills

Many activists have lived most of their lives under the military and are used to advocacy under a totalitarian military regime for the enforcement of civil and political rights. They are accustomed to the military practice of returning to the barracks and handing over power to civilian government through a free and fair election. The coming into power of the civilian government necessitated a change of tactics to ensure citizen's participation in the new

democracy. However, women's rights activists have been found wanting in the art of advocacy and lobbying in a democratic setting. This was particularly evident in the first legislative year of 1999-2003, when the Violence Against Women Bill was submitted by the National Coalition to the House of Representatives, the Lower House in the bicameral legislative structure. Apart from getting a sponsor for the Bill, nothing much was achieved despite a collaboration with the House Committee on Women of the Lower House. Some international human rights organizations recognized the need for training on advocacy and stepped in to provide some form of training on lobby and legislative advocacy. Such organizations include Global Rights (formerly known as the International Human Rights Law Group) who provided the first training on legislative advocacy at the onset of the civilian administration.

The second legislative year, which began in 2003, seems to have already yielded some fruits as more bills on women's rights issues have been passed. For example: Infringement of a Widow's and Widower's Fundamental Rights Law No. 3 of 2001 in Enugu State; The Law Against Female Genital Mutilation (FGM) in Edo, Ekiti, Bayelsa, Ogun, Delta, Ebonyi, and Cross River States; prohibition of early marriages in Kebbi and Niger States; retention in schools of girls from schools in Kano, Borno, Gombe, and Bauchi states; trafficking in women and children in Edo State; Child Rights Act; Trafficking in Persons (Prohibition) Law Enforcement and Administration Act; The Nigerian Constitution; National Human Rights Commission (Gender Desk); National Action Committee on Women in Politics; Universal Basic Education; and Women Development Centres in all the states. No doubt women are learning fast about the art of lobbying in a democratic setting. However, more needs to be done.

3.2: Lack of Female and Gender Sensitive Representation

In spite of enhanced political awareness, the level of women's participation in governance and decision-making in society has not improved. Factors such as lack of education, cultural prejudices, gender insensitivity in party programs and manifestos, economic disabilities, and lack of skills in the art of politicking have contributed to the non-realization of women's political rights. The actual percentage of women representatives is a far cry from the expected thirty per cent representations stated in the Affirmative Action principle as well as the principles contained in the National Policy for Women (African Platform for Action, 2005).

Both documents provide for at least thirty per cent women representation in the legislative and executive arms of government as well as political party hierarchies.

FEMALE REPRESENTATION IN 1999 - 2003

Position	No. of Seats Available	No. of women elected and % in 1999	No. of women elected and % in 2003
Presidency	1	0 (0%)	0 (0%)
Senate	109	3 (3.7%)	3 (3.7%)
House of Representatives	360	12 (.33%)	21 (5.83%)
Governorship	36	0 (0%)	0 (0%)
State Houses of Assembly	990	12 (1.21%)	29 (3.84%)

Source: Women's advocates research and documentation centre (WARDC), (2004).

In states like Adamawa, Cross River, Ebonyi, Jigawa, Kano, Katsina, Kebbi, Nasarawa, Oyo, Sokoto, Yobe, and Zamfara, no woman has been elected into the state House of Assembly (WARDC), (2004). The result of non-female representation in Nigeria is that gender sensitive laws and policies are not a priority either at the state or national level. In the campaign for the Domestic Violence Bill, attaining access to male dominated legislatures and sustaining the interest of men in an issue considered "domestic" and "private" was a major obstacle. The obvious entry point is the Women's Committee of the various State Houses of Assembly. This becomes a burden, however, when the Committee is not only headed by a man but is also all male containing members reluctant to discuss what is termed a "domestic matter" between a husband and a wife.

3.3: Lack of effective gender policy

In July 2000, President Olusegun Obasanjo approved and signed the National (African Platform for Action, 2005) Policy on Women, marking a milestone in the women's rights movement in Nigeria. The National Policy embraces the principles and provisions of equality in CEDAW and calls for enforcement of existing laws and enactment of new ones in consonance with the provisions of CEDAW. However, there is no positive action from any branch of government to implement the principles of the policy. The National Policy embraces the principles and provisions of equality in CEDAW and calls for enforcement of existing laws and enactment of new ones in consonance with the provisions of CEDAW. However, there is no positive action from any branch of government to implement the principles of the policy (CEDAW, 2005). The Federal Government is not obligated to follow the guidelines; nor is it binding on any individual, group, or organization. As stated in its

preamble, the Policy is “another expression of the government’s commitment to the development of all sectors of the population and to the institutionalization of processes which will pilot the Nigerian society towards social equity, justice, and a much improved quality of life.” The approval of the Policy without giving it a force of law that enables women to challenge its lack of enforcement, will not improve the situation of women in Nigeria, especially domestic violence victims. There are also no clear guidelines on the implementation of the guidelines, no evaluation, monitoring, or enforcement of the guidelines.

In the opinion of the researcher, domestication of CEDAW will provide a better legal framework that will pave the way for gender equality in Nigeria. In its General Comments to the Fourth and Fifth Country Report, the CEDAW Committee expressed concern that CEDAW is yet to be domesticated although Nigeria ratified the Convention in 1985. Other principle areas of concern included: some provisions of the 1999 Constitution that discriminate against women in particular in the area of nationality and employment; the existence of a three pronged legal system, namely statutory, customary, and religious laws that result in a lack of compliance with international obligations and continued discrimination against women; the lack of comprehensive measures to address all forms of violence against women in the family and in society and to recognize that such violence constitutes a violation of human rights of women; the lack of evaluation of the impact of policies like the National Policy on Women and of effective monitoring mechanisms; and the dearth of data and information disaggregated by sex on the results achieved (CEDAW, 2005).

4.0: CONCLUSION

The coming into power of the civilian government necessitated a change of tactics to ensure citizen’s participation in the new democracy. However, women’s rights activist have been found wanting in the art of advocacy and lobbying in a democratic setting. This was particularly evident in the first legislative year of 1999-2003, when the Violence against Women Bill was submitted by the National Coalition to the House of Representatives, the Lower House in the bicameral legislative structure. The actual percentage of women representatives is a far cry from the expected thirty per cent representations stated in the Affirmative Action principle as well as the principles contained in the National Policy for Women In the opinion of the researcher, domestication of CEDAW will provide a better legal framework that will pave the way for gender equality in Nigeria The National Policy

embraces the principles and provisions of equality in CEDAW and calls for enforcement of existing laws and enactment of new ones in consonance with the provisions of CEDAW. However, there is no positive action from any branch of government to implement the principles of the policy.

5.0: SUMMARY

This unit examined the challenges associated with legal reform advocacy against domestic violence in Nigeria. It explained the biases in gender sensitive representation as the basis to infer the weakness of gender policy that is also impeding change in policy formulation and implementation in Nigeria.

6.0: TUTOR-MARKED ASSIGNMENT

- a) What do you understand by gender sensitive representation?
- b) Discuss gender sensitive bias.
- c) Explain gender sensitive advocacy.

7.0: REFERENCES

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UNIT 5: OBSTACLES TO REALIZING BETTER GENDER SENSITIVE LEGAL REGIME IN NIGERIA.

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- 2.0: Objectives
- 3.0: Main Content
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 - 3.2: Law Enforcement
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1.0: INTRODUCTION

Better gender sensitive legal regime in Nigeria seems elusive and a tall ambition the unit is burdened by the possible obstacles to the achievement of this ambition. No doubt this task can be accomplished if the legal system or structure is favourably disposed to providing accessible justice system, law enforcement. These are the core concerns of this unit.

2.0: OBJECTIVES

At the end of this unit, you should be able to:

- a) Explain the bottlenecks around access to justice
- b) The challenges before law enforcement
- c) The structural defects in the current legal system.

3.0: Main Content

3.1: Lack of Access to Justice

Access to justice requires that citizens are aware of their rights and have access to institutions that can remedy violations of such rights. It includes, among other things, awareness of legal rights and duties, and accessibility to the justice administration mechanisms and institutions that have the power to remedy injustice. Many women in Nigeria are not aware of their

rights. For instance, a majority of the women interviewed in Kwara State stated that they were not aware of the laws protecting women's rights whether in Muslim or customary law. A major reason for this lack of awareness is the high level of illiteracy among Nigerian women. The United Nations Education and Scientific Commission (UNESCO) rated Nigeria as one of the nine countries with the highest illiterate population in the world (Beijing +10, 2004). The National Demographic and Health Survey (NDHS) of 2003 stated that forty-six per cent of women in Nigeria have never attended school (NPC) (2004). This is not surprising as male preference in the Nigerian society has led to women being kept out of school. In many societies in northern Nigeria, the female child is usually given out in marriage at an early age while the boy child is sent to school (NPC) (2004).

Generally, the female child is denied proper education because her future role is considered primarily one of caring for the family, which is not work worthy of formal education. Using the excuse of assisting the parents with housework and agricultural work, the female child is withdrawn from school, which results in a higher percentage of school dropouts among girls than boys (Legal Aid Council of Nigeria, 2004). Lacking the ability to read and write, Nigerian women cannot articulate their demands in English, the official language of the justice system in Nigeria. Women hardly understand the elitist language of the court and often feel very uncomfortable on the court premises.

The formal legal system in Nigeria is very expensive and out of reach for the majority of Nigerians. Nigeria is rated as one of the six poorest countries in the world, with a GNP per capita income of about \$280 US Dollars and a population of about 133,000,000.193 Women, the majority of the poor in Africa, are unable to afford the high cost of legal services. Although the Legal Aid Act obliges the state to provide legal aid services, such legal aid services are limited to defendants in criminal charges that are unable to afford legal representation. A victim of domestic violence, not a defendant in a criminal matter, is not entitled to government funded legal aid services (Legal Aid Council of Nigeria, 2004).

Moreover, the gross under funding of Legal Aid Commission in Nigeria renders legal aid services out of reach of many indigent Nigerians (Legal Resources Consortium, 2004). Even where they might be able to afford legal services, these courts are situated in urban areas with very few courthouses in the rural areas. The undue delay of cases in courts also constitutes obstacles to women's access to justice. In many instances, civil and criminal matters last for

upward of seven to ten years before judgment is rendered; the woman gets tired and frustrated and stops going to court. In many cases, the matter is discontinued by the court and the defendant set free for lack of diligent prosecution.

3.2: Law Enforcement

The Nigerian Police, the first point of contact with the formal judicial system for victims of domestic violence, often trivialize incidents of domestic violence and does not file reports of complaints made. In some cases, they are reluctant to investigate and prosecute the matter. An example is the case of one Ego Osadebe, (Project Alert on Violence against Women, 2005) the first publicized case of acid bath in Nigeria. Ego died in the hospital on November 23, 1998, three weeks after her husband poured acid on her.

The delay in prosecuting her husband (allegedly kept in protective custody rather than in detention) caused a protest by concerned women and women organizations against the Criminal Investigation Department of the Police in Lagos state. The Lagos State Anti-Robbery Squad disrupted the demonstrations, asking why women should protest over the death of a woman who wanted to run away with her husband's wealth. Due to the high level of corruption and inefficiency of the Nigerian police, the average Nigerian has no faith in the integrity and competence of the police (Legal Resources Consortium, 2004).

Wealthy perpetrators and people with relatives and friends in the police force are believed to influence the decisions the police make regarding whether to prosecute and, at times, who to prosecute. In a case reported by Amnesty International, a domestic worker was allegedly raped by her employer's husband. Her father took items of material evidence including her underwear to the local police station. He was told that the alleged perpetrator had already lodged a complaint of slander against the girl for accusing him of rape. A medical examination four days after the event showed evidence of penetration and bruising on her vagina and the examiner concluded that she had been sexually assaulted.

However, the domestic worker was subsequently brought before the magistrate court and charged with slander. She was held in custody for seven days until her family could pay her bail. During her imprisonment, she had no access to medical attention and her father was informed that the evidence he handed over to the police had since disappeared. Lawyers with the women's human rights organizations who took up the case believed strongly that the

alleged perpetrator had used his social and political influence in his community to exert pressure on investigating officials (Legal Resources Consortium, 2004).

In a survey conducted by Project Alert in 2001, law enforcement officials confirmed many of them had negative and discriminatory attitudes towards victims of family violence. When asked of their responses in cases of family violence, 51.9 per cent thought they were doing enough to help victims of violence in the family; 46.8 per cent thought they did not do enough; 63.3 per cent said the police did not respond enough in such cases; and 41.8 per cent said the lack of speedy or appropriate response was because such cases were of a private matter (Project Alert on Violence Against Women, 2005).

With all the problems associated with the formal justice sector, women in Nigeria, especially victims of domestic violence, resort to the informal justice system in seeking redress for violations of their rights. Such informal justice system usually operates within the community including the extended family, the village head, and the community head. At each level of this informal sector, the woman is usually cautioned and at times castigated for making a domestic issue public. Moreover, this informal justice sector applies the discriminatory cultural practices that enforce and condone the subjugation of women and further ensure the silence of the victims.

3.3: Tripartite Legal Systems

The Nigerian legal system is made up of three different systems of law: the statutory law, religious law, and customary law. Statutory laws include the Constitution, laws made by the government, and government policies. There are different types of religious groups in Nigeria with different laws for their members. The common ones are Christianity, Muslim/Islamic, and traditional religious laws. Customary laws include laws of diverse people of Nigeria, which govern personal matters like marriage, children, and inheritance. These three types of law are enforced by three types of courts namely the formal courts: customary courts in Southern Nigeria and Shari' courts in Northern Nigeria (Legal Aid Council of Nigeria, 2004).

In principle, statutory law takes precedence over all other laws. In practice however, things are different. In the Northern part of the country, the predominant religion is Islam. Prior to 1999, Muslim laws governed only personal matters but have since been expanded to include criminal matters. In personal matters such as marriage, Muslims are free to choose between

statutory marriage and marriage under Muslim laws. However, couples very rarely choose statutory laws, preferring instead the Muslim laws. In other parts of the country, especially in the South, which is predominantly Christian, it is common practice to marry under both the statutory laws and under customary laws. Even though it is often argued that statutory laws govern such relationships, it is usually customary laws that govern the personal matters of the couple. Therefore, where there is a dispute, it is not uncommon that both parties resort to customary laws and practices. For the majority of women in Nigeria, it is Muslim laws and customary practices/laws rather than statutory laws that govern their personal lives. These two systems of law are male dominated and have male focused interpretation. Statutory laws are not necessarily more protective of women. The judicial system is male dominated and reflects the prejudices and stereotypes of the wider society, especially with regard to rules of procedure already discussed in this article (Legal Resources Consortium, 2004).

4.0: CONCLUSION

The formal legal system in Nigeria is very expensive and out of reach for the majority of Nigerians. The gross under funding of Legal Aid Commission in Nigeria renders legal aid services out of reach of many indigent. Due to the high level of corruption and inefficiency of the Nigerian police, the average Nigerian has no faith in the integrity and competence of the police. In principle, statutory law takes precedence over all other laws. In practice however, things are different. In the Northern part of the country, the predominant religion is Islam. Prior to 1999, Muslim laws governed only personal matters but have since been expanded to include criminal matters.

5.0: SUMMARY

The unit examined the imperative of obtaining better legal regime in Nigeria and the need to engage the obstacles to realising better legal regime in Nigeria. It has considered the effects of lack of access to justice, inefficient law enforcement and tripartite legal system.

6.0: TUTOR-MARKED ASSIGNMENT

- a) Mention and discuss the obstacles to obtaining better legal regime in Nigeria to control domestic violence.
- b) What is the role of law enforcement to the achievement of better legal system in Nigeria.

7.0: REFERENCES

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