2011 | domestic violence research: expanding understandings but limited perspective

Nishi Mitra

Lessons from domestic violence research and advocacy in India can contribute to transnational feminist perspectives. Violence against women is interconnected and intermeshed with power imbalances of many kinds, emanating from the local social-cultural contexts as well as global factors such as development/underdevelopment, war and ethnic strife, poverty and related structural conditions. All these may contribute to a generalized culture of violence and manifest in gendered forms of violence and abuse. This paper attempts to draw on a history of domestic violence research in India to reflect on understandings of causation and correlations of domestic violence so as to critically examine the implications of adopting assumptions, theoretical orientations and frameworks developed by or borrowed from Western scholars.

interventionist interest

The interest in the issue of domestic violence[1] first came from an interventionist angle in the wake of dowry deaths and the growing incidence of torture of brides brought to public attention in the late 1970s and early 1980s by activists and the media. The first systematic approaches to research on the issue may thus be dated to this time when women's groups and the media found themselves forced to conduct their own studies and surveys because of a dearth of official data that could be used in the campaigns for compelling government to recognize the seriousness of dowry violence and respond through amendments in law and legal procedures (Krishnaraj, 1991; Gandhi and Shah, 1993; Kumar, 1993; Keshwar, 1996; Singh, 2004). Existing police data were unreliable; even though police records reported increasing incidences of dowry-related violence, only the grossest and most extreme forms of gender-based violence on women were recognized in official records. Thus, the first phase of research on the issue was directed towards understanding the magnitude and nature of this invisible problem so as to counter prevailing myths regarding women who are violated and men who violate, to compel

1 The term domestic violence generally refers to violence against any member of the household. A life-cycle approach to domestic violence sees it as much wider and includes among others, violence against children, as well as the aged in the domestic arena. Domestic violence herein refers to inter-spousal violence, and is limited very

(e62–e78) 0141-7789/11 www.feminist-review.com

specifically to violence against a wife.

police and the judicial machinery to undertake more sensitive handling of violence against women, and to review national laws and mechanisms and make recommendations for needed changes.

Some of these initial studies, quickly performed by women's groups on small unrepresentative samples were anecdotal, yet they played an important role in bringing the issue of violence in homes to the forefront of the discussion and in compelling state action. The findings, even when sensational, contributed to consciousness-raising and a wider acceptance of the feminist movement's prioritizing of the issue of violence in homes.

As feminist politics on issues of dowry, rape and dowry murders identified the need to develop research, new and related issues like forced desertion by women, sex determination and amniocentesis, wife beating, violence against older women in the family, child sexual abuse, incest, marital rape and so on kept emerging it was realized that domestic violence had many different forms and that it was a life-cycle experience for women. The everyday nature of violence against women, rather than its existence as errant behaviour, was recognized as activists understood that violence was both a manifestation of patriarchy, as well as a mechanism for its perpetuation. So one of the very important results of the movement-based research was that domestic violence studies contributed towards an evolving definition of such violence that was based less on men's characterization of it, limited to the grossest and more extreme forms of their behaviour such as dowry murders, and more on women's everyday experience of such violence and its impact on them. For the movement, this continuously extended the scope of advocacy on many forms of domestic violence that had been hitherto naturalized and that in the light of emerging understandings needed to be foregrounded and addressed through a call for their legal recognition (Datar, 1993; Kumar, 1993; Mitra 2001).

domestic violence as dowry violence

> In India, there is a tendency to club most marital violence under the overall heads of dowry, dowry deaths and dowry violence. This categorization glosses over the other causes of violence which pervade the familial context. (Karlekar, 1998: 1746)

The interventionist history may partially explain why dowry-related violence has hogged the limelight in terms of the public discourse on domestic violence in India. Research has looked at various aspects of the problem: the history and institutionalization of the practice in light of colonization and 'brahminization' of social order and its negative impact on women (Sheel, 1997); the spread of the practice of dowry deaths among Muslims (Ashraf, 1997); the socio-economic background of victims that makes for vulnerabilities (Ghadially and Kumar, 1988; Saroja and Chandrika, 1991; Devi Prasad, 1994); and forms of dowry-related harassment and response through legislations, police and social agencies (Kumari,

1989; Veronique, 1995). Several of the above mentioned studies establish victims of dowry-related violence as young, not well educated and totally dependent. Victims' lack of control over resources, low educational attainment, social constraints and absence of support systems are identified as important factors responsible for abuse.

Dowry violence and dowry-related murders involve violations of community norms on marital transactions, and perhaps it is the economic considerations of such violence that have privileged it as a substantive issue in an essentially patriarchal context. Dowry-related violence is regarded as more than the 'private' rough and tumble of daily life, since it involves collective and traditional notions on women's rightful inheritance and transfer of wealth along religion, caste and class lines. The use and abuse of power to violate women on grounds of dowry is hinged upon critical intersections of caste, class and gender hierarchies that define marriage in India. Caste violence in the case of inter-caste marriage and dowry-related disputes is a visible manifestation of how communities take cognizance of issues that require enforcement of caste and kinship codes. Numerous instances of inter-caste and intra-caste marriages that infringe cultural norms and customary practices show how violence in the name of honour is perpetrated on the errant couple by male family members and is endorsed and legitimized by castes and communities in a bid to maintain caste wealth, status, power and hierarchy (Chowdhary, 1997). Kishwar (1993) has called for a critical rethinking on the role of marriage payments and dowry. She abandoned the routine feminist interpretation of dowry as the main problem and held that dowry makes daughters burdensome only because they are unwanted to begin with. Women have no claim on equal property rights and abolishing dowry has implications in making women completely disinherited from natal property and thereby disadvantaged in marital homes.

research to understand causation and correlations beyond dowry

With widening understanding, it has been realized that in focusing on dowry-related violence, researchers had ignored or neglected more widespread and routine domestic violence such as battering and various other forms of abuse and that causation for such violence needed to be understood. Researchers such as Ahuja (1987), Sinha (1989), Jain (1992), Goel (1997), Rao (1998), Subadra (1999), Mukherjee *et al*. (2001), Dave and Solanki (2001) have shown correlations between wife beating and abuse and such factors as social stress, literacy, violence in childhood, low socio-economic status and social isolation and lack of resources; early age at marriage, type of marriage (arranged or companionate), residential crowding, strained relations with in-laws leading to instigation by

in-laws, female sterilization, absence of male children and absence of children in general, suspicion of infidelity, and alcoholism.

Moreover, broadening the issue of domestic violence beyond the dowry brought in new understandings; for instance, domestic violence studies in India demonstrated that even when domestic violence cuts across classes, it does not do so evenly. Vindhya commenting on studies on domestic violence in India writes:

> ... rates of domestic violence have been documented among poorer sections, linking violence to socio demographic indicators of structural inequity; low income and educational status ... One is aware of the risk of over generalization since it is likely that most cases from lower socio economic groups might come to the attention of investigating agencies while more resourceful sections might manage to 'escape' from being detected. Despite this risk of overdrawing a picture of structural inequalities associated with domestic violence, substantive evidence points to the magnitude and gravity of the problem among relatively lower socio-economic sections (Vindhya, 2005).

The National Family Health Survey (NFHS-2) 1998–1999 India also reports along similar lines:

> Domestic violence against women is especially prevalent (27–29 per cent) among women working for cash; poor women, scheduled-caste women, and widowed, divorced, or deserted women. (International Institute for Population Sciences (IIPS) & ORC Macro, 2000: xxvii)

Much of the research on domestic violence looking at causation has begun from the assumption or definition of women as economic burdens and therefore vulnerable to violence. However, several researchers and activists have argued against seeing wife beating and domestic violence as a lower class phenomenon (Agnes, 1988; Subadra 1999; Bhattacharya, 2004). These studies indicate that women are increasingly subjects of violence precisely because they are acquiring economic independence and are showing non-adherence to traditional gender roles. The International Clinical Epidemiologists Network (INCLEN) conducted a multi-sector survey in 1999 in which it found that renegotiation of gender roles by women who seek employment is often constructed in negative terms as neglect of children and mismanagement of the household, and is attributed to be one of the chief reason for domestic violence. The NFHS (1998–1999) reports women working for cash to be more likely to have been beaten than those who are unemployed. Yet, one needs to be cautious in interpreting this data, for the statistics of greater violence in the case of employed women may be simply due to the greater reporting abilities of such women rather than indicating that women who are unemployed do not get beaten up.

Domestic violence research in recent times has shifted its focus from understanding causes to understanding the cultural patterns and the meaning of violence for women. Acceptance and wide familial sanction of wife abuse make many Indian women not even see an odd slap or blow as violence but

as routine husband-like behaviour. Sexual and mental violence remain relatively less explored themes. A number of researchers (Acharya, 1993; Chowdhary, 1994; Thapan, 1995; Geetha, 1998 and Karlekar, 1998) have explored these themes and commented on the primacy of considerations of family image and family security that define women's constructions of femininity and that make women compromise and/or internalize cultural violence and abuse. There have been some studies in India that have looked into a comparative analysis of the regional and cultural contexts of violence especially in terms of the North–South dichotomy and development (Jejeebhoy, 1998; Visaria, 2000). These studies do not demonstrate demographic and historical context of the region or development to be protective factors for women from violence or abuse.

domestic violence, structural violence and suffering

There are some who hold that violence and suffering have increasingly come to characterize life in contemporary times and domestic violence is related to this larger violence. These theorists focus on flows of violence between states, local communities and individuals (Das and Kleinman, 2001; Kapadia, 2002; Kannabiran, 2005):

> One cannot draw a sharp line between collective and individual experiences of social violence. These are so thoroughly interwoven that moral processes (i.e. social engagements centered on what is at stake in relationships) and emotional conditions are inseparable. Violence creates, sustains and transforms their interaction, and thereby it actualizes the inner worlds of lived values as well as the outer world of contested meanings … the social violences of day to day living are central to the moral order: they orient norms and normality. (Das and Kleinman, 2001: 5)

> … Increasing violence may reflect the convulsions of a society in transition, wherein large sections of people have been unhinged from traditional regulator norms of behaviour, are facing a crisis of livelihood and identity, and groping for an alternative basis of social identity and cohesion. (Vindhya, 2005: 212–213)

While studying domestic violence against women in India, I noticed that almost all cases of violence reported in the family-counselling cells, where I gathered data over a period of more than 10 years, appeared to be echoing the complex fact of a violent personal biography tied up with large-scale structural violence. The large-scale violence reported was in reference to a basically inegalitarian society marked by poverty, dispossession, unemployment, and frequent, chronic and debilitating diseases that stifled human spirit such as tuberculosis, malaria and AIDs. Also relevant were diseases of the mind such as schizophrenia and perverse

behaviours, which are much less understood and frequently remain untreated, partly because they tend to be seen as idiosyncratic individual behaviours. All these cumulatively define the experience of living for those occupying the bottom rung of the social hierarchy and who must suffer for lack of options.

This compelled me to conclude that in the face of the overwhelming and miserable life conditions structured by poverty, the individual violence that women experience from their men in the form of battering, rape and abuse has to be understood in the context of the harsh culture, community history and contemporary political economy. These persistent tragedies of life often overshadow immediate grief and joys of personal relationships. There is a monotony in the individual stories of violence that poor women narrate, and in the way masculinity and femininity are reciprocally defined as aggressive and passive. There is very often an implicit understanding that women show that though they complain of domestic violence, the factors in the larger background that are responsible for their suffering and painful destinies. They blame their men yet do not leave them. They blame simultaneously unemployment, poverty, alcoholism, drugs, disease, bad living conditions, familial responsibilities and even the mother-in-law. Violence by husbands is expressed by women in terms of a gendered life that must be lived in continuous and unrelenting loss and endurance. The shared helplessness and frustration of their husbands and themselves which becomes apparent over sustained interviewing, calls into question the meaning and truth of domestic violence and women's sufferings as it comes to be depicted in our feminist writings. Both men and women experience the pain of large-scale structural violence and a lot of personal violence is admitted by men and women to be an expression of this pain, so the question unaddressed in our depiction of domestic violence is 'who suffers in what ways'.

> Given that each person's pain has a degree of reality for him or her that the pain of others can surely never approach, is widespread agreement on the subject possible? (Farmer, 1998: 261)

Paul Farmer has written of violence and its interconnections with pain and suffering while describing the gendered manifestation of structural violence on the peasants of Haiti. He argues that in order to understand suffering, which can come from a variety of sources including hunger, premature and painful illness, deep poverty, torture, rape and assaults on dignity from institutionalized forms of sexism and racism and other such social factors, we need to study 'both individual experience and the larger social matrix in which it is embedded in order to see how various large-scale social forces come to be translated into personal distress and disease' (Farmer, 1998: 261).

Farmer talks of multi-axial models of suffering, especially for understanding the nature of structural violence and the global factors that contribute to human

suffering. The axis of gender exists along with the axes of poverty, race and ethnicity, and according to him we need an analytical model that is geographically broad, historically deep and capable of simultaneous consideration of various social axes to discern a political economy of brutality.

Is this possible? How will this ambitious project respond to the divergent pulls of the different civil rights movements which privilege subjectivities drawn from the experience of oppression along one particular axis? What about the cultural relativists and their resistance to women's concerns? How not to confuse structural violence with cultural difference? Cultural essentialism explains away violence against women; and in arguing for multi-axial studies of violence and suffering, we must be careful that this is not misused to discount the *particularities* of violence and suffering of women along the axes of gender. These are questions that have no simple answers, yet must be addressed so as to allow us to diagnose and respond to the interconnections of violence.

I think that defining violence and explaining it is no longer a simple and self-evident task for advocates struggling against 'violence against women'. Domestic violence and its inter-linkages with the violence of poverty, of capitalism, of a changing economy and the complex processes of globalization and of ethnic and communal unrest have somehow been left largely unaddressed in the volumes of research on the issue and the rights discourse within which it is advocated today.

violence and its gendered meaning

In 'Feminism: Indian Ethos and Indian Convictions', Chitnis writes:

> The feminist message in India misses the mark when it names men as oppressors. The feminists almost exclusively blame men for the unhappy situation of women. Firstly, the mass of Indian women are unlikely to be able to make the fine distinction between sorrow and oppression. Sorrow is real, it is the substance of their life, and they know it intimately. But they know it as hunger, poverty, ill heath, disease and death of their infant children, the free use of their bodies by powerful landlords to whom they are bonded in labour, bound as labourers, or tenants, or by contractors or employers for whom they work. They know it as the impotence of their husbands, fathers, brothers, or sons to help them when this happens. They know it as the ruthlessness of custom, the burden of tradition, the unrelenting demands of ritual. They know it as the beatings of a drunken husband or father or as anger unleashed without reason as the brute force of men. Feminists must make a special effort to indicate how sorrow, as the mass of women experience it, is compounded by oppression. (Chitnis, 2004: 92)

Feminist discourse must attend to the important existential question of how to understand and unveil the language of pain and disillusionment and its gendered manifestation. Pain is an everyday experience which echoes personal and social violence, brutalization and loss of dignity. Both men and women experience it in the

regular and ordinary unraveling of their lives. Disillusionment, loss and mourning are not special occasions for the vast majority of poor people in India, but rather part of the daily transactions between their bodies and the world which they inhabit. Women and men regularly live the violence of normal times in the third world context. This violence is described by Kleinman *et al*. as 'social suffering as an assemblage of human problems that have their origins and consequences in the devastating injuries that social force can inflict on human experience' (1998: ix).

There is a gendered division of labour in the work of mourning, writes Das (1990; and 1997). There is a gendered division of labour in the work of doing and taking violence. Men are assumed to do violence, and women take/bear its impact on their bodies, yet violence in women's and men's narratives is understood to be emanating from causes not fully in the control of the so-called doer or the done-to. There is a complex process of accounting for domestic violence, as well as of absolving men from singular responsibility for it. While there are definitely occasions when violence is seen to be caused by the willful action of the violator or some lack in the violated – and this makes for a lot of tension in the familial setting – there is a naturalization of this willful action too in the ebb and flow of anger, where the masculine role of violator and the feminine role of the violated is displaced onto various other factors in the social space. However, predominant and homogenous definitions of masculinity as they derive from the West have hidden the interconnections of violence and the pain, loss and endurance that men must live as men in this violent context.

This makes me wonder what the relationship of men and women is with acts of violence that must generate pain not only in women but also in men. In the experience of the violence of normal times, men and women, tied by the stereotypes of masculinity and femininity, must suffocate alone with the inexpressibility of pain of the victim and the victimizer. The strength of endurance of women belies their alleged feminine weakness as much as the pain of being designated as the violator belies masculinity and its alleged feelinglessness.

Does the violence captured in feminist discourse really reflect what it refers to or is it a thing of its own existence? Do we need to deconstruct the language we have developed today to explain violence? Can we really understand violence or translate it in this sense? In acknowledging the pain of women's lives, of the gendered violence such as that of battering or rape, we are acknowledging one form of violence and pain. Yet, we also deny through our ignorance, that bigger sense of pain and mourning that is pervasive in a context of wide-scale violence, and that which cannot so easily be objectified, but rather it can only be inferred in its inadequacy. In transcribing violence one must of necessity navigate between the concreteness of being and the elusive nature of suffering. However, much writing on the issue in India suffers either from being overly descriptive, journalistic or simplistic in depicting violence as an all-or-nothing phenomenon, oversimplifying women's complex experiences of violence and abuse in homes.

construction of violence and victims

Lori L. Heise, writing on global organizing for change to address violence against women, states:

> The challenge of how to begin and sustain a dialogue around issues of sexuality, gender and abuse among a wider community of men is one of the major outstanding questions of the movement. (Heise, 1996: 23)

It is evident that even while research has been uneven, there are a range of issues linked to the problem of domestic violence in India. Feminist writings have played a very important role in 'problematizing' the family and challenging the issues of both physical and structural violence. Feminist research has demonstrated that domestic violence is deeply embedded in patriarchal norms and attitudes about gender relations in India; domestic violence is linked to patriarchal notions of ownership of women and their bodies, and also their sexuality, labour and productivity. Through these writings and feminist grassroots support to women, the conflict content of power relations between men and women has been brought to the conscious level and this has made for shifts in relations between men and women, reconstituting of gender identities and some possibilities to negotiate solutions to individual plights through renewed confidence in the collective identity of women.

Yet, my reservations about the tenor of feminist and other research writings on the issue of domestic violence in India relate to the single layered, standardized, monotonous and homogenous accounts of domestic violence wherein men are always violent and women are always victims.

> Some realities need to be fictionalized before they can be apprehended. (Das, 1997: 69)

The subjectivity 'man' is violently appropriated by us for the cause of making meaning of the elusive nature of suffering and pain. Women themselves are made victims and robbed of all human agency, so as to concretize the image of violence and this points to the dark side of this project of understanding violence. The discursive magnification and reification of men as violator makes men assume proportions of monsters and therefore in a manner of speaking become victims themselves. If what is done to women by their men in the name of love is violence, what we sociologists are guilty of in denouncing men as violators lock, stock and barrel, is to perpetrate violence of another kind; for there is violence both in the invisibility and the hyper-visibility of women's pain. The result is that in representing it the way we do, we collude with violence rather than reveal it. Feminists stand accused of dealing with violence as an idea more than as lived experience. It is time we re-examine our ways of explaining it and begin demanding responsibility for it.

Part of the problem may lie in the fact that in the urgency to focus on violence in the illusory abode of love, we have gone overboard. The focus on

'domestic' brings the locale of violence into focus. Traditionally, research on the family has not focused on violence as an issue, so in feminist research it has been important to prioritize the fact that the 'domestic' is not without violence. Yet, unfortunately this focus also causes a certain avoidable fixation. It makes us see domestic violence as a special 'type' of 'violence against women', 'by men'.

On the one hand this ignores the reality of other axes of violence and abuse and of the widespread structural violence that is pervasive in a Third World context and that is interlinked to men and women's experience of domestic violence. On the other hand, this construction violates all notions of violence as a lived experience for violence is a process, as well as an outcome.

It needs to be emphasized that the violence one experiences, particularly in intimate relations, is not itself merely a physical entity, confined to a particular situation, perpetrated by particular persons, for certain reasons, with certain impacts. The nature of violence is amorphous as is the case with all human experiences involving human psyche and human emotions; its context is changing and its experience is contextual. Violence is overwhelmingly about awareness, a consciousness; and this aspect of violence makes it both temporal and subjective. Violence is a 'construction' on the basis of tenuous and fragmented subjectivities of victim and victimizer that get played out in a process of continuous and volatile interaction. Social scientists studying violence must decide *whose* and *which* construction to validate, *whose* and *which* construction to negate.

Writing similarly on violence as a construct, Stewart and Strathern comment:

> The issue of violence turns on the question of whose perception of order is at stake. Violence pinpoints the differences between people's perceptions of what is proper and appropriate in different contexts of conflicts ... The perception of what is violence may also be subjective. Alternatively people may agree on what constitutes violence but disagree on whether it is appropriate or justified. (Stewart and Strathern 2002: 3)

It is in the framework of this subjectivity that research on violence against women needs to develop. The fact that most writing on domestic violence against women has focused on rather concrete notions that involve incidence, causes, effects, and so on, has produced a body of work that is simplistic at times, at times reducing the phenomenon to an all-or-nothing affair and reducing women to mere victimhood. This makes for what Karlekar (1998: 1749) in another context has referred to as 'stereotypification and a monolithic discourse on domestic violence'. I find moreover that this discussion of domestic violence, abstracted from the general nature and understanding of violence, has a tendency to not only decrease the complexity and the urgency of interconnected social issues and problems, it also results in a closed conversation that is confined to women and to feminists.

It is however important to point out that there are several feminist writers in India who have been cautious in emphasizing the continuum of violence and in abstaining from a simplistic understanding of domestic violence in itself.[2] However, the main focus in these critical writings has been on the issue of caste and to some extent on religion and how they make for differences in women's experience of violence and what axes of identification they privilege in their struggles. Few writings, however have actually taken positions in which the simplistic understanding of men as violators and women as victims has itself been challenged.

Violence as a construct is elaborated to have at least three subjectivities, that of the performer, the victim and the witness.[3] With an exclusive feminist investment in the subjectivity of victim for the subject of our discourse on violence, we have opted for a limited perspective and this has stood in the way of theorizing domestic violence appropriate to our realities.

As Chopra writes:

> Men need to be located through a series of subjective, agentic positions, as perpetrators, victims, witnesses, and narrators of violence. The question of violence and men demands that we rethink the ways in which men inhabit particular subject positions in relation to violence. (Chopra, 2003: 1651)

The adoption of these varied subject positions will mean a very complex research process, where as researchers we will have to constantly traverse the divide between the 'personal' and the 'public', and thus cross the boundaries of the 'domestic' even when we seek to understand the 'domestic'. For me then, studies on marital violence need to make an attempt to explore the possibility of just such a complex research process wherein exploration is made of subjectivities that defy unilinear, homogenous and simplistic descriptions of victims and victimizers. An exploration of such subjectivity requires tremendous reflexivity on one's own multiple subjectivities. However, much feminist writing in India comes from the upper-middle classes, compulsively defines itself as socialist in its aspirations, and takes the somewhat guilt-ridden position that the only legitimate violence that should be addressed in the feminist discourse is violence against poor, downtrodden women of lower caste and class and those belonging to the marginalized minorities. While this makes for a normative stance in privileging the most oppressed of women it also regrettably causes an 'othering' of the phenomenon of violence. Coupled with this 'othering', and as a consequence of it, feminist writing in India has given excusive focus to patriarchy and to a limited extent the interlocking of patriarchal oppression with oppression of the class-, caste- and community-based factors. Effectively, these studies deny the recognition and understanding of violence as a multi-facetted phenomenon; that is, as a complex product and experience of the interplay of psychological, situational and socio-cultural factors (Vindhya, 2005).

As a consequence, we face an impasse today in theorizing gender violence in general and domestic violence in particular, because the approach to research on

2 Kannabiran and Kannabiran (2002), Gandhi and Shah (1993), Kelkar (1992) and Omvedt (1990) have commented on the fact that the issue of domestic violence is made somewhat simplistic in its treatment by feminists and social workers in India through negligence of important aspects of caste and religion that intertwine with women's identities as women and have implications on how they perceive and experience violence in homes and outside of homes. Kannibaran and Kannibaran have taken stances against a homogenized model of feminist activism based on the realities of urban middle-class women who are the ones affected by dowry.

3 Stewart and Strathern (2002: 3–4) in their introduction to *Violence: Theory and Ethnography*, discuss about D. Riches who has put forward a transactional model of violence, which operates as an idea of a triangle of performer, victim and witness who together define this subjectivity of a violent act. The performer may see the violent act as justified and legitimate, the victim may see it as unjustified and illegitimate and the witness or witnesses may have a range of views which among other things may depend on their relations with the

victim/s and the performer/s. This model has potentiality to account for the subjectivity of violence as a category of action.

the issue has itself produced a lopsided and distorted version that plays up women as victims and men as villains, denying women all human agency and spirit. This stream of research, while it may have addressed a need for women-oriented laws, forecloses the possibility of a grassroots level dialogue for change. Truth needs to emerge from a dialogue of alternative discourses by the several players involved, and the family and its many members cannot simply be drawn in black and white. They require to be seen in the emerging context of contemporary society where women's and men's changed realities, their varied and distinct identities, state, law and the women's movement are all playing an important role in a complex interplay of social relations. Only such a dialogue eventually has the scope for dealing with violence in homes beyond the limited outreach of law and legal mechanisms.

global activism and contemporary challenges

The 1990s saw an important growth in research on domestic violence, as it was internationally acknowledged as a human rights violation. Global women's activism bore fruit when women's right to live a violence-free life gained international visibility with the drafting of the Convention on the Elimination of Discrimination against Women, and domestic violence came to occupy a critical position in the human rights agenda at the World Conference on Human Rights in Vienna in 1993. Subsequently, the appointing of the UN Special Rapporteur on Violence against Women in 1994 gave further impetus to the research and other activities of women's groups in India working against violence.

From that time onwards there has been substantive coverage of themes related to domestic violence in feminist and social work literature, which have focused on examining the structures and cultural practices that contribute to domestic violence, its different forms including mental cruelty, desertion, wife beating/ bashing, sexual coercion and rape in marriage, its impact on women and children, as well as a systematic evaluation and critique of the various social responses to the issue including the legal response.

A review of progress since the 1994 appointment of the Special Rapporteur has pointed out that significant strides have been made through global activism on the issue in setting international standards and in elaborating a legal framework under the human rights framework, yet much still needs to be done in the fulfillment of these rights, as violence against women in families and communities continues with impunity and women still do not have equal access to the criminal justice system. Studies in India show how even existing laws have not been implemented (Goel, 1997; Agnes, 2000; Mitra, 2000). Though there is now a comprehensive civil law to address long standing issues of domestic violence, studies reveal that the police and judges routinely hold reconciliation in matrimonial violence cases to be the

best remedy and try to send women back to their violent and abusive homes. Dowry marriages continue to be widely practiced and non-enforcement of protective laws of inheritance and marital property, apathy in judicial and police circles, new market forces such as the rise in consumerism accompanied with wide-scale unemployment, and lack of support services all contribute to a sense of futility in addressing the problem (Dabir, 1992; Singh, 2004).

Cultural relativism is held to be the greatest challenge to women's rights, and arguments based on religion and culture protect the family and communities from state scrutiny. Women's discrimination in the private realm gets justified on the grounds of tradition and men's powers get bolstered on the grounds of required privacy in personal and familial matters. Sexuality, marriage, reproduction, inheritance and custody of children are some of the specific areas where women remain particularly vulnerable to human rights abuses in the private sphere. The Special Rapporteur recognizes that it is not possible to address the economic, social and political status of women through a human rights approach alone and that it requires the efforts of development partners, international community and the involvement of men and women in solutions to women's rights abuses in their communities (Moller and Beneditti, 2003). Moreover, as Thomas and Beasley (1993) point out, the power to embarrass governments through disclosure of systematic human rights violations by agencies under its administration can be used only to a limited extent, given that sex discrimination as such has been deemphasized and lies outside the rubric of central human rights concerns. Also there exists endemic and widespread violence that has been naturalized through custom and convention and across states there is a pattern of non-prosecution of such violence. A lack of rigorous and credible data systematically demonstrates the state's failure to extend women equal protection under the law against violence and a lack of documentation of abuses based on large-scale surveys that can withstand legal enquiry. Other problems include the lack of cooperation between women's rights and human rights organizations in establishing uncontroversial evidence, the fact of insufficient resources and limited enforcement mechanisms in the instruments available to the Committee on CEDAW, which monitors state conduct, and most importantly the inability to hold governments accountable, within the current human rights framework, for the structural violence that is manifested in society in terms of social and economic inequities and which lies at the root of violence against women. Human rights frameworks can be used to shame governments but that does not in itself prevent violence.

These problems notwithstanding, global activism using the human rights framework has been successful in recognizing that domestic violence as an everyday violence against women is pervasive and has not been appropriately prosecuted and that the state is obliged to take affirmative action to prevent such action by private actors. So, despite its practical and methodological limitations, the human rights approach as a moral vision of a humanistic society and as a constructive tool for

pressuring states to be responsive to domestic violence against women has emerged as a very important achievement of global feminist activism. The global feminist movement is committed to expand human rights practice in revolutionary and evolutionary ways (Thomas and Beasley, 1993).

I think however that global feminist activism is challenged today and must engage with the connections between structural violence and domestic violence, and in this work seek to theorize the politics of defining violence, the diverse discourses on it, the social and political role these discourses play in processes of exclusion and inclusion, as well as how these implicate men and women, across the globe. This is needed so that we are not violent in our understandings of the phenomena of global violence against women. It is required also that we dismantle the traditional power differences between feminists and the vast majority of women (issues to do with false consciousness and all that). We need to grapple with the interconnections between different forms of violence, multiple subjectivities and the amorphous nature of violence, despite its methodological hazards. Transnational feminists must balance global and local political analyses in establishing common priorities and strategies. It is also imperative that we seek validity of feminist understandings in other discourses and movements aimed at an egalitarian and just social order.

These are special concerns in the background of a strong but currently listless Indian feminist movement that is divided on the basis of 'identity' politics. On the one hand, the women's movement has expanded its outreach to women from all sections of society, not just the middle class urban, educated women; on the other hand the movement currently is confronted with conflicts and stalemate in defining its core issues and its strategies. These struggles in our movement, for instance, have come to fore in the form of a divide on the subjects of personal law, communal identities, a uniform civil code and more recently on issues regarding prostitution or sex work and the moral and/or livelihood concerns of women working as 'bar girls'. Defining violence in this context is no longer easy, for behind the politics of this definition lies the conflict of interests of the different categories of women and men constituting the different civil rights movements in the country. What is violence and what should, strategically and politically, not be projected as violence are concerns that, even while they divide or paralyze the women's movement in India, have lessons for the transnational feminist movement. Heise (1996: 23) opines that global organizing for change needs to address challenges of sustainability, focus, solidarity, style and strategy in the face of deep-rooted fears, in some quarters in developing countries, of the threat from feminist values to culture and family. The issue however is not just of culture and family. It is about the underlying discontent with growing global political and economic inequities; and feminists must be cautious of doing their bit in making or perpetuating myths that belie these inequities and their outcomes.

acknowledgements

This paper was presented as part of *Feminist Review*'s Conference celebrating 30 years of the journal. The 'Feminist Theory & Activism in Global Perspective' Conference was held at SOAS, University of London, on September 26, 2009.

This paper is based on the author's Doctoral thesis titled, 'Marital Violence: A Feminist Understanding of Violence in Intimate Relations' (Mitra 2007).

biography

Nishi Mitra is currently an Associate Professor and Chairperson of the Centre for Women's studies at a premier social science institute in India, called the Tata Institute of Social Sciences. She has been involved in several national and international researches on violence against women. She has published a pioneering report on domestic violence intervention in India titled, 'Domestic violence as a Public Issue: A Review of Responses' and has been involved in teaching, research and police training programmes on the issue of violence against women. In recent years, she has been involved in formulating and launching one of the few Women's Studies MA Programs in India. Currently, she is engaged in teaching several courses of this new Women's Studies MA Program that has been developed in partnership with other UK universities under the Delphe Project.

references

Acharya, N. (1993) *Breaching Patriarchy: The Case Study of Battered Women in the Metropolitan Slums of Bombay, India*, Unpublished research paper presented in partial fulfillment of requirements of MA degree in Development Studies, ISS, Hague.

Agnes, F. (1988) 'Violence in the family: wife beating' in Ghadially, R. (1988) editor, *Women in Indian Society*, New Delhi: Sage Publications.

Agnes, F. (2000) 'Women, marriage and subordination of rights' in Chatterjee, P. and Jeganathan, P. (2000) editors, *Community, Gender and Violence*, New Delhi: Permanent Black and Ravi Dayal Publishers.

Ahuja, R. (1987) *Crime against Women*, Jaipur: Rawat Pulication.

Ashraf, N. (1997) 'Dowry among Muslims in Bihar' *Economic and Political Weekly*, Vol. 32, No. 52: 3310–3311.

Bhattacharya, R. (2004) 'Introduction' in Bhattacharya, R. (2004) editor, *Behind Closed Doors: Domestic Violence in India*, New Delhi: Sage Publication.

Chitnis, S. (2004) 'Feminism, Indian ethos and Indian convictions' in Chaudhuri, M. (2004) editor, *Feminism in India*, New Delhi: Kali for Women.

Chopra, R. (2003) 'From violence to supportive practice: family, gender and masculinities' *Economic and Political Weekly*, Vol. 38, No. 17: 1650–1657.

Chowdhary, P. (1994) *The Veiled Women: Shifting Gender Equations in Rural Haryana 1880–1990*, Delhi: Oxford University Press.

Chowdhary, P. (1997) 'Enforcing cultural codes: gender and violence in Northern India' *Economic and Political Weekly*, Vol. 32, No. 19: 1019–1028.

Dabir, N. (1992) 'A need to develop a new approach for women in familial distress' in Dandekar, C.H. (1992) editor, *Shelter for Women and Development: First and Third World Perspectives (Proceedings of an International Conference)*, Michigan: George Whar Publishing Company.

Das, V. (1990) *Mirrors of Violence: Communities, Riots and Survivors in South Asia*, New Delhi: Oxford University Press.

Das, V. (1997) 'Language and body: transactions in the construction of pain' in Kleinman, A., Das, V. and Lock, M. (1998) editors, *Social Suffering*, Delhi: Oxford University Press.

Das, V. and Kleinman, A. (2001) 'Introduction' in Das, V., Kleinman, A., Ramphele, M. and Reynolds, P. (2001) editors, *Violence and Subjectivity*, New Delhi: Oxford University Press.

Datar, C. (1993) 'The women's movement in Maharashtra: an overview' in Datar, C. (1993) editor, *Struggle against Violence*, Kolkata: Stree.

Dave, A. and Solanki, G. (2001) *Journey from Violence to Crime: A study of Domestic Violence in the City of Mumbai*, Mumbai: Tata Institute of Social Sciences.

Devi Pasad, B. (1994) 'Dowry-related violence: a content analysis of news in selected newspapers' *Journal of Comparative Family Studies*, Vol. 25, No. 1: 71–89.

Farmer, P. (1998) 'On suffering and structural violence: a view from below' in Kleinman, A., Das, V. and Lock, M. (1998) editors, *Social Suffering*, Delhi: Oxford University Press.

Gandhi, N. and Shah, N. (1993) *The Issues at Stake: Theory and Practice in the Contemporary Women's Movement in India*, New Delhi: Kali for Women.

Geetha, V. (1998) 'On bodily love and hurt' in John, M. and Nair, J. (1998) editors, *A Question of Silence*, New Delhi: Kali for Women, 304–331.

Ghadially, R. and Kumar, P. (1988) 'Bride burning: the psycho-social dynamics of dowry deaths' in Ghadially, R. (1988) editor, *Women in Indian Society*, New Delhi: Sage Publications.

Goel, S.S. (1997) 'A study into Sec. 498. IPC: cases registered in the state of Maharashtra' *Police Research and Development*, Vol. 3: 22–24.

Heise, L.L. (1996) 'Violence against women: global organizing for change' in Edelson, J.L. and Eisikovits, Z.C. (1996) editors, *Future Interventions with Battered Women and their Families*, New Delhi: Sage.

International Clinical Epidemiologists Network (INCLEN) (1999) *India Safe: Studies of Abuse in the Family Environment in India*, Final end-of-project Report for PROVID to the International Centre for Research on Women, Washington, DC.

International Institute for Population Sciences (IIPS) & ORC Macro (2000) *National Family Health Survey (NFHS-2), (1998–1999)*, India, Mumbai: IIPS.

Jain, R. (1992) *Family Violence and India*, New Delhi: Radiant Publishers.

Jejeebhoy, S. (1998) 'Wife beating in rural India: a husband's right? Evidence from survey data' *Economic and Political Weekly*, Vol. 33, No. 15: 855–861.

Kannabiran, K. (2005) editor, *The Violence of Normal Times*, New Delhi: Kali for Women.

Kapadia, K. (2002) editor, *The Violence of Development: The Politics of Identity, Gender and Social Inequalities in India*, New Delhi: Kali for Women.

Kannabiran, K. and Kannabiran, V. (2002) *De-eroticizing Assault: Essays on Modesty, Honour and Power*, Calcutta: Stree.

Karlekar, M. (1998) 'Domestic violence' *Economic and Political Weekly*, Vol. 33, No. 27: 1741–1751.

Kelkar, G. (1992) *Violence against Women: Perspectives and Strategies in India*, New Delhi: Indian Institute of Advanced Study.

Keshwar, S. (1996) *Scream Silently or the Neighbours Will Hear: Injustice for Women*, Goa: The Other India Press.

Kishwar, M. (1993) 'Dowry calculations: daughter's rights in her parental family' *Manushi*, Vol. September–October, No. 78: 8–17.

Kleinman, A., Das, V. and Lock, M. (1998) editors, *Social Suffering*, New Delhi: Oxford University Press.

Krishnaraj, M. (1991) editor, *Women and Violence: A Country Report*, Mumbai: RCWS, SNDT Women's University.

Kumar, R. (1993) *The History of Doing: An Illustrated Account of Movements for Women's Rights and Feminism in India, 1800–1990*, New Delhi: Kali for Women.

Kumari, R. (1989) *Brides are Not for Burning*, New Delhi: Radiant Publishers.

Mitra, N. (2000) *Domestic Violence as a Public Issue: A Review of Responses*, Mumbai: Unit of Women's Studies, TISS.

Mitra, N. (2001) 'Community based initiatives in the struggle against domestic violence' *Indian Journal of Social Work*, Vol. 62, No. 3: 414–429.

Mitra, N. (2007) *Marital Violence: A Feminist Understanding of Violence in Intimate Relations*, Unpublished PhD thesis.

Moller, C. and Beneditti, F. (2003) 'Cultural relativism: an enduring challenge' Human Rights Features Edition: *59th Session of the Commission in Human Rights*, 7–13 April, http://www.hrdc.net/sahrdc/hrfchr59/Issue4/pdf.pdf.

Mukherjee, C., Rustagi, P. and Krishnaji, N. (2001) 'Crime against women in India: analysis of official statistics' *Economic and Political Weekly*, Vol. 86, No. 43: 4070–4080.

Omvedt, G. (1990) *Violence against Women: New Movements and New Theories in India*, New Delhi: Kali for Women.

Rao, V. (1998) 'Wife abuse, its causes and its impact on intra-household resource allocation in rural Karnataka: a "participatory" econometric analysis' in Krishnaraj, M., Sudarshan, R. and Sharif, A. (1998) editors, *Gender, Population and Development*, New Delhi: Oxford.

Saroja, K. and Chandrika, S.M. (1991) 'Income and dowry: some revealing connections' *Indian Journal of Social Work*, Vol. 52, No. 2: 205–213.

Sheel, R. (1997) 'Institutionalization and expansion of dowry system in colonial North India' *Economic and Political Weekly*, Vol. 32, No. 28: 1709–1718.

Singh, K. (2004) 'Violence against women and the Indian law' in Goonesekere, S. (2004) editor, *Violence, Law & Women's Rights in South Asia*, New Delhi: Sage.

Sinha, N. (1989) 'Profile of marital violence: wife battering' in Poonacha, V. (undated) editor, *Understanding Violence: Readings on Women's Studies Series: 3*, Bombay: Research Centre for Women Studies, SNDT.

Stewart, P.J. and Strathern, A. (2002) *Violence: Theory and Ethnography*, New York: Continuum.

Subadra (1999) 'Violence against women: wife battering in Chennai' *Economic and Political Weekly*, Vol. 84, No. 16–17: WS 28–WS 33.

Thapan, M. (1995) 'Images of the body and sexuality in women's narratives on oppression in the home' *Economic and Political Weekly*, Vol. 30, No. 43: WS72–WS80.

Thomas, D.Q. and Beasley, M.E. (1993) 'Domestic violence as a human rights issue' *Human Rights Quarterly*, Vol. 15: 36–62.

Veronique, B. (1995) *To Give or Not to Give*, Pondicherry: French Institute.

Vindhya, U. (2005) 'Battered conjugality: the psychology of domestic violence against women' in Kannabiran, K. (2005) editor, *Violence in Normal Times: Women's Life Worlds*, New Delhi: Women Unlimited and London and Zed Books.

Visaria, L. (2000) 'Violence against women: a field study' *Economic and Political Weekly*, Vol. 85, No. 10: 1742–1751.