

## A Review on Social Production of Domestic Violence and Related Crime as a Direct Product of Patriarchal Stigma and Social Discourse

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### ABSTRACT

There has been an observable increase in critical discussions in the society around domestic violence and movements by people to bring about substantive changes in the societal approach in viewing and solving the issues and to mobilise political forces around them. (Anderson, Kristin L., 1997) The review paper attempts to analyze the different takes on domestic violence based on previous actions and review existing ideas about domestic violence and related crimes as a product of social discourse with an influence of patriarchy. Criminology as a social science has a biased perspective on its take on domestic violence. It has mostly neglected to understand the importance of violence in the lives of victims of abuse of both genders. (Sylvia Walby et al., 2014) The feminist criminology was established to introduce issues of female victimization into criminological discussion because of the gendered approach of the mainstream criminology field. (Mawby and Walklate, 1994) Prevalence of domestic violence in the country has increased in terms of both number as well as in terms of the severity of the abuse, during the covid-19 pandemic which had put members of families that are at risk in closer proximity. (Anuradha Kapoor, 2021) With all of this in mind, there comes to existence an urgent need to talk about the patriarchal stigma that exists in our society while approaching cases of domestic violence and adopt a more critical and gender sensitive approach in dealing with them.

**Keywords:** Domestic Violence, Gender Inequality, Patriarchy, Criminology, Feminist Criminology, Victimization, Social Discourse

Domestic violence is defined as a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. It could be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. (UN, Covid-19 Response)

Section 3 of the Protection of Women from Domestic Violence Act, 2005 defines domestic violence as “any act”, omission or commission or conduct of the respondent shall constitute

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Received: January 13, 2022; Revision Received: September 04, 2022; Accepted: September 12, 2022

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domestic violence in case it: harasses, harms or injures or endangers the health, safety, life or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or has the effect of threatening the aggrieved person or any person related to her by any conduct or otherwise injures or causes harm, whether physical or mental, to the aggrieved person. (*India Code, 2005*)

Other related crimes under domestic violence include harassment, criminal sexual contact, sexual assault, battery, criminal trespass, stalking, criminal restraint, assault, terroristic threats, false imprisonment, kidnapping, etc.

Every time domestic violence comes into the forefront, we could observe that the dominant social discourses have influenced them in one way or another. The gendered approach of the society and even the judiciary system has only exacerbated the situation around domestic violence and related crimes. The patriarchal stigma existing in our society and being passed on from one to another has led to assumptions that cause violence in the household. Either that happens, or they let the real perpetrators slip away. (*Denise Comanne, 2020*)

It is a direct product of the society's patriarchal approach in viewing gender roles and the societal discourse of such unacceptable norms through generations. Via a child's primary socialisation within the family, he/she is socialised into gender roles earlier in life which sets the foundations to how we socialise differently as we grow up. (*Camille Bruneau, 2018*)

Gender based violence is perpetuated by gender inequalities existing in our society and in turn also reinforces it. Years of preaching of patriarchy steers our society to maintain and reinforce women's servitude to men in the family. Households and household productions are key sites of its operation which then further permeates the public arena for men to dominate. (*Nkiru Igbelina-Igbokw, 2013*) In addition, men are routinely socialized into more combative and dominant roles compared to women.

Through education and within employment men are often given more dominant roles creating a hierarchy over women. Socialising men in this way has meant that this behaviour can often be seen within the home, which indirectly paves way for violence against women. (*Emily McDarby, 2018*) It can also be noted that these methods of rearing children adopted by families during their childhood causes men to refrain from disclosure when they are abused by their spouses.

### ***Analysis on the Societal Discourse of Domestic Violence and Related Crime***

An overarching discourse with a specific pattern of gender inequality can be identified in the society around the idea of domestic violence and other related crimes like battery. This discourse has a prominent influence in the field of civil society, the media, party politics as well as social policy making. In connection with these recognisable fields, a certain characteristic style of gender disparity can be pinpointed that has been passed through generations after generations.

Research on domestic violence against women especially, revealed a systematic pattern from many years ago and roots in age-old ideas about gender roles within intimate relationships that has been discoursed through generations. (*Réka Sáfrány, 2003*)

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Decades ago, violence was identified as something that occurred between two strangers and not within the four walls of one's own homes. Words such as wife rape, wife beating, courtship abuse, etc probably wouldn't even have made sense back then. Although women have been abused by men, especially their husbands throughout history, they were just repeatedly discounted for as something condoned, extended even to a length where it was once unequivocally approved as an admissible way for men to bring their wives into line, with the condition that they exercised it within certain limits, which probably was to not kill the wife in the act. (*Muehlenhard, C. L., & Kimes, L. A., 1999*) But today, news items about the husband who murdered his wife, or the child who killed his or her father or stepfather have been recurrently present in our media for several years. Telling the stories of "family dramas" has long been a means of sensational news reporting in the media. Significantly, it means two things - that violence at home has gotten out of hand because the issues around domestic violence and linked crime are posited at the intersecting junction of various discourses and on our expectations regarding the family and different gender roles passed through the society.

Fathers were earlier the sole breadwinner within the household and the mother being the nurturer, had a more domestic role. Now, through changes in policy and rebels in society, we have to shift the perceptions of gender within the family. Subsequently, this meant that incidents such as domestic violence, which were once a private family matter because of the society's glaring patriarchal mindset, are now coming out to be viewed as a public social issue acknowledged in government policy.

Cultural and social norms also encourage violence. Rules or expectations of behaviour differing based on one's gender within a cultural or social group has been noted to encourage violence. (*WHO, 2009*) When these become a part of rearing a child, directly or indirectly, we put the children also at risk of all types of interpersonal violence starting at home. Some of them even look at violence as a normal and acceptable way to resolve a conflict in the household. (*UNICEF, 2020*) Thus, social tolerance of violent behaviour is learned in childhood itself, preventing the victims from finding anything wrong with the violence they face at their own homes. While social norms are supposed to protect us from violence, it is encouraged and supported in our society. (*Michele Barrett, 1988*)

Although awareness about the extent of effects of the problem is well-perceived by the civil society, Tóth inferred that the respondents of her study, all of them women, were apparently rather opposed to public intervention in the case of psychological battering and slaps or other forms of abuse by male partners that they perceived as less severe. (*Tóth 1998*)

This is a clear sign of these women's lack of need for and awareness of a justified claim for protection, which stems from how society has modelled them to act as a good wife by giving into their husband's needs.

### ***The Patriarchal Context of Societal Discourse and its Influence on Domestic Violence***

Patriarchy, supervised by the pattern of gender relations and norms that is steering the allocations of resources and power at household levels itself, ensures and maintains the status quo of 'power' by gendered roles/division of labour where male authority is always dominant. While men and boys are considered "protagonists" and as "heads of households" in both private and public domain, women and girls are forced to take secondary positions to men and their whole value is attributed only to their ability to efficiently organise household

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social reproduction. This domination also goes hand in hand with violence, which can either be physical, moral, or just ideas. (*Muehlenhard, C. L., & Kimes, L. A., 1999*)

The issue of domestic violence has thus always been a predominantly feminist issue obviously, because of the patriarchal influence all over it. Feminist scholars imply that the structural factors of gender inequality underpin the perpetration of action against domestic violence. Interviews with women's organizations and associations for victims had revealed that the civil society activists preponderantly look at conflict-related domestic violence as a product of the existing patriarchal structures. (*Anne-Kathrin Kreft, 2020*)

Sexual violence is clearly a gendered violence with established linkage to societal gender inequality. This quotation resonates with the society's power in giving men a sense of prerogative to women's bodies, indicating just how much women are reduced to their physical form, denied autonomy, aspirations, and sexual desires of their own. (*Anne-Kathrin Kreft, 2020*)

The society has discoursed the patriarchal stigma of how marriage as an institution should work, that many women do not even realise that being forcefully coerced into sexual relations by their partners is also a form of sexual violence and that it is wrong. Forced sexual activities in intimate partnerships like marriage are still not highly problematized now although has been talked about a lot more openly in society today in comparison to the past. Even so, in most contexts, women still often are viewed as an extension of or as belonging to men, husbands. (*Norton, 2009*)

Both sexual violence and corresponding underlying patriarchal norms, values and ideas are so normalized and made to sound typical and insidious in our society, legitimized by not only conservative and religious forces, but also seen within our families and communities, in our education system, in public discourse and in the media that there exists not even one single social process where gender relations with inequality in terms of expectations of one's behaviour are not reproduced. (*Dr Simi Mehta & Anshula Mehta, 2021*)

The male dominated state of our society may have been an accomplice in the formation of this patriarchal culture despite having an elaborate legal framework to protect women from being subjected to domination by the men in their lives. (*Anne-Kathrin Kreft, 2020*)

But not all men. There are a definite number of cases of violence against men being reported as well. But they are not noticed enough. Men are called weak for reporting against a woman. While the society is seemingly gender neutral but is actually enslaving women, it also on the other hand pushes men to be strong and an "indestructible inheritor" of the male-pride and carry forward with a hyper-macho ideal, even if they do not want to. Except the men that are closest to the society's standards of "hyper-masculinity", everyone else is subjected to catcalling and humiliation. (*Megha Nair, 2021*)

Patriarchy as a system no longer serves us well, neither women nor men. It has always sexualized the relationship between a male and a female, where women are envisioned as "temptresses" and anything beyond the superficial contact is avoided. So many such patriarchal assumptions are found in our religious systems embedded in patriarchal narratives which has promoted a rape culture, where violence against women is blamed on the victim for making "poor choices". (*Ana Nogales, 2018*)

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Perpetuating patriarchy is very bad for women, but it's also found to be not great for a lot of men. Pursuing gender equality in society will not just benefit women but also men. The lack of awareness of one's rights to fight this patriarchal system or the effects of it necessitates public campaigns for changing the public's attitudes towards the issue first and foremost.

### ***The Gender Disparity in Approaching Cases of Domestic Violence***

Gender is a socially constructed concept in everyday and institutionalized contexts, which was created by contributing cultural factors including family, religion, education, employment, and the media. We have created many gender stereotypes and norms, even within the family which we are socialised into, using these factors. (Emily McDarby, 2018) Gender stands for "the socially and culturally produced ideas about male-female difference, inequality and power that construct the replication of such gender disparities in the confined methods of our society". (Gal and Kligman 2000)

There is always a disparity in women's and men's access to resources, status, and well-being. Society impedes gender relations and shapes the differentiation between a man and a woman in all ways in which the states could be envisioned, constituted, and normalized. (Gal and Kligman 2000). The extent of emphasis on violence of male abusers towards female victims where there is an intimate relationship or marriage between them has not been adapted while understanding the exact opposite situation.

Women are more likely to be victims of violence in comparison to men because of deep-rooted patriarchal and unequal power dynamics that exist in the society; which does not imply that men are supposed to be perceived as only assaulters and not victims of these power dynamics.

Feminist efforts to challenge conservative views on gender roles in the society through the thematization of the gender aspect of domestic violence has only demanded equal rights for men and women in voicing their concerns and opinions. The misrepresentation of the extent and the character of domestic violence in society has made our country an unsafe place for men to be seen as victims of violence and for women to be protected from "her man" who most definitely does not own her. (Réka Sáfrány, 2003)

### ***Domestic Violence Victims of Different Genders***

Domestic violence is entrenched in the strong patriarchal ideologies of the society, with no resistance from either gender because of social conformity, patriarchy continues to thrive, especially in being partial in treating victims of domestic violence belonging to two genders. (Mohammad Mazher Idriss, 2021)

The difference in viewing victims of different gender stems from gender identification, specifically in terms of masculinity and femininity. (Nkiru Igbelina-Igbokw, 2013) While women are shamed for being victims of violence, especially at home, because it implies that she is not a "good wife" who is capable of controlling her man's urges; men are stereotyped to always be the perpetrators and never be seen as the victims of domestic violence because they are perceived to be a macho and masculine and someone who treats his spouse badly to merely assert power over her. (Jenny C Tonsing, et al., 2017)

Now according to many popular media, which are supposedly great sources of reliable information, the role of gender in domestic violence seems to be clear; sex is an act that men

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do to women due to women themselves and their actions. The men in such testimonies are conventionally shown as conventionally masculine beings with high masochistic values while the women are denoted as feminine - a selfless, timid and dependent wife. (*Loseke, 1989*) But there are at least 40 studies with records of women attacking their spouses. (*Currie, 1998*) This thus eventually leads us to the answer to the now political question of whether domestic violence should be described as "male violence" or a more of a "mutual combat". It is a mutual combat fuelled purely by the societal production of gender disparity and encouragement of violent behaviour. (*Emily McDarby, 2018*)

Men are harmed by patriarchy and even so the patriarchal theories of violence have not evolved to better recognize male victims, their need for befitting interventions to get past their trauma and to even be taken seriously by government agencies if men are even to come forward and disclose abuse. Though a few of the previous studies have thrown some light on the experiences of male victims of domestic violence, the current knowledge in the area still is limited. (*Hine et al., 2020*)

The causes and effects of marriages based on violence on men and boys is still an under-researched field of the study of patriarchal violence. This lack of research has only resulted in a limited understanding of how and why men become victims of domestic violence. This is a prime area to study further because the gender-specific experiences and needs of male victims cannot be just overlooked and for establishing gender equality not just by merely protecting women but by also helping men that are oppressed by the very same patriarchal society. (*Mohammad Mazher Idriss, 2021*)

### ***Gendered Knowledge in "Criminology as a Social Science"***

Criminology as a social science has a gendered perspective on its take on domestic violence. Mainstream criminology has conveniently neglected to understand its grave effects in the lives of women that have been victims; the striking gravity of the very visceral physical force and its effect on a woman's body. This obvious ignorance is further embedded in the construction of the public knowledge on the adversity of domestic violence and associated crimes. Interpersonal violence is still widely overlooked in many contemporary sociological theories. Women as the righteous victims of domestic violence from men are scarcely evident in mainstream criminology nor are the many men who are subjected to violence from women. (*Sylvia Walby et al., 2014*)

In contrast with most criminology, most of the prescribed understanding related to gender-based violence views domestic violence as just predominantly directed from the advantaged (primarily men) towards the overly disadvantaged (primarily women).

Another concerning divergence that can be observed is how the field does not view the relationship between the offender and the victim as important at all. Crime statistics and analysis that have been documented and studied so far are seen to have consistently treated it as not relevant and thus has not often been recorded in detail which predisposes the obliviousness in our perspective to ignore the gendered relationship in the case.

So, recording the presence or absence of a domestic relationship between the abuser and their victim should be considered a requisite under the branch of study and prevention of domestic violence. (*Sandra Walklate, 2021*)

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### ***Development of Feminist Criminology***

In the 1970s, the feminist movement broke a long-lasting silence in the society by bringing up issues related to the victimization of women. And then, feminist criminology emerged, which introduced issues of female victimization into criminological discussion. (*Nicos Theodorou*) In turn, it led to the development of strong and politically radical views on how women are subjected to violence and should be treated as a victim that deserves justice.

The feminist contribution to criminology started outside mainstream criminology because of its gendered approach to victimization of women. Until a few years ago, criminology has primarily focused on men and crime with very little reference to women. (*Rajyashri*) Even the little notion given to women and crime was explored from a man's perspective and has been about men for men and by men without any deliberation on whether the results are gender neutral or not.

According to Mawby and Walklate, feminist researchers have firmly condemned the positivist perspectives for ascribing blame to the victim instead of the offender and thus utterly holding the victim responsible for their own state and plight, especially women of any age and for the way they naturalise men's violence against women. (*Mawby and Walklate, 1994*)

### ***Domestic Violence during the Covid-19 Pandemic***

Covid-19 has proven to be an indirect source of hike in occurrence of domestic violence in one way. (*Amalesh Sharma & Sourav Bikash Borah, 2020*) The pandemic was one of those rare events that cause exogenous shocks in people that usually increase the rate of domestic violence across the world and cause a major shift in the forms and intensity of the violence in general. An alarmingly fast-growing stream of literature conceived during the pandemic has highlighted that there has been a noteworthy escalation in domestic violence cases during the phase of the pandemic, which were already deep-rooted enough in our society. (*Anuradha Kapoor, 2021*)

A study showed that while countries across the world are fighting against Covid-19, the measures taken for the same, such as nationwide quarantines, border restrictions, schools' closure, etc., are also increasing the incidence of domestic violence within the four walls of homes, not just in number but also in extremity. (*Amalesh Sharma & Sourav Bikash Borah, 2020*) Extended domestic stays, lay-offs, working from home situations, loss of income, etc are increasing the incidence of domestic violence which in turn is indirectly driving reduced productivity of workforces and intensified both economic and social crisis owing to the form and the severity of the sexual violence. (*Amalesh Sharma, et al., 2020*)

This resonates with the veritable understanding that “domestic violence ascends when families spend more time together in one confined space.” Indefinitely, the close proximity causes the formation of a direct relationship between the family members and violence erupts for no reason.

It is thus time for our able and expansive government bodies and society in general, to come together to formulate effective strategies that can combat the appalling effects of the pandemic on domestic violence at home.

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### DISCUSSION

The main objective of this paper was to understand how the existing patriarchal stigma and social discourse cause social production of domestic violence and related crime as one product. Gender-based violence is perpetuated by gender inequalities and in turn reinforces it in the society. Patriarchy majorly operates in our social systems to sustain and reinforce women's subservience to men in all micro and macro levels of the society.

Men are socialised to be aggressive, macho, and superior to women who are given secondary position in the family, which meant that violent behaviour against women can often be seen within the home and passed on from one generation to another, paving a definite pathway for them to engage in scathing violence against women for many years now.

Only because of the shift in the paradigm from when man was supposed to be the sole breadwinner of the family and women had to just take care of the domestic work to a much more gender-neutral position of the family in a society recently, women are slowly coming to terms with the fact that they have been oppressed for decades by the society through men. (*Sheela Ramanathan*) Cultural and religious interpretation of appropriate behavior and attributes of men and women who are bound within conjugal institutions are misconstrued to provide more control to men over women in marital relationships and they also support and promote violence against women just to "keep them in order". (*WHO, 2009*)

Gender-based violence is also further nurtured by the misinterpretation and generalization of the cultural ideology of the male as the central authority in decision-making at family, communal and public levels. The need to control women by men is embedded in the dominant principle of strict patriarchal operating cultural systems existing in our society. It is built based on strong patriarchal ideologies of the society, with no resistance from either gender because of social conformity. Patriarchy continues to thrive in being partial in treating victims of domestic violence belonging to two genders. The difference in viewing victims of different gender stems from how the society identifies with masculinity and femininity. While women are shamed for being victims of violence and for not taking good care of their men, men are stereotyped to always be the perpetrators and never seen as the victims of domestic violence because they are perceived to be a macho and masculine and someone who treats his spouse badly to merely assert power over her. (*Sri Krishna*)

The 21st century society today still presents the characteristics of the domination of decades old benevolent patriarchy that decapitate the values of women and restrict their ability to rise above such many societal norms and practices. The extreme normalization of such patriarchal tendencies has minimized the opportunities to reawaken the latent power of women to resist subjugation easily in this male-dominated world.

Criminology as a social science is yet to have an unbiased approach towards dissecting the roots of domestic violence, its causes, implications, and a fair chance for all victims to receive support irrespective of gender. That is why feminist criminology had emerged to introduce issues of female victimization into criminological discussion. (*Sylvia Walby et al., 2014*)

Studies have shown that the incidence of domestic violence has increased during the covid-19 pandemic due to various control measures like the lockdown, work from home



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opportunity, etc., which put members of a family at risk in closer proximity, thus promoting violence for no reason. It has increased in terms of both the number and the extent of the abuse. (Anuradha Kapoor, 2021)

### CONCLUSION

We are in the middle of a great revolution in the history of women empowerment. But efforts for women to rise above the operation of patriarchy and its impact on their lives has been adopted at individual levels with only minimal support from the society as a whole. However, we could still argue that something is being done within society to help address the issues around supporting victims of domestic violence irrespective of gender. As a society we are slowly changing the ideology of the characteristics of and behavioural norms associated with women and men and are successfully gradually starting to address that many social groups are unacknowledged as victims of abuse by the advantaged.

The definitions of domestic violence are still problematic in a way as they create stigmatisation around men as perpetrators and exaggerate statistics around women within the media, thus advocating that domestic violence as a sociological issue does not have a quick resolution. As a result, patriarchy continues to thrive, for now. (UNICEF, 2020)

The feministic approach towards understanding domestic violence has put more emphasis on victimization of women with enough support and recognition. It has also given space for a gender-neutral perspective to be manifested in our society to be able to give men a chance to disclose their issues with enough support and help.

Feminist Criminology has aided in fighting against the positivist perspectives for always blaming the victim and implicitly holding the victim responsible for their state of plight instead of associating it with the action of the perpetrator, especially women of any age and for the way they naturalise men's violence against women like it is not a big problem. (Jacqueline Allain)

Interventions that properly challenge social norms supportive of violence or those that promote violence based on patriarchy are a bit rare. More rigorous interventions that can address these faulty norms are much needed. Even those that are feasible face quite a few many challenges, including isolating their effects from possible interfering factors like societal disregard, people with contradicting perspectives and poor comprehension of the mechanisms underlying changes in cultural and social norms. (Charlene L. M. et al., 1999)

If executed well, the interventions can help reduce the incidence of violent behaviour against anybody by a great margin. They would also promote gender equality among people because such programmes greatly acknowledge the strong influence that young adults of today can have on each other's behaviour and emphasis on how one can take advantage of the influence to break the social pressures of masculinity that equate male power and status quo with violence.

### ***Future Applications in Research***

Domestic violence is a serious problem in India. Being vocal about prevention of domestic violence is very important today, especially because of the covid-19 pandemic. Although there are laws (both civil & criminal) to tackle the issues of domestic violence, they have not been implemented effectively. It is also because of a lack of awareness of the higher

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incidence of domestic violence across the globe and how society and patriarchy as a process affect it.

This review paper can be expanded into researches that quantitatively or experimentally analyses the existence of domestic violence in different parts of the world, the struggle for a normal life for battered victims of abuse, the issues with social norms on “masculinity” and exploring the gender disparity in looking at victims of abuse from different gender. It can qualitatively be expanded to further analyze how criminology as a social science has a gendered perspective in viewing domestic violence as a social problem.

The review paper can also be extended to study the field of feminist criminology colossally. The pattern of this paper can also be repeated as a quantitative study that employs statistical analysis to give much reliable results.

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### **Acknowledgement**

The author(s) appreciates all those who participated in the study and helped to facilitate the research process.

### **Conflict of Interest**

The author(s) declared no conflict of interest.

**How to cite this article:** Sanjana S. & Sundaray, A. (2022). A Review on Social Production of Domestic Violence and Related Crime as a Direct Product of Patriarchal Stigma and Social Discourse. *International Journal of Indian Psychology*, 10(3), 954-964. DIP:18.01.102.2022 1003, DOI:10.25215/1003.102