

History of Domestic Violence

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The problem of domestic violence is not new or unique. There is historical evidence of domestic violence in various forms all around the world. Domestic violence has been publicly accepted or failed to be condemned in many societies throughout history, setting several sociolegal precedents. Women and children have been victims of domestic abuse in all civilizations because of patriarchy. As long as men hold the reins of power, it's no surprise that human rights remain so disparate. In the past, human rights for women were founded on the fact that they were the property of men, and this was the only basis for their rights. There were no rights for children. Societal acceptance and even pressure to comply with the law are frequently associated with legal subjugation. Women and children were sent home with their male guardians rather than being processed at a centralized facility to further promote this mentality. Women were subjected to legal slavery because of cultural norms that penalized men for the actions of their wives. Ancient law codes typically declared that a man might punish or even murder his wife without the state's intervention, further illustrating domestic violence's widespread acceptability and promotion. Even in today's world, there is still an enormous amount of social, legal, cultural, and traditional attitudes and beliefs that have been built up over centuries. In this essay, the focus is on the exploration of the history of domestic violence and the concepts and attitudes that contributed to a change in people's attitudes and beliefs about domestic violence in general, in addition to highlighting how awareness about the history of domestic violence can contribute to society's efforts to fight domestic violence.

The level of violence in a community or time period affects whether or not domestic violence is acceptable. Because domestic violence was legal and socially acceptable at one time in history, it is impossible to compare the prevalence of domestic violence in different periods. This illustrates the ever-changing nature of morality in personal relationships. The acceptability of violence was also aided by violent entertainment, war, crime, and even the punishment of offenders. Domestic violence against women thrives in an environment

marked by patriarchy and societal violence. Domestic violence against women and children can be traced back to ancient times when civilization sanctioned domestic violence as a socially tolerated crime in society. The first written law to legalize domestic violence dates back to the time of Hammurabi, who penned the Code, famously known as the 'Hammurabi Code' ¹. The Code suggested that it was allowed for a husband or father to use force or violence to restrain his wife and children ². It is a state-enforced right to self-regulate without the courts' intervention. According to the jurisdiction, if her infidelity was discovered, the male head of the household had the authority to kill both his wife and her lover. She could end herself in the river if she spends too much money and strays too far. Her husband had the choice for the first three years of their marriage. A woman's innocence had to be shown and her husband's cruelty exposed for her to be granted a divorce by her spouse. In addition, children were especially susceptible. They may be sold or bound and perhaps put to death if they fail to submit. For hitting his father, a child was sentenced to remove his hands. Because he hadn't previously married, the rapist who raped an unmarried virgin had no choice except to marry the victim's rapist. For the rapist, the only penalty was to marry the victim and pay the victim's father a fee ³. Continuing the Hammurabi code, the succeeding Hebrew law, also known as Mosaic Codes, legitimized violence against women. According to the law, a man might hold women and children in slavery for up to six years to pay off his debts. When it came to ancient Greek family law, the male head of the household had complete discretion over how the rules were implemented ⁴. The woman had no recourse or avenues to retaliate since she was under male care. The Roman emperor had a private right to beat, divorce, and even murder his wife. Unless they had been physically assaulted, most women couldn't get a

¹ Rachel Louise Snyder, *No Visible Bruises: What We Don't Know about Domestic Violence Can Kill Us*, 2020.

² Carrie Goldberg and Jeannine Amber, *Nobody's Victim: Fighting Psychos, Stalkers, Pervs and Trolls*, 2020.

³ Gavin de Becker, *The Gift of Fear: Survival Signals That Protect Us from Violence* (New York, NY, 2021).

⁴ Evan Stark, *Stark, E: Coercive Control: The Entrapment of Women in Personal Life* (Oxford, 2009).

divorce from their husbands ⁵. Wealthy people had access to this luxury, as well. Regardless of the severity of their assault, lower-class women were unable to divorce their violent marriages. Constantine the Great became the first emperor to put his wife to death. At the time, she was suspected of infidelity but hadn't been caught. The Catholic Church canonized Constantine after he was named a Saint ⁶. In European times, the tolerance against domestic violence and abuse lowered, but the discrimination against women continued ⁷. Women were not allowed to attend a school or participate in politics. Without regard for the daughters' preferences, many dads and possible wives have been coupled together. In the past, women of all ages were considered nothing more than property for males to exploit as they desired. They were the primary caretakers and breeders of the animals under their care. Throughout the Middle Ages, women were burned to death as a punishment for their transgressions in some European cities. There were threats against their wives and cheating, scolding, nagging, and miscarriages. That the husband's abuse had caused the miscarriage was irrelevant ⁸. Religion also had a significant impact on this way of thinking as well. In the late 1400s, Friar Cherubino published a treatise called *The Rules of Marriage*. He laid out the legal justifications for husbands using physical violence against their wives. Scolding, bullying, and threatening were the first stages ⁹. If it didn't work, he was beaten with a stick. Instead of retaliating against the guy, doing so would protect her soul from her evil deeds. Among the most well-known domestic violence guidelines in Europe was the "rule of thumb,"

⁵ Roxane Gay, *Not That Bad: Dispatches from Rape Culture* (New York, NY, 2018).

⁶ Snyder, *No Visible Bruises*.

⁷ Loraine Bacchus, Gillian Mezey, and Susan Bewley, 'Domestic Violence: Prevalence in Pregnant Women and Associations with Physical and Psychological Health', *European Journal of Obstetrics & Gynecology and Reproductive Biology* 113, no. 1 (2004): 6–11.

⁸ Nicola Graham-Kevan, 'Domestic Violence: Research and Implications for Batterer Programmes in Europe', *European Journal on Criminal Policy and Research* 13, no. 3 (2007): 213–25.

⁹ Consuelo Corradi and Heidi Stöckl, 'The Lessons of History: The Role of the Nation-States and the EU in Fighting Violence against Women in 10 European Countries', *Current Sociology* 64, no. 4 (2016): 671–88.

originating in the English common law tradition ¹⁰. Men used a stick to reprimand their spouses if the diameter of their Vaginas was less than their thumb. The rule was seen as a positive step forward in the treatment of women. In the United States and Britain, it was widely accepted but never legally established. French law permitted the husband to employ any kind of violence as long as his hits were directed towards his wife's back and left no permanent marks. It is clear from the preceding warning that men are not men until they are in charge of their women, that society places a high value on abiding by the rules, even if it means resorting to violence to enforce them. Napoleon Bonaparte was a major factor in spreading France's legal concepts to other countries, including Switzerland, Italy, and Germany. Regardless of her age, a woman was deemed a juvenile in the eyes of the law. Scolding, for example, might result in a lifelong malformation. It was a matter of chivalry to break the woman's nose so that she would be permanently branded and disgraced ¹¹. Only if it could be shown that the man was attempting to murder her violently could the woman receive a divorce. These were the societies where public violence and public punishments were widespread. The death penalty was again applied to all crimes, from petty theft to murder ¹². Soliciting confessions and executing individuals became standard operating procedures during this period. They used equipment like the rack and other torture methods like drawing and quartering, and burning them alive to display their brutality. Furthermore, these punishments were enacted in front of vast crowds, who applauded as the atrocities took place, was even more terrible. Other than that, domestic violence was hidden in the shadows. Similarly, in the United States, there was a significant amount of domestic violence. When the English established successful colonies in the United States, many Europeans went there

¹⁰ Andrea Krizsán and Conny Roggeband, *The Gender Politics of Domestic Violence: Feminists Engaging the State in Central and Eastern Europe* (Routledge, 2017).

¹¹ Krizsán and Roggeband.

¹² Florina Serbanescu and Mary Goodwin, 'Domestic Violence in Eastern Europe: Levels, Risk Factors and Selected Reproductive Health Consequences', in *European Conference on Interpersonal Violence*, 2005.

to better their lives. In the New World, white landowners were in control, and women were not considered. The Declaration of Independence and the Bill of Rights do not mention women. Before the late 19th century, women in the United States had no formal legal position. The male head of the home was socially permitted to use physical violence in the family, and punishments were made public when more private means failed. As a consequence, males were liable to harsh fines¹³. Because of the necessity to discipline sinners permitted physical punishment of wives and children, even though excessive violence in the home was considered a sin. If the quantity of violence was too much for the neighbors to ignore, local clergy or other dignified gentlemen of the neighborhood would visit with the offender and advise how to alter his behavior¹⁴. There were no arrests, and the family could remain together as a consequence. However, the possibility of more violence remained. The individual took further measures to avoid attracting the attention of his neighbors.

With the feminist movement gaining acceleration in the late twentieth century, the resistance against domestic violence and active legislation against domestic violence began. By the end of the 1960s, the Second Wave of feminism has spread to Japan. Small groups of people from throughout the United Kingdom started the movement by pushing for equal rights in work, education, and public and private life and a campaign against rape¹⁵. Women's suffrage activists developed networks of allies, researched and contrasted the status of women in society, and then drafted a list of demands to be met to accomplish their goal of gender parity¹⁶. So successful was the campaign of the women's movement in obtaining power and developing a powerful public image that many pieces of legislation were

¹³ Corradi and Stöckl, 'The Lessons of History: The Role of the Nation-States and the EU in Fighting Violence against Women in 10 European Countries'.

¹⁴ Corradi and Stöckl.

¹⁵ Bacchus, Mezey, and Bewley, 'Domestic Violence'.

¹⁶ Serbanescu and Goodwin, 'Domestic Violence in Eastern Europe: Levels, Risk Factors and Selected Reproductive Health Consequences'.

established to aid women's equality, such as the Equal Pay Act 1970, which gave equal pay for men and women¹⁷. Various pieces of legislation were drafted (Hughes, 2010). There have been significant changes in domestic violence policy in the United States over the last 30 years, largely due to the high demand from groups and non-governmental organizations (NGOs) for housing, social services, and court and police protection for victims of domestic violence. These changes were made in response to the high demand. When the Sex Discrimination Act of 1975 came into effect, married women could secure court orders prohibiting future violence and allowing them to stay in their homes free of their attackers. The subject of domestic violence and other types of abuse, such as sexual assault, were pushed to the forefront during the women's liberation movement. For women and children who need physical and emotional support, Women's Aid was the first Women's Aid federation to be created in 1974¹⁸. Even in the United States, domestic violence law initiated in 1994 by the federal government provided substantial money for investigating and prosecuting violent crimes against women, enhanced the criteria for reparation to survivors, and made civil lawsuit feasible when criminal justice fell short¹⁹. Since the Violence Against Women Act was allowed to expire, it's difficult to assess how much has changed. Although the government no longer encourages men to beat their wives to establish authority, disturbing views about domestic violence continue. Women and their dependents are often used as pawns in the hands of men who perceive violence towards them as a way to display their dominance. In many cases, victims of domestic violence feel powerless to stop the assault. As a result of societal and cultural pressure, people may not leave an abusive spouse.

¹⁷ Krizsán and Roggeband, *The Gender Politics of Domestic Violence: Feminists Engaging the State in Central and Eastern Europe*.

¹⁸ Deborah Loxton et al., 'History of Domestic Violence and Physical Health in Midlife', *Violence against Women* 12, no. 8 (2006): 715–31.

¹⁹ Adele Marais et al., 'Domestic Violence in Patients Visiting General Practitioners—Prevalence, Phenomenology, and Association with Psychopathology.', *South African Medical Journal= Suid-Afrikaanse Tydskrif Vir Geneeskunde* 89, no. 6 (1999): 635–40.

As a relic of Puritan ideals, conservative religious organizations may still counsel women in abusive marriages to stay with their husbands even if their lives are at risk. Sadly, some law enforcement agencies continue to see domestic violence as a family matter and fail to take action against it ²⁰. *Bradley vs. state*, for example, shows the courts' unambiguous endorsement of domestic violence against women back in the day (1824). The Mississippi Supreme Court supported a husband's right to use physical force against his wife in "cases of urgency," so long as he didn't cause permanent injury. The term "urgency" was not clearly defined ²¹. However, there have been significant changes in domestic violence policy in the United States over the last 30 years, largely due to the high demand from groups and non-governmental organizations (NGOs) for housing, social services, and court and police protection for victims of domestic violence. When the Sex Discrimination Act of 1975 came into effect, married women could secure court orders prohibiting future violence and allowing them to stay in their homes free of their attackers ²². The subject of domestic violence and other types of abuse, such as sexual assault, were pushed to the forefront during the women's liberation movement. For women and children who need physical and emotional support, Women's Aid was the first Women's Aid federation to be created in 1974. Even though the government no longer encourages men to beat their wives to establish authority, disturbing views about domestic violence continue. Women and their dependents are often used as pawns in the hands of men who perceive violence towards them as a way to display their dominance. In many cases, victims of domestic violence feel powerless to stop the assault. As a result of societal and cultural pressure, people may not leave an abusive spouse. As a relic of Puritan ideals, conservative religious organizations may still counsel women in abusive marriages to stay with their husbands even if their lives are at risk. Sadly, some law

²⁰ Graham-Kevan, 'Domestic Violence: Research and Implications for Batterer Programmes in Europe'.

²¹ C. Crawford Mechem et al., 'History of Domestic Violence among Male Patients Presenting to an Urban Emergency Department', *Academic Emergency Medicine* 6, no. 8 (1999): 786–91.

²² Bacchus, Mezey, and Bewley, 'Domestic Violence'.

enforcement agencies continue to see domestic violence as a family matter and fail to take action against it. Learning from the history of domestic abuse as well as the legislation that was put up over the history to deal with the issue of domestic violence and abuse, it is necessary to explore the domains where domestic violence operates to opt for deeper and comprehensive interventions that liberate women from the unjust and non-regulatory policies of domestic violence employed in by the States. Ensuring that the causes and triggers of domestic violence are explored at all avenues, eradicating domestic violence is not possible in its true sense.

The social and legal acceptability of violence against women and children has changed throughout time as patriarchy has changed and society's tolerance for such violence has increased. There was a lot of violence in ancient times, including in combat, sports, and the punishment of criminals. It was an era of patriarchy, and the master of the house held the keys to both life and death. There has been a decline in spouse violence and criminal punishments, but the conflict has migrated away from face-to-face confrontation. A significantly lower position than it formerly had has been taken by patriarchy. Some women can attain gender equality in their endeavors. Domestic abuse is now considered illegal and socially unacceptable in the majority of countries. Why is this still a problem? In its weakened state, patriarchy still endures. No one can agree on where women belong in society. Pregnancy-related difficulties are one of the issues that need to be addressed. Traditional family values are just as difficult to fight for as they are to oppose. Family dinners, church attendance, etc., are hard to argue against. As a result, many people had left yearning for a time before the crisis occurred when everything seemed to be improving. Men who worked and mothers who stayed at home during the good days are easy to forget, yet these ideals were achieved. At a time when the gender gap was considerable, they were successful. Many modern families can't make ends meet on a single paycheck. For the sake of

the family, both parents are required to work outside the home. Now, one wonders what effect a woman's higher pay or success in the workplace will have. Daycare and the effect it has on children who are left at home alone is a matter of debate. To what extent are traditional family values relevant? Newer forms of entertainment are also available. Violence is on the rise in contemporary culture, whether it's in video games, movies, or music. When it comes to violence and gore, we've come a long way since the coliseum days of public executions and gladiatorial fights. Only by watching music videos and horror flicks can one discern that humanity hasn't progressed much; it's only that the entertainment form has.

Where does this leave us in the present world? For many women, the battle for equality in the job, family life, and raising children with their spouses continue despite centuries of patriarchy. In both entertainment and the real world, the level of violence is being debated. Film, television, and music ratings, as well as protests against the use of the death penalty and other state-sanctioned violence, are aimed at minimizing exposure to the darker sides of life.' Removing one's old self is difficult since one is bound by memories of the past. The struggle will continue until all people are treated equally, and violence is eradicated from the face of the earth.

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