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M.A. Minor Thesis in
The problem of domestic violence.
Private violence and Public Policy.

Carol Mahony B.A.
Department of Sociology.
St. Patrick's College,
Maynooth,
Co. Kildare.

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Chapter One.

Introduction.

The domestic life of domestic tyrants is one of the things which it is the most imperative on the law to interfere with.

John Stuart Mill,

Principles of Political Economy.

The violence which husbands inflict on their wives is different from other sorts of violence in that it normally takes place in a particular location and within a particular set of social relations. It takes place in a setting which we perceive as a safe haven in a heartless world, and within a relationship which for many people is a source of happiness and security. The discrepancy between the violence and the setting within which it takes place both makes it harder to understand the problem and makes it harder to help those who are the victims.

Who are the victims of domestic violence? They are most often women: wives, co-habitees, girlfriends, daughters and mothers. The aggressors are most often men: husbands, boyfriends, fathers and sons. The rarity of battered men is hardly surprising given the history of heterosexual relationships, the power disparity which has existed between men and women, the socialisation of the sexes and the physical disadvantages of women.

In this thesis, I shall try to present an objective, comprehensive theoretical overview of the problem of domestic violence. In Chapter Two, "Conceptualising family

violence”, I shall try and demonstrate this. In defining the types of problems we face, theoretical frameworks define where we should look if we want to make sense of violence, and hence where we should intervene if we want to stop it.

The psychological, sociological and feminist frameworks are competing ways to conceptualise the behaviours involved in family violence, each viewpoint provides a way to place the phenomenon of violence in a larger frame of meaning. I also examine in this chapter, why women stay in a violent home, violent women and the growing awareness of violence between women in lesbian relationships, and violence between men in gay relationships.

It is important to recognise that violence can take many forms and that it includes both physical and mental abuse. It is also important to recognise that violence takes place in all forms of relationships, heterosexual, gay and lesbian, and although women are its usual victims, domestic violence against men cannot be overlooked if one wishes to give an objective overview of this topic.

My third chapter gives a review of research on the extent of violence against women including studies undertaken in Ireland. In chapter four, I discuss the different legislative measures in this area, the more recent measures, and the amended ones. What should the public do about Family Violence? Of course, what should be done to punish or change offenders depends on how we conceptualise the violence. Yet the social world cannot wait until these debates are resolved and agreement is reached. Regardless of these unresolved debates, social interventions have been designed and implemented and not surprisingly these too are surrounded in controversy. Intervention in family matters is a highly delicate

procedure, especially when it involves interfering in child rearing procedure's. This topic I also include in this chapter, public policy and child abuse.

My fifth and final chapter gives my opinions after studying this topic. Taking information from the particular chapters, I give my views on the current state of learning, my hopes for the future and a direction research may take in the future.

Definition of the problem.

Many people read about horrible instances of family violence in the newspapers, but do not want to know much more about it, let alone to ask the fundamental question: What can be done? The first reason for dealing with this unnerving serious subject is its prevalence. Every police station, hospital, emergency room, refuge for women and shelter for the homeless can testify to this fact. The second reason for dealing with domestic violence is concern for its devastating effects; the physically and sexually abused swell the ranks of the homeless; they also make up a large share of runaways, violent criminals, prostitutes and drug abusers. Some victims of abuse suffer depression, social isolation and are prone to suicide. Others lash out at their friends and relatives. The problem of domestic violence provides the background which leads to other social problems in our society.

Even if the incidence of domestic violence declined, it would still require attention for a third reason. Family violence violates the conditions necessary for human well-being. The individual has a fundamental right to personal safety and one of the prime responsibilities of government is to secure that right.

The term "domestic violence" has been scrutinised by many authors over the years. The London policing study¹ uses Bells definition of the term. "A domestic dispute is

any quarrel, altercation or strife including domestic violence between family or household members. Domestic violence occurs in domestic disputes when a person or persons cause or attempt to cause physical harm to another family member”.

Mary Hanemann Lystad (1985, p.16) proposes that “violence in the family is defined as a mode of behaviour involving the direct use of physical force against another family member”.

David Gill (1978, p.51)² prefers the definition to include “Acts and conditions which obstruct the spontaneous unfolding of inapt human potential, the inherent human drive towards development and self-actualisation”.

The British Home Office Research Study 107 highlights the importance of the term, domestic violence and says that there is actual violence not mere petty arguments etc. Involved. The study goes on to say that the term asserts that the violence can be of a serious and prolonged nature, escalating in frequency and intensity over time. The Irish Women’s Aid Organisation along with feminist researchers give the definition of violence against women as being intentional behaviour chosen by men as a tactic or resource associated with attempts to control and dominate women.

In my opinion, David Gills definition is an extremely wide reading of the phrase “domestic violence” whereas the Home Office study is defining the problem for appeal in the legal realm. Women’s Aid definition choose a definition focused solely on men oppressing women.

In my opinion, domestic violence is a premeditated form of violence, an attack on a partner with the intent to harm, maim or kill in a physical manner and/or emotionally damage.

Confining violence to physical violence can imply that physical abuse is more than mental cruelty, psychological or sexual abuse.

Walker (1979) and Women's Aid (1995) report in their studies that the majority of women described verbal humiliation as extremely damaging irrespective of whether physical violence had been used or not and so I include this aspect of domestic violence in this thesis.

Historical Context

Many people think that family violence was discovered in the 1960's. It is true that the scale of effort on behalf of victims has been greater since that period than ever before. Yet there were two earlier periods of reform against family violence. In American history from 1640 to 1680 the puritans of colonial Massachusetts enacted the first laws anywhere in the world against wife beating and "unnatural severity" to children.

A second reform epoch lasted from 1874 to about 1890, when societies for the prevention of cruelty to children (SPCC) were founded and smaller efforts on behalf of battered women and victims of incest were initiated.

The third era of interest began in 1962, when five physicians published an article about “the battered child syndrome” in the journal of the American Medical Association (1962, p.17-24). The early 1970’s saw the Women’s Liberation Movement campaigning against violence towards women. The campaign against family violence has had one aspect that has limited it. The single most consistent barrier to reform against domestic violence has been the family ideal, that is family privacy, conjugal and parental rights and family stability. In this ideal the family consists of a two-parent household, other alternatives were seen as a deviation from this. One crucial element of the family ideal was the belief in domestic privacy. The family it was held should be separate from the public world. To Aristotle, the private sphere of women, children and slaves was inferior to the Polis, where men pursued the common good.

In the sixteenth century, under the influence of Lutheran and Calvinist ideals, the home became a more important centre of worship and began to appear as a more distinct and separate institution from the rest of society. A seventeenth century Englishman, Sir Edward Coke, coined the phrase “A mans home is his castle”.

Under English Common Law a womanise status as wife excluded her from the legal process. Indeed, as Sir William Blackstone so succinctly put it “By marriage ... the very being or legal existence of the woman is suspended”³. This meant that women were bound by law to stay with husbands however brutally they were treated. If they ran away their husband had the right to drag them back again and if necessary lock them up to prevent their future escape. “Wife beating was the natural prerogative of the husband as long as the violence was reasonable”. The result of this was that women had virtually no rights. This was highlighted in 1870 by Francis Power Cobbe, a Victorian feminist who wrote a pamphlet called “Wife Torture”. The

ideas contained in this beacon of hope accepted by many “thinking men” and in 1878 the Matrimonial Causes Act was passed. This allowed women whose husbands had seriously assaulted them to seek judicial separation, with maintenance and custody of any children. The subject of domestic violence was effectively buried once more until Erin Pizza brought the subject to the attention of the media and the public. As a result of increasing public awareness in 1975 the House of Commons published a report from the Select Committee on Violence in Marriage.

In Ireland, Women’s Aid opened its first refuge in 1976 for women who had to leave home because of physical, mental or sexual abuse.

Reform and support against family violence goes against the family ideal asserting that family violence is a public matter, not a private issue.

The fate of proposed legislation against family violence has depended to a large extent on how reformers regard the family ideal. Nineteenth Century advocates of women’s rights attacked the family ideal as a hypocritical belief that denied the seriousness of abuse. They posed the issue of divorce for battered women as a choice between the family ideal and women’s rights to freedom and antinomy. By making divorce reform a referendum on the family, they ensured legislative failure.

In the 1970s, modern feminists were more successful than their nineteenth century counterparts. This time they claimed they were helping to restore the family and so side stepped controversy. By doing so federal legislation funding shelters for battered women was passed.

Historical study provides more than a repository for past cruelties. It also reveals inherited domestic ideals, and their import is shaping and distorting social policy regarding family violence.

Foot Notes to Chapter One.

1. See Policing Domestic Violence, Susan Edward's 1989.
2. Societal Violence and Violence in families, written by David Gill in Family violence an international and interdisciplinary approach. Eekelaar and Kutz, 1978. Butterworths.
3. Quoted in M. Casey, in Domestic Violence - The woman's perspective 1993.

Chapter Two.

Conceptualising 'Violence' in Family Life.

At first glance, questions about theory might seem esoteric and of interest to those for whom family violence is a problem to be studied, rather than to persons who define this as a practical and hence political problem to be resolved. But as Gelles and Loeske (1993 p.15) point out "Such a relegation of theory to scholarly interests ignores the importance of conceptual frameworks to practical action." Conceptual frameworks first define violence as a particular type of problem. The first perspective I shall introduce is the psychological perspective which centres on examining how the personality traits and psychological disorders of individuals can lead to violence. This perspective is presented first because it is the oldest, and because it is a common sense assumption of life in modern society, that problematic behaviour is created by individual pathology. The second perspective is the sociological one, which challenges the psychological one by arguing that where "Social structures affect people and their behaviours". How is our social world, particularly the institution of the family, set up in ways that allow and even encourage violence among family members?

The third perspective presents a feminist challenge to both the psychological and sociological perspectives, by directing our attention to the gendered nature of our world, and to patriarchal ideology and structure of society within which individuals and relationships are embedded.

The psychological perspective.

These very different explanations of family violence, I shall now examine more closely. Faith Robertson Elliot (1996, p.167) tells us that the earliest research on violence and sexual abuse in family life was conducted by psychologists and mental health therapists. "This research tradition presents us with adverse and often complex arguments. Nevertheless, almost all the psychological literature is informed by the presumption that violence and sexual abuse are exceptional and pathological behaviours and are rooted in the defective personalities of the individual concerned." (Faith Robertson Elliot 1996, p167). This conventional analysis of male violence sees it as the acts of a few wayward, generally psychologically deranged men, distinct from other men, and to be few in number.

Faith Robertson Elliot (1996 :p.167) highlights the fact that almost all the psychological literature is informed by the presumption that violence and sexual abuse are exceptional and pathological behaviours and are rooted in the defective personalities of the individual concerned. They review the literature also showing that "(for example, Adams, 1988; L Smith, 1989; Dobash and Dobash 1992) present men who batter their sexual partners as holding rigid views of men's and women's roles, as insecure in their masculine identity and as using violence as a means of demonstrating power and adequacy, as morbidly jealous, sadistic, passive aggressive, addiction - prone and pathologically dependent; as having poor communication skills, low frustration tolerance, weak impulse control and a proneness to immature outbursts of anger, and as suffering from low self esteem, feelings of helplessness, powerlessness and inadequacy, fear of intimacy and fear of abandonment, depression and stress."

An argument which has been applied to domestic violence comes from Pizzey (1974) where she argues that men who beat their wives do so as a result of disturbing childhood experiences in which they saw their fathers beat their mothers. Boys who see this become upset and violent. Here we have the theme of psychological abnormality as a result of problems during childhood. In this situation the start of the problem is quite specific, and the result is considered to be a repetition by the male when an adult. This is referred to by Pizzey as the cycle of violence. As evidence for her thesis Pizzey cites examples from among the women who were resident in the refuge that she helped to set up in Chiswick. She provides cases histories shown that men who battered women had indeed been reared in violent households. Further support for Pizzey's thesis can be found in the work of Gayword (1975), who did a questionnaire survey of the residents of Chiswick refuge and came to similar conclusions. There are however problems with this argument due to the weakness of empirical evidence. Pizzey simply cited the instances which fitted her claims. The more rigorous study by Gelles (1972) shows that not all men who had battered had come from a violent home, and that not all men who came from a violent home went on to batter their wives. Gelles work was based upon a comparison of forty families with domestic violence and forty without. The addition of this control group was a vital methodological improvement upon previous studies. Thirty percent of his violent spouses had never witnessed violence between their partners, while fifty % had, (Gelles 1972 : p.173).

For Daniel O' Leary (1993) a review of diagnostic literature related to the topic of spouse abuse found that some abusive men may be legitimately diagnosed as having an intermittent explosive disorder or a sadistic personality disorder, but neither of these diagnoses would be applicable to most physically abusive men. It

is clear to O' Leary, there should be a scaling system, he sees that as the level of physical aggression increases, the greater the likelihood that some personality style, trait or disorder will be associated with the physical aggression. There is also the consideration of how much alcohol abuse can influence levels of aggression. In summary, O' Leary emphasises that the question about whether certain forms of psychopathology play a role in the use of physical aggression against a partner depends upon the level of physical aggression one is attempting to predict. At the lower end of the scale is what O' Leary calls "almost normative levels of physical aggression", (1993 p.26) the role of psychopathy or personality traits, is as O' Leary admits, small, but often statistically significant. This is what should be expected, given that the level of physical aggression is very high in the population. "As one goes to the severe end of the continuum of physical aggression, the percentage of men who have alcohol abuse problems and/or personality disorders is much higher than found in general populations or in martially discordant populations. Thus the way in which one answers the question about the role of psychopathy in domestic violence, depends upon the level of aggression one wishes to explain.

The separation of men who engage in physical aggression into groups, i.e. separation of truly violent men from those who engage in lesser forms of physical aggression, such as pushing and slapping, is necessary if this field of psychology is to progress. But this perspective cannot be studied in isolation. There is an alternative view, that is, the sociological account of violence, which does not deny that psychological problems may be associated with abusive behaviour, but it is presumes that these have social causes.

The Sociological perspective.

Let's take a look at some social facts and social influences. According to Gelles, 1993 p.31) violence in intimate relationships follows the same general pattern with regard to age as does violence between non-intimates. Rates of violence are highest for those between the ages of 18 and 30 years. Since family violence, with the exception of the victimisation of the elderly, is a phenomenon of youth, Gelles suggests that explanations of family violence need to consider issues such as life-span development, and stages in the family cycle and human development if explanatory models are to reflect accurately the relationship between age and violence.

Interpersonal violence outside of intimate relationships takes place primarily between males. The data on sex and family violence are somewhat different and often controversial. Much of the research on child maltreatment indicates that mothers are equally or more likely to maltreat their children as fathers, this is according to (Straus et al 1980) and (Wolfner and Gelles 1993). However the process of designating a perpetrator in official reports of child treatment is unclear. There is a social construction of child maltreatment where mothers are nearly always cited as offenders, not because they are the ones who directly cause harm to their children, but as Gelles (1993 : p.32) tells us "because cultural and societal views hold mothers responsible for the welfare of their children". Gelles also points out that the data on physical abuse also indicate that females are nearly as likely more likely than males to assault and abuse their children physically, but as Margolin (1992) explains, these data fail to consider the different levels of responsibility males and females have for childcare. When the level of responsibility

for childcare is controlled, like comparing abuse committed by male and female baby-sitters (Margolin 1991) or comparing abuse by single parents (Gelles, 1989) - males are actually more likely to be physical abusers than are females.

The data on physical violence and abuse between spouses is also controversial. Students of family violence especially those who take the feminist perspective to be discussed later, argue that females are vastly disproportionate victims of adult intimate violence. Their point of view is supported by data on wife abuse derived from shelters and other helping agencies (see for example Women's Aid 1993, Dobash, Dobash 1992). On the other hand Murray Straus (1993) among others, argues that there are far more women using violence towards men than shelter data can indicate. Although I cannot resolve this issue in this chapter or altogether in this thesis, the data does suggest that females are the more likely victims of family violence.

Male violence against women does not form a large part of class analysis; however there are a couple of examples which draw more upon class analysis than any other framework. The basis of this approach is that men at the bottom of the hierarchy are violent towards women as a result of the frustration deriving from their circumstances. The violence is then attributed to the workings of a class society. There are two main variants given to us, firstly a general model by Elizabeth Wilson (1983), and secondly a subcultural model by Amir (1971), Wilson's model suggests that male violence against women is most common in situations of economic stress, e.g. when unemployment is high or there are house shortages. As a consequence they can lash out at their wives. The root cause of this violence can then be seen to come from the workings of a capitalist society.

The subcultural version, given to us by Amir (1971), follows the same line as Wilson's model by locating male violence in the lower social strata, but adds to this by showing the different which can develop as a consequence of alienation from the main culture. In these circumstances men can attach more value to physical superiority. A deviant sub-culture of violence can then develop at the bottom of the social order as a means of coming to terms with that hierarchy. This sub-culture treats rape merely as one form of violence. Amir supports his argument with evidence on the socio-economic and racial composition of rapists as reported to the police. He finds that they are disproportionately working class and black, social groups which are at the bottom of the U.S. social order.

The work of these writers is important in drawing attention to social conditions which shape men's violence against women. However, there are a number of problems with their accounts. Sylvia Walby (1990) points out that the work of both Wilson and Amir is predicted upon a notion that men who are violent towards women are disproportionately drawn from the lower social groupings. However, the view taken by Wilson is also supported by Gelles (1972) and by Straus, Gelles and Steinmetz (1980), who state that the rate of violence between husbands and wives is twice as high in blue-collar families than it is in white-collar families. This is reinforced further by evidence on the social class of women who were subjected to extra-marital rape according to the (US) National Commission on causes and Prevention of Violence, which found that women with a family income under \$6,000 in 1967 reported being raped three to five times more frequently than those where the family income was over this amount (Eisenhower, 1969). However contrary to this view, and in criticism of Amir's data (1971). Walby (1990) points out that Amir's figures were based upon those rapists reported to the police. But the majority of rapes are not reported to the

police and those which are Sylvia Walby (1990) says that those in a white police force are most likely to believe in a racist society. In Russell's study (1984 :p.98) 24% of black (Afro-American) rapists were reported to the police as compared to 5% of the white rapists. Pizzey (1974) argues on the basis of her experience as the Chiswick Refuge, that men who batter their wives are drawn from all social strata, not merely the bottom. Russell (1982), conducted a very large survey of women enquiring into the extent of male violence. She found that in the case of marital rape husbands were drawn evenly from all social classes : 32% lower class, 32% middle class and 36% upper middle class. She also found that the race distribution of husband -rapists was very similar to that of the proportion of ethnic groups in the wider population. Seventy three per cent were white, slightly higher than the 68% of the sample women who were white, 10% of husband-rapists were Latino, as compared to seven % of the sample. Ten % were black, the same as their presence in the sample, while 4% were Asian, significantly lower than the 12% of the sample which was Asian, (Russell, 1982 : p.130).

It is Russell's finding that rape in marriage is evenly distributed through the class and ethnic structure. Although on a smaller scale, the Area Based Survey conducted by Women's Aid in Ireland in 1996 found that 61% of medical card holders experienced violence compared to 20% of non medical card holders., this was an unexpected finding since within the national survey it was found that violence against women in the home occurred in all social classes being greatest in the skilled manual category and lowest in the non agricultural self employed category. It should be noted though, that many women become medical card holders after separation from their partners/husbands.

It should also be noted that with regard to Russell's findings, it is a general experience that crimes of the lower classes and races are more closely policed than

those of the higher groups. Evidence on the socio-economic composition of rapists and batterers is hard to define leading to inconclusiveness.

I further noted that neither writer or survey results gave explanations as to why men frustrated at their class and/or ethnic position direct their violence at women in the same status.

Class based analysis of men's violence examines social processes, and makes some interesting points as to why some men are more prone to violence than others, although there is no conclusive evidence they are. However it is lacking in some of its analysis as I have pointed out. Also, it has failed to consider family structures and the gendered nature of this violence, considerations I shall review next.

To study Domestic Violence Richard Gelles and Murray A Straus found it a necessary prerequisite to study the sometimes overlooked structure of family life. They tell us - "if we reject the notion that violence and abuse are the products of mental illness or individual pathologies, then we implicitly accept the assumption that there is a social pattern that underlines intimate abuse" (1988 p.77)

Straus, Gelles and their colleagues on a family Violence Research Programme at the University of New Hampshire constructed a multi-dimensional theoretical model in which family violence was identified in cultural values, the structural organisation of life was seen to block opportunities and social learning. Different researchers within the New Hampshire group emphasised different factors to varying degrees. Their varying arguments seem to fall into four major sets of propositions.

Firstly, they argue that within the family certain forms of violence are tolerated, and there has become an acceptance of physical punishment to discipline children. This type of discipline has now become normalised, and children are also socialised into the acceptance of this behaviour in some circumstances. Children, in their view can see the use of hitting in achieving an end.

Secondly, these researchers see the structures of the family as breeding stress and conflict. "There are a number of distinct organisational characteristics of the family that promote intimacy, but at the very same time contribute to the escalation of conflict to violence and injury." The time we spend with our family almost exceeds the time we spend in work or with non-family members, so as Gelles and Straus (1991 : p.645) point out, we are at greater risk in the home simply because we spend so much time there. We know more members of our family than we know about any other individuals.

"The depth of knowledge that makes intimacy possible also reveals the vulnerabilities and frailties that make it possible to escalate violence" (Gelles 1991:p.13.). Gelles and Straus (1991) found that in many of their interviews with members of violent families that arguments and confrontations escalated rapidly when one partner concentrated on the others vulnerability. Also in no other social setting are roles assigned on the basis of sex and age rather than interest or competence. Furthermore in any other social setting, one could choose to fight or flee, due to the nature of the family, fighting becomes the main option for resolving a conflict.

Due to the privacy which surrounds modern family life, this Gelles and Cornell (1990) point out reduces the likelihood of intervention by neighbours and the police, is reduced and it becomes possible for family members to continue with levels of violence not acceptable in other social settings.

Thirdly, the authors put forward a resource theory of family violence which assumes that like in other social systems, the family system resets to some degree on force or the threat of force. The more resources - social, personal, and economic a person can command, the more force he/she can muster. Taking the case of men, where they are physically stronger and generally economically stronger, they can then use violence against their partner without risking any physical, economic or social retaliation. Drawing from exchange theory, Gelles (1988 :p.38) noted that violence and abuse are used when the rewards are higher than the costs. Parents use violence towards their young children who say Gelles and Cornell (1990) may be the most frequent victims of family violence because they do not have the resources to escape or inflict costs on their attackers.

Fourthly and finally Straus and his associates identify as I have discussed previously with the theory of class analysis where the cultural expectations of male success does not always correspond with their socio-economic circumstance leading consequently to frustration and ultimately in some cases violence.

There are a number of criticisms levelled at this multi-factorial analysis. Its ambitions are to be admired in seeking to provide an explanation of all forms of family violence. However, Dobash and Dobash (1992.p.281-2) point out that Straus and his researchers have put together an endless array of significant factors and empirical generalisations but fail to interconnect them to explain violent

behaviour. The exploitative behaviour of serious sexual abuse is left out in their factor analysis.

For feminist perspectives, the Gelles and Straus approach has minimised the importance of men's power in structuring family relationships and generating violence, instead seeing violence in intimate relationships as a problem of both sexes.

The Feminist Perspective.

For the Feminist theorist, to analyse domestic violence involves developing a theoretical, empirically political, and personal understanding of violence along with its complex gendered nature.

Domestic violence cannot be adequately understood in this perspective, unless gender and power are taken into account. Although there is a range of feminist perspectives, e.g. Gendered expectations about family relationships and dynamics, the patriarchal ideology and structure of society within which individuals and relationships are embedded, - there is broad consensus that domestic violence is profoundly shaped by gender and power.

Over the past two decades, feminist theory and research have developed a picture of the family that reveals that social expectations regarding masculinity and femininity give relationships their shape. Where is our attitude toward love and sex, our ability and desires to communicate intimately, our involvement with our children or our willingness to do the dishes, all these are influenced feminists argue, though not determined by gender. However, feminists have argued that these distinctions are neither inherent nor functional. They are for the feminist perspective socially constructed, creating and maintaining male power. Within the family and society.

Twenty years ago Del Martins ground breaking book "Battered Wives" (1976) described violence as husbands means of maintaining dominance within patriarchal marriages. In conjunction with the battered women's movement, which is built on this insight, feminist analysis grew and gained depth. Male violence was for the first

time, analysed as a means of social control of women in general. Dobash and Dobash (1980) look back in history and argue that for centuries the authority given to men as heads of households also included a legal right to chastise their wife's. They argue although this legal right is long gone, it is still used by husbands to sustain their rights and has widespread cultural support. "Violence", say Dobash and Dobash (1985 p.57), "is used to silence women, to win arguments, to express dissatisfaction, and to demonstrate dominance"

Also, in 1976 a feminist writer called Brownmiller argued that male violence is the basis of men's control over women. She contended that sexuality is socially constructed and that it is absurd to suggest that men rape out of sexual frustration. She notes that the provision of prostitutes for American soldiers in Vietnam did not eliminate rape, as a theory of rape as a result of sexual frustration would suppose. Rather, once women were reduced to such a level of sexual objectification, rape became more, not less likely. Brownmiller asserts that rape is a form of social control by men over women. Not all men rape, but the fact that some do is sufficient to intimidate all women.

Brownmiller, like many radical feminists has been criticised for what is called biological essentialism, i.e. that men rape because biologically they can do so. Although this may be true of Brownmiller, she counters this by discussing the variability of rape in different social and historical contexts, and not just its constancy. As Sylvia Walby (1990 p.135) says of Brownmiller "it is possible to re-read her in Durkheimian terms, as saying that a social fact, militarisation, increased the rate of rape, thus contradicting the notion that rape is either a biological inevitability or an individualistic act".

Like Brownmiller Hanmer (1978) and Hanmer and Saunders (1984) argue that male violence is a form of social control over women. However, they add to the analysis by looking at the refusal of the state to intervene effectively to support women, in the provision of welfare and in the criminal justice system. Firstly the welfare state does not provide the resources women need to remain independent from violent men, and secondly they are unable to depend on police protection. This account by Hanmer and Saunders (1984) was written before policing practices were modified to deal with domestic violence.

One of the questions here though, is whether men are violent to women, as a consequence of their power over women, or in order to gain power over them. The account provided by Hanmer tends to emphasise the former men are not restricted from being violent to women by the criminal justice system, and women cannot escape due to economic dependence reinforced by the state.

Another feminist viewpoint is that of the social construction of masculinity. Glaser and Frosh (1988: p.23) contend that "the social construction masculinity valorises assertiveness and power, turns its face from emotional intimacy and glories in sexual conquest as a symbol of male prowess. Feminists discourse suggests that aggression and abuse are inherent in this construction masculinity and seeks to show that wife-battering and killings, date-rape and marital rape and child sexual abuse are extreme forms of the sexual aggression which women and children routinely experience. The feminist perspective asserts that male sexuality places women at constant risk of sexual harassment. The constant threat of male aggression, it is argued, limits women's movement and encounters with other people and prescribes a way they should dress and present themselves. The reality

and threat of sexual aggression are presented as mechanisms through which male domination is perpetuated and have been described as a form of policing "(Radford, 1987:p.12)" a condition of sex colonisation "(Barry 1979: p.165) and a reign of sexist terror" (Russell 1992: p.27).

Faith Robertson Elliot (1996: p.180) summarises the feminist perspective as seeking to explain not why a particular man abuses his partner or child but why men as a sex - class category are the primary perpetrators of violence and why so little is done about. Feminist analysis says Lorna Smith (1989: p.29) explains why the perpetrators of sexual violence are usually men but fails to explain why not every man abuses and not every woman is abused. Faith Robertson and Elliot (1996 p.181) discuss how reluctant feminism has been in confronting the reality of women's violence also mentioned by (Gordon, 1986, Kelly 1991) and abuse in lesbian relationships is ignored while women's 'failure' to protect their children from male violence may be attributed to their relative powerlessness. (La Fontain 1990 p.193-4).

Feminist analysis has challenged dominant ideas of biologically driven and not easily controllable sexual desire as notions constructed of a patriarchal order, demeaning women and notions which ought to be changed.

Why Women Stay In A Violent Home

There are many problems inherent in the question of policing domestic violence because of the impact violence has on women, much of the time an abused spouse is reluctant to press charges against the perpetrator, her husband. To many it may seem absurd that a woman should be subject to such torture by staying in the family home. To believe this, in my opinion, is to ignore the social and cultural aspects of the problem. Straus (1979) has drawn up a chart to show the many and varied aspects of domestic violence. He believes that violence is perpetrated in the home through a number of factors:

- (a) there is a high level of conflict inherent in the family as a result of age and sex differences, the intensity of involvement between members and impinging activities.
- (b) there is a high level of violence in society. Example, murder, rape etc.
- (c) violence is integrated into the personality of the person who may equate love with violence; and
- (d) there is a type of family socialisation in violence through observation of parental violence, physical punishment, tolerance of sibling violence and the teaching of pro-violent values especially to boys. As M Casey believes, battered children are likely to become battering parents through an inter-generational link. These factors can complicate existing norms and the legitimisation of violence between family members.

The four points listed above, along with the low regard with which women are held in society in general and the sexist organisation of society and its family system, lead, according to Straus to a high level of wife beating and violence in family relationship. This level is perpetrated by the fact that women in this situation seem to be reluctant to leave their violent partners.

A question that begs to be answered is, why do women stay with these abusers until the violence becomes intolerable and even then why do many seem reluctant to press charges? I believe that the reasons why many women stay in violent relationships are many and varied and include:

Economic dependence on the husband.

Many women may fear what will happen to them if their husbands are convicted of assault and lose their jobs. According to David A Ford (1991) a woman may stand to lose whatever her husband provides in the way of financial security or child care should he leave or be imprisoned and this dependence on her partner in these matters may prevent her from acting in her own interest.

Hope for change.

Some women hope that things will improve and that the violence will end. Many feel partly responsible for the violence and will try to be more loving or be a better wife etc.

Cultural and religious factors.

The victims of domestic violence are often conditioned by cultural attitudes and norms to stay with their partners for better or worse. Others feel it is in the best interests of any children to remain in the destructive relationship. Many women might have seen their own mothers abused by their fathers and may regard such treatment as normal for a long time until they are seriously injured. As mentioned in the Home Office Research Study No 107 many women will not seek outside help until they are forced to do so, often through fear of their lives. By this time it is often too late. This year alone, two women were beaten to death in domestic disputes. One was five months pregnant, the other a mother of six children.

Lack of self worth.

Often violent men abuse their parents in other ways, including abuse through mental cruelty. In addition to being battered and physically abused, victims are made to feel worthless and as a result sometimes feel deserving of such ruthless violence. This also prevents them from seeking outside help as they believe they have contributed to their situation and thus must suffer in silence.

Fear of retaliation.

Although threats of prosecution may be a "victim power" resource, according to David A Ford there exists a real fear among many victims that if they co-operate with the police, their partners will retaliate by threatening to harm them or their

children. As a result, the police believe that victims of domestic violence are fundamentally unreliable and unpredictable. This worrying attitude has resulted in an effective non-policing of domestic violence or at least a down-grading of its seriousness.

In my opinion, the above points should be borne in mind by professionals who deal with battered wives. In order to find an effective solution to the problem of domestic violence, we must look not only at the legal method of "policing the problem" but also to the social causes and effects of this type of violence. The facts highlighted above allow us to gain an insight into the character of the problem in question and it is only with this insight that we should attempt to deal with this complex issue. I believe that domestic violence is essentially a social problem but is one which needs legal remedies in order to deter and punish those guilty as well as protecting the innocent. In my opinion, we need legal remedies to work closely with social agencies in order to try and find a solution and to do this we need intrinsic changes in the fabric of society.

A large body of literature on English police responses to domestic violence has appeared over the last few years. This supposes that domestic violence in that jurisdiction is one which the legislature believe can be tackled by legalistic as well as social means.

VIOLENT WOMEN.

"... to fight has been the man's habit, not the woman's. Law and practice have developed that difference whether innate or accidental". (Woolf, 1977 :p.9)

In this thesis, domestic violence and the response of the public services it is essential that there will be an account of violent women. Women who kill are most often those with no history of violent behaviour, but have resorted to killing after prolonged abuse from male partners. The circumstances in which they kill, the perception of their behaviour and the standards against which they are judged, illustrate key issues relating to the treatment of all violent women.

What has been perhaps conspicuously absent from literature by the feminist movement that importantly and correctly focused on male violence against women (Pizzey, 1974; Brownmiller, 1975, Hanmer and Maynard, 1987; Wilson, 1983) is the consideration of women who are violent. This may be because the number of such women who come to the attention of the public through the Criminal system or the mental health services is small, and that also they can act as a source of conflict and confusion for some perspectives. Due to the fact that because not many women are seen to be violent, then it is 'natural' or 'innate' for women to be non-violent, women are being judged against a set of standards based on male norms which leads to certain consequences in their treatment by the public services. Such treatment involves the pathologising of violent women, and their systematic diversion into the mental health services.

"There is a biologically appropriate way for males to be aggressive and another for the female" (Storr 1968 : p.86). The consequence of these assumptions is that women who behave in a biologically inappropriate way by showing physical violence are deemed to be abnormal and dealt with accordingly. This approach involves the reduction of all behaviour to its biological basis. Storr was not alone in the 1970's in taking a biologicistic view of behaviour. Mac Coby and Jacklin (1974) similarly claimed that the more aggressive behaviour of males was innate. Levitas challenges the biologism of Storr and others on the basis that they confuse ' the biological categories of sex with the social categories of gender (1983 : p.123). She suggests that any argument that propounds the "naturalness' of a particular personality characteristic or trait on the basis of biological inheritance is suspect because "attempts to calculate the degree of heritability of a trait, such as intelligence or aggression (that is trying to decide "how much" is due to heredity and how much to environment) are misguided; the conditions necessary for the statistical tests are not and cannot be met."

For our purposes, the need to counter the assumption that women are innately non-aggressive is essential because one of the outcomes of a description of behaviour as biological, genetic or hereditary is the "legitimately force of the term "natural".

Levitas (1963 : p.120). The effect of this argument can be seen in the way that violently aggressive behaviour in women is so frequently perceived as been "unnatural" and defined in terms of madness. It is this that often leads to their differential treatment within the criminal justice system and to specific outcomes when dealing with violent women in other parts of the personal social services.



There has been a reaction to look to women's physiology for a possible cause. Hence the use of concepts such as pre-menstrual syndrome to explain the behaviour of women who commit acts of violence

The contradiction is that most women experience both menstruation and the menopause, but not all women commit violent acts when they are doing so. In seeking to medicalise the behaviour of some women there is an invocation of the normal experiences of women leading to abnormal behaviour. Such arguments have implications for the women who commit the acts of violence, but also contribute to the continued oppression of women generally, because they perpetrate the view of them as irrational and emotional beings subject to the unpredictability of their hormones.

The next most powerful labelling process that occurs for violent women is that of pathologising. There is no attempt to seek an explanation for the behaviour in the social, political or economic context of that woman or to accept that she was "just mad with anger", The solution is that she was "just mad"! Such explanations presume that at the time of committing the act of violence the woman was in a disturbed state of mind. As Allen found in her research, offences of maternal violence were 'routinely attributed to psychiatric disorder' (1987 :p.102). Other behaviours that are seen to require a psychiatric explanation and which attempt to place the rationale for the action within the personal pathology of the woman rather than in her social circumstances, are those where women do not conform to gendered stereotypes." Hence black women and lesbian women are perceived as behaving in ways that both attract negative labelling and lead to assumptions about their mental instability because they deviate from the assumed norm of a white

heterosexual woman who is defined in terms of home, family, and partner” Orme (1994).

Counter to the biological and the medicalisation model is the approach that argues that differences in behaviour are the result of socialisation “determined by children and adults’ understanding of sex and gender, and by the rewards associated with gender conformity” (Sayers 1986 :p.11). So it is possible to argue that female violence is not necessarily unnatural or abnormal behaviour. The purpose here as Orme (1986 p.180), sees it “is not to prove that women are as aggressive as men nor that we would wish them to become so, but that the differential levels of violent aggressiveness are as much to do with the socialisation of both sexes as they are to do with any innate personality characteristics.”

Orme points to the fact that aggressive behaviour when demonstrated by white heterosexual males is under certain conditions understandable but not when the perpetrators are female, and / or black, and / or homosexual. Hence when seemingly ‘normal’ women, those in heterosexual relationships, commit the ultimate violent act of killing their partner, the public services react strongly. It is the treatment of these women who commit acts of violence in the domestic arena that compares so unfavourably with that of men who have committed acts of ‘domestic violence’.

If it is accepted that women have the potential to be violent and that violence is, for some women a reaction to a particular set of circumstances, then there is a responsibility to do something about these circumstances. In America it was documented that, when the number of women’s refuges was increased, and women were given more assistance to leave violent and oppressive relationships, the

number of murders by women of their partners decreased significantly (Jones 1991). There is an obvious message for British policy-makers who have constantly underfunded refuges and hostels for battered women.

If we can accept that women have been socialised into behaving in non-violent ways despite their capacity for violence, then we must accept that men too can be socialised into different models of masculinity and that this an important and legitimate strategy for working with men who have been convicted of acts of violence against women and children. The implications are apparent for all those involved in the public services and not just those who deal with violent individuals. Those in child care have an opportunity to influence models of parenting behaviour and child-rearing patterns. This does not only mean actively encouraging a greater sharing of the parenting role by both partners, where there are two, but allowing and encouraging the expression of emotions, whatever the sex of the child. It is as acceptable for a boy to cry as it is for a girl to have a tantrum.

Violence in Gay and Lesbian Relationships.

If men are seen as the regular perpetrators of violence against women, let us turn an eye to Lesbian domestic violence. Similar to heterosexual battered women, battered lesbians also face seemingly insurmountable difficulties in their attempts to leave abusive partners.

According to Island and Letellier (1991 p.99) "As victims of domestic violence, gay or straight, these women must overcome many of the same problems. Lesbians too are subject to the gradual, yet powerful and debilitating, domestic violence trap. Like straight battered women, battered lesbians also report feelings of helplessness, futility and fear when attempting to escape a battering lover."

In addition to these problems, however, battered lesbians face their own set of particular problems both as members of the gay and lesbian community and as members of a society that so vehemently hates homosexuals.

To many lesbians, the idea that a gay women may batter her lover is absurd. Much of the lesbian community, in fact, may still cling as Island and Letellier (1991) point out to the widely held myth that women are not violent. Nobody has trouble believing that it is possible for a man to be violent, cruel, or abusive to his wife. We may wish it were not so, but we never doubt the possibility of it's happening. This is not true of lesbian relationships where it seems that their lies a myth of impossibility that a woman would behave abusively to another woman. This myth lies with both heterosexual and gay communities.

For many lesbians, and gay men also, the fear of bad press about the lesbian and gay community adds to the silence of lesbian battering. "We fear hostile responses from police, courts, shelters or therapists. Consequently, we are hesitant to call the police, seek counselling, or write articles. Speaking about violence or seeking help is an especially terrifying prospect for lesbians who need to remain closeted."

(Lobel, 1986, p.200).

As Island and Letellier (1991 p.103) point out - Many gay men may also adhere to the false notion that male aggression and violence are natural and innate, all a part of what is to be male. As a result, these men may allow themselves to stay with an abusive partner and tolerate what would certainly be labelled "domestic violence" in a heterosexual relationship, but is labelled by the gay male victim as a natural part of a gay relationship.

Combine the misconception that men "are violent by nature" with the absence for many gay males of healthy non-violent relationship models, and the stage has been set for victims who at least at first do not try to leave their abusive partners. Rather the gay male victim is apt to believe that with two men in an intimate sexual relationship "enough stress, enough complicating factors, enough 'provocation' and the violence is bound to occur" (Lobel, 1986: p.28).

For the different theoretical perspectives violence in lesbian and gay relationships uncovers a new phenomena. The feminist perspectives has in no way dealt with this. They have confined themselves to the study of men's violence against women, seen it as a means to exert control over women. The psychological nature of the individual is still an important factor in the context of these relationships as to is the

context of socialisation. In my opinion gay men who have experienced violence at the hands of their lovers may be unable to see themselves as victims, simply because they are men. The culturally-based view of men as victimisers, but never victims, affects more than just gay men. Virtually everyone - friends, family, therapists, nurses, doctors, and even emergency room personnel, who comes into contact with a battered gay man may fail to recognise the problem of domestic violence, simply because the injured party they see is male. Nobody may recognise the violence as 'spouse abuse'. Instead the problem is viewed as two guys fighting and responsibility for the violence is inappropriately attributed to both men.

Chapter Three.

Research on the extent of violence against women.

A number of different types of research have been undertaken in the area of domestic violence. The research I discuss in the following chapter has been carried out quantitatively. A feature which should be taken into account when reviewing this research is the background from which it originates. I reviewed the different theoretical positions in the previous chapter and I have noticed that each researcher has chosen his or her position on this topic and structured their research around this. These strengths and limitations have to be taken into account when studying the research results.

Dobash and Dobash look at the topic of domestic violence through a feminist lens. They highlight the power differential between men and women, an important aspect of which is the economic dependency of women and their confinement to their particular roles within the family. Dobash and Dobash (1992) argue that cultural, economic and social factors have confined women in the home and excluded them from positions of power and status outside the family. Violence is not a feature pertaining only to heterosexual relationships, but that women are its usual victims and men its perpetrators, study after study has documented the persistent, systematic, severe and intimidating force mainly inflicted on women by men. (Dobash and Dobash 1979, 1992, Jayne Mooney, 1993, Pagelow, 1984).

Levinsons (1989) cross cultural study of ninety small scale societies found violence in the home to be an integral part of nearly all cultures. Only in fourteen cultures was it rare for women not to be subjected to violence. The study concluded "that

economic inequality strongly predicts wife beating". Researchers Carton Hornung, Claire Mc Cullough and Taichi Sugimoto (1981) report that contrary to what is generally believed, violence is less common when the wife is at home than when she works. Husbands they note can be more threatened when their wives work and have an independent source of income and prestige than when they are at home and dependent. Other important predictors of wife abuse are male dominance in decision in the family, clear cut division based on sex and restrictions on the freedom of women to divorce their husbands. Heisse (1994) points out when seen in it's cultural context, violence against women is not an inherent part of maleness, but a social construction of norms governing what is acceptable behaviour.

Dobash and Dobash (1992) argue that there are four main sources of conflict which lead to violent attacks by men on women with whom they are intimate. These are : possessiveness and jealousy, men's expectations concerning women's domestic work, men's sense of right to punish "their" women for perceived wrong doing, and the importance to men of maintaining or exercising their position of authority.

Testing these hypotheses, Mooney (1993) undertook a study of 500 men. She presented the men with a number of stereotypical situations such as infidelity, arriving home late at night without telling their partner , expectations over housework and child care, being "nagged" and asked whether or not they could see themselves hitting their partner in any of these situations. Only 37% of men claimed that they would never act violently in any of these situations, while 46% stated that they had already acted violently at least once within the range of incidents presented to them. This clearly suggests that violence of intimate relationships is about power and control over women, according to Mooney.

Little national research has been undertaken on the extent of violence against women in intimate relationships. The full extent and prevalence of violence in the home for the most part remains unknown. Pagelow (1984) estimates that between 25% and 30% of all American women are beaten at least once during the course of intimate relationships. Dobash and Dobash (1980) estimate that the extent of violence against women in the home is somewhere between one in four and one in ten families. The report of the select committee in Britain in 1975 published by the house of commons, was unable to make any reliable estimate of the extent of marital violence. It found that the lack of research on domestic violence hampered the formulation of violence and one of the main recommendations of the report was that more research be undertaken.

A national random survey of male violence against women was been carried out in Canada. Between February and June 1993 a survey was commissioned by the department of health on male violence against women approximately 12300 women eighteen years of age or older were interviewed by telephone about their experiences of physical and sexual violence since the age of sixteen. Results indicate that a quarter of Canadian women have experienced violence by a current or past marital partner.

Studies undertaken in Ireland.

Several studies on violence against women have been undertaken in the Republic of Ireland. Here I will review studies by Casey (1989), Ruddle and O Connor (1992), Morgan and Fitzgerald (1992) and Cronin and O Connor (1993). The main objectives of Casey's study of one hundred and twenty seven women in seven refuges, were to describe women's experiences of violence and to examine the responses of agencies to women who seek assistance. Results indicate that battering occurs early on in the relationship and it is both frequent and severe. Sixty percent of women reported that they were battered when they were pregnant. Domestic violence was perceived by the majority of women as having a negative effect on their children. Agencies approached by women included : Gardai 72%; doctors 60%; social worker 57%; and family members 52%. Forty three percent of women praised the Gardai for being sympathetic. A wide discrepancy existed however between women's expectations of the Gardai and what they perceived as the Gardai's response. Seventy percent of women who called the Gardai expected them to act as law enforcers, to arrest / charge, remove or take a statements from their partner. This occurred in 38% of cases. The offending partner was removed from the scene in twenty three cases only and in fourteen of these twenty three cases he was removed for a matter of hours or less. In 45% of cases the Gardai acted as " maintainers of the peace" a response that only fourteen women expected. Charges were taken against the partner in forty seven cases. On thirty occasions, the charges were made by the victim only, on ten occasions by the Gardai, on six occasions by both Gardai and the victim and in one case by a relative of the woman. Two women withdrew from legal proceedings of assault charges initiated by the Gardai and eight women stated that they withdrew from proceedings

initiated by themselves / a relative. The factors mentioned most frequently by women as to the worst aspect of their experience were : mental torture 23%, living in fear and terror 21%, physical violence 21%, loss of confidence 14% and effects on children 14%.

The aim of the two studies undertaken by Ruddle and O'Connor (1992) was to draw up a profile of the women who use the ADAPT refuge in Limerick. They also attempted to find the women who had sought assistance from and had been responded to by the agencies. The client group using the refuge was young with almost half of the women under thirty years of age. The majority of women had large families and the report brought to attention the vulnerability of children who are exposed to violence. These two studies also noted that women who have been dominated, controlled and frightened for years are likely to have low self-esteem and confidence. Nine percent were from the travelling community, over 50% of women experienced extreme physical violence requiring hospitalisation. Over 14% experienced it frequently i.e. a few times a week. One quarter of women had used the refuge on more than one occasion. From these studies, it is clear refuges provide the safe haven for women who have experienced violence in their home. Access to safe and secure refuges is an essential factor as a crisis response to women at risk.

A study on the role of Gardai was undertaken by Morgan and Fitzgerald (1992). The study was based on questionnaires which Gardai filled out in relation to a random sample of two hundred and eighty two incidents of domestic violence between April 1992 and June 1992. Roughly half of the incidences were taken from the Dublin metropolitan area and half from the rest of the country . Findings indicate that 75% of incidents in the Dublin metropolitan area and 77% outside the Dublin metropolitan

area took place between 8am and 8pm, a time when other services, with the exception of the Accident and Emergency Departments of Hospitals are not open. Results also illustrate that Gardai primarily see themselves in some kind of counselling role in relation to domestic violence, as opposed to a strictly policing function.

Based on the belief that training for medical personnel is crucial in order to make a sympathetic and effective response to women who have experienced domestic violence, Cronin and O'Connor (1993) undertook a training programme for staff in the Accident and Emergency Department of a prominent Dublin Hospital. The aims of the pilot programme was to:

- A) Educate the medical and nursing staff on the issue of violence against women.
- B) Develop a procedure and protocol in the Accident and Emergency Departments for the handling of cases of violent assaults on women
- C) Record the number of women who were admitted with suspected or disclosed abuse by their husband/partner or a male family member.

Results indicate that training had an important impact on disclosure. In the twelve months following the training, eighty one separate women were admitted who had been subjected to violence. Some women had been admitted multiple times accounting for one hundred and nineteen admissions in all and subsequently forty six women disclosed a history of assault.

Two important studies have been undertaken in Northern Ireland. One study was undertaken by Evason in 1978/1979 and published in 1982. A second study was undertaken by Mc Williams and McKiernan (1993). In Evason's study - 'Hidden

Violence', a study of two hundred and twenty seven separated and divorced women in Northern Ireland was made . Fifty six percent had been battered . The study explored the patterns of battering and the sources of support from which women sought help. Evason reports that nearly half of the women had sought assistance from general practitioners and 56% were positive about the help they received. Help was rated highly when treatment was placed in the context of the broader approach to care, involved advice, emotional support or the provision of evidence for legal proceedings. Women were dissatisfied with general practitioners who confined themselves totally to treatment prescribing medication for nerves or even being positively unhelpful. Evason notes that in relation to social workers, clients value advice and information and practical help , such as accompanying the woman to court . In this context there is need to ensure that social workers have a thorough grounding in law and related matters . She also addresses the issues specific to Northern Ireland whereby many men have access to arms through their involvement in the Ulster Defence regiments and paramilitary organisations . She describes the situation as 'armed patriarchy' . Her recommendations include the need for increased refuge places and for clear policies by the police , courts and housing executive.

Mc Williams and Mc Kiernans (1993) study 'Bringing it out in the open', involves interviews with 56 women who sought assistance in relation to domestic violence and one hundred and twenty service providers. Mc Williams and McKiernan describe the pattern of abuse and injuries experienced by women and the impact which it had on themselves as women and on their children . They also describe the help seeking strategies used by women and the response from the service providing agencies. Through their interviews with social workers , health visitors, doctors, and community psychiatric nurses, they describe

- A) The operation of services ,
- B) The extent to which these services have a policy on domestic violence and have a procedure for recording and monitoring incidences of domestic violence.
- C) The main recommendations of the report included the establishment of a Northern Ireland Workings Party , involving statutory and voluntary sectors to address the issues of domestic violence by service providers,
- D) The introduction of multi-disciplinary training for service providers,
- E) Aftercare,
- F) Establishing support and counselling services which also deal with the needs of children,
- G) A community based advocacy , information and advice service be established as a pilot project.

The research has had a major impact . An interdepartmental group on domestic violence was convened by the Minister for Health and Social Service and the Department of Health and Social Services published an interdepartmental policy document for Northern Ireland on tackling domestic violence.

The most up to date survey in Ireland at present is a national survey on violence against women who are in intimate adult relationships with men. The survey was administered by the economic and social research institute (ESRI) , and was commissioned by women's aid. The EU Consumer Survey was used to identify households where there was a woman resident over eighteen years . A national random sample of one thousand four hundred and eighty three women were selected for the survey . A total of six hundred and sixty seven (46%) questionnaires were returned . The survey results were checked against major demographic variables and weighted for age and education.

The questionnaire was designed by Kelleher and associates and Monica O'Connor from, women's aid. It sought to investigate women's definition of domestic violence,

- the extent to which women are subjected to domestic violence,
- the effect of domestic violence on women ,
- whether or not and to whom women report instances of violence .

The questionnaire design was influenced by Jayne Mooney in her north London survey , 'The Hidden Figure'(1993), mentioned at the beginning of this chapter.

Research findings from the national survey illustrate the pervasiveness of domestic violence against women in Ireland. The majority of Irish women know a woman who has been subjected to violence by a partner and 18% of women reported that they themselves had been subjected at some time to either mental cruelty , threatened with physical violence, experienced sexual violence or had their pets and property damaged. Many women experienced multiple forms of violence and 11% of women experienced actual physical violence and / or sexual violence. The rate of reported

violence is likely to underestimate the true level of violence, since not all violence in the home is reported due to its private nature.

The effects of physical violence seem severe with 71% of women who experienced physical violence reporting that the violence resulted in physical injury. Injuries included broken bones, head injuries, loss of consciousness and miscarriages. Among the mental health effects reported were loss of confidence, depression and increased use of medication and alcohol. It was also reported by 64% of women that their children had witnessed the violence. The negative effects of violence on children include poor school performance, being fearful and withdrawn, and experiencing sleeping problems.

The severity of the violence against women is also reflected in the high reporting of the violence to a doctor and to the police. One fifth of women in the national sample who experienced violence reported it to the police and 29% reported it to a doctor. Sixteen percent of women had reported it to a solicitor. The reasons women gave for not leaving are complex. Nowhere to go (88%) and economic dependence (77%) rank high in women's perceptions as to why women do not leave a violent partner. Considerations for children and break up of the family (68%) as well as the hope a partner will change (62%) were also seen as important. Forty percent of women stated they feared further violence. The most frequently reported reason why women do not report violence to the police was that they were 'afraid that the men would take revenge' - (84%). Other reasons cited included embarrassment, shame and a feeling that it would do no good. To draw conclusions from these research findings is hard due to the fact that women were not asked to rank their reasons, therefore some reasons could have been left out in answering the questions given.

To complement the national survey , Women's Aid also carried out a survey on violence against women in the home as part of an area based survey. The area selected forms part of the north east of Dublin city and is part of the Health Board Area 8. It is a mixed housing area and covers the areas of Artane, Raheny, Sutton, Howth, Killbarrick, Baldoyle, Darndale and Coolock. Questionnaires were distributed in six doctor's surgeries located in different socio-economic areas .Women were asked to fill out questionnaires while waiting in the surgery and place them in sealed envelopes. In addition to the survey, group interviews were held with women living in the area who had been subjected to domestic violence in order to discuss women's experience of violence in the home. Interviews were also undertaken with women in the travelling community living in the area in order to examine the experiences specific to traveller women. In-depth individual interviews were also held with both traveller women and women living in the settled community.

Specific cultural factors are associated with violence against women in the travelling community. These include the early age of marriage and arranged marriages. The difficulties traveller women have in leaving violent relationships are related to a pattern of marriage within kinship and the fact that the economic and kinship base is inter-linked, resulting in pressure to maintain the family relationships. Traveller women also have larger numbers of children which makes it harder for them to leave. Kinship networks at a broader level have facilitated traveller women leaving violent partners and many have gone to England and Northern Ireland to seek refuge and have accessed services which they feel have been supportive.

It is interesting to note that in this area based survey, 61% of medical card holders experienced violence compared to 20% of non-medical card holders. This was an unexpected finding as the national survey indicates that the extent to which women

have experienced domestic violence is not confined to any one particular income or class group. It should be noted that women become medical card holders after separation from their partners / husbands. The results suggest that the long term ill health affects of domestic violence on women living in poverty and low incomes is greater than for the general population as a whole. Given the link between domestic violence and ill health, and ill health and poverty, the affects of domestic violence on women living in poverty are likely to be persistent and long term. This has important implications for medical and community care services, a lack of diagnosis and a lack of detection by medical services leads to a continuation of violence. Community care services such as the social work service need to be approachable to women, without women being afraid they will loose their children through informing on their partners / husbands.

Chapter Four.

Legislation and the Enforcement of the Law.

The problems facing those who wish to help battered women are many. Casey, M (1993), in her British analysis believes the extent of the problem is impossible to ascertain because of respect for privacy of family life, the difficulties faced by women seeking help and under-reporting by the police. She details the problems in enforcing the law in this area as being

- (a) Most police departments have no clear policy about arrests or the laying of charges, except to require that such action should be avoided whenever possible in cases of "domestic disputes".
- (b) Wife assault is given low priority in most stations and there is little reward for officers who pursue cases of this kind.
- (c) Police recruits get little training in the area of domestic violence.
- (d) Traditionally, violence was seen as a normal male response to stress. The wives of such men were seen as the legitimate targets of such violence. This resulted in a value system that accords a lower priority to assault against a female by her partner than an assault between strangers.

The above factors, are likely to, lead to a lack of faith on the part of many women in the police. This results in fewer victims reporting violence to the police, which in turn

leads to a situation where many women feel unsafe in their own homes. According to reports given in Mc Clean Jones and Young (1986) women are less likely to feel safe at home. According to Susan Edwards (1989), the safest place for men is at home while it is the least safe place for women. Women are nine times more likely to be the victims of a spousal murder yet "Crimes which are mostly directed at women are not usually effectively dealt with by the police. Domestic assaults are often down-crimes or ignored" Edwards, S (1986).

I do not think that a crime should be made less important just because the victim lives with their assailant. Many women do not report their injuries and so the lack of statistics available on domestic violence is, according to SM Edwards (1986), "the biggest blind spot in official statistics". It has been said that "Women have fared miserably under the law" Smart, C (1984). I would tend to agree with this statement. However, the reason this is so is, in my opinion, due to poor training of people involved in the law. I believe that if sociological and cultural factors were taken into account by those involved in the law, who could work closely with other support organisations, society as a whole would benefit from the improved understanding of social problems that would ensue. The problem of domestic violence is a grave and serious one. It is widespread and affects all classes. It should be recognised by the police as such and not entered into their reports as a "no crime".

Domestic Violence has long been acknowledged as a social problem in Ireland, and the system of family law has been mobilised to provide a response. Since the early 1980's, domestic violence seems to have been the single most common participating factor behind family law cases appearing before the Irish courts. Cases involving violence against women in the home are governed by Criminal law, Common law and Civil law. They are also governed by the law of Evidence and

Constitutional law. Under Criminal law, the main legislation which can be evoked in cases of domestic violence is the Dublin Police Act (1842) - Under Section 28 of the Dublin - Police Act, a Garda in the Dublin Metropolitan Area may arrest without warrant any person charged by another with having committed an aggravated assault, if the Garda has reason to believe that such an assault has been committed. This legislation only relates to the Dublin Metropolitan Area and provides Gardai in the vicinity with the strongest powers of arrest in cases of domestic violence.

- Under Section 42 of the Offences Against the Person Act a man, who assaults his wife can be charged with 'common assault' (attempt to hit, attempt to cause bodily harm). Under Section 47 a person can be charged with more serious assaults of occasioning actual bodily harm (ABH), (breaking of skin, blood, blood spills). Gardai have only powers of arrest for Grievous Bodily Harm (GBH), which involves life threatening situations.

- Under Section 12 of the Criminal Damage Act, a member of the Garda Siochana may arrest without warrant any person whom s/he believes is about to damage property or he suspects has been guilty of such an offence. For the purpose of arresting a Garda may enter by force if need be and search where s/he suspects the person to be.

- Under Section 7 of the Family Law (Protection of Spouses and Children) Act 1981 the Gardai have powers of arrest for breach of a Protection Order or Barring Order. The legislation however only applies to married couples. For cohabittees a civil remedy may be sought in the High Court in the form of an injunction.

- Criminal Law (Rape) Amendment Act (1990). This law abolished any rule of law by virtue of which a man could not be guilty of the rape of his wife. Section 2 defines sexual assault as 'indecent assault on a male or female'. It has a five year penalty. Section 3 defines aggravated assault as a sexual assault that involves serious violence or the threat of serious violence or is such as to cause injury, humiliation or degradation of a grave nature to the person assaulted. A person guilty of Aggravated Sexual Assault can receive imprisonment for life. Section 4 defines rape as a sexual assault that includes: penetration (however slight) of the anus or mouth by the penis, penetration (however slight) of the vagina by an object held or manipulated by another person. It carries a penalty of life imprisonment. Section 5 defines that a husband can be guilty of Rape. A person charged with rape can be convicted of a reduced charge. Section 9 states that failure to offer resistance does not amount to consent. All cases involving rape, aggravated sexual assault or attempted sexual assault, aiding and abetting must be held in the Central Criminal Court.

- Under Common Law, an arrest can be made for Breach of Peace if a person is behaving or using language that gives reason to believe that his behaviour will lead to criminal damage which the Garda cannot otherwise prevent. The charge is made under common law.

In addition to Criminal Law and Common Law, a woman may institute civil proceedings against her husband under the Family Law Acts:

Family law (Maintenance of Spouse And Children) Act 1976

Family Law (Protection of Spouses And Children) Act 1981.

Under Section 22 of the 1976 Act, barring orders and protection Orders can be issued to a married spouse 'if the court is of the opinion that are reasonable grounds that the safety or welfare of that spouse or any dependent child of the family requires it'. A Barring Order is an order which orders the offending spouse to leave the place where the applicant spouse is residing. A protection order is usually brought into force between the time of application for a barring order and the determination of the order. The order stipulates that the respondent spouse shall not use or threaten to use violence against, molest or put in fear the applicant spouse or the child. The protection order ceases to have effect on the determination by the court of the application for a barring order.

Two important policy related initiatives have been instituted in the recent past:

- The establishment of the Domestic Violence and Sexual Assault Investigative Unit.
- The introduction of a Garda Síochána Policy on Domestic Violence Intervention.

Domestic Violence and Sexual Assault Investigative Unit.

In response to the Kilkenny Incest case and lobbying by women's organisations, the Garda Commissioner established a woman and child Unit in the Serious Crime Section in March 1993. The unit was later renamed the Domestic Violence and Sexual Assault Investigative Unit. The Unit operates in the Dublin Metropolitan Area which extends from Swords on the Northside to Enniskerry on the Southside.

The objectives of the Unit are:

- To overview all cases of domestic violence and Sexual violence / assault and to assist where necessary in the investigation of the more complex cases.

- To improve methods of investigation by training, advice and assistance.
- To liaise with statutory and non-statutory bodies and organisations which have a brief for sexual assault and domestic violence.
- To make arrangements whereby the Unit performs its duties in tandem with the Community Relations Section and Junior Liaison Officer Personnel.
- To draft a protocol on the role of the Garda Síochána in such cases.

Domestic Violence Reports are usually received by phone. When Garda assistance is requested, details of the call are logged on computer. These include the name of the officer dispatched to deal with the call, the time of arrival at the scene of the call as well as the time of departure. Other details recorded include whether or not children were present, whether or not a barring order/protection order was in existence and action taken by the Gardai. If an arrest was not made Gardai are required to record the reasons for not arresting. It is usual to dispatch two Gardai in the patrol car to the scene of a domestic dispute. Details regarding all cases are sent to the Domestic Violence and Sexual assault Investigative Unit on a monthly basis.

Garda Síochána Policy on Domestic Violence Intervention.

A Garda Síochána Policy on Domestic Violence Intervention was introduced in 1994. This policy document sets out a pro arrest policy, stating that where powers of arrest exist they should be used. It also outlines procedure which Gardai should follow in proceeding with cases of domestic violence, stating that domestic violence should be considered like any other crime with the Gardai adapting a policing role. The guidelines state that the primary role of the Gardai should be one of protection and law enforcement and the role of reconciliator and mediator should be undertaken by other services. Other provisions of the policy include:

- If a Protection Order or Barring Order is in existence, the Gardai will arrest.
- Station bail should not be granted to the accused as the likelihood of intimidation to the injured party is extremely high.
- Official transport may be used to ensure the safety of the injured party.
- The victim should be provided with information on the civil remedies available. Such advice should include addresses of the Family Law Court and / or District Court Clerk. The investigating member of the Gardai should inform the victim fully of the procedures to be followed in applying for a Protection / Barring order. Where the case involves a cohabiting couple the complainant / alleged victim should be informed of the possibility of applying for a civil court injunction.
- The investigating Garda should make the victim aware of the relevant services in the area, both statutory and voluntary which may be of assistance to him/her.
- The investigating Garda should give the victim his/her name in writing, the name of the station and telephone number. The Garda should call back to the victim at least once in the following month to provide further information on any developments in the investigation, and in cases where is on-going investigation to reassure the woman.

These new guidelines go some way in counteracting the problems discussed at the beginning of this chapter by Casey, M (1993) in her study.

- There is now a clearer policy about arresting due to the Garda Siochana policy on domestic violence intervention (1994).
- Domestic violence and sexual assault is now given a much higher priority with the establishment of a domestic violence unit.
- The new unit does improve methods of police training and investigating, giving advice and assistance.

- These new measures are combating the traditional view of violence being a normal male response to stress.

In early accounts of violence and sexual exploitation in family was constructed in traditional terms as a married couple and their children. "Physical and sexual abuse were treated as distinct phenomena and studied separately, and each tended to be conceptualised in terms of a narrowly defined set of acts". (Faith Robertson Elliot 1996: p.145) Dobash and Dobash (1980: p.11) restricted their account of violence in intimate relationships to 'wife battering' which they defined as the systematic, frequent and brutal use of physical force against a marital or cohabiting partner.

Recently, however definitional boundaries have been widened. Definitions of physical violence have been expanded to include attempted and threatened violence and all forms of physical assault from a slap to a push to assaults with deadly weapons. Secondly the range of relationships involving family violence has been widened to include divorced and separated couples, cohabiting couples, dating couples, lesbian and gay relationships. These new definitions and categories have been incorporated into new legislation and reflect a move away from the traditional family perspective to a new liberal and inclusive perspective and the construction of a new moral order.

A Domestic Violence Bill discussed by Fahey and Lyons 1995 has become a new law brought in by the Minister for Equality and Law reform Mr Mervyn Taylor, T.D, to improve protection for the victims of domestic violence. This new law, is the Domestic Violence Act 1996, and has been effective from the 27th March 1996. The leaflet issued by the office of the minister for equality and law reform "Protection from Domestic Violence, a guide to the new law" tells us that under the new law

there are two main kinds of protection available. First a safety order issued by the court prohibiting the violent person from further violence or threats of violence. It does not oblige that person to leave the family home, but if that person lives apart from you, the order prohibits them from watching or being in the vicinity of your home.

While you are waiting for the court to decide on your application, the court can give you an immediate order called a protection order. This has the same effect as a safety order. It is intended to last until the court decides on your case. In exceptional circumstances the court can grant an interim barring order requiring the violent person to leave the family home. Under the new law if you come within one of these categories you can apply for protection:

- Married Couples

- Cohabiting Couples - the protection available in this circumstance

depends on how long they have been living together and who owns the family home. If you have been living with your partner for 6 months during the past year you can apply for a safety order. If you have been living together for 6 months in the last nine months you can get a barring order, unless the violent partner owns the family home in full, or has greater ownership rights than you. Women's aid in 1995 welcomed the proposed legislation at that time as "the first real attempt by any Irish government in addressing the serious crime of violence against women and children in their own homes However while we broadly welcome the new legislation we have a number of queries and reservations and recommendations regarding the proposed new legislation". One of these reservations was about the aforementioned - Cohabiting Couples. They queried the discrepancy in the law between Married Couples and Cohabitees in relation to the time limit given for those

not married. They recommended there should be no difference between the two situations.

Tony Fahey and Maureen Lyons (1995 p125) point to the fact that there has been little acknowledgement of the centrality of domestic violence in patterns of marital breakdown. "There has been scarcely any systematic investigation into the practical operation of family law in Ireland. Even the basic policy - making resource represented by court statistics on the subject is highly inadequate". The statistics given do not give any outline or insight into the social circumstances of families involved in barring cases. For Fahey and Lyons (1995 p125) " The Family Law system offers no help to families in repairing the damage they have suffered from domestic violence and no recognition that the damage will still be there even after the offending spouse has been removed".

Fahey and Lyons acknowledge the New Domestic Violence Bill, which brings additional forms of domestic violence within the "ambit of the protective legislation" and strengthens the enforcement procedures. Necessary as these improvements are, Fahey and Lyons criticise it to the extent that the new measures do not go beyond the immediate emergency to address the longer - term issues.

As Fahey and Lyons (1995 p124) point out, attention needs to be paid to a striking feature in the legal response to domestic violence - "it's blunt and abrupt nature". Applications for barring order can be one of the most distressing times for a family, and can also have a serious impact if granted. They point out that the "quick brief handling of barring applications means that some of the most damaged dysfunctional families which appear before the courts are offered only the crudest of legal remedies and get no additional support or follow up". Fahey and Lyons (1995

p.125). What is necessary, and is reiterated by many in Social Services and Voluntary Organisations, is that Social Services be attached to the family courts to deal with the social circumstances of family law cases.

At present there is no agency which has statutory responsibility for supporting women in situations of domestic violence. For the past twenty years the probation and welfare service has provided independent assessments in family law cases when requested by the courts. These reports mainly relate to custody and access application, barring orders and occasionally maintenance disputes. The reports focus on the family circumstances with particular regard to the welfare of children. Approximately 55 reports are prepared by the probation officer in the family court in the Dublin Metropolitan District each year. This is estimated to be less than 10% of the cases which require a report to be prepared.

Public Policy On Child Abuse.

The topic of domestic violence must contain at least a short discussion on violence against children. There appears to be a link between violence in the home and child sexual abuse. Research shows that many children both witness domestic violence and are themselves subjected to physical and sexual abuse by their fathers¹.

Where there has been a history of domestic violence I believe it is very important to take this into account when deciding on custody and visitation rights. Under the English Children Act 1989 the courts have an obligation to ascertain the child's wishes and feelings in civil proceedings concerning that child. Holt (1975) agrees and says "in important matters, nobody can know better than the child himself". Farson (1978) also expresses his views and believes that "children should have the right to decide the matters which effect them most directly". Much of the time this obligation is not fulfilled. According to Michael D A Freeman (1990) the Children Act 1989 adopts a laissez faire attitude towards the family and the British Government pursues a policy of minimum coercive intervention in family matters. However, I believe that when children are in danger of abuse or are being abused there should be active State intervention to remove the perpetrator, not the child, from the home to prevent further abuse. This would be in accord with Toronto Protocol² which stipulates that where a case of abuse is reported, while it is being investigated, the alleged abuser is removed from the home as a procedure.

Awareness of the link between domestic violence and certain forms of child abuse is crucial to the proper investigation of suspected abuse. There is, according to the Children's Legal Centre³, a necessity to take violence towards partners and other

family members into account when assessing possible risk to children. The Home Affairs Committee Report recommends that all professionals whose work involves them in child protection or in responding to domestic violence should receive training about the nature of these problems, physical and sexual abuse that occurs in these situations. Court officers should be trained in methods of interviewing children and any allegations of child abuse should be investigated by the officer.

As in England, the problem of child abuse is common in this jurisdiction. To deal with the increasing number of complaints made about abuse, the legislature has been forced to implement laws to deal with the problem. The Child Care Act 1991 contains a number of excellent and important provisions dealing with the question of child abuse. It provides for:

- a) improved procedures to facilitate immediate intervention by Health Boards and Gardai where children are in serious danger;
- b) revised provisions to enable the courts to place children at risk in care;
- c) section 13 of the Act empowers a Garda to remove a child to safety without a warrant where it would be sufficient for the protection of the child to wait for an emergency care order;
- d) section 29 of the Act says that all care proceedings will be heard in private and will be as informal as possible;
- e) section 18 of the Act provides for the making of a care order where a child is suspected of being abused;
- f) section 24 of the Act requires the court to regard the welfare of the child as the first paramount consideration.

The Child Care Act 1991 includes some of the Law Reform Commission's recommendations on child abuse but many are left out. There is still room for reform: for example, a child should not be subjected to leading questions at any stage of the investigative process. There should be a special panel of lawyers and even judges who are specialised in the area of sexual abuse and domestic violence. Training should be given to lawyers and judges to enable them to understand the complexities inherent in domestic violence and child sexual abuse. More recommendations are available in the Commission's Report on this topic⁴.

Although the Child Care Act 1991 seems to confer wonderful rights upon abused children, we must be careful not to become complacent and confuse word with deed. According to the Kilkenny Investigation Report⁵ the Gardai are still relying on the Children Act 1908 Section 24 to remove a child from the family home in cases of suspected abuse. The reason for this is the provisions of the Child Care Act 1991 did not come into operation automatically on the enactment of the legislation by the Oireachtas. Each provision must be brought into operation by ministerial order. The important parts dealing with children at risk still have not yet been brought into force. This depressing scenario leads me to believe that legalistic methods are not always the best method of dealing with social problems.

In order for us to effectively tackle the related issues of domestic violence and child abuse, I believe a thorough change in society's values is necessary. We must analyse why these forms of violence occur and work from there. In his article "Pulling the Punches", Robert Hart (1993) puts forward a theory on how to help offenders of this type. From his thesis, I noticed that although legal remedies are fundamental and necessary in order to emphasise the serious nature of domestic violence and provide a "victim power resource" for many battered wives, we must

not look to the law in isolation for an answer. "Legal responses cannot operate in a vacuum". If the propensity for violence is woven into the fabric of masculinity and indeed is inherent in the very nature of society, then in order to make real changes, they would have to be pitched at an individual level as well as a social and legal level.

If legislation cannot solely cope with this problem, there should I believe along with policy initiatives more comprehensive changes if this is to be a serious battle against this problem.

I believe that we must also look to the social aspect of the problem for solutions as to how we should approach them. We must not mistake legislation for deeds and believe that just because the legislature has acknowledged that a problem exists that the Act or Bill in question is an automatic solution. Rights without services are meaningless and, although legislation is important as a symbol, the true recognition of women's and children's rights requires implementation in practice. In relation to laws dealing with child sexual abuse, Monrad Paulsen (1974 p160) writes in an article "The Law and Abused Children": "No law can be better than its implementation and implementation can be no better than resources permit."

I believe that it is important not to concentrate solely on legalistic means in order to combat domestic violence. One must also engage the service of social means in order to make a change for the better. We must be careful not to mistake words for actions, the passing of laws is only a start. They should be seen as a signal that must be taken up by society's institutions. According to Anne Mc Gillivray (1971): "Reconstructing Child Abuse" p.241, to resolve the problem of child abuse "we need to explore the folklore surrounding the treatment of children: The inarticulate

beliefs, culturally defined responses, social conventions and pretensions and formalistic manifestations of State concern. In doing so, we move from the conventional to the challenging and from acquiescence to revolution". Even though domestic violence seems to me an inherently social problem I believe that fundamental changes in society will only be brought about along with legal remedies to try to tackle the causes of these problems. After all, legislation is a reflection of our social mores and values. It is necessary when changing one to change the other also. They are in my opinion inextricably linked.

In order to properly help the victims of domestic violence we must give up the search for piecemeal solutions and concentrate on the larger issues. We must combine social and legal agencies in order for a proper protection scheme to work efficiently. We must train not only the judges, lawyers and policy in the areas of wife battering and child abuse but we also need to teach future generations to "break the cycle". We need to provide far-reaching legislative measures which will work side by side with social agencies. We need shelters and emergency accommodation. We need funds to implement already existing legislation. We need radical social changes in peoples attitudes to women and children. But perhaps most importantly, we need to teach our children, the future victims and perpetrators that people are not for hitting.

Footnotes to Chapter Four.

- 1: Research shown in the Home Affairs Committee third report on domestic violence. Vol. 2, 1992/1993.
- 2: The Toronto Protocol appeared in "Facing up to child abuse" - an article in the Evening Press on the 24th January 1989.
- 3: This recommendation is contained in Appendix 2 of a memorandum by the Children's Legal Centre from the Home Affairs Committees third report on domestic violence.
- 4: Law reform commissions report on child sexual abuse 1990.
- 5: The Kilkenny Incest investigation. OPUB IE, Heal 12, Res. no 941.

Chapter Five.

Conclusion.

In concluding this thesis, I hope I have given the objective overview I had intended when embarking on writing this thesis. From the beginning of this thesis, I have labelled domestic violence a social problem, by doing so I have taken a moral and political stand, that is, I have argued that a given condition is morally intolerable and that it is the public's responsibility to do something about it. It is not easy to convince the public that family violence should be morally condemned and eliminated, because whether one personally agrees or not, people have a tendency to tolerate some forms of violence by some people on some occasions.

We as human beings tend to be unsympathetic to all but the purest victims of violence, and are support of any intervention invading the privacy of our homes. Convincing a public to defined violence as morally intolerable requires more than research and definitions.

It requires a belief in the need for social change. This investigation of domestic violence has not been an objective search for the "truth", it has been about giving an all-sided approach in as far as was possible, in a bid to convince a blinded public that change is necessary in this area.

I have tried to do this in a few ways. Firstly through the theoretical perspectives such as, do we use vocabulary, concepts and questions closely associated with

psychology, sociology or feminism?. Each theoretical framework highlights only some characteristics while overlooking other. Which theory should one use? Should we add violence by women to our list of social problems, or is the only true social problem violence by men?

Should we concern ourselves with the battered woman's syndrome or with women's social and political entrapment? The answers to these questions depend on the part on which theoretical framework is used. Family violence experts do not agree.

The three distinctive approaches are not necessarily incompatible with each other and do not have to be viewed in isolation.

Feminist theory relates violence in family life to the social construction of masculinity within a patriarchal society and shows why men are the primary perpetrators of violence and why women are victims. Sociological approaches link feminist understandings of patriarchal processes to other structural processes mediated by patriarchy. Psychological approaches help us understand why in particular structural arrangements men and women become abusers.

In my opinion, I find worthy argument in each perspective, I do not agree that domestic violence is specifically a gender issue, an argument with which the feminist perspective agrees.

Both men and women are capable of violent acts of abuse. In Chapter Three, I reviewed research documenting violence against women, there is no doubt they are the regular victims of abuse, but one cannot blame a patriarchal society namely men in whole. I think it is important to consider the psychological perspective.

A batterer cannot possibly be seen as a mentally healthy, well - functioning member of domestic couple. A batterers violent actions are premeditated. Abusers intend to harm their lovers and partners. Batterers do not voluntarily seek help and cannot and do not fix themselves magically and become increasingly abusive over time. Batterers have learnt to be violent evidencing both a disorder which is correctable through treatment and behaviour which is punishable by law. Both consequences must follow for batterers.. Victims by and large are normal people who are unfortunately in relationships with violent partners. Condemning one gender in society for committing this abuse and legislating for them is to seriously overlook causes of dysfunctional people and exonerate other sections of society for violence equal in its severity and brutality. Yet as I have mentioned before structural arrangements, the sociological perspective also help us understand why under certain conditions. Men and women become abusers, the disciplines of psychology and sociology offer and insight and background into the causes of this problem.

This thesis has been concerned with the problem of spousal violence, which has provided an occasion to examine women's engagement with the law and the police. Chapter Four dealt with legislation in this area and highlighted the long wait and much welcomed reform of the law and policing policy in the direction of controlling male violence against women in the privacy of the family, and also the recognition of violence in alternative relationships. Violence is not going to be deterred simply by criminalisation and harsher legal sanctions while societal valves on the privacy of the home continue by non - interference in family problems, thereby giving abusive behaviour acceptability.

The fact that violent and sexual assault continue to remain immune from legal condemnation or sanctions and social disapproval merely because a victim has at some time shared a degree of intimacy with the offender is absurd, perverse and obscene.

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