

UNIVERSITY OF NAIROBI

**AN INQUIRY INTO THE PHENOMENON OF SPOUSAL
VIOLENCE: AN ETHICAL PERSPECTIVE**

**A THESIS SUBMITTED IN FULFILMENT OF THE REQUIREMENT OF THE
DEGREE OF DOCTOR OF PHILOSOPHY IN PHILOSOPHY**

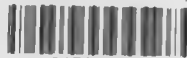
DEPARTMENT OF PHILOSOPHY AND RELIGIOUS STUDIES

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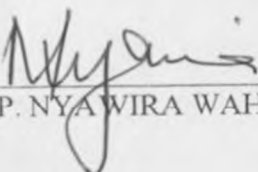


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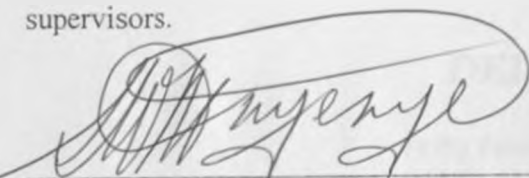


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DEDICATION

To my three precious daughters,
Njoki, Mukami, and Wanjiku
With love and appreciation

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ABSTRACT

Spousal violence is a manifestation of violence evident in the wider society. Spousal violence is a global phenomenon and has persisted since time immemorial. Its impact has been felt everywhere and has been highlighted in the media, conferences, seminars and other fora. Despite its negative effects in society in both magnitude and form, the practice persists. There is need, therefore to inquire into this phenomenon of violence in order to understand why it persistently occurs despite its adverse consequences and efforts to eradicate it. Information on the practice of violence in general and spousal violence in particular is available in books, journals, magazines and daily newspapers. These documentary evidences highlight the causes, methods and consequences of spousal violence. The study focuses on understanding and analyzing this information from an ethical perspective with a view to minimizing the practice.

Spousal violence is viewed as the ultimate expression of male and/or female dominance in families. The social and cultural construction of gender ensures unequal power relationship between males and females giving rise to violence within families. Personality disorders among other factors as well play a role in perpetuating spousal violence.

The study hypothesizes that socio-cultural gender construction of males and females is one of the determining factors for the practice of spousal violence. Theories of human nature as well as “self” -“other” theories propagate this view; hence justify the male or female supremacy over the other. One of the major findings of this study is that the causes and methods used in spousal violence are clear indications of gender inequality and unequal power relations between men and women who are both perpetrators and victims. Spousal violence is practiced by both husbands and wives despite the fact that most studies and available literature on spousal violence are gender biased in that they focus mostly on violence against wives or women.

Unequal gender relationship is analyzed from an ethical point of view using various ethical theories. These include teleological and deontological ethical theories as well feminist ethical theories. These ethical theories are used as a guide to analyze the factors of dominance and subordination that lead to spousal violence from an ethical point of view. The study recommends a societal change of heart or a paradigm shift, which aims at bringing harmony and peace in society. This can be possible if relationships of dominance, control and power are replaced with those that have a rational and ethical basis. These are relations of justice, equality and freedom, which necessitate integral human development.

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CHAPTER ONE

1 INTRODUCTION

1.1 BACKGROUND INFORMATION

Spousal violence is part and parcel of general violence or human conflict which is evident in society. Human conflict is a global phenomenon. Since time immemorial the world has been characterized by war or conflict. Conflict, therefore has been seen as a basic fact of life by some western industrialized societies and also by those who advocate for peace and human rights. This sentiment is best captured by John Klama when he says, "however much they may long for harmony within communities and peace among the nations, our societies are haunted by the spectra of violence."¹ However, there have been enormous efforts made to resolve human conflicts. The United Nations organ was formed in 1948 with the aim of creating peace and security in the world.

There are endless reports on violence through the media and other fora. There is occurrence of violence everywhere and in different forms. Newspapers, radios and television alarm readers and audience with apparently endless reports of chronically high levels of child abuse and marital violence within the home; of fighting in the streets, at the work place and in sports stadium; of terrorist outrages in airports and discotheques of war and of rumor of wars.²

The inevitability of violence or human conflict or aggression has led various scholars into looking for explanations for their occurrence which seems to lead human beings to self destruction. Some scholars have argued that violence or aggression is part of human nature and therefore human beings will always be aggressive. Others argue to the contrary and say that aggression like other human behaviour is learnt.

Scholars who argue that human beings are aggressive justify violence on account of their human nature. Human beings are by instinct aggressive creatures and therefore cannot avoid being violent: "It is this innate propensity to violence that accounts for individual and group aggression in man."³ This is the Hobbesian view of human nature.

According to Thomas Hobbes human nature is completely and exclusively egoistic. He depicts people as being by nature, "... entirely selfish and devoid of any genuine feelings of sympathy, benevolence or sociability."⁴ He describes life of man in the state of nature as that of war of all against all. In such a state, "there is a continual fear and danger of violent death; and the life of man is solitary, poor, nasty, brutish and short."⁵ The Hobbesian view, therefore, is that violence is inevitable since aggression is part of human nature.

Sigmund Freud was also a proponent of this view. According to him:

A powerful form of desire for aggression has to be reckoned as part of man's instinctual endowment... 'Homo homini Lupus' who has the courage to dispute it in the face of all evidence in his own life and in history?⁶

He also postulated that human beings have a drive toward death, 'thanatos', which is a drive towards self-destruction. The writings of Konrad Lorenz also explain that violence is inevitable because the human person is by nature aggressive. His view is that human beings are not different from other animals. "Like many other animals, we have an innate drive to aggressive behaviour towards our own species."⁷ He thinks that this is the only possible explanation of conflicts and wars throughout human history, of continuing unreasonable behaviour of supposedly reasonable beings. A human person, therefore, despite being a rational creature is bound to be violent towards his own species due to his genetic nature.

There are scholars, however, who dispute the fact that human beings are by nature aggressive. John Stuart Mill argues;

Of all the vulgar modes of escaping from the consideration of the effect of social and moral influence on the human mind, the most vulgar is that of attributing the diversities of conduct and character to inherent natural differences.⁸

According to Mill, human conduct cannot be attributed to genetic factors. All human behaviour therefore is learnt; "It is nonsense to talk about genetic determinacy of human behaviour ...everything a human being does as such, he has to learn from other human beings...it is within the dimension of culture, the learned, the man-made part of the environment, that man grows, develops and has his being as a behaving organism."⁹

Violence, therefore, being a learned behavior in society is used as a means to achieve certain goals. Mill sees violence as a means for achieving some end. He says that “the first lesson of civilization is obedience... and obedience is the desire to exercise power over others. For Mill, to exercise power and the will to submission are interconnected.”¹⁰ Thomas Hobbes also sees violence as a means of achieving any desirable goals as he says that “covenants without the sword, are but words.” To him, therefore, nothing concrete can be achieved without the use of violence however agreeable the concerned parties are to a certain issue. However, he emphasized the use of violence in the context of the pre-state societies that had no formal social organizations as are evident today.

In agreement with Hobbes, Frantz Fanon sees violence as an important tool of social control; “Only violence pays.”¹¹ Violence to him is a successful tool of social control. Throughout history, war is used as a means of social control. Other scholars who are in agreement with the Hobbesian argument include Karl Von Clausewitz who describes war as the “...continuation of politics by other means,”¹² and Friedrich Engels who defines violence as the accelerator of economic development.¹³ For these two scholars violence is useful in as far as political and economic pursuits are concerned. However, violence should not be used as a means to achieve any end, be it political, economic or otherwise, since more often than not, it has adverse consequences.

This study attempts to analyze these two explanations or justifications of violence from an ethical perspective. The study thus asks: Is it true that human beings are by nature aggressive? Is it a matter of choice? Is there any moral basis for using violence as a means to achieve a certain end, be it domination, power, control, political or economic development?

General ideas of violence are relevant to the specific phenomenon of spousal violence and thus will be used in this study. The concepts of domination, obedience, social control, power, command, ruling and assertion of ones will, evident in violence in general, have a bearing on the specific realm of spousal violence. Spousal violence in this study refers to marital violence or violence among spouses in a marriage. Marriage is an art of choosing the human being with whom to live successfully. It is a living social entity that comes

into being as a result of the conscious, deliberate union of a woman and man. In this study, marriage will be restricted to the union between a man and a woman. Spousal violence is part and parcel of the wider phenomenon of domestic violence. Reid categorizes domestic violence as an example of behaviors that are historically considered as serious crimes. She defines domestic violence in which spousal violence is part, as:

...physical and sexual violence within the family including sexual abuse of children and physical abuse of the elderly ... Domestic violence is expanded to include violence among those who are married and those who are not married, engaged, or divorced from each other and have no present or formerly legal family ties.¹⁴

Domestic violence as defined by Reid, is a very wide phenomenon. This study focuses on only one type of domestic violence or violence within the family namely, spousal violence. Spousal violence refers to violence between spouses within the family or within marriage. This refers to the fights between husbands and their wives. It has also been defined as; the assertion of the right of a husband/wife to control the acts and will of his/her spouse by physical force or otherwise is husband-to-wife or wife-to-husband spousal violence depending on who the aggressor is.¹⁵ According to Charles Corry, domestic abuse means.

Any act or threatened act of violence that is committed by any person against another person to whom the actor is currently or was formerly related, or with whom the actor is living or has lived in the same domicile, or with whom the actor is involved or has been involved in an intimate relationship.¹⁶

He adds that domestic abuse may also include any act or threatened act of violence against the children of either of the husband or the wife. Domestic violence may also include any other crime or "municipal ordinance violation against a person or against property when used as a method of coercion, control, punishment, intimidation or revenge directed against a person with whom the actor is or has been involved in an intimate relationship."¹⁷ Some of the common terms that are used to describe violence against intimate partners are domestic abuse/violence, spouse abuse/violence, courtship violence, battering, marital rape and date rape. A closer examination of this definition reveals that spousal violence involves both husband-to-wife and wife-to-husband violence. However, most of the literature on domestic or spousal violence is gender biased since it tends to overlook male victims.

Many societies in the world are patriarchal. Patriarchal societies are socio-culturally constructed in such a way that they are characterized by male dominance and female subordination. There is an unequal relationship and imbalance of power between males and females. Males are viewed as superior while females are viewed as inferior. The reality of this is further exemplified in formal institutions within such societies. Such institutions include religious organizations (Christianity, Islam, Hindu African Traditional Religions etc), legal systems including constitutions and in the general political dispensations. These are mainly biased in favor of men. Spousal violence in such societies is presented as the ultimate expression of this inequality. The question is whether the socio-cultural constructions of male dominance and female subordination have any universal, rational and moral basis. Is patriarchy, which is characterized by inequality of sexes based on any ethical foundation? It is evident, though, that spousal violence against husbands also occurs in patriarchal societies where women exercise authority over their husbands by use of violence.

Before the onset of patriarchy, there was equality of sexes. According to Friedrich Engels, in the primitive division of labour, "...the two sexes constituted in a way two classes, and there was equality between these two classes. While man hunts and fishes, woman remains in the home."¹⁸ Land was commonly owned. With the discovery of minerals such as "...copper, tin, bronze and iron and with the advance of agriculture...private property appears: man becomes master of slaves and of the earth, man becomes the proprietor also of woman."¹⁹ Engels describes the appearance of private property as the beginning of oppression and exploitation of women thus "...this was the great historical defeat of the feminine sex."²⁰ The advent of private property marked the beginning of gender inequality; "The same cause which had assured to women the prime authority in the house, namely, her restriction to domestic duties- this same cause now assured the domination there of man..."²¹ The advent of patriarchy, which is characterized by inequalities, marked the beginning of the power struggle between the two sexes. This caused misery and violence in families.

According to Engels, it is this economic oppression that gives rise to the social oppression of woman to which she is subjected. It is the patriarchal society that

constructs gender sex system. In such societies boys learn through socialization to be men and girls learn to be women and are taught that they are unequal. Society gives man pleasures of power and dominance. Boys learn to dominate while girls learn to be submissive. Boys and girls are taught that they are unequal; "Society gives men pleasures of ...power and dominance."²² Through the social construction of the two genders, spousal violence becomes inevitable

Spousal violence refers to violence by a husband against his wife or violence by a wife against her husband; the assertion of the right of a husband to control the acts and the will of his wife by physical force or otherwise is husband - to - wife spousal violence. The assertion of this right of a wife to control the acts and will of her husband by physical force or otherwise is wife to husband spousal violence.²³ One of the means, which human beings use to show their dominance and subjugation, is through the use of force or violence. They use violence to control, dominate, command and assert their will on their spouses. They use violence and power as a means to get obedience from their spouses.

There are scholars who have studied the phenomenon of spousal violence such as anthropologists, sociologists, criminologists and legal practitioners among others. However, they have handled it inadequately in that they have concentrated on violence against women in general. Very few have studied domestic violence within the family as such. Even within the realm of the family, they have tended to concentrate more on husband - to - wife violence though wife-husband violence also occurs. Little has been done in the area of wife - husband violence even by philosophers. The few philosophers who have handled violence such as Thomas Hobbes, John Stuart Mill and John Locke have not done any better in that they have concentrated more on general violence not even marital violence. For the few scholars who have handled family matters such as domestic violence, they have been trivialized and called it "bedroom affairs." Some feminist ethicists have discussed the phenomenon of the family and called for its inclusion in the realm of social morality.

Such feminist ethicists include Adrienne Rich, Sarah Ruddick, Dorothy Dinnerstein, Catherine Mackinnon and others. For them the realm of the family has to be explored if

justice, equality and liberty are to be realized in society. Relegating family affairs to the realm of private matters does not augur well for all members especially as regards women as it shields a lot of wrong doing within the family. They argue that it is in the realm of the family, as a private institution, that has shielded the place of wife/husband beating, marital rape and exploited labour.

It is in that sphere that spouses are denied their identity, authority, control, self-realization and respect. In many patriarchal societies it is within the realm of the family that there is preservation of primary activities through which male supremacy may be expressed and enforced. If the position of these feminist theorists is taken seriously, then the practice of spousal violence should be removed from being in the private domain to that of public affairs.

This study enables readers to understand better the causes, methods and consequences of the practice of spousal violence. One of the problems of spousal violence is that in most societies it is culturally accepted as a 'normal' practice. It is also culturally accepted as an expression of dominance and subordination. Another problem is that spousal violence is assumed to mean husband-to-wife violence, which is biased taking into account that some men experience violence from their spouses. The mechanisms that spouses use in the practice include both physical assault and psychological torture on the victims. The consequences of spousal violence are negative and may even cause loss of lives. These affect not only the victims, but also others including children and the larger society. The study however, contends that spousal violence, whatever its causes and methods, has no justification whatsoever. By use of ethical theories, a better judgment of the morality or immorality of the practice is made with the view of reducing or completely eradicating it.

1.2 STATEMENT OF THE PROBLEM

Spousal violence is a universal phenomenon as no nation in the world does not report of its occurrence. The media has played a great part in highlighting its practice. Most countries are patriarchal where there is gender inequality between men and women. In patriarchal societies, men wield a lot of power and control over their women

counterparts. There are, however, incidences of wife-to-husband violence in such societies.

Spousal violence has over the years been trivialized as secretive and more so a “bedroom affair” and thus belonging to the private domain. Due to its nature, which includes the causes and negative consequences, the practice should not remain within the private realm but should be highlighted as serious problem deserving public attention.

According to the United Nations Development Fund for women (UNIFEM), there have been efforts to raise awareness about spousal violence and gender based violence “...as a serious human rights violation in the last two decades. However, today’s world is no safe place for women and girls. The scale of the problem has reached epidemic proportions. Globally, one out of three women will be raped, beaten, coerced into sex or otherwise abused in her lifetime.”²⁴ Statistics on the prevalence of the problem are difficult to come by especially because many incidents go unreported. This refers to violence against husbands as well. It should be noted that violence against husbands is the least reported as compared to violence against wives. To some scholars it is not easy to quantify spousal violence as the magnitude of pain and suffering evident in the practice cannot be enumerated; “I choose not to use statistics in any discussion of violence that women face for the simple reason that statistics strike me as a cold way of capturing the fear and suffering that they live with daily.”²⁵ This may also be true of spousal violence against men.

The federation of women lawyers (FIDA) – Kenya chapter, reports that every year, an average of five thousand women are subjected to some form of mistreatment by men especially their lovers or husbands. The Kenyan Demographic and Health Survey (KDHS) of 2003 noted a marked increase in gender-based violence. This magnitude of the practice is a matter of concern for any reflective individual. However, FIDA has statistics for violence against women and not those of wives against their husbands.

Another worrying trend is the brutality of methods or forms used in the practice of spousal violence. There have been many reported cases of the use of torture by husbands against their wives for even flimsy reasons by gagging, burning, kicking etc. These result

into injury and even deaths and vice-versa. Marital rape is also another form of spousal violence. Some cases of marital rape have been reported in the media where some men do strange things to their wives under the guise of marriage. The brutality evident in spousal violence indicates that it can no longer remain in the domestic sphere, but it is a public issues as it is a violation of human rights.

Spousal violence has many negative consequences not only to the victim, but the whole of the society as well. Spousal violence has been justified over the years on the basis of tradition or socio-cultural factors especially in patriarchal societies. In such societies, wife beating is accepted as a disciplinary measure or even as a way of expressing love. Violence against husbands is a cultural shift from the 'norm.' There is therefore a relationship between socio-cultural factors and spousal violence. These justifications are faulty as the underlying reasons for spousal violence are domination, control and power, which in essence are ethically wrong.

Ethical theories are used in this study to analyze the underlying or the fundamental causes, the mechanisms used and the consequences of spousal violence Using the consequential, deontological and feminist ethical theories, spousal violence when analyzed, lacks any moral or ethical basis.

1.3 OBJECTIVES OF THE STUDY

(i) MAIN OBJECTIVE:

The overall objective of the study is to give an ethical evaluation of the causes, methods and consequences of spousal violence which is all inclusive as opposed to the gender bias that has been evidenced by most investigations and reports on the problem of spousal violence.

(ii) SPECIFIC OBJECTIVES:

1. To critically examine the magnitude, forms and nature of the problem of spousal violence,
2. To analyze critically the ultimate factors contributing to the spousal violence, methods used and their impacts on individuals and society,

3. To give some ethical evaluations of spousal violence using some ethical theories; consequential ethical theories, deontological ethical theories and some feminist ethical theories,
4. To make some existential and pragmatic recommendations to guide relevant stakeholders in addressing spousal violence in society.

1.4 HYPOTHESIS

This study makes the following assumptions: -

1. That there is a relationship between human nature and spousal violence.
2. That gender relations of dominance and subordination are socio-culturally and not biologically constructed and thus subject to ethical evaluation
3. That there are myths, assumptions, misconceptions, narrow-mindedness and gender biases in matters of spousal violence.

1.5 SCOPE AND LIMITATION OF THE STUDY

The phenomenon of violence is a wide area that various scholars have attempted to address. Domestic violence is part and parcel of the wider concept of violence. Scholars have attempted to address it but still the problem persists in society. It is also a wide area of study as it includes violence against children; abuse of parents; abuse of the elderly; violence by employees against their employers; violence by employers against their employees and violence against.

This study focuses on spousal violence or human conflict of spouses within marriage. Spousal violence includes husband-to-wife and wife-to-husband violence. There is higher prevalence of husband-to wife than wife-to husband violence. A lot has been documented on husband-to-wife violence and many conferences and seminars have been held to address the problem. However, the problem has persisted and increased in both form and magnitude. Though wife-to-husband violence occurs, it is rarely talked about; reported or documented. It is treated highly as a secret affair. This phenomenon is as important an area of study as husband-to-wife spousal violence as it has serious consequences including physical and psychological harm as well as death. It is as much of a violation

of human rights, such as autonomy and freedom just as it is in husband-to-wife spousal violence. This study, therefore, incorporates wife-to-husband violence in the phenomenon of spousal violence, as both wife and husband battering are real problems that need to be addressed.

The relationship between human nature and spousal violence is studied. The gender-sex system as socially constructed is characterized by male dominance and female subordination. The relationship between social construction of males and females and their contribution to the occurrence of spousal violence is studied. The "self" – "other" sex dichotomy theories emphasize male superiority and female inferiority and therefore have influence on spousal violence. A closer examination of the causes, and forms of spousal violence point to the societal idea of encouraging male supremacy. The consequences of spousal violence include physical and psychological harm and death. This implies experience of pain, suffering and unhappiness. Ethical theories are used as a guide to correct this state of affairs. There is an emphasis of the use of moral principles to resolve human and social conflicts. Relationships of dominance and authority are condemned as damaging and immoral. No human being should be treated as a means to some end but as an end in himself/herself.

Ethically acceptable relationships of equality, liberty and justice are encouraged in order to have peace, harmony and development in human society. This being a philosophical study, no particular region is given preference or dominance as philosophical analysis is not particular but universal. The examples given from certain regions reflect what is likely to be universally observed. However, this study is not an absolute authority on the gender relations of male dominance and female subordination in the phenomenon of spousal violence. The problem of spousal violence is too broad and too complex to be addressed in the study of this size. The problem of spousal violence can be studied from non-ethical perspectives. However, this study is aimed at providing knowledge in the area of ethical analysis of spousal violence to guide various stakeholders to address this specific problem.

1.6 SIGNIFICANCE AND JUSTIFICATION OF THE STUDY

The problem of violence has been a major concern to scholars of various professions and persuasions. The area of spousal violence *per se* has been tackled by a few scholars such as sociologists, anthropologists, and legal practitioners. However, no serious philosophical study has been undertaken in this area of spousal violence in which both wife and husband are adversely affected. Most scholars have concentrated more on the practice of spousal violence by husbands against wives, which is actually more rampant than violence by wives against husbands. This creates a knowledge gap. The study of violence within the family or inter-family violence cannot be complete without information on the existence of husband-beating hence its inclusion in this study. One thing, which this study emphasizes, is that husband beatings occur but wife beating is more prevalent because of socio-cultural factors. Husband-to-wife violence is culturally accepted as the 'norm' because of the mindsets of the people as it has been culturally constructed.

The magnitude of wife to husband spousal violence is less than that of husband to wife spousal violence. The forms or the methods that are used in husband-to-wife spousal violence are more brutal than those used in wife-to-husband spousal violence. The frequency in husband-to-wife spousal violence is more than that of wife-to-husband spousal violence. However, both husband-to-wife and wife-to-husband are equally important as they have negative effects be they physical or psychological. They are a threat to peace, stability and development. They are violations of human rights. There is need, therefore, to address the issues of both husband-to-wife and wife-to-husband battering and to attempt to rectify the misconception that family violence is a problem of women and children alone.

Many international and national conferences and seminars on the issue of spousal violence have been held almost on more than a yearly basis. Despite this fact, the problem continues to persist and escalate with time. This has adverse effects not only on the immediate family but the society at large. This study provides a new approach to addressing this problem by first examining the ultimate causes or roots of this problem. Theories of human nature are examined as well as the 'self' and 'other' dichotomy

theories to provide an understanding of the root causes of spousal violence. These theories explain that both nature and nurture influence behaviour. Victims of violence, be they men or women are treated, not as autonomous human beings with all the basic human rights but through use of violence on them as “things”. They are treated as such so that they can be submissive to their spouses who want to feel dominant and powerful.

Many scholars have steered clear of the realm of family, which is seen as a private domain. This is the realm where many do not want to interfere with hence the issue of spousal violence is seen as a bedroom affair and as an area “where best secrets are kept.” This being the case therefore, this study provides a new approach in examining the phenomenon of spousal violence which has been steered clear by many. It includes critically examining the ultimate causes, methods used and consequences of spousal violence, which include physical and psychological harm and death. Issues of the need for equality in gender relationships, power balance, sexual relations, dignity of man and woman freedom, justice, happiness, trust and respect and the need to recognize human rights are some of the ethical ideas provided by ethical theories to analyze the problem.

This study calls for a change in the understanding of the family institution from being a private domain and opening it up to be a public issue where studies of all kinds should be carried out without fear. The status quo of male dominance and female subordination has to be changed. People should develop a new positive attitude towards this institution where people can freely venture academically. The home front should be opened up to the public. When the family institution becomes an area of public domain, people will better be able to treat it with seriousness. The home front should then become an area where all members are treated with dignity, equality, freedom and justice for the attainment of peace and harmony, not only within the family but also in the whole society. However, this is clearly an area which is full of brutality, where some members are denied autonomy, and where their rights are violated. This is an area where some members are oppressed and appropriated by others especially wives by their husbands. This study therefore, is unique in that there does not seem to be any other study that has been done in this specific area of spousal violence from an ethical perspective.

The findings of the study will be useful to various stakeholders and policy makers. These include governments and non-governmental organizations, churches, community development organizations, and individual men and women who are better able to understand more about how societal expectations of the gender relations contribute to the practice of spousal violence. Having understood the adverse effects of the practice of spousal violence, they are therefore better able to discourage its practice. The idea of treating all members with dignity and not as means to some end coupled with the principles of equality, liberty and justice is likely to be encouraged. Various stakeholders and policy makers are likely to instill these ethical principles in all of their institutions

1.7 METHODOLOGY

The phenomenon of spousal violence is a complex one. Just as no single theory is adequate in explaining and analyzing it, the same is true of the methods. No single method is adequate to provide all the necessary knowledge about the practice of spousal violence. This study is basically a library research and involves analysis of secondary data both from physical libraries and electronic or Internet sources. The researcher considered that fieldwork would not likely provide accurate information because of the culture of silence surrounding the practice of spousal violence. Again methods that may be used to gather information in fieldwork involve conducting interviews, administering questionnaires and participant observation, which may not be accurate because of likelihood of biasness and is time consuming. There is not much empirical evidence concerning the reasons men and women assault each other. In addition, it is not always necessary to collect new primary data for research.

Using existing documents can be an efficient use of resources for many qualitative questions. 'Documents' refers widely to the whole range of written resources that might be available related to a topic and by extension, other artifacts that can be treated as documents. Documentary sources may include public records, private documents, research publications, archived research data and mass media sources.

Public records include such documents as official statistics produced by international organizations like World Bank and World Health Organization, National governments and other agencies and authorities. Private documents can also be used as research sources, such as diaries, letters, photograph albums, videos and E-mail correspondence. Research outputs include primary data collected by other researchers such as sociologists and anthropologists or secondary sources which include research reports and peer-reviewed journal articles. Mass media outputs include newspaper reports, TV programs and film.

Why use existing data? All research relies on some analysis of documentary sources. At a minimum, the researcher(s) has to review the existing research outputs in the relevant area and perhaps draw on policy reports to make a case for the timeless or policy relevance of the research being undertaken. Most qualitative projects or researches also draw on a variety of documents in the field for background context on the setting, population or any other problem addressed in the research. These documents form part of the data that will be analyzed to answer research questions. Many research questions will be answered exclusively using existing sources of data, rather than producing new data.²⁶

The researcher relied on available documentary resources as the primary data source for research, first and foremost, because of their abundance and availability. There is production of vast amounts of data from official statistics such as census and surveys, birth, marriage and death certificates, to private records such as diaries photos and personal archives. Another existing data source comes from previous research studies. Increasingly, qualitative data generated as primary data for one study are archived for use by other researchers. Given the sheer volume potential sources of data already in existence, researchers perhaps have to consider whether their study really justifies adding to this by producing yet more primary data. This researcher therefore did not find it necessary to go to the field to collect yet more raw data.

Another reason to justify the use of documentary sources is that documents provide the data for exploring the history of a phenomenon such the existence of violence in the family institutions, for instance, husband-to-wife beating in traditional African societies.

In addition, there are some practical advantages of using documentary sources. One relates to the nature of the research problem. Spousal violence is a sensitive issue and is often surrounded by secrecy. Another relates to the preference of the researcher. Some researcher may be far more comfortable with documents than dealing with people. Not everybody is endowed with interactive skills necessary for qualitative work or interviewing. Again, researches based solely on publicly available resources are also unlikely to require research permit(s) and ethical approval to conduct.

Using existing sources is often an efficient approach to research and one that can be used to address a wide range of qualitatively different research questions. However, it is not always the method of choice and has a number of limitations. The researcher is limited to what is available and accessible. Not all organizations keep their records or would allow the researcher to use them. There may be limited information for the researcher to access depending on the nature of the research problem. Spousal violence is characterized by a culture of silence and so many cases of violence go unreported.

Another limitation is that data generated for one purpose might be difficult to use to answer a different research question. It may be difficult to know before becoming immersed in the data what kind of research question they will answer. Again, the researcher has no control over or knowledge of how the data was collected. These issues will be more or less constraining on the feasibility of the study largely depending on methodological perspective employed. In the phenomenological perspective or positivistic approach, some key considerations include threats to reliability and validity. A major concern of reliability is the representativeness of records. The researcher has to consider how to guard against conclusions based on potentially biased set of data. A researcher should read the documentary sources with prior knowledge of the topic and with a sensitivity to what has been omitted and what solutions are framed as possible, whose voices are present and absent, and what power relations exist between the subjects of the report, the writers and those who have commissioned the research. For the social constructionists, documents represent ideas on the ways in which aspects of the world such as masculinity and femininity are socially produced.

Limitations of using documentary sources also include threats to validity. A basic issue of validity of documents is authenticity, which is most common for Internet sources. The research has to examine a document carefully to establish its authenticity. For qualitative approaches, threats to reliability and validity may be less relevant, as the object of research is what has been preserved or cited or is available and the questions asked of documents related to the social reality they represent or shape rather than reflect.

Books and journals on the phenomenon of violence in general and spousal violence in particular provided raw data or were used as a basis for this philosophical study. These documents were gathered from libraries and resource centers with the view of discovering the underlying issues in the practice of spousal violence. This is the phenomenological method or the positivistic perspective.

These documents enabled a deeper understanding of the phenomenon of violence in general and spousal violence in particular. They provided knowledge on the definitions, causes, statistics of the number of occurrences, methods used by the perpetrators and consequences of spousal violence. Spousal violence is an existential human experience. This experience affects human beings in different ways. There are the victims, the perpetrators and the society through which the practice is evident. Documents therefore were available concerning this phenomenon of spousal violence and formed a basis for a philosophical and ethical study. Philosophy books in general were also gathered as well as particular books dealing with theories of human nature and nurture and those on human values and ethics. These books were useful in providing ideas on human behavior and reasons for it.

Particular chapters within Ethics texts provided information about the ethical theories. These ethical theories were used to analyze the practice of spousal violence from an ethical point of view. Various ideas in the phenomenon of spousal violence were subjected to critical questioning from an ethical point of view. The socio-cultural ideas of dominance and subordination were questioned. Is gender inequality morally justified? Is patriarchy right or wrong? Is it based on a firm moral foundation?

Through critical analysis, the ethical foundation of spousal violence was questioned. By critically evaluating various factors leading to spousal violence such as human nature and socio-cultural factors, it was found that they have no moral foundation as they are not based on rationality and cannot therefore be universally willed or universalized. The norms in a society are questioned. Through critical analysis human beings are liberated from what is accepted as the norm or the way of life in some African cultures such as spousal violence. Spousal violence is judged to be either ethical or unethical through evaluating it using various ethical theories. Should the practice of spousal violence be practiced or should it not? This question aims at arriving at a rational judgment on the rightness or wrongness of spousal violence through a critical evaluation. What societies regard as the norm is therefore critically questioned.

The result of this critical evaluation is to liberate or free human beings from dogmatic or self-centered practices and narrow-mindedness evident in the practice of spousal violence. Rational/analytic method was also used in this study. This method stresses the need to separate clearly what is essential, that is, what matters from what is accidental or less important. It aims at cutting an issue into parts and analyses concepts and statements that are used in discussing the issue. In the practice of spousal violence, it is said that women are beaten by their husbands to make them obedient because they are supposedly physically weak to keep them in their inferior position in the family as is indicated by the custom or tradition in a patriarchal society. In some instances, men may be physically weaker than their wives hence they may also be victims of spousal violence. When this idea is analyzed it is found to be irrational.

Spousal violence should not be practiced just because one of the spouses is physically and/or emotionally weaker and the other is stronger. The fact that a spouse is weak does not mean she or he must be beaten. There is no logical connection between weakness and use of violence. The fact that women need to be respectful and obedient to their husbands in patriarchal societies does not warrant the use of violence. That most women are physically weaker than their husbands does not mean that they should be oppressed, exploited and subordinated. Violence should not be used as a means of maintaining the status quo. Through ethical analysis of concepts and statements used in the discussion of

the phenomenon of spousal violence, a synthesis or a totality of the whole phenomenon is brought forward. This method is in the area of analytic ethics or meta-ethics.

In conclusion, using existing documents for this study proved to be an efficient strategy requiring fewer resources than going to the field to produce raw data. Accessible sources included primary and secondary philosophy texts, public records, mass media outputs and research data and outputs. These documents were analyzed from critical and ethical perspectives.

1.8 LITERATURE REVIEW

This section provides a review of some literature that the author deems relevant to the analysis of the phenomenon of spousal violence. Scholars of diverse professions have discussed the phenomenon of violence. Crimes such as "...homicide, assault, family-related crimes, rape and sexual assaults, robbery, kidnapping and terrorism"²⁷ have been classified as violent crimes. Spousal violence, more often than not involves assaults, whether physical or sexual, marital rape and even homicide. It is therefore justifiable to include spousal violence as a crime. By definition, "...a crime is a human act. Before any human behaviour can qualify as a human act, there must be a conscious interaction between mind and body, a physical movement that results from the determination or effort of the actor."²⁸ Spousal violence involves a deliberate human act to cause pain intentionally hence it rightly qualifies as a crime. In many countries spousal violence is not categorized as a crime as such but as aggravated assault. This in itself makes it look trivial as it is often hidden under such unlawful acts as homicide, causing grievous bodily harm and aggravated assaults.

Another important fact about spousal violence being a crime is that it involves "free will". Free will in human actions is where "people are accountable only if they freely choose to do a thing and then consciously do it."²⁹ Most people engaged in spousal violence do so freely. They make their choices freely without duress from external forces. Some even plan their evil missions in advance and take alcohol or drugs to

catalyze their action. Spousal violence, therefore, involves *mens rea*³⁰ Most culprits know what they are about to do is wrong and go ahead to do it. However, as indicated earlier spousal violence is not enlisted in the laws as crime. It is not a crime per se and there is need therefore to enlist spousal violence as a crime in its own right and be recognized as such by all laws.

1.8.1 The Concept of Violence

It is important to understand the wider concept of 'violence' in order to understand spousal violence. What distinguishes a violent action from a non-violent action? Simone Weil, a feminist ethicist defines "force" her term for "violence" as whatever "turned a person into a thing, treating that person as if he counted for nothing".³¹ When violence is exercised on an individual that individual becomes "a thing" and ceases to be a human being. Violence therefore dehumanizes the person on whom it is exercised. When it comes to spousal violence, the spouse on whom violence is exercised becomes a 'thing,' an object of destruction.

A violent act or policy is one that is either intended to damage or can predictably be expected to damage a person on whom it is wielded and for which there is no compensatory benefit for the person damaged.³² By damage is meant serious and apparently long-lasting harm or injury. By compensatory benefit is meant some good that the damaged person may expect from her injuries. The damage is painful and harmful. If violence causes pain and harm then it cannot be said to be a positive action, but a negative one and thus it is evil. The same is true of spousal violence. It turns an individual into a "thing" and it causes pain and harm, therefore it is not a positive action but a negative one; it is an evil action.

Sara Ruddick another, a feminist ethicist, describes violence negatively and says; "Violence is almost always coercive inflicted without a person's consent."³³ This is also true to spousal violence, which is aimed at inflicting pain and has adverse effects on the victim. Although these feminist ethicists discuss violence in general they have not mentioned spousal violence, which is a concern for this study. However, their views on violence in general have a close similarity and connection with spousal violence.

According to Virginia Wolf, another feminist ethicist, the aim of any society is to get the three principles of justice, equality and liberty. Violence or war negates these principles. Men and not women mainly exercise violence or war. She discusses three reasons why men fight, "War is a profession; is a source of excitement and an outlet for manly qualities without which men can deteriorate. Yet war is immoral."³⁴ She says that war is barbarous, inhuman, insupportable, horrible and beastly. She gives reasons as to why men are selfish, violent and inhuman thus, "Men have been given by the society pleasures of power and dominance."³⁵ Though in her article, she does not discuss the practice of violence *per se*, the information concurs with the researcher's view of spousal violence. She also concurs with the researcher that the privileges of power and dominance accorded to the male sex contribute to the occurrence of war or violence. Virginia's idea of war and violence is also in agreement with what some philosophers have said about it. War or violence is used as a means to achieve certain goals such as dominance and submission of the victims. However, it is not only men who use violence, but their female counterparts too.

According to Thomas Hobbes, "...covenants without the sword are but words."³⁶ To him no covenants or agreements can be achieved and maintained without the use of violence. Violence, in general, then is used as a means of achieving some goal. This concurs with the researcher's view that spousal violence may be used as a means to achieve a certain goal, such as is dominance and subordination. From an ethical perspective, dominance and subordination have no moral basis.

According to George Sorel, "...violence is nothing more than the most flagrant manifestation of power... All politics is a struggle for power; the ultimate power is violence."³⁷ To him, therefore, violence is a manifestation of power. This implies dominance of the powerful nation over a subordinate or a powerless one. The researcher concurs with this scholar that violence and in this study, spousal violence, may be a manifestation of power by the dominant spouse over the subordinate one.

C.W. Wright Mills also concurs with the researcher that violence is a legitimate means of ruling men over men based on the means of the legitimate (allegedly) violence.³⁸ In

marriage, according to the researcher, spousal violence is used as a legitimate means by spouses to rule over their marriage partners. Though Wright's thesis is on violence in general, this idea is applicable with regard to spousal violence.

According to Bertrand de Jouvenal, "...power is an instrument of rule, which rule owes its existence to the 'instinct of domination.'"³⁹ According to this scholar, the instinct of domination is important in exercising power. Ruling is not therefore possible without exercising power and that power is used to dominate the ruled. This idea is adopted by the researcher in the study of spousal violence. It appears that in order to dominate and rule a spouse in marriage, violence has to be used. Power is used as a means to dominate in spousal relationship. One spouse uses power and violence as a means to attain dominance over the marriage partner.

Bertrand also emphasizes this point when he writes, "To command and to be obeyed, without that, there is no power; with it no other attribute is needed for it to be... The thing without which it cannot be; that essence is command."⁴⁰ In order to be obeyed, there is need to use power or to command. This is the only essential requirement. This is also true in the practice of spousal violence. The dominant spouse has to use force, power, or command in order to be obeyed. This however, may not be necessarily true when the practice of spousal violence is examined from an ethical point of view. Dominance and subordinate elements should be substituted with equality, freedom and justice to create peace and harmony in society and particularly in the family.

Jean-Paul Sartre, a French philosopher and considered the father of existentialism, emphasizes that by the use of violence to dominate others; "...a man feels himself more of man when he is imposing himself and making others instruments of his will which gives him incomparable pleasures."⁴¹ Sartre's idea of violence as a means of imposing himself to achieving a goal i.e., making others instruments of his/her will, may also be true of spousal violence. In spousal violence, a spouse imposes himself or herself or his/her will on his or her partner. The aim of this is to attain dominance and subordination. One spouse is used as a means to attain dominance over the other. This is ethically wrong according to the deontological ethics and more specifically in Kantian

Categorical Imperative in which Kant implied that a human being, being rational, should not treat another person as a means to an end but always as an end in him/herself.

John Stuart Mill emphasizes the idea of using an individual as a means to attain a certain goal. He asserts that "...the first lesson of civilization is that of obedience; the desire to exercise power over others."⁴² Civilization, for Mill, can only come as result of obedience to an authority. Power has to be used to make people obey those in authority. The researcher uses this idea in the study of spousal violence. The dominant spouse has to exercise power over his or her spouse to maintain the status quo, which in many societies is male dominance and female subordination. From the classical ethical theories to the modern and contemporary ethical theories, these reasons for violence have no rational foundation.

1.8.2 The Practice of Spousal Violence

Reid categorizes violent crimes and says that a discussion of violent crimes is not complete without an analysis of domestic violence; "Though the FBI serious crimes do not include domestic violence as a separate category, a discussion of violent crimes is not complete without an analysis of this type of crime"⁴³ She defines domestic violence as:

... physical and sexual violence within the family, including sexual abuse of children and physical abuse of the elderly.. Domestic violence is expanded to include violence among those who are not married, engaged, or divorced from each other and have no present or formerly legal ties. ⁴⁴

The phenomenon of domestic violence is a very wide area of study as it includes all family members, relatives and even domestic workers. Though the text by Reid provides a definition of domestic violence it does not focus on spousal violence, which is a point of focus in this study. This study focuses on violence among the spouses within a nuclear family; that is; violence of the wife against her husband and violence of the husband against his wife. The latter is more prevalent than the former due to socio-cultural factors characteristic of most families in the world.

Spousal violence against wives is a global phenomenon. Women activists have struggled against the issue in Africa, Asia, Latin America, the Caribbean, the South Pacific and the Middle East, joining their sisters in North America, Europe, Australia, New Zealand and every other corner of the globe, in concerted effort to get governments, communities, organizations and individuals everywhere to become involved⁴⁵ A report in the *Women's Health Journal* provides information on the universality of the practice spousal violence against women. It does not however, provide information on the ultimate reasons for the occurrence of spousal violence against wives. It does not also discuss the practice of spousal violence by wives against their husbands. It provides information that a lot of effort by different stakeholders have been made to address the problem of spousal violence. This concurs with the researcher that lots of effort towards getting a solution to the problem of spousal violence have been made. The report has not addressed factors of human nature and social-cultural factors of "self" and "other" dichotomy as important influences to the practice of spousal violence. The report again does not analyze ethical issues in the practice hence does not provide solutions to the problem from an ethical point of view.

This report also concedes that spousal violence is a complex matter given that data on its extent is not available due to the secretive nature of the practice. Many incidents of spousal violence, both of the husband-to-wife spousal violence and of wife-to-husband spousal violence go unreported; "Statistics available through the police, women's centers and other formal organizations often underestimate levels of violence because of under-reporting."⁴⁶ Studies from industrialized and developing countries underestimate the problem for many reasons; some women believe that they deserve the beatings because of some wrong action on their part. Other women refrain from speaking about the abuse because they fear that their partner will further harm them in reprisal for revealing "family secrets" or they may be ashamed of their situation. Further more, in many countries, there are no legal or social sanctions against violence by an intimate partner."⁴⁷

According to the report, family issues are treated with a lot of secrecy. The family institution is regarded as a private area, which should not be open to the public. It also indicates that it is not possible, to know the extent of this problem. Since the family

institution is seen as a private area, there is little interference by the state or any other stakeholders to punish the perpetrators. This situation needs to change whereby the family institution ceases to be regarded as a private realm. Confining spousal violence to the realm of the private is detrimental to some members who are not treated humanely by the other members of the family. Women and men should speak up when there is wrongdoing in the family. They should never, at any one time, irrespective of what they have done feel that they “deserve the beatings”. This is a gross violation of basic human rights and should be condemned rather than accepted. Wife battering is commonly accepted in many patriarchal societies as a means of correcting wrongdoings or as a way of disciplining errant wives. From an ethical perspective, this practice is morally wrong. Husband battering should equally be condemned. Spousal violence is a gross violation of human rights irrespective of who the perpetrator or the victim is.

Marie Richmond Abbot in the book, *Masculine and Feminine: Gender Roles over the Life-Cycle* discusses the patriarchal nature of most societies,

.. what is defined as appropriate for men and women in terms of labour and behaviour characteristic varies from culture to culture, yet in almost every society, it is the men who make rules, control the economic system and define the rituals and the ideology. This ability of men to control the laws and institutions of society, combined with men's superior status, is known as patriarchy.⁴⁸

Marie discusses the social-cultural expectation that men are dominant and superior while women are subordinate and inferior. However, the writer has not shown the influence of this factor to the practice of spousal violence, which is a crucial point in this study. The text has not discussed how this problem can be addressed from an ethical point of view.

Though there is a lot of information on the practice of spousal violence against wives, husband battery occurs but it is a rare phenomenon and it is rarely reported and rarely documented. According to this researcher, this is because, most societies are patriarchal and therefore husband battering is not expected to occur. However, it occurs,

Although data indicate that most acts of domestic violence are committed against females by their spouses, ex-spouses or lovers, there is evidence that women batter their spouses, ex-spouses or lovers. The extent of this occurrence, however, is not clear but there is evidence to show that when women do so, they do so for self-defense.⁴⁹

This may be true in a situation where wife battering has continued for a long time and the husband is not satisfied that his wife is submissive enough. However, a wife may batter her husband not for self-defense, but for her own selfish reasons as happens in husband to wife spousal violence. It is also a possibility that men could be violent against their wives in self-defense. In Kenya, spousal violence against husbands is real and is on the increase. Cases of men being abused in marriage appear to be on the increase although behaviour scientists say such cases are underreported. It is also reported that in Kenya, unlike women who have organizations like the Federation of Women Lawyers (FIDA) and Coalition on Violence against Women (COVAW) to fight for them, wronged men have nowhere to go. Men are demanding, an equivalent of Federation for Women Lawyers (FIDA) to fight for their rights. The men claim they also suffer from domestic violence and other social ills affecting women. Men are tortured by women everyday, and suffer in silence. It is important to note here that such an organization has been formed in Kenya called *Maendeleo Ya Wanaume Organization* (MYWO) and is operating along the same lines as FIDA, but is for men

These reports have provided some information on the occurrence of wife-to-husband violence or violence against men. The reasons for their occurrence however are not provided. This study addresses this problem and emphasizes that both husband-to-wife and wife-to-husband violence are equally important and should be ethically condemned and eliminated from the society. All human beings should be treated with respect and dignity irrespective of gender.

In many African societies which are patriarchal, wife beating is a common practice. Kenyatta discusses various matters concerning the life of the Gikuyu society in Kenya in his book, *Facing Mount Kenya*. In every homestead, the father acted as a judge, he settled all minor disputes between the members of the family. The chief object of their deliberations was to find ways and means by which they could bring the disputing parties into mutual agreement and to avoid vengeance, which might result in breaking up the family. Kenyatta also discusses wife beating; "when a wife is ill-treated by her husband, she has a right to return to her father for protection.... Until such a time as the husband pays a fine and promises not to ill-treat his wife again."⁵⁰ This shows that in patriarchal

societies, women were properties of their fathers and husbands. In case of any problem, it is the males who had to solve problems affecting women. When wife beating occurred, there was a penalty for it. This was used as a mechanism to check the practice. The fact that there is no mention of husband battery and the penalty for it shows that it was not expected to occur. Though Kenyatta discusses wife beating he does not discuss husband beating which is also the concern of this study. The book only describes the practice of violence but does not analyze its occurrence ethically.

According to Kinoti, it was wrong to ignore any wrongdoing in the Gikuyu society however small. Wife-beating according to Kinoti was a common practice. A wife could be beaten up by her husband for neglecting her duty to feed him; "A part from the fact that she should have understood that to be part of her duties as a married woman, it was unfair to expect other people's wives to fulfill that duty. Extra-marital affairs could easily develop with the woman who fed him."⁵¹ Kinoti also indicates that wife beating could occur as a result of taking of snuff; "The problem was not so much actual snuffing of tobacco but the common habit of going to beg for a little tobacco while the food is cooking.... The habit was often an excuse to engage in gossip or extra-marital affairs."⁵² Kinoti's thesis provides useful information concerning the reason for the occurrence of wife-beating in the Gikuyu society. Despite this information, there is no mention of husband battering. The thesis also fails to link wife beating with the social-cultural factors of male-dominance and female subordination, which are important in this study. Though adultery by wife is suspected to be likely to take place if a wife left the homestead to beg for snuff, there is no mention of suspicion of adultery on the part of the husband. It is as though wives only and not husbands were likely to commit adultery. This, therefore, concurs with the researcher that men and women were and still are viewed differently in the society. Kinoti does not explicitly discuss gender inequality as a contributory factor to violence in society. There was and still is gender inequality. Gender inequality from an ethical point of view is wrong because it lacks rational justification.

John S. Mbiti outlines the moral characteristics expected of the traditional African society including chastity before marriage and faithfulness after marriage.⁵³ Failure to observe this would lead to the disruption of the social order, which could lead to punishment.

Mbiti's text equips the researcher with the knowledge about what was evil in the traditional African society. Infidelity was one of the factors that led to the disruption of the social order. It is evident that wife beating was practiced to discipline the wife and to preserve the social order. This shows that wives were the ones expected by society to be chaste and faithful, as they were understood to be properties of men. Men were not expected to be so. This shows that there was gender inequality and imbalance of power between the males and female though the text does not say so implicitly and explicitly. The text just describes adultery as wrong in society but does not say on what basis it is wrong. This study analyses this from an ethical perspective.

George Rolph discusses the nature of an abuser, the victims' relationship with the abuser and the society's part in encouraging gender bias in the phenomenon of spousal violence. He contends that spousal violence is not a domain of women alone, as husbands are equally victims of spousal violence. George further contends that the domestic abuse industry is saturated in gender bias from the thousands of studies carried out by special interest groups, to the leaflets and advertising surrounding the abusive phenomenon.⁵⁴ However, he does not give an ethical evaluation of the practice of spousal violence, which this study attempts to do.

1.8.3 Spousal Violence and Human Nature

The reasons for the occurrence of human conflict or violence can only be understood with some knowledge of the nature of human beings. Why are human beings violent against members of their own species? There are two contrasting schools of thought in explaining human nature which can be put down as; between the biological and the cultural; between heredity and environment: between nature and nurture; between the individual and society; between instinctual and the conditional and: between what is universal, inevitable and unchangeable and what is cultural-relative, subject to change and reform.⁵⁵ Scholars on human nature are divided between these two views.

According to scholars such as Robert Ardrey and Konrad Lorenz, "Man is by instinct an aggressive creature, and it is this innate propensity to violence that accounts for

individual and group aggression in man.”⁵⁶ This idea that a human person is innately or by nature aggressive had Thomas Hobbes as its main proponent. This Hobbesian view of human nature says, “...human nature is completely and exclusively egoistic.”⁵⁷ Hobbes depicts human beings as beings who are selfish and devoid of any genuine feelings of sympathy, benevolence or sociability. Each person is preoccupied exclusively with the gratification of personal desires. This Hobbesian view explains that violence comes as a result of the aggressive nature of human beings. Human beings, being egoistic, desire to gratify their own feelings without considering those of others. A human person is violent because it is natural and there is nothing he/she can do about it. If human beings are thus naturally aggressive, nothing can be done to change the situation. It is therefore, in Hobbesian view, difficult to eliminate spousal violence because violence is natural to a human being. From an ethical point of view, egoism is not a good or moral justification of violence as it only aims at gratifying the wishes of the self at the expense of others. Egoism is just an excuse to cause pain and harm to others.

According to Plato and Aristotle, human beings are by their very nature social animals. Human beings are not self-sufficient, thus necessitating their inevitable association with one another. Egoism as a theory essentially negates this principle fact about human nature by upholding the ego against the natural instinct to socialize. Egoism is thus a weak and defeatist ethical theory.

Sigmund Freud says that human behaviour is determined by forces outside the individual. The individual is not free but is determined by external forces. According to him, “...all phenomena are determined by the laws of physics and chemistry and even man himself is a product of natural evolution, ultimately subject to the same laws.”⁵⁸ If an individual is not free and is determined by external forces, he cannot be held responsible for his actions. Perpetrators of spousal violence therefore, are seen not as free moral agents but are determined by other external forces. This being the case, it is difficult to eliminate the practice of spousal violence. This, however, is not true. According to Immanuel Kant, human beings are rational beings who are capable of choosing between good and evil. Rationality is by its very definition and nature indeterminate, it is fluid in its endeavor to seek and choose the ultimate good, and therefore it is free.

John Stuart Mill among other philosophers disputes this explanation of human nature; “Of all the vulgar modes of escaping from the consideration of the effect of social and moral influence on the human mind, the most vulgar is that of attributing the diversities of conduct and character to inherent natural differences”⁵⁹ To him, the most notable thing about human behaviour is that it is learned. It is the environment that shapes human nature and behaviour. Man “...learns his ‘human’ nature from the human environment, from the culture that humanizes him and therefore, gives him unique educatability...”⁶⁰

According to Ashley Montagu,

Man is man because he has no instincts, because everything he is and has become he has learned, acquired from his culture, from the man-made part of the environment, from other human beings. This may be true to some extent because man also inherits some behaviour from the parents that he may not be in control of.⁶¹

If it is true that society moulds human beings, then there is need to teach individuals to live peacefully with one another. According to Karl Marx, man is a product of society. Human nature is determined by the society man lives in; “it is not the consciousness of men that determines their being, but on the contrary, their social being determines their consciousness”⁶² It is the nature of the society, therefore, that determines human nature. Human conflict and spousal violence by Marx’s implication is a product of the society. If society encourages violence then spousal violence will be practiced. Patriarchal societies encourage male dominance and female subordination therefore the practice of spousal violence is encouraged as a means of maintaining the status quo. There is need, therefore, to ensure violence is discouraged in the society so that peace and equality is possible. Accordingly, peace is better for the fuller manifestation of a rational being than conflict where emotions are rife.

Jean Paul Sartre denies that there is such a thing as “human nature.” To him, “...man’s existence precedes his essence.”⁶³ We have not been created for any purpose, neither by God nor evolution or anything else. We simply find ourselves existing and then we decide what to make of ourselves. However, he makes some general statements about human condition, central of which is his assertion about human freedom; “...We are condemned to be free.”⁶⁴ There is no limit to our freedom except that we are not free to cease to be free. To him we are free to choose everything. Every aspect of our mental

lives is intentional, chosen and our responsibility. We are free to make choices, we are conscious of our own freedom. Human beings are therefore free to choose whether to be peaceful or violent. Spousal violence is therefore, in the Sartrean view, a matter of choice and is one's responsibility. An individual, therefore, can choose to change from being violent to be a peaceful person. Though Sartre does not discuss the phenomenon of spousal violence *per se*, his idea of freedom guides the researcher in that spousal violence is influenced by one's individual choice and there is therefore a possibility of changing from a situation of violence to that of peace; that of inequality to that of equality.

1.8.4 Spousal Violence and “Self” - “Other” Dichotomy Theories

According to some scholars, there has always been a conflict between men and women; male and female sexes. The battle of sexes is not immediately implied in the anatomy of man and woman.⁶³ Sexuality, therefore does not define one's destiny. It is the society, not biology that determines masculinity and femininity; hence masculinity and femininity are socially constructed. According to Simone de Beauvoir, “...all oppression creates a state of war... The existent, which is regarded as inessential cannot fail to demand the re-establishment of her sovereignty.”⁶⁶ The oppression of females by males creates a state of war as the female wants to establish herself in society.

The society creates situations of male dominance and female subordination which the female attempts to reject; “...society being codified by man decrees that woman is inferior; she can do away with this inferiority only by destroying the male's superiority...”⁶⁷ These concepts of male superiority and female subordination are socially constructed and cannot be said to be biologically constructed. Man wants to remain “...the sovereign subject; the absolute superior, the essential being; he refuses to accept his companion as an equal in any concrete way.”⁶⁸ This makes the woman aggressive: “Here the two transcendences are face to face; instead of displaying mutual recognition, each free being wishes to dominate the other.”⁶⁹ This inequality of sexes marks the beginning of conflict, leading to “unhappiness” as each camp blames the other for that unhappiness. As woman pursues a dream of submission, man pursues a dream of identification.”⁷⁰

In the human struggle for authenticity, woman stands before man not as a subject but as an object paradoxically imbued with subjectivity.⁷¹ Man regards himself as the “self”, “essential” and “absolute” being while he regards the woman as the “inessential other.” The conflict therefore between men and women will continue as long as both fail to recognize the other as an equal.⁷² This sex dichotomy of male as “the self” and female as the “other” marks the beginning of conflict. This dichotomy is not biologically but socially constructed. This information aids the researcher on the root causes of spousal violence. There is need to transcend both the physical and the social influences for human beings to become authentic beings. There is need to see each individual irrespective of gender as a true human being worth of respect, equality and freedom.

Seyla Benhabib discusses the concepts of “Generalized other” and “Concrete other.” The males are “the generalized other” while the females are the “concrete other.” She says that the generalized other is the bearer of rights, duties and moral dignity; “The concrete others” are ignored by the tradition which has given us devices such as the social contract, the general will, the categorical imperative and veil of ignorance.⁷³ Women are presented as beings that are outside the realm of philosophy and morality in particular: “Each body of theory orders its subject matter in terms of conceptual hierarchy which subordinates ‘feminine’ matter (the concrete) to the ‘masculine’ form (the abstract)”⁷⁴

Feminine issues, in philosophy and morality, are inferior to the masculine issues. Societies develop a gender-sex system where females are relegated into the realm of the body; the natural while the males are elevated to the realm of the ultimate world; “the gender-sex system is the grid through which societies and cultures reproduce embodied individuals ... Historically, gender-sex systems have contributed to the oppression and exploitation of women.”⁷⁵ This information aids the researcher in the fact that gender-sex systems constructed by the society are oppressive and exploitative to women. This social construction encourages spousal violence; society encourages men to be superior and dominant to women and they oppress and exploit them to maintain this status quo. However, the literature on “self” - “other” dichotomy is biased as it assumes that only women are the “other” from the point of view that they are the only victims of

exploitation by men. When men are on the receiving end of exploitation and violence, they become the “other.”

1.8.5 Spousal Violence and Ethical Issues

The fact that the domestic domain has for many years been relegated to the realm of the private has shielded it away from any serious academic study. Philosophers from Thomas Hobbes to John Rawls have been concerned with experiences in the wider, public realm that have excluded the domestic sphere “hence its exclusion of its consideration from the moral point of view.”⁷⁶ The researcher calls for a paradigm shift from the private consideration to that of the domestic being seen as an area which is truly a public domain and worth of serious academic study. Universal ideas which are socially assumed to belong to only one gender; “the male.” “the generalized other”, such as the conception of possessing rights, duties and moral dignity should be seen as belonging to all. This societal hierarchy subordinates the concrete or feminine to the masculine or the generalized other. It is important to consider both men and women as essential being in moral matters as both deserve moral autonomy and dignity.

In the realm of the domestic, just like in the public realm moral principles and judgments are presented as having a central role in solving human or interpersonal conflicts as well as social conflicts. They imply a notion of equilibrium.⁷⁷ Violence, therefore, should be resolved by use of moral principles and judgments. Both men and women should be treated as equal human beings without either of them being given more power or supremacy than the other. Individual autonomy should be valued; “relationships of dominance and authority should be rejected as they are inherently damaging and immoral.”⁷⁸ According to feminist ethicists, therefore, spousal violence is immoral

According to Aristotle, “...every human being’s main objective in the universe is to attain happiness or what he calls, “the supreme good.”⁷⁹ According to him, a person may be said to have as much happiness as he/she has of virtue and moral wisdom. He says that “a man of happiness must strive to cultivate and in fact indulge in virtuous actions. And in order for the virtuous action to be possible, there must be complete freedom of

action.”⁸⁰ He, therefore, emphasizes the principle of freedom as important in order to carry out virtuous or good actions. In the practice of spousal violence, the principles of freedom and happiness are denied. From the Aristotelian morality, the use of violence is not virtuous and there is therefore the need to change this situation to make all members of the family enjoy freedom and happiness.

Utilitarian moralists like Jeremy Bentham and John Stuart Mill emphasize “the greatest happiness principle. Those actions that tend to increase pleasure are called good actions and those that tend to increase pain are called bad actions.”⁸¹ When violence is exercised, pain is likely to be caused on the victim by the perpetrator. This, therefore, makes the practice of spousal violence morally bad. There is no pleasure or happiness but suffering and pain evident as a result of the practice hence there is need to avoid such an action.

Plato discusses the analogy between an individual and the society “like man, like state.”⁸² He says that the society is the individual enlarged. In this study, this idea guides the researcher in that if individuals making up a state are happy then the state is happy. If the individuals making a state are not happy the state is unhappy. Spousal violence contributes to the unhappiness of the spouses in the family. Unhappiness at the family level will lead to unhappiness at the societal level. Spousal violence is analyzed by the researcher from the Platonic analogy of the state and individual in terms of the principle of happiness to show that spousal violence leads to unhappiness of the family and that of the state.

The consequences of spousal violence include adverse physical and psychological harm as well as death. These consequences are analyzed from an ethical point of view. Ethical theories such as utilitarianism or the greatest happiness principle, Augustinian Christian theory or the Divine command theory, Immanuel Kant’s categorical imperative theory and some feminist ethical theories are used to analyze the practice of spousal violence. These theories emphasize that man is a rational being and therefore should behave rationally. All human beings should be treated with dignity and no human being should be treated as a means to some end. The use of moral judgments in resolving human conflicts is emphasized. The principles of equality, liberty and justice should be upheld in

society. The practice of spousal violence does not value these ethical concepts and therefore there is a call for change. There is need for reconstruction of dominance and subordination to give way to these ethical principles for a peaceful and harmonious society.

Laurenti Magesa contends that democracy, freedom, justice, equality and human dignity in social and economic organizations are today generally accepted as guiding principles for an enlightened society. These principles are binding ethical norms because they have been determined as normative by human social experience or culture over an indeterminate period of time. These ethical insights support the contention of the study that ethical values such as equality, justice, liberty and respect for human dignity should be cultivated in human relationships for peace, harmony and development to occur within families and in all societies.⁸³

Benezet Bujo discusses the theocentric and anthropocentric foundations of African ethics. He emphasizes that God the Creator intervenes in the moral order if the human person does not follow the laws set by Him. If an individual hurts one's own or other people's well being, this offends God who punishes him/her for it. However, if one follows his laws, one is rewarded.⁸⁴

Though Bujo does not exemplify spousal violence as offensive to God, his ideas guide the study in that an evil action is that which prevents the fulfillment of the common and also the individual good. Spousal violence negates the fulfillment of the individual and common good and therefore it is immoral. That spousal violence may lead to physical injury and even death, negates the fundamental criteria of ethics and African ethics in particular with its emphasis on the growth and strengthening of human life.

1.9 THEORETICAL FRAMEWORK

In recognition of the complexity of spousal violence, no one approach is adequate to provide an understanding of it. Various theories are adopted to provide an understanding of this phenomenon. An examination of some theories of human nature as propounded by various philosophers has been done with a view of providing an understanding of the

occurrence of human conflict in society. Though these theories may not provide the whole truth about human nature, they however emphasize different aspects of the total truth about the human person. Each of these theories has made “a positive contribution to our understanding of ourselves and our place in the universe. Each has permanently changed our view of human nature and will no doubt continue to influence it.”⁸⁵ It is the contention of the researcher that these theories of human nature have a bearing on the specific problem of spousal violence.

Some theories argue that a human being is aggressive by nature and therefore cannot avoid doing what is in accordance with his/her nature, that is, one cannot avoid being violent. If this is the case then, one cannot be held responsible for his/her actions or wrongdoing. Socio-cultural theories, on the other hand emphasize that a human being is a social being and so one’s behavior is influenced by socio-cultural constructions such as patriarchy, and epistemic conditioning of people’s perceptions by society. In patriarchal societies, ideas of male supremacy and female subordination are socio-cultural conditions that highly influence the practice of spousal violence to maintain the status quo. The “self” – “other” sex dichotomy theories, which are also psychosocial factors among other theories, influence violence.

These “self” – “other” dichotomy theories highlight the fact that sex differentiation or inequality is a basis for human conflict. Philosophers bear part of the responsibility for perpetuating sexism right from ancient times to contemporary times. Plato emphasizes that “man” is the true humanity, while woman is a deviation. Woman exists as the result of evil and failure to control one’s passions. He therefore presents man as rational while woman is irrational or emotional.⁸⁶ Aristotle continues with Plato’s tradition of misogyny and claims that the female is a defective being by virtue of a certain ‘lack’ of qualities. Steven Goldberg maintains that patriarchy has a basis in biology and that women are not biologically equipped to achieve equality with men in positions of power authority and status. St. Augustine claims that god created woman to ‘in sex subjected to masculine sex.’ Rene Descartes, the father of Modern philosophy, Immanuel Kant, who lived during the enlightenment period and his contemporary Jean-Jacques Rousseau believe that women are deficient in reason. Consequently, are deficient in the moral realm because

they are unable to comprehend moral imperatives. These philosophers have a subjective view of women that is based on wrong premises and thus faulty. All human beings are, by their very essence, endowed with rationality. Feminist philosophers such as Simone de Beauvoir, Sara Ruddick, Carol Giligan and Mary Wollstonecraft, among others emphasize that gender inequalities are not natural but are socially constructed. Biology therefore should not be a basis for conflict.

These theories of human nature and “self” – “other” are used in this study to provide an understanding or an explanation for the occurrence of violence in society. Underlying these explanations lie some fundamental factors that analyze them. A human being is a rational and moral being. He/she is capable of setting ethical standards by virtue of his/her being rational. These ethical standards act as a guide on what ought or not ought to be done. Without such ethical standards, a society free of violence will remain elusive, as one is likely to follow the dictates of one’s nature and socio-cultural authority to guide his/her conduct. Ethical theories, therefore, provide standards to guide human beings.

According to the Feminist ethical theories, traditional moral philosophers beginning from Socrates to Aristotle to Thomas Hobbes all the way to John Rawls have been concerned with experiences in the wider public sphere and have excluded the domestic sphere from moral and political considerations and relegated it to the realm of nature. Feminist ethical theorists believe that as long as the domestic sphere is treated as private, discussion of morality cannot be complete with its exclusion as an important moral entity. This study therefore, includes the use of some feminist ethical theories in its analysis of spousal violence. These feminist ethical theories, however, are gender biased as they exclude men from their discussions of oppression within the family. They show that men are always the perpetrators of ills in the family setting, and never as victims.

Classical ethical theories include consequential and deontological ethical theories. The consequential theories include egoism and utilitarianism while deontological or duty ethical theories include the divine command theory and the Kantian categorical imperative among others on what ought or not ought to be done. The Kantian categorical imperative is used as the ethical theory that cushions the whole study. According to

Immanuel Kant, a genuine morality is a morality which is objectively and universally binding for all human beings. To him all human beings are rational and this rationality gives the basis to morality. Moral law is valid only if it can be applied to all rational beings without contradiction. This moral law is the categorical imperative, which proposes that actions are right if and only if they conform to principles one can consistently will to be principles for every one. They are wrong if and only if they do not conform to the principles or maxims one cannot consistently will to be binding for all.

Through the categorical imperative, human beings are enabled to distinguish right from wrong actions since they are rational creatures. Each rational being, therefore, is obliged to follow reason and treat all human beings as ends in themselves and never as means to some end. We should respect all human beings impartially and avoid exploiting anyone. The categorical imperative theory, therefore, guides the study in that it enables one to analyze the practice of spousal violence from an ethical point of view. Since a human being is rational, he/she should treat all other humans with respect, dignity and impartiality. One can will this to be the guiding principle or maxim. Such a universal maxim then can be consistently willed without contradiction.

In ethical egoism, an action is deemed right if and only if its consequences are positive to the individual performing it. It is wrong if it has negative consequences on the person performing it. Performing an action, though beneficial to an individual, may hurt other people. Using the Kantian categorical imperative, such an action then cannot be universalized. In utilitarianism, an action is right if and only if it has positive consequences to the majority of the people or it produces the greatest amount of happiness to the majority of the people. However, from the Kantian principle, such an action though produces happiness to the majority of the people, may hurt a minority of the people, therefore, it cannot be universally binding. The practice of spousal violence may produce happiness to the egoist performing it but it may hurt others. It may produce happiness to the majority of the people whose happiness may be based on the maintenance of the status quo or gender inequality. However, the minority may become miserable with the practice of spousal violence. Therefore, since spousal violence produces misery or pain to some people, it cannot be universally binding as a moral

action. The Kantian categorical imperative theory is universally binding as it calls for all human beings who are rational to be guided by rationality in all their conduct. This can be universally acceptable without contradiction.

1.10 CONCLUSION

This chapter provides an introduction to the study carried out by the researcher in the area of spousal violence from an ethical perspective and it includes the background information, statement of the problem, objectives of the study, review of literature available in the area of study, hypothesis, theoretical framework and methodology. This chapter, therefore, forms the basis for the thesis as it is discussed in the following chapters.

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CHAPTER TWO

2 HUMAN NATURE AND SPOUSAL VIOLENCE

2.1 INTRODUCTION

In this chapter, an examination of some theories of human nature as propounded by various philosophers has been done with a view of providing an understanding of the occurrence of human conflict in society. Though these theories may not provide the whole truth about human nature, they however emphasize different aspects of the total truth about the human person. Each of these theories has made “a positive contribution to our understanding of ourselves and our place in the universe. Each has permanently changed our view of human nature and will no doubt continue to influence it.”¹ It is the contention of the researcher that these theories of human nature have a bearing on the specific problem of spousal violence.

Human conflict or violence can be understood better with some knowledge of the nature of humans than when one is ignorant of the same. Some theorists propose that human nature is innate while others propose that it is learned from the social environment. Thus there are two contrasting views of human nature, which can encompass these concepts; between the biological and cultural factors; (the biological and the cultural), heredity and environment, nature and nurture, the individual and society; instinctual and the conditional, between what is universal, inevitable and unchangeable and what is culturally relative, subject to change and reform.²

These contrasting views give rise to the question of freewill and determinism. If human behaviour is determined, that is, if it is innate, nothing can be done to change it. But if it is as a result of free will, that is, if it is as a result of one's choice, then one can choose to change it. If human conflict or violence is understood to be as a result of heredity nothing can change it for the better. But, if it is understood to be a result of other factors such as the environment or social structure then there is hope to change for a better society. The understanding of the influence of various theories to the general prevalence of human

conflict or violence is relevant in the discussion of the specific problem of the practice of spousal violence.

2.2 THE CHRISTIAN THEORY

One of the fundamental claims of Christianity is that God exists and He is transcendent as well as immanent. He is beyond or outside the world of things in space and time. Another vital belief is that God created the universe and human beings. The Christian doctrine sees human beings primarily in relation to God, who has created them to occupy a special position in the universe; "Man is made in the image of God to have dominion over the rest of creation."³ Human beings are unique in that they have self-consciousness and ability to love freely which is characteristic of God Himself. God created them for fellowship with Himself, so they can fulfill the purpose of life only when they love and serve Him.

This means that human behaviour should be in accordance to God's will. They ought not to do anything that displeases God. In a way, therefore, human beings to some extent are not free but determined by God. However, there is another crucial view in the Christian understanding of human nature. This is the notion of freedom. God gives human beings the freedom to choose between good and evil. This shows that despite the fact that they are determined by God and have to behave according to His will, to some extent they are free. They have to make a choice to do good hence obey or do evil hence disobey him. Human beings have chosen to sin, to misuse their God-given freedom; "they have chosen evil, rather than good and have therefore disrupted their relationship with God."⁴ If God has made human beings for fellowship with Himself and if they have turned away and broken their relationship with God, then only God can forgive them and restore the relationship.

Essentially, God is in control of people's behaviour despite his having given them the freedom of choice and thus bad behavior is blamed on God, as He is able to control that action or behaviour. In the Christian understanding of human behaviour or conflict, there is a contradiction between freedom and determinism. Christianity emphasizes morality or virtuous living according to the will of God and on the foundation in character and

personality from which such life proceeds. Human beings have to be virtuous according to the will of God and desist from any behaviour that deviates from His will.

According to the Christian doctrine therefore, violence is evil as it goes against the true purpose of human life, that is, love of God, and life according to His will. God does not will that a man behaves violently but peacefully and lovingly towards his fellow human beings. Human conflict therefore is immoral and is against God's will. Human beings have the freedom to choose between peace and violence. In the practice of spousal violence therefore, an individual chooses to do what displeases God. He or she misuses his or her freedom and does what is evil. There is an attempt to dominate the spouse and bring him or her to subordination.

2.3 PLATO

Plato propounded the dualistic view of human beings according to which the soul or mind is a non-material entity which can exist apart from the body. He maintained that the human soul is indestructible, that is, it has existed eternally before birth and will exist eternally after death.⁵ He maintained that the soul, not the body, attains knowledge and is the concern of ethics. Plato discusses the doctrine of the three elements of the human soul; the desire or appetites, which includes all physical desires, such as hunger, thirst, and sexual desire; the reason and the spirit. Reason, Spirit and Appetite are present in every person, but according to which element is dominant, we get three kinds of men, whose main desire is, respectively knowledge, success or gain.⁶ According to him, reason ought to be the most dominant and ought to control both spirit and appetite. Each part of the soul has its proper role to play and the ideal person is a harmonious agreement between the three elements of his soul, with reason in control.

When any human behaviour is manifested, one of these elements of the human soul is dominant. There is need to understand whether human conflict or violence is a manifestation of harmonious agreement between the three elements of the soul. There is need to ask whether a violent person is an ideal person. Is he or she being dominated by reason, spirit or appetite? Violence is likely to occur where the appetite is allowed to

take control. A spouse who is controlled by appetite or emotion becomes violent as he or she is not controlled by reason because reason by its very nature is non-violent in its approach to issues.

Plato emphasizes the intellect or knowledge, which is also referred to as the moral intellect or moral knowledge. His view is that,

Virtue, how to live well, is a matter for human knowledge rather than just conflicting opinions. There is such a thing as the truth about how we ought to live, and this truth can be known by the human intellect when we achieve knowledge of the perfect unchanging immaterial forms.⁷

There is a standard rule that ought to be followed as we live. Human behaviour, therefore, ought to be guided by intellect or knowledge, or reason. Human actions should manifest an element of intelligibility or reasoning. Human violence or conflict may fail to reveal this degree of intelligibility and therefore becomes vicious or evil. The practice of spousal violence according to this theory, therefore, does not present intelligibility but emotion or appetite hence it is vicious. This study advocates for the rule of reason in family affairs, which will inevitably breed the harmony that every human naturally desires.

Plato also discusses another important feature of man in his theory of human nature; “we are ineradicably social.”⁸ Human beings are social animals. The individual person is not self-sufficient, for he/she has many needs, which they cannot supply themselves. Even on the level of the material needs for food, shelter, and clothing, one person can hardly supply all these things for herself/himself with absolutely no reliance on others. Such a person would be spending most of his/her time in the struggle for survival; he/she would have little left for distinctively human activities such as friendship, play, art, and learning.⁹ If human beings are social animals, they should live in harmony not in war with others. Violence or conflict destroys social harmony, peace and friendship. People, therefore, ought to live in harmony with others in society and according to Plato, “to live in society is natural; anything else is less than human.”¹⁰ Within the family then, an attempt has to be made to ensure peace and harmony. Spousal violence threatens love.

friendship, peace and harmony, which in turn jeopardizes community welfare and development.

On the defects of human nature, Plato says that these are related to the defects in human societies. The individual and the society are interdependent. He asserts that:

An imperfect society produces imperfect individuals and imperfect individuals make for an imperfect society. One cannot have 'justice' in the state without having it in individuals, or vice versa. For justice is the same thing in both cases - a harmony between the natural constituents, each doing its own job; and correspondingly injustice is disharmony.¹¹

Within the family institution, violent individuals will make a violent society and a society, which is in conflict, will be composed of violent families. There is need for harmony within the family and in the state. Violence cannot be eradicated at the societal or communal level if it is not eradicated at the level of individuals making up individual families. Peaceful citizens make for peaceful families and individuals. Violent citizens as exemplified by spouses within the marriage institution make for a violent state. A violent state makes for violent families and individuals. Many societies are characterized by male dominance and female subordination. This social construction makes the men or males to feel superior and the women inferior. There is imbalance of power. In such societies, husbands are likely to use violence as a means to achieve the end of being powerful and dominant against their wives. Whereas in families in which the woman dominates over the man, she will also use violent means to maintain the status quo. In so doing, these men and women stoop very low to the affective level of personality at the expense of the rational level, which in essence will seek for harmony, logic, and preservation of the human species through peace.

2.4 KARL MARX

Karl Marx, like Plato, says that man is essentially social by nature; "the real nature of man is the totality of social relations."¹² A human person is a product of society. To him, therefore, human nature is not universal. Human nature is determined by the society human beings live in. He concedes that "there is no such a thing as individual human

nature - what is true and even universally true of men in one society or period is not necessarily true of them in another place or time."¹³ This shows that human nature is relative and not universal. There is no uniformity of human nature. Marx says that every action is socially determined; "even the way we eat, sleep, copulate and defecate are socially learned."¹⁴

He continues to say that the production of our means of subsistence is essentially a social activity since it requires the cooperation of human beings in some way or other; "it is not that society is an abstract entity which affects the individual, but rather that what kind of individual one is and what kind of things one does are determined by what kind of society one lives in."¹⁵ A society one lives in therefore, determines an individual's character, actions and behaviour; "It is not the consciousness of men that determines their being, but on the contrary, their social being determines their consciousness."¹⁶ Our ideals, aspirations, desire, beliefs and character is determined by the society we live in. The society we live in, therefore, will determine whether we become peaceful or violent.

Human conflict or violence by Marx's implication is a product of society and nothing can change this. To have a peaceful spouse, the society has to be a peaceful one. If the society is violent, individuals in it including spouses will be violent. Only by changing the social or economic structures can we change individuals making it. This is also true of violence within the families. If a society is to be peaceful, families have to be peaceful but if the society is violent, the spouses are also likely to be violent. This idea is comparable to the Platonic view that human beings are a reflection of the society in which they live and vice versa. However, Marx emphasized that it is the nature and structure of society that determine the personality and conduct of individuals living in it.

Marx goes on to make one universal generalization about human nature; "Man is an active, productive being, who distinguishes himself from the other animals by the fact that he produces his means of subsistence. It is natural for men to work for their living."¹⁷ He says that what is moral or right for individuals to do is to be engaged in productive activity. They should enjoy the fruits of their labour failure to which they become alienated. He says that alienation is from an individual and from nature. People

are not as they should be because they are alienated from the objects they produce and social relations that they create.

Capitalism is not in accordance with basic human nature;

In a capitalistic system, man is alienated from his labour. This alienation of labour consists in the fact that work is not part of the worker's nature, he does not fulfill himself in his work, but feels miserable, physically exhausted and mentally debased. His work is forced on him as a means for satisfying other needs and at work he does not belong to himself but another person. Even the objects he produces are alien to him because someone else owns them.¹⁸

He locates the basis of social evils in the principle of the state itself. The capitalistic system, with the state at its helm, is basically evil for it alienates human beings from themselves and from what they produce. Alienation consists in a lack of community so that people cannot see their work as contributing to a group of which they are members since the state is not a real community. There is, therefore, the need to overhaul the capitalistic system; "if man is formed by circumstances, these circumstances must be humanly formed... If alienation is a social problem caused by the nature of the capitalistic economic system, then the solution is to abolish the system and replace it with a better one,"¹⁹ a communistic system.

For a society to be peaceful and harmonious, its social and economic factors must be conducive for human existence. Both social and economic factors and structures mould individuals living in a society. Violence and human conflict by implication in Marx's theory arises because of poor social and economic structures of a society especially inequalities of the sexes within the family. Poverty in the society may lead to violence and other crimes. The individuals in such a society can only be peaceful and happy with the improvement of social and economic environments. This is also true of the institution of the family and more specifically of spouses. The economic inequality of the spouses may lead to violence.

However, it is the contention of this study that social structures and conditioning are not necessarily the only determinants for a person's character. Human beings are rational and hence dynamic in their ability to make choices and decisions. They should thus not allow

themselves to be enslaved by the social and economic structures that have been created artificially by society. The implication of this contention is the concept of human freedom and choice as was espoused by Jean Paul Sartre.

2.5 JEAN-PAUL SARTRE

The most famous of the French existentialists was Jean-Paul Sartre. His most important assertion about the world as a whole is his denial of the existence of God and holds the absence of God to be of utmost importance for all of us. This means that He plays no role in determining human behavior. Regarding human nature, Sartre denies that there is such a thing as 'human nature' for there to be true or false theories about. He expressed this by saying that, "man's existence precedes his essence."²⁰ To him, human beings have not been created for any purpose, neither by God, nor evolution nor by anything else. People simply find themselves existing and then they decide what to make of themselves. "There are no 'true' general statements about what all men ought to be."²¹ Hence he rejects any notion of objective values and standards by which human beings should live.

However, Sartre makes some general statements about the human condition, central of which is his assertion about human freedom. He says, "We are 'condemned to be free;' there is no limit to our freedom except that we are not free to cease being free."²² He also asserts that every aspect of our mental lives is intentional, chosen, and our responsibility. He says that even emotions are deliberately chosen. We are therefore "responsible for our emotions, because they are ways in which we choose to react to the world."²³ We are also equally responsible for longer-lasting features of our character; "our freedom and hence our responsibility extends to everything we think and do."²⁴ We are free to make choices and are conscious of our own freedom. If one wants to be peaceful, then one will deliberately be so. A spouse can be either peaceful and loving or violent as a matter of choice. He or she can as well change his or her character from being violent to being loving by choosing to be so. Sartre does not prescribe any one way of behaviour and rejects any possibility of objective values;

There is no particular course of action or way of life that he can recommend to others. All that he can do is to condemn any bad faith: any attempt to pretend that one is not free

All that he can recommend is authenticity, that we can each make our individual choices with full awareness that nothing determines them for us. We must accept our responsibility for everything about ourselves, not just actions, but our attitudes, our emotions, and even our characters.²⁵

A violent person becomes violent by choice. He or she exercises his or her freedom and chooses to be violent. He or she cannot blame his or her upbringing, his or her environment, social or economic factors for his or her behaviour. A violent person must accept that he or she is responsible for his behaviour and choose to change for the better. A spouse has himself or herself to blame for the choice made of being violent. He or she is responsible for his or her violent behaviour and he or she is free to change and become peaceful according to Sartre's philosophy of human freedom.

However, this philosophy is questionable. It may not be true that each individual is responsible for his/her behaviour. A mentally sick person may not be held responsible for his/her actions. Again if each and every sane individual is free to choose what actions to perform, the result may be chaotic. An individual can choose an action which infringes on the rights of another in the name of freedom. It is the contention of this study that absolute freedom for an individual is not viable in a society. Human beings are social beings and have to inevitably live in harmony with others in a society. When absolute freedom is allowed for individuals within a community this harmony is compromised and thus disrupts the basis of the society.

2.6 SIGMUND FREUD

According to Sigmund Freud, all phenomena are determined by the laws of physics and chemistry and even human beings are not exempt from natural evolution and are ultimately subject to the same laws. In his theory of human nature, one of the basic concepts is in his application of the principle of determinism. This is the principle that "every event has preceding sufficient causes within the realm of the mental."²⁶ According to him, nothing, which a person does or says, is accidental; "everything can in principle be traced to causes which are somehow in the person's mind. This means that our consciousness is not 'free' or 'rational', but is really determined by causes of which we

are not aware. This means that we are not free but determined not by the social and economic factors but by causes which are individual and mental.

Freud also discusses the postulation of the unconscious mental states. He asserts that the mind is not co-extensive with what is conscious or can become conscious, but includes items of which the person can have no ordinary knowledge at all. For the unconscious is dynamic in nature, that is, it actively exerts pressures and influences on what a person is and does. For instance, there are unconscious desires, which can cause someone to do things that he cannot explain rationally to others even to himself.²⁷ Behaviour can therefore be determined by something an individual is not aware of. A person may become violent and may not be able to explain rationally why he or she has become violent. This may be due to some unconscious factors according to Freud.

Freud distinguished three major structural systems within the human mind or personality; "the id, which contains all the instinctual drives seeking immediate satisfaction; the ego, which deals with the real world outside the person; mediating between it and the id; and the super-ego, a special part of the ego which contains the conscience, the social norms acquired in childhood. Another feature of Freud's concept of man is his theory of the instincts or 'drives'. The instincts are the motive forces in the mental apparatus, all the 'energy' in our minds comes from them alone."²⁸ He held that sexual instinct is a very basic instinct and gave sexuality a much wider scope in human life than had earlier been recognized. He claimed that sexual instincts exist in children from birth onwards and asserted the importance of sexual energy or 'libido' in adult life. Human behavior, therefore, according to Freud, is determined by these structural systems within the human mind making them either violent or non-violent.

Another feature of Freud's theory of human nature is in his developmental or historical theory of individual character. To understand a person fully, there is need to understand the psychologically crucial facts about his early childhood. It may be that a person becomes violent as a result of some experiences in early childhood such as experiencing beatings or watching fights. Freud produced detailed theories of the developmental stages through which every child grows, and are mainly concerned with the development of sexuality. He widened the concept of sexuality to include any kind of pleasure obtained

from parts of the body. The oral stage is the stage in which infants first obtain such pleasures from the mouth and then from the other end of the alimentary tract i.e. the anal stage. For Freud,

both boys and girls then become interested in the male sexual organ (the phallic stage). The little boy is alleged to feel sexual desires for his mother and to fear castration by his father (Oedipus complex). Both desire for mother and hostility to father are then normally repressed. From age five until puberty (the 'latency' period) sexuality is much less apparent. It returns in its full 'genital' development at the beginning of adulthood.²⁹

According to Freud, an individual's well-being or mental health depends on a harmonious relationship between the various parts of the mind, and between the person and the real world in which he has to live. It is not the social and economic factors that determine behaviour but the mental entities in which one does not have freedom to control.

The ego has to reconcile id, super-ego, and external world, perceiving and choosing opportunities for satisfying the instinctual demands of the id without transgressing the standards required by the super-ego. If the world is unsuitable, and does not give such opportunities, suffering will result, but even when the environment is reasonably favourable, there will be mental disturbance if there is inner conflict between the parts of the mind...³⁰

This means that frustration of basic instincts, through external obstacles or internal mental imbalance can result to neurosis or mental illness. Inferring from Freud's analysis, spousal violence can be explained as determined by lack of harmony between the various structural systems of the mind.

Repression, a mental misadaptation, may cause neurotic illness. Where a person experiences an instinctual imbalance, which is sharply incompatible with the set standards one, puts it into the sub-consciousness; "Repression, therefore, is a 'defense mechanism' by which a person attempts to avoid inner conflicts. But it is essentially an escape, a pretense, a withdrawal from reality, and as such is doomed to failure."³¹ What is repressed does not disappear completely but continues to exist in the unconscious portion of the mind and it retains all its instinctual energy and exerts its influence by sending into consciousness a disguised substitute for itself- a neurotic symptom.³² Hence, a person may behave irrationally yet cannot stop it even if he or she knows it is wrong. It is

therefore essential that every child successfully passes through the normal stages of development of sexuality for future mental health of the adult. Sexual perversion may be as a result of skipping one stage. In the practice of spousal violence, the occurrence of marital rape may be explained using this theory of repression.

Another typical kind of neurosis is “regression”, also known as the return to one of the stages at which childish satisfaction was obtained (similar to the Erick Erickson’s concept of fixation). Regression can occur in any of the developmental stages thus causing inner conflicts within the individual. This often results in deviant behaviors such as rape, abusive language and emotional/irrational outbursts. These may be manifested in a marital relationship where spousal violence is exercised.

Apart from these inner conflicts, Freud also talks about social influences. The person’s social environment primarily his/her parents and others who have exerted influence and authority on a growing child, is equally important. The standards installed by the environment constitute the essence of education and make a child into a member of a civilized society which includes self-control of the instincts; a sacrifice of instinctual satisfaction. Maladjusted parents are likely to produce maladjusted children, who in future become maladjusted parents. Spousal violence therefore may be as a result of this maladjustment. If an individual is not free but determined by forces outside him or her, he or she cannot be held responsible for his or her actions. Perpetrators of spousal violence, therefore, are seen not as free moral agents but are determined by external forces. This being the case, it is difficult to eliminate the practice of spousal violence.

Freud prescribed the restoration of a harmonious balance between the parts of the mind and between the individual and his/her world. It could be that violence in human society is a result of individual’s inner conflicts in the mind and failure to adjust to the demand of a fast moving social-economic situation like unemployment and illiteracy. The practice of spousal violence may be influenced by some social-economic factors that may include ignorance and joblessness. These factors need to be improved if spousal violence is to be eliminated in society.

Despite the overwhelming influence of developmental maladjustments and socio-economic factors on the individual's behavior as suggested by Freud, it is basically emotive. Rationality and its dictates should remain overall in the direction of human behavior rather than allowing emotional maladjustment to take control. Where there are extremes in these maladjustments, treatment and counseling should be sought to correct them.

2.7 B. F. SKINNER

B.F. Skinner was a professor of psychology at Harvard from 1948 and has been one of the most influential experimental psychologists in the behaviorist tradition. He proposes that, "the empirical study of human behaviour is the only way to arrive at a true theory of human nature."³³ He rejects any attempt to explain human behaviour in metaphysical terms and mental entities such as desires, intentions or in Freudian postulations of id, ego and super-ego. This is because they are unobservable and have no explanatory value. He claims that all behaviour has environmental causes.

Though he admits that genetic factors are relevant; "he dismisses the use of the term 'heredity' as a purely fictional explanation of behaviour."³⁴ He holds that genetic factors are of little value in experimental analysis as they cannot be experimentally manipulated. He claims that human behaviour is governed by scientific laws of some kind. If we are to use this method of science in the field of human affairs, first we must assume that behaviour is lawful and determined. Secondly, that these laws state causal connections between environmental factors and human behaviour.³⁵ This means that human behaviour is determined by scientific laws and that there is a causal connection between these causal laws and the environment man lives in. All behaviour, therefore, is a function of environmental variables meaning that "for any behaviour, there is a finite set of environmental conditions such that it is a causal law that anyone to whom all those conditions apply, will perform that behaviour."³⁶ This entails a denial that inherited factors influence human behaviour. However, heredity plays some part though the environment is the most important factor.

Skinner, however, attributes all to the environment, an assumption he does not submit to empirical test. Skinner uses his knowledge “from his animal experiments mainly with rats and pigeons and then goes on to apply these conceptions to human individuals and institutions - government, religion, psychotherapy, economics, and education.”³⁷ In this way, his whole approach assumes that what applies to laboratory animals will apply to men. He shows especially that “human speech can be attributed to the conditioning of speakers by their environment.”³⁸ Speech, however, is not the only human activity but is important as a representative of the ‘higher’ human mental abilities. Since Skinner’s theory of human condition does not prove that the environment causes all behaviour, then it cannot give a true account of human nature in general; “there remains the possibility that other important aspects of human behaviour are not learned from the environment but are genuinely innate.”³⁹

From the foregoing discussion, Skinner proposes that all behaviour is attributed to the environment and not by genetic factors. Using Skinner’s theory, human conflict and violence is a product of the environment and not genetically caused. Human behaviour is determined and therefore we may “exonerate people from blame by pointing to the circumstances of their upbringing. Yet we also maintain that people are often genuinely responsible for their action.”⁴⁰ Skinner believes that human circumstances can and should be humanly formed: “If the environment makes us what we are, then we should change the social environment deliberately so that the human product will meet more acceptable specifications.”⁴¹ Efforts should be made to “eliminate specific causes of human unhappiness, such as poverty, disease and injustice.”⁴² Human violence and conflict can only be eliminated by making the environment conducive for human survival through eradicating poverty, creating employment among other virtuous actions. The practice of spousal violence according to this theory, is not genetically or hereditary influenced but is deliberately influenced by society. If society tolerates its practice, then it is likely to occur. In societies that are patriarchal, there is emphasis on male dominance and female subordination and as such spousal violence by husbands against their wives is more likely to occur than wives’ violence against their husbands.

Social and physical environment play a significant role in determining human behavior. However, it is the contention of this study that human behavior should be able to stand the test of reason, that is, those social environmental conditioning that contravene rationality should be avoided. Spousal violence, though may be socially constructed, does not pass the test of rationality because one spouse uses the other as a means to some selfish end, rather than as an end in himself/herself.

2.8 KONRAD LORENZ

Konrad Lorenz is a product of the scientific and cultural traditions of Vienna who has pioneered a new area of scientific study with implications for mankind. Being a biological scientist, his background assumption is the theory of evolution. For the existence of any particular behaviour patterns, Lorenz "looks for its survival value of its species."⁴³ As an ethnologist, he denies that the environment conditions all behaviour. He sees "man as an animal that has evolved from other animals."⁴⁴ He says that our behaviour patterns are fundamentally similar to those of animals hence our behaviour is subject to the same causal laws of nature as of all animal behaviour. His most important view of human nature is the theory that like many other animals, we have an innate drive to aggressive behaviour towards our own species.⁴⁵ Man, therefore, is no different from other animals as far as aggression is concerned; "He thinks that this is the only possible explanation of the conflicts and wars throughout human history, of continuing unreasonable behaviour of supposedly reasonable beings."⁴⁶

Lorenz has powerfully explained the existence of violence and human conflict, which he attributes to the innate aggression of man. This implies that despite his high degree of reasoning, man is bound to be violent towards his own species due to his genetic nature. This also explains the occurrence of spousal violence in society. Lorenz explains the existence of what he calls, 'militant enthusiasm', by which a human crowd can become excitedly aggressive and lose all rationality and moral inhibitions; "it has evolved from the communal defense response of our pre-human ancestors."⁴⁷ Aggression or violence, therefore, defies all rationality. He continues to say; "Appeals to rationality and moral responsibility have been notoriously ineffective in controlling human conflict".⁴⁸ Human

conflict or violence generally and specifically spousal violence cannot be controlled by use of rationality and morality because aggression is innate and must find an outlet in one way or another according to Lorenz's view. He goes on to assert that,

Reason alone is powerless; it can only devise means to ends decided on in other ways, and can only exert control over our behaviour when it is backed by some instinctual motivation ... He sees a conflict between the instincts implanted in us by evolution, and the moral restraints necessary to civilized society.⁴⁹

He explains the prevalence of human conflict and violence that our technology of weapons has far outstripped the slow development of appropriate instinctive restraints on their use, and "we find ourselves in the highly dangerous situation of today with both the power to destroy the world and the willingness to do so in certain situations."⁵⁰ This implies that man has been able to manufacture weapons of mass destruction against his own species with the use of intellectual power which is not matched with instinctual development.

If man is so aggressive and uncontrollable is there hope for mankind? Lorenz believes that "reason can and will exert a selection-pressure in the right direction."⁵¹ When we understand the natural causes of aggression, we can take rational steps to redirect it beginning with self-knowledge. The next step is "sublimation, the redirection of aggression to substitute objects in harmless ways ... we must break down mistrust between human groups by promoting personal acquaintance between individuals of different nations, classes, culture, and parties."⁵² This creates harmony and trust between groups hence limits chances of human conflict and violence.

Lorenz also suggests that human conflict can be minimized when we "redirect our enthusiasm to causes which can be genuinely universal among all peoples: art, science and medicine."⁵³ Lastly, he suggests that people should have a sense of humour that "promotes friendships, attacks fraud, and releases tension without getting out of rational control. Humour and knowledge are, therefore, the two great hopes of civilization... he sees hope that in future centuries our aggressive drive can be reduced to a tolerable level without disturbing its essential functions."⁵⁴ This implies that human conflicts and violence are not after all uncontrollable. The human sense of humour and knowledge can

control aggression to tolerable proportions. Spousal violence like other examples of human conflicts can be controlled despite the fact that human beings are aggressive by nature. The use of knowledge and the exercise of human humour can help tame spousal violence. Human beings are endowed with rationality and therefore they are capable of making choices that would promote the common good and avoid those that promote pain.

2.9 JEAN-JACQUES ROUSSEAU

According to Rousseau, the human person is by nature good. Like Marx and Skinner, Rousseau believes that it is society that corrupts people; “Man is naturally good.”⁵⁵ By man being naturally good, Rousseau means, “...there is a form of development of man’s natural capacities and passions which enhances his vitality and sense of well-being, and at the same time, disposes him to be benevolent and just in all his dealings with other men.”⁵⁶ When an individual develops in this way, he/she not only becomes rational and moral but also achieves true peace of mind, stable and satisfying relations with other people.⁵⁷ Human beings are brought together by the need to satisfy their natural wants and this coming together starts a train of events which both develops and corrupts their faculties; “society is not naturally good, even if man is so; there is clearly no natural tendency for society to become what it ought to be if men are to attain natural goodness.”⁵⁸ Rousseau also says that people possess two primitive passions; “self-love” and “pity” from which arise all our civilized virtues and vices.⁵⁹ Self-love means not a passion of the self-directed to the self but all of a person’s desires whose object is to satisfy his/her own desires and not other people. It prompts us to do what we must do to keep alive and healthy and this self-love is natural and is the ‘mother of all the social passions’⁶⁰

Rousseau attributes virtue to self-love and vices to pity and vanity. It is not the strengths of our passions but their weakness, which makes us corruptible. Our primitive passions keep us alive and healthy and do not lead us to harm others. In the

State of nature, they are strong enough to maintain life and health but in society, we find more obstacles in our way, and our natural passions, being weak, are diverted from their objects. We are frustrated and we become more concerned to get rid of the obstacles than

to satisfy our natural passions; we become angry, fretful and malevolent. It is then that self-love gives birth to vanity; to the comparison of self with others and to the desire to avenge and dominate.⁶¹

According to Rousseau therefore, people are naturally good. They do what they do to keep alive and healthy through self-love. In the state of nature, people have peace of mind brought about by having good passions. Evil passions, however, are evil because they bring individuals into conflict with themselves and others. This is vanity, which is always evil; “It is the desire that others should admire us, notice us and take us into account even when justice does not require them to do so.”⁶² The tender and gentle passions spring from self-love and the hateful and angry passions spring from vanity. This vanity makes us dependent on other peoples’ approval hence creating in us ambitions destructive of their happiness and ours; “it makes our neighbours our rivals and enemies yet binds us to them by chains impossible to break.”⁶³

People in their state of nature are good but when they join others in the society, they are corrupted by it. Violence and other vices are absent in the state of nature. It is the society that corrupts people and makes them violent as they relate with others in the society. Vanity makes people ambitious and competitive against others thus making them unhappy. Using Rousseau’s theory, violence including spousal violence, is as a result of man’s vanity. Naturally, all human beings are good but when they join in the society due to their wants, they become ambitious and unhappy. It is society that corrupts human beings and makes them violent. Societies that emphasize dominance and subordination make some individuals living in them susceptible and vulnerable to violence.

Whereas it is true that the influence of society on the individual may be very strong and in some cases unavoidable, it is also a fact that human persons should be able to employ the rule of reason in all that they engage in. This will ensure that there is peace and harmony in the society and more so in the family.

2.10 THOMAS HOBBS

According to Thomas Hobbes, human nature is completely and exclusively egoistic. He depicts people as being by nature “entirely selfish and devoid of any genuine feelings of

sympathy, benevolence, or sociability.”⁶⁴ Each person is exclusively preoccupied with the gratification of personal desires hence gaining happiness. He also describes life of man in the state of nature as that ‘of war of all against all’. In such a state, “there is continual fear, and danger of violent death; and the life of man is, solitary, poor, nasty, brutish and short...”⁶⁵ There is no law and there is no justice in such a state. He therefore proposed the establishment of the commonwealth through the ‘social contract’ where people would come together to form a society. The society would be under a sovereign who would have absolute power. Law and order then would be possible in the society.

In the state of nature, without the establishment of an institutional government, “there are three principal causes of quarrels; First, competition; secondly, diffidence; thirdly, glory.”⁶⁶ Competition makes people invade for gain, diffidence makes them invade for safety and glory makes them invade for reputation. Competition makes individuals use violence to make themselves masters of other people, their wives, children and cattle. Diffidence makes individuals defend them and glory makes people trifle their friends, nations, professions or names. According to Hobbes, therefore, a person is by nature exclusively egoistic and will always try to gratify his/her desires. In such a state, people are always at war with each other. There is a search for reputation. This may be used to explain the occurrence of human conflict and violence in the society.

Human beings, according to this theory will always endeavor to satisfy their desires regardless of other people’s resulting in violence. Spousal violence can be explained as an attempt by a spouse to assert his or her will on his or her partner of marriage since each and every individual is exclusively and completely egoistic. If human beings are thus naturally egoistic, nothing can be done to change the situation. It is therefore difficult, in the Hobbesian view to eliminate spousal violence because egoism is natural to a human being. However, it is the contention of this study that this Hobbesian egoism is defective if people have to live together in society peacefully. Other people’s needs and desires have to be respected as much as one wishes his/hers to be respected by others.

2.11 JOHN STUART MILL

According to John Stuart Mill, human nature is not determined by inherent natural causes. To him, the most notable thing about human behaviour is that it is learned. It is the environment that shapes human nature and behaviour; “Man learns his ‘human’ nature from the human environment, from the culture that humanizes him and therefore, gives him unique educatability.”⁶⁷ Human beings learn violence from their social environment, which may include their upbringing, education and influence from peers. Spousal violence is therefore as a result of learning from the social environment. If a society encourages spousal violence then it will be practiced in the society and if it is not encouraged, it will be absent. Mill’s emphasis on violence being learned behavior is in opposition to Lorenz’s view that it is innate. However, the study concedes that it is contradictory for a being that is rational to at the same time be innately violent. Therefore, in line with Mill’s theory, the study contends that there is a possibility that human beings can exist peacefully in society, which is not a contradiction to their rationality, rather it complements it.

2.12 CONCLUSION

Different scholars have discussed human nature in different ways. These different perspectives provide the socio-economic, genetic and metaphysical underpinnings of human conflict. The Christian view presents human beings as created in God’s image. They are endowed with freedom to choose good or evil. Despite the fact that they are free moral agents, it is God who is in control of their lives. They are free yet determined. When they choose to do evil, they disobey God. When they do good, they obey God. The choice of violence makes a human being evil. If one chooses peace, one becomes a righteous person.

In the Platonic view, man is endowed with intelligence or reason to do what is good. There is need to live in harmony in the society. A violent society is made up of violent individuals. Individuals making the state ought to be just for the state to be just. For Marx, the economic and social structures of a society determine the individuals living in

it. These structures should provide a conducive environment. Poverty, diseases and other vices should be eliminated to make individual members of the society peaceful. The occurrence of violence or peace will depend on the society.

For Sartre, human beings are condemned to be free. They have to make choices to be either peaceful or violent. For Sigmund Freud, human beings are determined. The power of the mind is important. Experiences of infancy may influence one's character. The social environment is also crucial in shaping human beings. For B.F. Skinner and John Stuart Mill, upbringing and learning influence behaviour. Violence is a learned behaviour. The society should discourage violence so that people do not practice it.

Human beings according to Konrad Lorenz and Thomas Hobbes are aggressive by nature and nothing much can be done to change the situation. However, by use of reason, the situation can be controlled. Hobbes believes that a person is completely and exclusively egoistic and this can explain the prevalence of spousal violence and other forms of violence. However, with the establishment of civil authority where there is law and order, morality is created.

For Jean Jacques Rousseau, people are naturally good. It is when people join society in their attempt to satisfy their needs that they become corrupt. A human person per se is good by nature. He/she only needs to have and maintain good passions to have peace. However, when he/she has evil passions, he/she becomes violent and thus brings unhappiness in the society.

From the analysis of the above theories of human nature, it is clear that violence is either determined or is a matter of individual choice. Where violence is determined, then there is not much one can do to change the situation. However, human beings are also rational beings who are capable of making sound choices and therefore they should not be dictated to by nature as suggested by some of the theories above. Again, in societies that emphasize dominance and subordination, there is inequality and imbalance of power between the male and female sexes thus creating an environment conducive for violence. Spousal violence is likely to occur in such societies. There is need to rectify this situation

to curb spousal violence through an emphasis on the use of rationality which is endowed to all human beings.

END NOTES

- ¹ Leslie Stevenson (1974), *Seven Theories of Human Nature*; London: Oxford University Press, p. 21
- ² *Ibid.*, p. 121.
- ³ *The Holy Bible*, Genesis 1:26.
- ⁴ *Ibid.*, Isaiah 59:2.
- ⁵ Plato (1955), *The Republic*; ed. H.P. Lee, London: Penguin Press, p. 608
- ⁶ *Ibid.*, p. 581.
- ⁷ *Ibid.*, p. 442.
- ⁸ *Ibid.*, p. 369.
- ⁹ *Ibid.*, p. 370.
- ¹⁰ *Ibid.*
- ¹¹ *Ibid.*, p. 435.
- ¹² Karl Marx (1963), *Selected Writings in Sociology and Social Philosophy*; London: Penguin edition, p. 83
- ¹³ *Ibid.*, p. 91.
- ¹⁴ *Ibid.*, p. 77.
- ¹⁵ *Ibid.*, p. 91.
- ¹⁶ *Ibid.*, p. 67.
- ¹⁷ *Ibid.*
- ¹⁸ *Ibid.*, p. 178.
- ¹⁹ *Ibid.*, p. 250.
- ²⁰ Jean-Paul Sartre (1957), *Being and Nothingness*; translated by Hazel Barnes; Methuen, London. Citadel Press, p. 438
- ²¹ *Ibid.*, p. 439
- ²² *Ibid.*
- ²³ *Ibid.*, p. 445.
- ²⁴ *Ibid.*, p. 446
- ²⁵ *Ibid.*, p. 464.
- ²⁶ Sigmund Freud (1962), *Two Short Accounts of Psycho-analysis*, translated and edited by James Strachey; London: Penguin Press, p. 56.
- ²⁷ *Ibid.*, p. 107.
- ²⁸ *Ibid.*, p. 110.
- ²⁹ *Ibid.*, p. 125.
- ³⁰ *Ibid.*, p. 80.
- ³¹ *Ibid.*
- ³² *Ibid.*, p. 114.
- ³³ B.F. Skinner (1953), *Science and Human Behaviour*; New York: Macmillan, p. 29
- ³⁴ *Ibid.*, p. 26.
- ³⁵ *Ibid.*, p. 35.
- ³⁶ *Ibid.*, p. 62
- ³⁷ *Ibid.*, p. 205.
- ³⁸ *Ibid.*
- ³⁹ *Ibid.*, p. 206.
- ⁴⁰ *Ibid.*, p. 8.
- ⁴¹ *Ibid.*, p. 9.
- ⁴² *Ibid.*

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- ⁴³ Konrad Lorenz (1966), *On Aggression*, in Marjorie Latzke Methuen (Ed.), London: Universities Press; p. 8.
- ⁴⁴ *Ibid.*, p. 190.
- ⁴⁵ *Ibid.*, p. 203.
- ⁴⁶ *Ibid.*
- ⁴⁷ *Ibid.*, p. 232.
- ⁴⁸ *Ibid.*, p. 213.
- ⁴⁹ *Ibid.*, p. 15.
- ⁵⁰ *Ibid.*
- ⁵¹ *Ibid.*, p. 258.
- ⁵² *Ibid.*, p. 243.
- ⁵³ *Ibid.*, p. 244.
- ⁵⁴ *Ibid.*, p. 258.
- ⁵⁵ Jean-Jacques Rousseau; *Discourse on Equality*; quoted in John Plameatz's 'Man and Society', p. 124.
- ⁵⁶ *Ibid.*, p. 133.
- ⁵⁷ *Ibid.*
- ⁵⁸ *Ibid.*, p. 135.
- ⁵⁹ *Ibid.*
- ⁶⁰ *Ibid.*
- ⁶¹ *Ibid.*, p. 138.
- ⁶² *Ibid.*, p. 140.
- ⁶³ Rousseau; 'Emile;' in John Hope Mason (1979), *The Indispensable Rousseau*, Vol. IV, London: Quartet Books, p. 493.
- ⁶⁴ Thomas Hobbes (1985), *Leviathan*; Middlesex: Penguin Books, p. 128
- ⁶⁵ *Ibid.* p. 134.
- ⁶⁶ *Ibid.* p. 133.
- ⁶⁷ Ashley Montagu (1973), *Man and Aggression*; London: Oxford University Press; p. xi.

CHAPTER THREE

3 SPOUSAL VIOLENCE AND THE “SELF”-“OTHER” DICHOTOMY THEORIES

3.1 INTRODUCTION

This chapter discusses sex differentiation as a basis for human conflict. The division of species into male and female individuals has been there since time immemorial and is still an irreducible fact of observation. Various views are discussed which highlight that males and females have never been regarded as equal beings. This inequality between the sexes has been regarded as a basis for conflict or violence. Studies done on human violence show that due to their superiority complex, males have tended to be more violent to their wives than females have been towards their male counterparts. This could be explained from the cultural point of view where many societies are patriarchal and thus wife-husband battering is not common, and in case it occurs, people seldom talk about it.

3.2 BIOLOGICAL EXPLANATION

Some scholars have viewed men and women as biologically very different creatures. Some biologists define woman as “a womb, an ovary; She is female.”¹ These terms have been used as sufficient enough to define a ‘woman’. For a man, however, the epithet ‘female’ has negative connotations and has a sound of an insult.² He is, however, not ashamed of his animal nature; “...on the contrary, he is proud if someone says of him; ‘He is a male’.”³ According to Kinsey Report, a man needs not introduce himself as a man in the same way that a woman does; “...a man never begins by presenting himself as an individual of a certain sex; it goes without saying that he is a man.”⁴ Despite the biological differentiations between males and females, both are human beings with equal rights.

The terms “masculine” and “feminine” represent different conditions in human beings. “Masculinity or maleness represents both the positive and the neutral as is indicated by the common use of “man” to designate human beings in general: whereas femininity or femaleness represents only the negative, defined by limiting criteria without

reciprocity.”⁵ A man is seen as being in the right by being a man; it is the woman who is in the wrong. This implies that man is an absolute type: the masculine. This shows that a male being is viewed positively while a female being is viewed negatively. The term ‘female’ is seen as derogatory not because it emphasizes woman’s animality, but because her biological make up imprisons her in her sex.⁶ Her reproductive organs such as ovaries and uterus imprison woman in her subjectivity there by circumscribing her within the limits of her nature.

Males and females are two types of individuals which are differentiated within a species for the function of reproduction.⁷ Males and females, therefore, are two different beings; the male is superior while the female is inferior. They are dichotomous especially because of their different roles in the process of reproduction. Both the males and females, however, are important for reproduction to take place. Without either of them, therefore, no reproduction will take place.

Some philosophers have contributed to the perpetuation of sexism where women are viewed as inferior to men. Plato (427-347 BC), an Ancient Greek philosopher for example, viewed man as the ‘true’ humanity and that woman is a deviation.⁸ He asserted, “woman exists as a result of evil and failure to control one’s passions. Men’s destinies in this world depend on how well they use their rational human faculties.”⁹ However, both men and women have rationality that makes them to be equal beings and thus neither a true nor a false being.

Aristotle (384-322 BC) continued with this philosophical tradition of misogyny. He claims that the female is a defective being; “a female is a female by virtue of a certain ‘lack’ of qualities. We should regard the female nature as afflicted with a natural defectiveness.”¹⁰ Like Aristotle, Steven Goldberg, maintains that patriarchy has a basis in biology and it is inevitable. He goes on to say that “women are not biologically equipped to achieve equality with men in positions of power, authority and status.”¹¹ However, the fact that males and females are biologically different does not give either of them power and authority of the other.

The early Christian philosophers embraced the Platonic doctrine that women are inherently inferior to men. According to St. Augustine (354-430 AD), God created woman to be "in sex subjected to masculine sex."¹² St. Thomas Aquinas (1224 -1274), a Medieval philosopher, proclaims woman as an 'incidental' being which means, from a male point of view, '...the accidental or contingent nature of sexuality'.¹³ He says that the female is a defective being; an "imperfect man." This view that a female is an incidental and an imperfect being is faulty as all human beings are created as necessary and perfect.

The second creation story in Genesis in which Eve was created from the rib of Adam has been used to reinforce the subservient role of women. It is thus arguable that domestic violence is more prevalent among people who subscribe to these traditional religious views of the roles of men and women. This however needs not to be the case as all human beings are, by virtue of their being created in the image of God according to the Christian doctrine, equal.

Rene Descartes (1596-1650), the "father of Modern philosophy", and an extreme rationalist, like his predecessors in philosophy, elevated rationality over emotion. He argues that since women are dominated by passion, rather than reason, they are more likely to act immorally and cause men misery.¹⁴ This, however, is questionable as both men and women have emotions and rationality, and therefore are capable of making informed choices. They thus can choose actions that are devoid of violence.

Immanuel Kant (1724-1804), a German philosopher who lived during the Enlightenment period, maintained that for an action to be moral, it must be based on reason. Like his contemporary French Philosopher, Jean-Jacques Rousseau, Kant believed that women are deficient in reason. Consequently, women are deficient in the moral realm because they are unable to comprehend moral imperatives. For him, therefore, woman's proper role is to subordinate to man: "the good woman is modest, and submits willingly to her husband's authority. A woman, because of her dangerous seductive and irrational nature, should remain confined within the domestic boundaries of home and family."¹⁵ This is a subjective view of women that is based on wrong premises and thus faulty.

Hegel, too, emphasized sexual differentiation. To him, "sexuality represents the medium through which the subject attains a concrete sense of belonging to a particular kind or genre"¹⁶ These philosophers present male nature positively while they present female nature negatively. The male being is presented as one that has characteristics of a rational, intellectual or a knowledgeable being that is ultimate, necessary, essential and absolute as compared to the female being that is characterized by being emotional, embodiment, non-intellectual and unknowledgeable. She is an inessential, accidental and contingent being. It is through reproduction that beings come to be. The phenomenon of reproduction is thus regarded as "founded in the very nature of being."¹⁷ However, the role played by the male being is seen as different from that played by the female being in the unitive process of reproduction.

The belief that women's unbridled sexual passions and irrationality are a danger to men and society, and that women, therefore, are responsible for 'provoking' men's wrath against them, is still prevalent today. Because a woman is irrational, physical violence is justified to keep an unruly woman under control. Philosophers, to show that women are inferior to men by virtue of their biological makeup, have used these negative views about women. This portrays the gender biases that have been used by societies to oppress women on the basis of their biology. This reasoning is faulty. Rationality, rather than biology, should be used as the basis for judging a human person's capability.

In primitive matriarchal societies, it was believed that "...the father plays no part in conception. Ancestral spirits in the form of living germs are supposed to find their way into the maternal body."¹⁸ With the advent of patriarchal institutions, the role of the male was emphasized. The male being was regarded by both the ancient and modern philosophers as more superior to the female being despite the fact that both had identical roles in perpetuation and creation of human species.

Humanity is thus male and man defines woman, not in herself, but as relative to him; she is not regarded as an autonomous being. Man can think of himself without woman. A woman on the other hand cannot think of herself without man.¹⁹ She is defined by man. She is simply what man decrees; thus she is called, 'the sex', by which is meant that she

appears essentially to the male as a sexual being. For him, she is sex, absolute sex, no less. Woman is thus defined and differentiated with reference to her man and not he with reference to her; she is the incidental, the inessential as opposed to the essential. He is the "Subject", he is the Absolute. She is the "other." This sexual division or differentiation of males and females is an expression of a duality or a dichotomy, that of the "self" and the "other".²⁰ Women have been regarded as women; as the "other" by virtue of their anatomy. However, men may also be regarded by women as the "other" by virtue of their being different biologically or otherwise.

Men have always subordinated women throughout history and hence their dependency is not the result of a historical event or social change. The division of the sexes is a biological fact, not an event in human history. Thus the masculinity and femininity according to some philosophers is as a result of anatomy/biology. This is exemplified in the reproductive roles of both men and women in the processes such as copulation and fertilization that make a woman alienated from herself thus becoming the "other" The male on the other hand, is not alienated and becomes the "self" as he keeps his individuality within himself. The domination of the males' power over the female in the process of fertilization "contributes to the assertion of the male individual as such at the moment of his living transcendence."²¹ Here, the subjective element in the male is evident. Hegel sees the subjective element in the male, while the female remains wrapped up in the species. Subjectivity and separateness immediately signify conflict. The male is therefore the "self;" the subject while the female becomes "another" with life inside her. This shows that males and females are naturally different. This, however, should not be construed to mean that they should be socially unequal.

The two sexes represent two diverse aspects of life of the species. The difference between them is not that between activity and passivity as both the egg and the sperm are active; but in maintaining and creating (both of which are active), the synthesis of becoming is not accompanied in the same manner. The male is permitted to express himself freely; the energy of the species is well integrated into his own living activity. On the contrary, the individuality of the female is opposed by the interest of the species; it is as if she were possessed by foreign forces; alienated.²² In this way, the male becomes more forceful

while the female feels more and more enslaved thus creating a conflict between her own interests and the reproductive forces within her. The male then is the forceful one; "the Subject"; "the absolute" while the female is alienated from herself; she is the "other" in as far as anatomy is concerned but not in other aspects of the human person.

In the biological growth of both male and female, from birth to adulthood, there are developing differences. The development of the male is comparatively simpler as opposed to the female one which is much more complex. The physical and psychological development of a woman is full of crisis right from birth, through puberty and adolescence up to adult life; "from puberty to menopause, woman is the theater of a play that unfolds within her and in which she is not personally concerned."²³ With menstrual flow, 85% of women have distressing symptoms. They have psychic imbalance and physical fatigue.

The woman is more emotional, more nervous, more irritable than usual, and may manifest serious psychic imbalance. It is during her periods that she feels her body most painfully as an obscure, alien thing; it is, indeed, the prey of a stubborn and foreign life that each month constructs and then tears down a cradle within it; each month all things are made ready for a child and then aborted in the crimson flow. Woman, like man, is her body but her body is something other than herself²⁴

This implies that she is not herself unlike the man who is the "self" while she is the "other". The experience of pregnancy alienates the woman from herself further. In spite of its obvious social utility, however, gestation is a fatiguing task of no individual benefit to the woman but on the contrary demanding heavy sacrifices".²⁵ Childbirth itself is a crisis: "childbirth itself is painful and dangerous. In this crisis, it is most clearly evident that the body does not always work to the advantage of both species and individual at once; the infant may die, and again, in being born, it may kill its mother or leave her with a chronic ailment."²⁶ Nursing is no better a maternal activity; "Nursing is also a tiring service ...Some soreness and often fever may accompany the process and in any case, the nursing mother feeds the newborn from the resources of her own vitality. The conflict between species and individual, which sometimes assumes dramatic force at childbirth, endows the feminine body with a disturbing frailty."²⁷ These maternal experiences make the female alienated from herself. Her life is characterized by conflict. She is always in

crisis hence makes her the "other" other than herself while the male is not perturbed hence remains the "self". However, the fact that a woman undergoes the above biological processes making her the "other" does not make her any lesser a being than a man. It is the society that defines her as the other and not her biological nature. The man is considered as the "other" when he is viewed as a different being by the woman who may define him negatively and of lesser dignity than herself basing the definition on their biological differences or otherwise.

The other serious crisis in the life of a woman is menopause;

...the phenomena of the menopause, the inverse of puberty, appear between the ages of forty-five and fifty. Ovarian activity diminishes and disappears with resulting impoverishment of the individual's vital forces... and thus, along with the depression natural to the change of life, are to be noted signs of excitation such as high-blood pressure, hot flashes, nervousness and sometimes increased sexuality.²⁸

In addition to the primary sexual characteristics, woman has various secondary sexual peculiarities that make her more disadvantaged than man in terms of height, weight, physical strength and lack of stability in her anatomical organization. Man shows greater stability in metabolism of calcium, while the woman fixes much less of this material and losing a good deal during menstruation and pregnancy. This lack in stability and control underlies woman's emotionalism, which is bound up with circulatory fluctuations – palpitation of the heart, blushing and so forth – and on this account, women are subject to such displays of agitation as tears, hysterical laughter, and nervous crises.²⁹

All the above show that physically and emotionally, a female is more disadvantaged than a male. As far as spousal violence is concerned, her biological make up is a disadvantage for her as she is not well endowed physically to fight the male. There are, however, some males who are not as physically strong as their female counterparts. This being the case in a family situation, it may lead to wife-husband violence.

From the foregoing discussion, it shows that woman is enslaved by her biology; "...that woman is of all mammalian females at once the one who is most profoundly alienated, and the one who most violently resists this alienation; in no other is enslavement of the

organism to reproduction more imperious or more unwillingly accepted. Crises of puberty and pregnancy, painful and sometimes dangerous childbirth, illnesses, unexpected symptoms and complications; these are characteristic of the human female."³⁰ Woman, is therefore, portrayed as the most oppressed of all creation. The male, on the other hand appears infinitely favoured; "his sexual life is not in opposition to his existence as a person, and biologically it runs an even course, without crises, and generally without mishap. On the average, women live as long as men, or longer; but they are much more often ailing, and there are many times when they are not in command of themselves."³¹ This shows that a woman's life is always in opposition to her existence while a man is always in control of himself and others. Despite her biological disadvantage, however, the woman is still a human being who deserves respect and justice just like her male counterpart.

In the history of a woman, these biological factors are important as they are key to understanding of the woman. However, they do not establish for her a fixed and inevitable destiny; human species is forever in a state of change, forever becoming.³² Man is defined as a being who is not fixed, who makes himself what he is. This is true also for the woman. Human beings are not static but have potentials to become better beings. They are forever in the process of becoming. According to Alfred North Whitehead, no being is complete, but is in a state of change. He argues that even God himself is in the process of "becoming".

According to Merleau-Ponty, "man is not a natural species; he is a historical idea. Woman is not a completed reality, but rather a becoming, and it is in her becoming that she should be compared with man; her possibilities should be defined."³³ Though the weakness of the female body cannot be denied, it is not of great significance. There is need to adopt the human perspective of interpreting the body as a basis of existence. The biological factors are only significant if they are interpreted in the realm of the human, social, economic and moral context.

Human 'weakness' is revealed only in the light of the ends man proposes, the instruments he has available, and the laws he establishes. If he does not wish to seize the world, then

the idea of a grasp on things has no sense; when in this seizure, the full employment of bodily power is not required. above the available minimum, then differences in strength are annulled; wherever violence is contrary to custom, muscular force cannot be a basis for domination. The concept of weakness can be defined only with reference to the existentialist, economic and moral considerations.³⁴

The importance of the realm of biology has been questioned by some scholars who assert that it alone cannot help in deciding the primacy of one sex or the other in regard to perpetuation of the species.³⁵ It is within a society that species attain the status of existence - transcending itself toward the world and the future. The ways and customs of a society cannot be deduced from biology for the individuals that compose it are not abandoned to the dictates of nature. It is with reference to certain values that man evaluates himself; "It is not upon physiology that values can be based, rather, the facts of biology take on the values that the existent bestows upon them."³⁶ If a society is non-violent, males muscular superiority does not become a source of power. Biology, therefore, does not fully explain why woman is the 'other'. It is the contention of this study that the facts of biology must be viewed in the light of the ontological, economic, social and psychological contexts. And therefore, the rational nature of man should be emphasized in the choice of morally acceptable behavior.

3.3 PSYCHOANALYTIC EXPLANATION

According to psychoanalysis, it is not the body-object described by the biologists that actually exist but the body as lived in by the subject. The body is not an end in itself. It depends on how it is perceived by an individual and others: "Woman is a female to the extent that she feels herself as such ... It is not nature that defines woman; it is she who defines herself by dealing with nature on her own account in her emotional life."³⁷ This means that woman defines herself and not nature. In the same way, a man is not defined by nature but he defines himself as the "self."

Sigmund Freud, the founder of psychoanalysis did not show much concern with the destiny of woman but he discusses males and females as separate entities. In the

developmental stages of both sexes, he says, "...each infant passes first through an oral phase that fixates it upon the maternal breast, and then through an anal phase; finally it reaches the genital phase at which point the sexes become differentiated."³⁸ He therefore, means that before the genital phase, the sexes are not differentiated. He admits that "...a woman's sexuality is evolved as fully as a man's."³⁹ He discusses sex differentiation thus, "masculine erotism is definitely located in the penis; whereas in woman there are two distinct erotic systems. One is the clitoral which develops in childhood, the other vaginal, which develops only after puberty."⁴⁰ There being only one genital stage for man but two for woman, "she runs a much greater risk of not reaching the end of her sexual evolution, of remaining at the infantile stage and thus developing neuroses."⁴¹ Here, Freud implies that men and women are different as far as genital stage of development is concerned and that the woman is at risk of developing mental illness unlike the man. Despite the fact that men and women undergo different genital stages of development, they are not essentially different as they share the same humanness.

According to Freud, the male child becomes fixed on his mother and desires to identify himself with his father. This presumption terrifies him and he dreads mutilation by his father as a punishment for it. This is the castration complex which springs from the Oedipus complex. He develops aggressiveness towards the father and then internalizes the father's authority. The superego built up in the child censures his incestuous tendencies which become repressed: "the complex is liquidated, and the same is freed from his fear of his father, whom he has now installed in his own psyche under the guise of moral precepts."⁴² This enables him to accept the authority of the father as dictated by the society.

Freud also gives the female child's history in a completely corresponding fashion. He calls the feminine form of the process 'Electra complex'. He recognized an important difference between the two young male and female sexes;

...the little girl at first has a mother fixation, but the boy is at no time sexually attracted to the father. The fixation of the girl represents a survival of the oral stage. Then the child identifies herself with the father; but towards the age of five, she discovers the anatomical difference between the sexes, and she reacts to the absence of the penis by acquiring a

castration complex. She imagines that she has been mutilated and is pained at the thought. Having then to renounce her virile pretensions, she identifies herself with her mother and seeks to seduce the father⁴³

The young girl entertains a feeling of rivalry and hostility towards the father whom she loves. The superego is built up in her and the incestuous tendencies are repressed; "like her genital development, the whole sexual drama is more complex for the girl than for her brother."⁴⁴ This clearly shows the difference in development between the boy and the girl child. However, despite these developmental differences between boys and girls, they are essentially the same as they belong to the same human species.

According to Freud, all human behaviour is geared towards satisfaction of erotic pleasure. All psychoanalysts allocate the same destiny to woman: "her drama is epitomized in the conflict between her 'viriloid', and her 'feminine' tendencies, the first expressed through the clitoral system, the second in vaginal erotism."⁴⁵ As a child, she identifies herself with her father then she becomes possessed with a feeling of inferiority with reference to the male and is faced with a dilemma: either to assert her independence and become virilized, which, with the underlying complex of inferiority induces a sense of tension that threatens neurosis, or to find happy fulfillment in amorous submission, a solution that is facilitated by her love for the sovereign father.⁴⁶ This implies that her sexual love seeks domination by the male sex. Psychoanalysts again reject the idea of free choice of the existent of the female and the male. They emphasize the fact that the existent is determined by inner realities which are beyond its control.

They also hold that "...the primary truth regarding man is his relation with his own body and with the bodies of his fellows in the group."⁴⁷ For them, sexuality most certainly plays a considerable role in human life; it can be said to pervade it throughout. A human being is a sexual being: "the existent is a sexual, sexuate body, and in his relation with other existents who are also sexuate bodies, sexuality is in consequence always involved. If body and sexuality are concrete expression of existence it is with reference to this that their significance can be discovered."⁴⁸ Human existence therefore, can only be understood in terms of ones body and ones sexuality which are different for each sex. This clearly shows that in the psychoanalysts' point of view, the male and the female are

very different existential beings. Understood in this way, society tends to treat them differently where the males are treated as superior while the females are treated as inferior. However, both males and females are equal and should be treated as such.

Psychoanalysts also discuss the importance of the environment that surrounds human beings. For them "...man aspires to be at one concretely with the whole world, apprehended in all possible ways. To work the earth, to dig a hole, are activities as original as the embrace, as coition, and they deceive themselves who see here no more than sexual symbols."⁴⁹ The activities are primary realities and the interest they have for people is not dictated by the libido, but rather the libido will be determined by the manner in which individuals become aware of them. Work, war, play and art signify ways of being concerned with the world which cannot be reduced to sexuality. They disclose qualities that interfere with those which sexuality reveals. Through erotic experiences the individual exercises his/her power of choice.⁵⁰ Despite the fact that a person is determined by inner impulse, he/she has the capacity, through the influence of the environment, to make free choices. Woman, therefore, is not defined by nature as such; she defines herself through,

... her consciousness of her own femininity that she acquires under circumstances dependent upon the society of which she is a member. ... The woman has the power to choose between the assertion of her transcendence and her alienation as object; she is not a plaything of contradictory drives.⁵¹

The definition of the woman therefore, is not limited to the body, but her perception of the environment enables her to go beyond what is dictated by the society that she should be, and makes an effort have her place in it. All individuals should exploit all possibilities open to them in the society instead of holding on to what has been constructed by the society, thus limiting them, making them inauthentic and alienated. This will enable men and women to coexist in peace and harmony in society.

Psychoanalysts define man and woman as separate human beings; "man is defined as a human being and woman as a female; whenever she behaves as a human being, she is said to imitate the male."⁵² This psychoanalytic conception therefore shows that the male is the 'self' and the female is the 'other' hence the dichotomy of the two sexes. This

dichotomy encourages violence or conflict between the two unequal sexes and this gains expression in the practice of spousal violence. This dichotomy of sexes needs not lead to conflicts. Each being has potentials that should be exploited to enhance peace and harmony. Human beings are endowed with reason which governs and guides them to behave positively towards one another in dignity and respect. Each human being should be treated as an end and not as a means to an end. Individuals should treat each other impartially without exploitation.

3.4 HISTORICAL MATERIALISM'S EXPLANATION

The theory of historical materialism reveals that humanity is not only an animal species but more importantly is a historical reality; "Human society is an antithesis; in a sense, it is against nature, it does not passively submit to the presence of nature but rather takes over the control of nature on its own behalf."⁵³ Human beings therefore are in control of nature and all that it contains. In human beings only biological traits that have value in action should be considered important. Those that have negative characteristics should be ignored. Two essential biological traits that characterize a woman in psychoanalysis are that "her grasp upon the world is less extended than a man's, and she is more closely enslaved to the species."⁵⁴ Her body or sexuality defines her.

In human history, grasp upon the world has never been defined by a naked body as highlighted by the psychoanalysts. Man's physical strength has historically made him more superior to the woman. The woman becomes inferior to the man due to her physical weakness. However, with the development of modern technology, man's superior strength may be rendered useless;

...technique may annul the muscular inequality of man and woman: abundance makes for superiority only in the perspective of a need, and to have too much is no better than to have enough. Thus, the control of many modern machines requires only a part of the masculine resources, and if the minimum demanded is not above the female's capacity, she becomes, as far as this work is concerned, man's equal.⁵⁵

This implies that with the introduction of new technologies, man's physical strength is of little value in as far as the exploitation of resources is concerned. In this context therefore, men and women become equal.

Friedrich Engels traces the history of woman and shows that history depended essentially on the development of techniques.⁵⁶ He says that in the Stone Age when land was communally owned, and agriculture was rudimentary, woman's strength was adequate for gardening. In this primitive division of labour, the two sexes constituted in a way two classes, and there was equality between these classes; "While man hunts and fishes, woman remains in the home; but the tasks of domesticity included productive labour-making pottery, weaving, gardening, and in consequence woman plays a large part in economic life."⁵⁷ There was equality in the classes and there was equal division of labour between the two sexes. With the equality of sexes, there was no need for separation of sexes in terms of the 'self' and the 'other'.

With the discovery of minerals such as copper, tin, bronze and iron and the advance in agriculture with the appearance of the plough, intensive labour is called for in clearing woodland and cultivating the fields as opposed to men fishing and women staying at home. This necessitates the use of slave labour; "Man has recourse to the labour of other men whom he reduces to slavery. With these new developments, private property ownership appears as opposed to communal ownership. Man becomes "master of slaves and of the earth. Man becomes the proprietor also of woman."⁵⁸ According to Engels, this marks, "...the great historical defeat of the feminine sex."⁵⁹ The old equal division of labour was upset due to the invention of new tools. Initially, her domesticity gave her authority in the home but with the appearance of private property, her domesticity enslaved her;

The same cause which had assured to woman the prime authority in the house, namely her restriction to domestic duties; this same cause now assured the domination there of the man; for woman's housework henceforth sank into insignificance in comparison with man's productive labour; the latter was everything, the former a trifling auxiliary.⁶⁰

This shows that by way of the new economic order, a woman's position in the household became trivialized. She became more inferior to man: "...maternal authority gave place

to paternal authority, property being inherited from father to son and no longer from woman to her clan."⁶¹ This clearly marked the beginning of inequality between the two sexes, where the male became dominant and superior, while the female became subordinate and inferior. However, this economic evolution needed not create inequality between the sexes as each had a unique and crucial role to play in society.

This economic evolution also marked the beginning of the patriarchal family, which was founded upon private property. The tenets of such a family show that woman occupied an inferior position as compared with man; "In this type of family, woman is subjugated. Man in his sovereignty, indulges himself in sexual caprices, among others: he fornicates with slaves or courtesans or he practices polygamy."⁶² A woman becomes dominated by the man and she is subordinated. She resists this change and fights back leading to conflict between her and her husband. She "revenges through infidelity; marriage finds its natural fulfillment in adultery."⁶³ This shows that the new social-economic order brings forth a vice absent before; adultery. This, a woman uses as a "...defense against the domestic slavery in which she is bound; and it is this economic oppression that gives rise to social oppression to which she is subjected."⁶⁴

The woman is therefore subjected to both economic and social oppression. In such a situation equality cannot be re-established; "Woman can only be emancipated only when she takes part on a large social scale in production and is engaged in domestic work only to an insignificant degree."⁶⁵ This shows that domestic work enslaves woman and she can only be liberated if she participates less in it. This new economic order brought a situation where a man became dominant and powerful while the woman became subordinated, powerless and controlled by the man. This brought about the possibility of violence resulting from inequality. The woman resists man's domination and the man fights back to reassert his position in the family. This new economic order, however, needed not create relationships of dominance and subordination as both men and women have their specific and important roles to play in it.

The fate of woman and that of socialism are intimately bound together; "woman and the proletariat are both downtrodden. Both are set free through the economic development

consequent upon the social upheaval brought about by machinery... The problem of woman is reduced to the problem of her capacity for labour."⁶⁶ In a capitalistic system therefore, just as the proletariat is oppressed, so is the woman. The solution to this problem will only come with the resistance to the capitalistic paternalism and the establishment of a socialist-society where equality can be realized; "...and when the socialist society is established throughout the world, there will no longer be men and women, but only workers on a footing of equality."⁶⁷ This implies that capitalism makes women susceptible to social and economic oppression. There is gross inequality between men and women, which is a fertile ground for spousal violence. This capitalistic system should be replaced with socialism, a system that advocates for equality and classlessness, where all individuals will be treated with dignity and respect.

The view of historical materialism about 'self' and 'other' is that before the introduction of private property ownership, the subject, man, thought of himself as basically individual; "He asserted his autonomy and separateness of his existence."⁶⁸ This affirmation would have remained subjective, inward, without validity as long as the individual lacked means to carrying it out objectively. However, things changed with the introduction of new means of production;

Without adequate tools, he did not sense any power over the world, he felt lost in nature and in the group, passive, threatened, the plaything of obscure forces. He thought of himself as identified with the clan, the 'totem', 'mana,'... The discovery of the bronze enabled man, in the experience of hard and productive labour, to discover himself as creator; dominating nature... he found courage to see himself as an autonomous active force to achieve self-fulfillment as an individual.⁶⁹

Through experience in the economic world, man was able to discover himself as an existent being; "...the existent succeeds in finding himself only in estrangement, in alienation; he seeks through the world to discover himself in some shape, other than himself, which he makes himself."⁷⁰ Man finds in the goods that he produces that they have a value. He produces goods that belong to someone else. He becomes alienated from his labour and the goods that he produces; "man finds himself in these goods which are his because he has previously lost himself in them; and it is therefore understandable that he places upon them a value no less fundamental than upon his very life."⁷¹

In the new economic order, that is, through the tool that man wields, a new attitude is developed, an attitude that implies an ontological substructure, a foundation in the nature of his being. Man becomes a new creature through the new division of labour. A woman, on the other hand, becomes oppressed due to introduction of private property. "The limitations of her capacity for labour constituted in themselves a concrete disadvantage... woman's incapacity brought about her ruin because man regarded her in the perspective of his project for enrichment and expansion."⁷² This inevitably led to conflict between men and women.

The origin of oppression is not seen through the new division of labour only because this new division of labour between the sexes could have meant a friendly association. This has to do with;

...the imperialism of the human consciousness, seeking always to exercise its sovereignty in an objective fashion. If the human consciousness had not included the original category of the 'other' and an original aspiration to dominate the 'other', the invention of the bronze tool could not have caused the oppression of woman.⁷³

This implies that the mind-set was such that the male perceived himself as the 'self' while he perceived the female as the 'other' necessitating the need to dominate and oppress her. The woman can only be liberated from this if there is a change in social-economic order, that is, the establishment of a socialist society, which has a classless society with both male and female on an equal footing, but with the coming of such societies, things have not changed since a classless society has not yet been attained.

The paternalistic concepts of marriage are evident in such societies where women have been viewed as sexual beings. In such a society, "...it is impossible to regard woman simply as partner, a reproducer, but as an erotic object; an 'other' through whom he seeks himself."⁷⁴ This meant that even with the end of capitalism, a classless society has not been realized. Inequality between the sexes still persists hence the inevitability of conflicts or violence between them. There is therefore the need to have a change in the social order of things for the realization of a society where both men and women are viewed as equal beings.

From the foregoing discussion, it is clear, for both Freudianism and Marxism, that the woman as the 'other' and the man as the 'self'. Man is the "existent being" while woman

is "the other." With this in mind, man will always treat woman as the 'other'. She will more often than not be dominated and oppressed. Human conflict and violence can only be understood with the basic knowledge about the origin of the dichotomy of the male and female sexes as brought forward by these theories. This dichotomy shows that there is unequal relationship between males and females. The ideas of dominance and subordination are determined by the society and not by biology. The battle of sexes is not immediately implied in the anatomy of man and woman. Sexuality does not, therefore, define ones destiny but the society does. There is need to change this perception that some members are superior and others inferior. Relationships of dominance and subordination are immoral in that they do not have any rational basis. Equal power relationships, where there is freedom, peace and justice should be cultivated in the family contexts to avoid spousal violence.

3.5 PATRIARCHAL EXPLANATION

Patriarchy is a social system whereby men make rules, control the economic system and define the rituals and ideologies of their society. In such a system, men have superior status, are dominate and powerful. Patriarchy emerged with the advancement of science and technology in human history. According to Fredrick Engels, the emergence of the patriarchal family was founded upon ownership of private property, which followed the advancement of science and technology. There was transfer of maternal authority which was evident in matriarchal societies to paternal authority which is evident in patriarchy.

Matriarchy is a form of society in which power is with women, that is, formal positions of power are held by women. Matriarchy is distinct from matrilineality, where children are identified in terms of their mother rather than their father and extended families and tribal alliances form along female blood-lines. In matrilineal societies the major protecting, providing and controlling male is the brother of a woman rather than her husband. A man gains sexual and economic rights over a woman when he marries her, but he does not gain rights over her children as they belong to the mother's descent group, not the father's. Some examples of existing matriarchal societies include: Mosuo people of China, the people of Western Sahara (the former Spanish Sahara), occupied by

Morocco, the people of the Bolama archipelago in Guinea-Bissau and Guajiro tribes in Colombia and the adjacent region in the Caribbean coast in Venezuela, South America.⁷⁵

Domesticity was no longer significant with the establishment of a new economic order where private, and not communal or clan ownership of property was valued; "Property was now inherited from father to son and no longer from woman to her clan."⁷⁶ Woman was therefore, dethroned by the advent of private property.

Man becomes the owner of property in this patriarchal institution or order where he transfers and alienates his existence into his property: "he cares more for it than for his very life."⁷⁷ He becomes immersed in his property and will not let go. He becomes identified with his property as long as he lives and he can survive it through death: "it can be his beyond death only if it belongs to individuals in whom he sees himself projected, who are 'his'.... He assures ancestral survival on earth and in the underworld. Man will not agree, therefore, to share with woman either his goods or his children."⁷⁸ Man will continue owning property even after his death. His sons, and not his wife, will inherit his property and thus survive him. With patriarchy, man wrested power from woman and all her rights to possess and bequeath property.

In most patriarchal societies, a woman does not have any right to property. Inheritance is done through paternal domain and not through the mother. Children become the father's and not the mother's property hence, "they have no tie with the group from whence the woman has come."⁷⁹ Through marriage, woman now belongs to the family she gets married into and she no longer belongs to the family she comes from.

Through marriage, woman is now no longer lent from one clan to another: she is torn up by the roots from the group into which she was born, and annexed by her husband's group; he buys her as he buys a farm animal or a slave; he imposes his domestic divinities upon her; and the children born to her belong to the husband's family.⁸⁰

In patriarchy, therefore, woman is regarded as a property to be bought just like any other property. If she had inherited from her father's wealth, she has to transmit it to her husband. So "she is carefully excluded from the succession."⁸¹ She loses her father's property to her husband. In her husband's family, she cannot own property so she loses both her father's and her husband's property. She is not included in succession. She.

therefore, owns nothing and "...because she owns nothing, woman does not enjoy the dignity of being a person; she herself forms a part of the property of a man: first of her father, then of her husband."⁸² In such an institution, she can never equal a man, her dignity is lowered. With the contemporary social changes, women are now able to own property in their own right due to education and employment.

Boys are more valued than girls; "...under the strict patriarchal regime, the father can, from their birth on, condemn to death both male and female children; but in the case of former, society usually limits his power; every normal newborn male is allowed to live, whereas the custom of exposing girl infants is widespread."⁸³ From birth throughout life, the female child is more in a disadvantaged position than the male child; when she becomes a young girl, the father has all power over her; when she marries, he transfers it *in toto* to the husband. Woman is therefore, powerless as she is always under male authority. According to Levi-Strauss, the woman is always under the care of the male: "...the persistence of the patrilocal residence bears witness to the fundamentally asymmetrical relation between the sexes that mark human society."⁸⁴ The fact that the female is always changing residence from father, to husband and to son shows that the society treats her as different from the male.

Polygamy is also rampant in patriarchal societies. Man has freedom to marry more than one wife; "... since a wife is his property like a slave, a beast of burden, or a chattel, a man can naturally have as many wives as he pleases; polygamy is only limited by economic consideration."⁸⁵ When man is displeased with them he can put them away and the society does not give them any security. The woman does not have the same freedom. She can only marry one man and remain faithful to him regardless of how he treats her. However, this may not hold in contemporary society as she has the capacity and freedom to leave her husband in cases of mistreatment. This is also true of a man who is ill treated by his wife.

A woman is subjected to rigorous strict chastity in a patriarchal society. She is to be a virgin before she gets married and has to remain faithful to her husband; "when a woman becomes man's property, he wants her to be a virgin and requires complete fidelity under

threats of extreme penalties,"⁸⁶ which includes death. Marital infidelity is regarded as a serious crime; "as long as private property lasts, so long will marital infidelity on the part of the wife be regarded like the crime of high treason."⁸⁷ It is worse if she conceives in adultery; "All codes of law, which to this day have upheld inequality in the matter of adultery, base their argument upon the gravity of the fault of the wife who brings a bastard into the family."⁸⁸ This is also true for the Christian and Muslim families. Marital infidelity, on the side of the woman can lead to spousal violence, which can result in death. The society, therefore, treats males and females unequally as far as adultery is concerned in a patriarchal society. This, however, is also true in case of infidelity by the husband, as it may lead to violence, separation and divorce.

Through marriage in a patriarchal setup, a woman becomes, not only a slave to her husband but also to the clan he belongs to; "But in the patriarchal regime, she is the property of her father, who marries her off to suit himself. Attached thereafter to her husband's hearth, she is no more than his chattel and the chattel of the clan into which she has been put."⁸⁹ The family and the private property remain beyond question as the basis of society. In such a society, "...the woman remains totally submerged."⁹⁰ Religion in patriarchal societies, therefore, has been used to oppress women. In Christianity as exemplified by the Bible, women are urged to submit to their husbands as the husbands are the heads of families.⁹¹ Some women have tried to escape oppression in their families through separation or divorce.

Patriarchal institutions are oppressive to women and no matter how much the state tries to better laws for the benefit of all citizens, women always remain the 'second' sex. From all these theories of 'self' and 'other', it is evident that the male is always the 'true being' while the woman is the 'other'; Women are exploited and oppressed in such societies. They are used as a means to some end through male domination hence become subordinated. According to Simone de Beauvoir, a feminist ethicist, this oppression and exploitation creates a state of war; "...all oppression creates a state of war... The existent, the female, who is regarded as inessential cannot fail to demand the re-establishment of her sovereign"⁹² This oppression of females by males is resisted by the females who want to assert themselves in society. In the attempt to assert themselves in

society due to their oppression, however, women may end up oppressing the men leading to conflicts in families and society in general.

Patriarchal societies create situations of male dominance and female subordination which the female rejects; "...society being codified by man decrees that woman is inferior; she can do away with this inferiority only by destroying the male superiority."⁹³ Society encourages this situation of male superiority, power and dominance and female inferiority, powerlessness and subordination. Biology does not construct this unequal relationship of male dominance and female subordination. Man is encouraged by the society to remain, "...the sovereign subject ...the absolute superior ...the essential being; ...he refuses to accept his companion as an equal in any concrete way."⁹⁴ This inequality created by the society, therefore, forms a basis for violence.

Relationships of equality are not encouraged by such a society. This makes the woman aggressive; "Here the two transcendences are face to face; instead of displaying mutual recognition, each free being wishes to dominate the other."⁹⁵ This inequality of sexes marks the beginning of conflict, leading to "unhappiness" as each camp blames the other for that unhappiness. Man regards himself as the "self", "the essential", the "absolute" being while he regards the female as the "inessential other". The conflict, therefore, between men and women "...will continue as long as both fail to recognize the other as an equal."⁹⁶ This inequality is not biologically but socially constructed and therefore it is possible to change it for the better.

Like Beauvoir, other feminist ethicists have also discussed this sex dichotomy. Seyla Benhabib discusses the concepts of "Generalized other" and "Concrete other." The male sex represents the "...generalized other" while the female sex represents the "concrete other." To her, the generalized other is the bearer of rights, duties and moral dignity. Concrete others are ignored by the "...society that has given us such devices as the 'social contract,' the 'general will', the 'categorical imperative' and the 'veil of ignorance'."⁹⁷ Traditional philosophers ignored women in their philosophical discourse. The proponents of the social contract theories such as Thomas Hobbes of 'the general will', Jean-Jacques Rousseau of 'self-love' and Immanuel Kant of 'categorical

imperative' do not include women in their philosophical discussions, according to Benhabib. Women are presented as beings that are outside the realm of philosophy and morality in particular. Feminine issues, in philosophy and morality are treated as inferior to the masculine issues. Societies have developed a gender-sex system where females are relegated into the realm of the body; the natural, while the males are elevated to the realm of the ultimate world. The gender-sex system is the grid through which societies and cultures reproduce embodied individuals; "Historically, gender-sex systems have contributed to the oppression and exploitation of women"⁹⁸. This inequality of sexes has led to violence in general and violence in the family as exemplified by spousal violence. These feminist ethicists advocate for the equality of sexes for the realization of peace and harmony in society. However, most feminist ethicists are biased towards issues affecting women and relegating masculine issues. They are silent about situations whereby men are victims and not perpetrators of oppression, exploitation and violence. Oppression, exploitation and violence are not issues that affect women only. Relationships should be build on mutual respect and justice.

3.6 CONCLUSION

This chapter highlights the fact that males and females are different species. The males are presented as the "self", while the females are presented as the "other". The biological theory shows that the woman is no less than a 'womb' and her role in reproduction enslaves her and makes her inferior to the man. Despite the fact that both the male and the female are crucial in reproduction, the male emerges as the superior being. The domination of the male during copulation is emphasized. The female is presented as passive while the male is active. The fact that her biological make up or physique is inferior to that of man makes a woman more vulnerable than a man to violence.

The psychoanalytic theory also shows that males and females are different species. In the developmental stages, however, Sigmund Freud shows that at infancy each of them passes through the oral and anal stages. It is at the genital phase that the sexes become differentiated. According to this theory, a woman is not defined by nature as such but she defines herself through her consciousness of her femininity that she acquires under

circumstances dependent upon society of which she is a member. The woman has the power to choose between the assertion of her transcendence and her alienation as an object. Psychoanalysis, therefore, defines man and woman as separate human beings. Man is defined as a human being and woman as a female. Whenever she behaves as a human being, she is said to imitate the male.

The Marxist theory explains that males and females are different beings. The man, due to his physical strength is superior to the woman who is inferior. The origin of subordination of women is traced in human history. In the primitive communal societies, women and men constituted two classes, which were equal. With the discovery of mineral and advances in technology, and agriculture, private property ownership arose. Man became the master of slaves and of the earth. He also becomes the proprietor of woman. This stage marked the greatest historical defeat of feminine sex. The old equal division of labour was upset. The woman's domesticity initially gave her authority in the home but with the appearance of private property her domesticity enslaved her. Woman's housework became insignificant in comparison to man's productive labour. The woman became oppressed with the introduction of private property. The man becomes the 'self' and the woman, the 'other'.

With the emergence of private property, woman's position in the household became trivialized. She became more inferior to man. Maternal authority gave way to paternal authority. Property started being inherited from father to son, and no longer from woman to her clan. This marks the beginning of patriarchy. The patriarchal family was founded upon private property. In such a family, there is the emphasis of male dominance and superiority and female subordination and inferiority. Woman is subjugated. Man being the dominant being is the "self" while the woman becomes the "other". However, relationships that are based on dominance and subordination are likely to experience violence whether by a man or a woman.

The feminist ethicists advocate the need for equality for all human beings in order to achieve peace and harmony in society. Relationships where the principles of peace, liberty and justice are practiced should be cultivated.

END NOTES

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- ⁷ *Ibid*
- ⁸ Judith A. Boss (1999), *Analyzing Moral Issues*, California: Mayfield Publishing Company, p. 624.
- ⁹ *Ibid.*
- ¹⁰ *Ibid.*
- ¹¹ *Ibid*
- ¹² *Ibid*
- ¹³ *Ibid.*, p. 477.
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- ¹⁵ *Ibid.*, p. 625.
- ¹⁶ Hegel George W. (1977), *Philosophy of Nature*, Oxford: Clarendon Press, p. 476.
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- ¹⁸ *Ibid.*
- ¹⁹ *Ibid.* xiv.
- ²⁰ *Ibid.*, xiv.
- ²¹ *Ibid.*, p. 24.
- ²² Hegel, *Philosophy of Nature; op. cit.* p. 477.
- ²³ Simone de Beauvoir (1993), *op. cit.* p. 37
- ²⁴ *Ibid.*, p. 38.
- ²⁵ *Ibid.*, p. 39.
- ²⁶ *Ibid.*, p. 41.
- ²⁷ *Ibid.*, p. 40.
- ²⁸ *Ibid.*, p. 41.
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- ³¹ *Ibid.*, p. 39.
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- ³³ *Ibid.*
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- ³⁵ *Ibid.*
- ³⁶ *Ibid.*, p. 156.
- ³⁷ *Ibid.*
- ³⁸ Simone de Beauvoir; *The Second Sex; op. cit.* p. 41.
- ³⁹ *Ibid.*, p. 40.
- ⁴⁰ *Ibid.*
- ⁴¹ *Ibid.*, p. 41
- ⁴² *Ibid.*
- ⁴³ *Ibid.*, p. 49.
- ⁴⁴ *Ibid.*, p. 42.
- ⁴⁵ Sigmund Freud (1939), *Moses and Monotheism*. London: Katherine Jones, p. 26.
- ⁴⁶ Simone de Beauvoir (1993), *op. cit.*, 41.
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- ⁴⁸ *Ibid.*, p. 28.
- ⁴⁹ *Ibid.*
- ⁵⁰ *Ibid.*, p. 29.
- ⁵¹ *Ibid.*, p. 30.

⁵² *Ibid.*, p. 55.

⁵³ *Ibid.*, p. 56.

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

⁵⁶ Friedrich Engels (1972), *The Origin of Family, Private Property and the State*; New York: Pathfinder press, p. 49.

⁵⁷ *Ibid.*, p. 50.

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*, p. 51.

⁶⁰ *Ibid.*

⁶¹ *Ibid.*, p. 52.

⁶² Simone de Beauvoir; *The Second Sex*; *op. cit.*, p. 57.

⁶³ *Ibid.*

⁶⁴ *Ibid.* p. 59.

⁶⁵ *Ibid.*, p. 60.

⁶⁶ *Ibid.*, p. 61.

⁶⁷ *Ibid.*, p. 62.

⁶⁸ *Ibid.*, p. 63.

⁶⁹ *Ibid.* p. 64.

⁷⁰ *Ibid.*, p. 65.

⁷¹ *Ibid.*, p. 66.

⁷² *Ibid.*, p. 67.

⁷³ *Ibid.*, p. 68.

⁷⁴ *Ibid.*, p. 69.

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⁷⁷ *Ibid.*, p. 52.

⁷⁸ *Ibid.*, p. 53.

⁷⁹ *Ibid.*, p. 54.

⁸⁰ *Ibid.*, p. 53.

⁸¹ *Ibid.*, p. 55.

⁸² Simone de Beauvoir; *The Second Sex*; *op. cit.*, p. 77.

⁸³ Levi-Strauss, 'The Structures of Primitive Societies,' in Simone de Beauvoir's *The Second Sex*, *op. cit.*, p. 78.

⁸⁴ *Ibid.*, p. 79.

⁸⁵ *Ibid.*, p. 88.

⁸⁶ *Ibid.*, p. 81.

⁸⁷ *Ibid.*, p. 82.

⁸⁸ *Ibid.*, p. 88.

⁸⁹ *Ibid.*, p. 90.

⁹⁰ Simone de Beauvoir; *The Second Sex*, *op. cit.*, p. 89.

⁹¹ *The Holy Bible* (1984), International Bible Society, Colorado: Colorado Springs, Ephesians 5:22-23

⁹² Simon de Beauvoir; *The Second Sex*; *op. cit.*, p. 752.

⁹³ *Ibid.*

⁹⁴ *Ibid.*, p. 753.

⁹⁵ *Ibid.*,

⁹⁶ *Ibid.*, p. 754.

⁹⁷ Seyla Benhabib; 'The Generalized other' and 'the Concrete other', in *Ethics: A Feminist Reader*; *op. cit.* p. 272.

⁹⁸ *Ibid.*, p. 273.

CHAPTER FOUR

4 AN ANALYSIS OF THE PHENOMENON OF SPOUSAL VIOLENCE

4.1 INTRODUCTION

The theories of human nature and the “self”-“other” dichotomy theories discussed in the preceding chapters provide the socio-cultural, psycho-biological and metaphysical foundations of gender differentiations and therefore human conflicts. This chapter provides an analysis of the phenomenon of the practice of spousal violence. It provides information on what constitutes spousal violence or how spousal violence presents itself in society, the forms and the methods or mechanisms applied in its exercise and the reasons for its occurrence in society. The discussion on the above issues will also be coupled with a critical analysis of the same.

4.2 WHAT CONSTITUTES SPOUSAL VIOLENCE?

Spousal violence occurs within the context of the family. It has been categorized among family-related crimes by sociologists and criminologists alike. Most of their texts classify family-related violence among violent crimes. Violent crimes are crimes such as homicides, assault, family-related crimes, rape and sexual assaults, robbery, kidnapping and terrorism.¹ The Federal Bureau of Investigation, FBI, in the US in its “Uniform Crime Report” (UCR), has selected seven crimes as serious crimes, which include murder, non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny-theft, and motor vehicle theft. Though family-related violence *per se* is not included among these serious crimes, Reid argues that a discussion of violent crimes is not complete without an analysis of this type of crime.² She defines domestic-violence, in which spousal violence is part as,

...physical and sexual violence within the family including sexual abuse of children and physical abuse of the elderly ... Domestic violence is expanded to include violence among those who are married and those who are not married, engaged, or divorced from each other and have no present or formerly legal family ties.³

Domestic violence, therefore, has been recognized as an example of behaviors that are historically considered as serious crimes.

Spousal violence, therefore, can be classified as a family-related crime and also a part of domestic violence. Domestic violence as defined by Reid, is a very wide phenomenon. This study focuses on only one type of domestic violence or violence within the family namely, spousal violence. Spousal violence refers to violence between spouses within the family or within marriage. This refers to the fights between husbands and their wives. It has also been defined as; the assertion of the right of a husband/wife to control the acts and will of his/her spouse by physical force or otherwise is husband-to-wife or wife-to-husband spousal violence depending on who the aggressor is.⁴ According to Charles Corry, domestic abuse means,

...any act or threatened act of violence that is committed by any person against another person to whom the actor is currently or was formerly related, or with whom the actor is living or has lived in the same domicile, or with whom the actor is involved or has been involved in an intimate relationship.³

He adds that domestic abuse may also include any act or threatened act of violence against the children of either of the husband or the wife. Domestic violence may also include any other crime or “municipal ordinance violation against a person or against property when used as a method of coercion, control, punishment, intimidation or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.”⁶ Some of the common terms that are used to describe violence among intimate partners are domestic abuse/violence, spouse abuse/violence, courtship violence, battering, marital rape and date rape. A closer examination of this definition reveals that spousal violence involves both husband-to-wife and wife-to-husband violence. However, most of the literature on domestic or spousal violence is gender biased since it tends to overlook male victims.

4.3 HUSBAND-TO-WIFE SPOUSAL VIOLENCE

Violence by husbands against their wives is more prevalent and more socially accepted than violence by wives against their husbands. There are a few, if any, societies where wife-to-husband violence is socially condoned. There are a few matrilineal societies in the world. In such societies, women have more power socially than men. However, ideas of female dominance and male subordination are not emphasized. Majority of societies in the world are patriarchal where male dominance and female subordination or unequal

sexual relationships are emphasized. In such societies, spousal violence exists as the ultimate expression of male supremacy or power and female inferiority or powerlessness.

Violence against women is global. It is a problem in every country of the world; “Women activists have struggled against the issue in Africa, Asia, Latin America, the Caribbean, the South Pacific, and the Middle East, joining their sisters in North America, Europe, Australia, New Zealand and every other corner of the globe in a concerted effort to get governments, communities, organizations and individuals everywhere to become involved.”⁷ This literature indicates the universality of spousal violence and more specifically violence against women as a global phenomenon.

In different parts of the world depending on specific societies, “between 16% and 52% of women suffer physical violence from their male partners.”⁸ Other facts about violence against women being a global practice are that, in South Africa, one adult woman out of every six is assaulted by her mate. In at least forty six percent of these, the men involved also abuse the women’s children. In Pakistan, ninety nine percent of housewives and seventy seven percent of working women are beaten by their husbands. In Jamaica where rape is not a criminal offence, 1,088 cases of rape and carnal abuse were reported in 1989.

In France, ninety-five percent of the victims of violence are women, fifty one percent of them at the hands of their husbands. In Costa Rica, one out of two women can expect to be victim of violence at some point in their lives. In Canada, one in four women can expect to be assaulted at some point in their lives, one half of them before the age of seventeen. In Papua New Guinea, sixty percent of the persons murdered in 1981 were women, the majority by their spouses during or after a domestic argument.⁹

The Federation of women lawyers (FIDA) – Kenya chapter, reports that every year, an average of five thousand women are subjected to some form of mistreatment by men especially their lovers or husbands. The Kenyan Demographic and Health Survey (KDHS) of 2003 noted a marked increase in gender-based violence; “44% of women between fifteen and forty nine years of age, be they married, divorced or separated agreed

to having experienced physical or sexual violations.”¹⁰ All these statistics give evidence of the fact that violence against women cuts across all continents.

Research indicates that “...ninety-five percent of the victims of domestic violence are women and that an estimated three to four million (3 to 4 million) American women are battered every year by their partners ... violence against women will occur at least once in two thirds of all relationships.”¹¹ Other indications to show that spousal violence is a global phenomenon are that it happens in rich countries and in poor countries alike: “In the U.S., violence occurs at least once in sixty-seven percent of all marriages. In Papua New Guinea, sixty-seven percent of wives report having experienced marital violence according to a national survey on domestic violence conducted by Papua New Guinea Law Reform Commission.”¹² This shows that spousal violence has no economic boundaries. It also occurs both at home and in the work place; “Eighty percent of women are victims of violence in their own homes, based on a survey done in Santiago, Chile ... Ninety-five percent of women workers are victims of sexual harassment, according to a report by the Mexican Federation of Women Trade Unions.”¹³

The time factor is also an important indicator of the universality of violence against women;

Every fifteen seconds, a woman is beaten, every six minutes, a rape occurs, every day, four women are killed by their batterers ... this is a daily occurrence in the U.S. ... Each day, five Indian women die as a result of dowry-burning according to official records ... Every minute-and-a-half, a woman is raped in South Africa, and totaling approximately 320,000 women raped each year.¹⁴

This shows that the practice of violence against women occurs all the time and that battering can happen to any woman; “battered women are of all ages, races, classes, backgrounds, abilities, religions and sexual orientations.”¹⁵ Battering is extremely common and happens in all types of situations. The family can be rich or poor, educated or non-educated, employed or unemployed, large or small. It happens in rural areas and urban areas, in small towns and large. Violence against women occurs everywhere and at any time of the day or night.¹⁶

Though there is little documentation on the occurrence of violence against husbands as compared to that about violence against wives, it is a fact that wife-to-husband occurs. In a research done in Oregon, 2006, it was found out that “in 100 domestic violence situations, approximately 40 cases involved violence by women against men. An estimated 400,000 women per year are abused or treated violently in the United States by their spouse or intimate partner. This means that roughly, 300,000-400,000 men are treated violently by their wife or girl-friend.”¹⁷ This shows the universality of violence for both men and women in a marriage relationship. The fact that this practice is universal does not make it right and thus moral, as it is a violation of the basic human rights and dignity of the victims. However, the above literature overemphasizes the practice of spousal violence against women while silent on that committed against men. This literature is gender biased as it purports that “women are innocent and powerless and as always victimized by the ‘brutal domineering men’ who use force to impose control in order to maintain the social order; patriarchy.”¹⁸ It is not universal that men are always the aggressors: they are sometimes victims of violence as is discussed below

4.4 WIFE-TO-HUSBAND SPOUSAL VIOLENCE

Spousal violence may be construed to mean domestic violence or violence against women but both men and women are likely to be victims of spousal violence. People may confuse spousal violence with gender-based violence. Domestic violence, which typically occurs when a man beats his wife, is the most prevalent form of gender-based violence. Gender-based violence is used here to mean violence against women. In adopting the 1993 Declaration on the Elimination of Violence Against Women, the United Nations General Assembly defined the problem as “...any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life.”¹⁹ This definition of gender-based violence shows that the violence in question is limited to violence against women. Again, it shows that its occurrence is not limited in space as it occurs both in public and private life.

The concern of this study is not limited to violence against women but discusses violence against men as well hence the use of the term 'spousal violence'. It is also limited to the "private sphere" of the family and is not concerned with violence in public life. It is clear, therefore, that in this study, spousal violence involves both the violence by husbands against their wives and the violence of wives against their husband within the marriage institution.

According to researches done globally, violence against women is more prevalent than violence against men within the family; "...the woman (wife, lover, estranged wife, former wife, girlfriend), is the one victimized most frequently by domestic violence."²⁰ This, however, does not rule out the existence of wife-to-husband violence. Some researches have shown that some men are as much victims of battering by their wives. "Though data are not available on the extent of this spousal violence by women, there is evidence that when women do strike or kill men, normally, they do so for 'self-defense'."²¹ This, however, does not mean this is the only reason why a woman may beat her husband. She may do so for many other reasons, that is, the same reasons that a man would use to beat his wife. Violence against men by their wives has been documented in the U.S. and elsewhere. In the U.S., "...battered men are fighting back. The Domestic Rights Coalition, located in Minnesota, is an example. Founded by men for men, the organization focuses on the rights of men who are battered by their wives or lovers."²²

Though the focus of spousal violence has been on husband-to-wife violence and is more widespread than that of wife-to-husband violence, more and more men, husbands to be precise, are beginning to form part of the statistics on domestic violence. Husband battering is real and is happening in our communities. Despite its occurrence, many people do not want to imagine that it occurs. Little research has been done on this phenomenon because it is thought of rarely occurring. Even police records on reported crimes in many countries seem to bear this out. Looking through these records, one will unlikely come across reports of wives violence against husbands. Despite its being unrecorded, it does occur.²³

A lot of focus has not been on husband battering because women are seen as the weaker and the more helpless than men due to their sex roles and socio-cultural stereotyping. Men, on the other hand, are seen as more sturdy and self-reliant. The study of abused husbands therefore has seemed relatively quite unimportant. According to a research done in 1977 by Suzanne Steinmetz, the percentage of wives who have used physical violence on their spouses is higher than the percentage of husbands, and that the wives' average violence score tended to be higher, although men were somewhat more likely to cause greater injury. She also found out that women were as likely as men to initiate physical violence, and that they had similar motives for their violent acts. She concluded by saying, that the most unreported crime is not wife-beating; it is husband beating. Women's violence to their husbands, though generally hard to perceive, occurs.²⁴ This is because it goes against the stereotype of the passive and helpless female.

In yet another report entitled 'Women More Violent Study', spousal violence is a two-way problem. In the United States, a 1985 National Family violence survey disclosed that women and men were physically abusing one another in roughly equal numbers. Wives were reported to be more often the aggressors. Using weapons to make up for their physical disadvantage, they were not just fighting back but were aggressors.²⁵ This shows that husbands and wives were both equal perpetrators of spousal violence and women had similar motives to abuse their spouses as did the men.

The report further found that while 1.8 million women annually suffered one or more assaults from a husband or boyfriend, 2 million men were assaulted by a wife, a girlfriend, according to a 1986 study on US family violence published in the 'Journal of Marriage and Family'. That study also found that 54 percent of all violence termed 'severe' was by women. Husband battering is also said to be rarely reported because men have been taught to 'take it like a man', and are ridiculed when they report that they have been battered by women in societies that culturally emphasize male dominance. Women are nine times more likely to report their abusers to the authorities than men according to the same report.²⁶

A study by a scholar called Curtis in 1974 found out that the number of murders of women by men i.e. 17.5 per cent of total homicides was about the same as the number of murders of men by women i.e. 16.5 per cent of total homicides. This shows that there is little differences in America between murders committed by wives against their husbands and those committed by husbands against their wives. Later, a study of spousal homicide in the period from 1976 to 1985 found that there was an overall ratio of 1.3:1 of murdered wives to murdered husbands.

In Kenya, though violence against women is more prevalent and more widespread than violence against husbands, husband battering occurs. Cases of men being abused in marriage appear to be on the increase although according to behavioral scientists such cases are under-reported.²⁷ Unlike women who have organizations like the Federation of Women Lawyers and Coalition on Violence against Women to fight for them, wronged men for a long time have not had any organization to address their problems. They have complained that society sympathizes with women at their expense and that even the church appears to be more sympathetic to women than men.²⁸ This shows that husband battering occurs and it is worse for men since they have no organization to fight for them. Men are demanding an equivalent of the Federation of Kenya Women Lawyers (FIDA) to fight for their rights. They claimed that they also suffered from domestic violence and other social ills affecting women. They are tortured by women and suffer in silence.²⁹

There are many reasons as to why spousal violence against men receives less public attention than that against women. It has been a widely held assumption that women are always the victims and men the perpetrators. This is due to the fact that domestic violence in general and spousal violence in particular has been minimized, justified and ignored for a long time. Women are now more organized, supportive and outspoken about the epidemic of domestic abuse and violence against them. Very little attention has been paid to the issues of domestic violence against men especially because "violence against women has been so obvious and was ignored for so long. Another reason is that the incidents of domestic violence against men appear to be so low that it is hard to get reliable estimates."³⁰ However, there are many incidents where men are abused by their wives. Another reason is that, virtually nothing has been done to encourage men to

report, unlike women, who through advocacy and support from various social organizations are encouraged to do so. The idea that men could be victims of domestic abuse appears unthinkable and ridiculous to most people making it difficult for men to even attempt to report the situation. Not enough has been done to stop abuse against women, despite the fact that there have been deliberate efforts towards stopping it. The situation is worse for men who seldom talk about it with few, if any, organizations addressing their plight, like *Maendeleo ya Wanaume* Organization.

Another reason is that in most cases, the actual physical damage inflicted by men is so much greater than that inflicted by women. The impact of domestic violence is “less apparent and less likely to come to the attention of others when men are abused. For example, it is assumed that a man with a bruise or black eye was in a fight with another man or was injured on the job or while playing contact sports.”³¹ Again, even when men report spousal violence against them, most people are so astonished that the victims end up feeling that nobody believes them. It is generally assumed that women do not fight men, and that they are always the victims, which is not necessarily true.

It is the contention of this study however, that spousal violence is not accidental but rather a universal phenomenon since it occurs to both parties, male and female alike. Spousal violence, whether against the wife or the husband, is not moral because it is harmful physically and emotionally.

4.5 THE ROLE OF THE FAMILY INSTITUTION IN SPOUSAL VIOLENCE

Research consistently demonstrates that “...a woman is more likely to be injured, raped or killed by a current or former partner than by any other person.”³² This usually occurs in the home environment or within the family; “It is ironical that violence should occur within the setting where people expect warmth, reinforcement, support, trust and love.”³³ The family, which is the basic social unit is the least expected to be the center of violence or “chamber of torture”³⁴ as some scholars call it. Instead, it should be the fountain of peace, love, comfort and all other virtues of a civilized society. The family, which has been previously regarded as the “ideal basic unit of society” where there is support, love,

understanding and care can also be the most oppressive institution including serious violence, hostility and conflicts, sometimes tolerated over a long period of time leading to separation and divorce. Ninety percent of the violence against women and girls happens in the family. The family today is turning out to be the most brutal unit and the most dangerous institution in the world.³⁵ It is also ironical that the people who claim to love most end up being the most brutal. Research also indicates that violence within the family is at least as injurious as assaults by strangers. Men are also likely to suffer brutality within their homes. However, though the home has been labelled as the most brutal unit, it is the contention of this study that the home ought be the safest place for all members of the family.

Victims of marital violence according to a research done in the U.S. in 1992, "have the highest rates of internal injuries and unconsciousness."³⁶ Again,

... there are more than thirteen times as many women as men seeking medical care from a private physician for injuries received in a spousal attack. Another research concluded that "women account for eighty to ninety percent of victims in assault or sexual assault between spouses or former spouses. In fact the number of domestic assaults involving males was too low to provide reliable estimates."³⁷

Most researches show that violence done to women is committed most often by men the women know or love or trust. In the U.S., "50% of all wives will experience some form of spouse-inflicted violence during their marriage regardless of race or socio-economic status.... 75% of women interviewed in ILO study of Sri Lankan Plantation workers reported having been beaten by their husbands, lovers or estate superintendents ..."³⁸ In the same way, however, violence done on men within the family is done by those they trust and love.

The nature of violence against women in families has prompted comparisons to torture. The assaults are intended to injure women's psychological health as well as their bodies, and often involve humiliation as well as physical violence. Like torture, the assaults are unpredictable and bear little relation to women's own behaviour. Finally, the assaults may continue week after week for many years.³⁹ This shows that violence in marriage hardly stops. Women's groups providing services to victims of domestic violence in both industrial and the developing world confirm that abuse within marriage relationships

tends to be multifaceted and to escalate with time.⁴⁰ It in fact increases in both magnitude and form. This may also be true about spousal violence against men especially in cases where the woman is under stress or frustrated. In such situations, it is the woman who provokes the man into violence, and ends up hurting the man physically and psychologically.⁴¹

It has also been documented that husbands more than wives are involved in physical and sexual violence; “Within the family, men are more likely to assault women; outside the family, men are more likely to assault other men ... 25% of all recorded violent crime is wife assault. Another important knowledge provided by the same document is that “the more intimate the relationship, the more likely women are assaulted ... the more intimate the relationship, the more likely the women are subjected to repeated attack”.⁴² Within the home environment, “husbands do not feel threatened by their wives in the same way as wives feel threatened by their husbands.”⁴³ This shows that husbands feel more secure at home than their wives; “Men are unlikely to be assaulted at home; unlike women, they are safe there. Hence the assault on men is less likely to be repeated by the same person.”⁴⁴ This shows that men and women view the family institution differently as far as spousal violence is concerned. To the wives who are victims, the family is the most oppressive institution whereas for the husbands, it is the most secure institution.

Despite the fact that the above researchers have viewed the family as a brutal institution for women, it can be so for men as well. However, it should not be generalized that the family institution is not a safe place for spouses; it still remains the main source of comfort, love and peace for majority of people.

4.6 SOME REASONS FOR SPOUSAL VIOLENCE

Though spousal violence is almost universal, its patterns and their causes can be fully understood and remedied only in specific social and cultural contexts. Each society has mechanisms that legitimize, obscure, deny and therefore perpetuate violence. These include powerful social institutions such as the state, families and normative systems.

which regulate gender-relations. All of these collude to maintain the status quo, which in most societies is patriarchy.

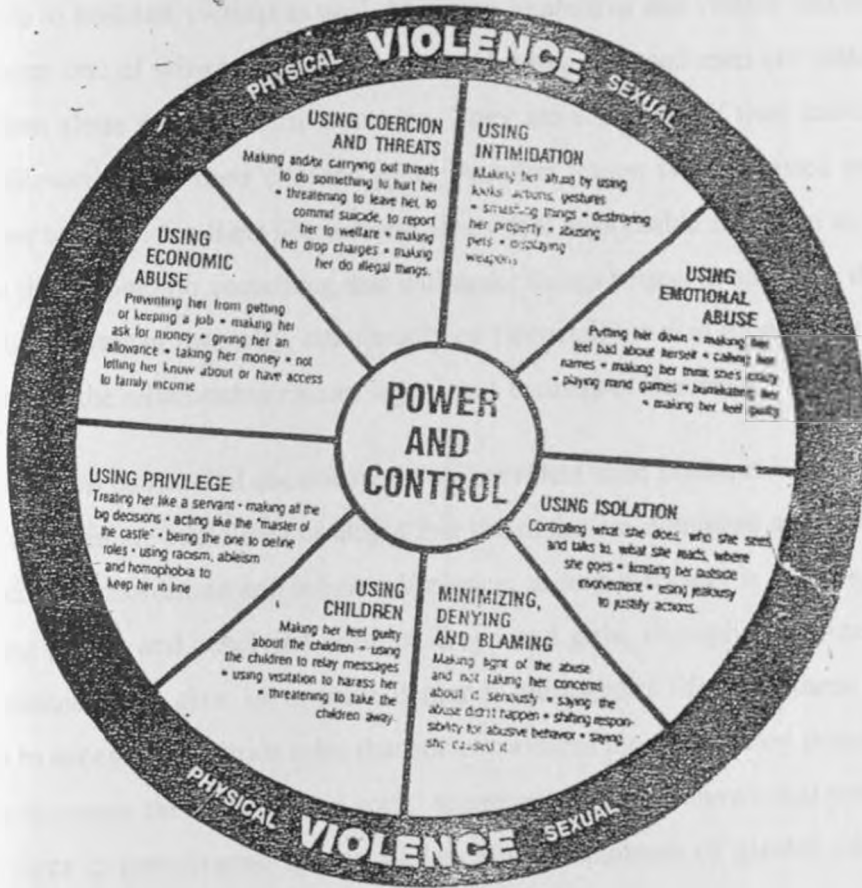
Many myths surround the practice of domestic violence especially spousal violence. It is a common belief among some women that beating is a 'sign of love'. Failure to beat therefore is tantamount to not showing love. But, how true is this? Wife beating can lead to serious injury or even death hence it is not a sign of love but that of disrespect or even hatred. It has also been claimed that batterers are violent because "...they have low self-esteem, a genetic defect, a drug problem, or because they lose control of their emotion. Even though any of these may be true, 'the primary cause of battering is that it is a learned behaviour.'"⁴⁵ Battering is a learned behaviour and therefore people tend to copy it. Abusive partners use violence "...to gain power and control."⁴⁶ When they want something, they know how to get it, through violence.

Abuse works because it maintains control over an individual, that is, a spouse whether a husband or a wife; "lives in fear of further violence and will alter his/her behaviour to accommodate his/her abuser's moods, whims, and needs, in order to protect him/herself and/or his/her children."⁴⁷ The batterer knows how to use other behaviour in addition to violence to keep the woman or the man isolated and subordinate. Backing up these behaviours with violence makes one's escape near impossible; "an abuser chooses to batter because the choice is there to make and until quite recently, there have been no consequences for these actions."⁴⁸ However, spousal violence is really a family system problem more than a matter of power and control and thus involves both men and women.

The diagram on the next page was developed by the Duluth Abuse Intervention project. It describes behaviours that are used together as a system by batterers. The power and control wheel is drawn with violence as their rim and other behaviours as spokes. Just as a wheel, they depend upon and reinforce each other.⁴⁹

POWER AND CONTROL WHEEL

FIG. 1



Adapted from: Domestic Abuse Intervention Project
Duluth, MN 218/722-4134

Each of these tactics helps the batterer maintain control over the spouse. The tactics are backed up and held together by violence and the threat of violence. The spouse

Is forced to comply with the abuser's demands because of the threat of physical harm. Each action used by the batterer puts another obstacle in place to prevent her escape. All together, this system of behaviour builds barriers to a woman's escape far beyond the physical violence alone.⁵⁰

This applies to husband victims as well. Men stay in abusive and violent relationships for many reasons one of which is protecting their children. Abused men are afraid to leave their children alone with an abusive woman. They are afraid that if they leave, they will never be allowed to see their children again. Another reason is that abused men believe that they are to blame for their ill treatment. They feel responsible and have an unrealistic belief that they should do something that will make things better. In addition, dependency on the abusive woman mentally, emotionally or financially makes men not to leave. The idea of leaving the relationship creates significant feelings of depression or anxiety.⁵¹

Wife battering in patriarchal societies is more prevalent than husband battering. In such societies, children are socialized or taught that the males are dominant and superior while the females are subordinate and inferior. Violence, in such a society is an accepted means of asserting power and resolving conflict. Boys and girls, through socialization accept male dominance and give in to male demands throughout life: "Mothers teach their daughters to accept the inferior roles that society assigns them, and they punish 'deviant' behaviour to ensure their sexual and social acceptance."⁵² This shows that patriarchy is a powerful force in perpetrating spousal violence in its emphasis of gender roles i.e. male dominance and female subordination and sexuality. It also emphasizes power and control of men over women at all levels of society. This patriarchal system of gender relations posits that men are superior to women. The idea of male dominance even male ownership of women is also present and is reflected in laws and customs. However, relationships that reflect dominance and control are immoral. Traditional attitudes toward women around the world help perpetuate the violence. Patriarchal social structures should be reconstructed to reflect harmony and equality between men and women.

Violence against husbands is a reality in our societies. It is a widely held assumption that women are always the victims and the men are always the perpetrators. There are many reasons why it is assumed that men are never victims. Domestic abuse and violence has been trivialized, justified and ignored for a long time. Women, however, are now more organized, supportive and outspoken about the problem of violence. Little attention has been paid to the issue of abuse and violence against men and thus has gone unrecognized. It is difficult to get reliable estimates about its occurrence and little has been done to encourage men to report abuse.⁵³

In their analysis of marital violence, Rebecca and Russell Dobash, say that patriarchy is considered an important factor; “they stress that acts of violence against women occur in patriarchal social structure based on individual heterosexual relations.”⁵⁴ Heterosexuality is described not only as a sexual practice but also as a system of social relations whereby heterosexuality as a social institution, structures every aspect of male-female relations wherever these take place and in their many forms, from encounters with strangers to courting and marriage relations, from correct behaviour between the sexes at work, and among acquaintances, to those between married couples.⁵⁵

Another basic factor about heterosexuality is that it structures relationship between sexes so that men have power and can coerce women, and women are passive towards and dependent on men and have highly restricted relationships with their own sex. Such a structuring of relationships between men and women results in the development of a form of sexual response in women, which accepts, and is excited by superior strength and a degree of pain.⁵⁶ In such a social structure therefore, there is evidence of male violence and female passivity. Men are in power and control while women are passive; they have no say in matters pertaining to sexuality. This shows that spousal violence especially violence against women in form of wife battering stems from this heterosexual structure with its deeply embedded attitudes about male-female relations. Wife-husband spousal violence also occurs despite the fact that in such societies, men are expected to be powerful and in control. Use of power and control on a spouse is immoral as is degrading and dehumanizing. Heterosexual relationships as such should not be used as excuses of dominance and hence violence.

In husband-to-wife spousal violence, a variety of mechanisms collude to maintain male dominance and female subordination; "from oral traditions to formal education and legal systems which define standards of accepted behaviour for men and women."⁵⁷ These standards are learned from an early age in the family and reinforced by peer pressure, community institutions, and the mass media. This shows that ideas of male dominance and female subordination are not inherent in a person but they are socially learned. Socialization of children by their parents as well as peer pressure are factors that enhance these ideas. Community institutions such as the schools and churches are also important perpetrators of these ideas.

In religions like Christianity, there is emphasis that women should be submissive to their husbands since the husbands are the heads of families. In schools, girls are encouraged to do 'soft art' courses which are more inferior than the ones the boys are encouraged to do which are 'hard science' oriented courses like mathematics, engineering, architecture and piloting among others. Relationships where there is dominance and control are inherently damaging and immoral. Societies should emphasize moral relationships that are characterized by peace, liberty and justice.

Some researches have been done on husband-to-wife violence/abuse. Most of these have found that wife beating is accepted as a disciplinary measure. In their research on women and violence in Nairobi and Kajiado Districts of Kenya, Njau Wangoi and Njeru H.N. Enos, found that the major reason for beating wives is for discipline. Their study indicates that beating of women is still considered as a form of disciplinary measure in Kenya; "husbands beat their wives as a way of ensuring discipline."⁵⁸ The researchers emphasize that wife beating is culturally based therefore more difficult to control than is usually assumed.

Men control their wives "due to their power virtually in everything (resources) and women are relatively less powerful. To assert their dominant position in the family, some men beat their wives."⁵⁹ Spousal violence is not just about power and control, but it is more of a family system problem. According to Claudia Dias, spousal violence is really a "dance and a family system problem more than it is a power and control problem. The

primary goal of anger and violent behavior is to protect the personal and/or emotional integrity of the perpetrator."⁶⁰ She feels that the reason many in the domestic violence movement resist the idea that males are also victims of violence is because the idea of male victims "challenges the patriarchal framework that was used to raise social consciousness to the problem of domestic violence. Accepting the more realistic perception requires accepting that this is a family system problem."⁶¹ It is the contention of this research that spousal violence has no gender and is indeed a family system problem hence the need to remove gender bias from the entire field of family violence. When looked at as only a women's problem, it shows that the society has a mind-set that looks at violence through a narrow tunnel which sees that domestic violence only happens to women. This mind-set is, however, limited in that it presents spousal violence as a matter of power and control when indeed it is more than this.

The research carried by FIDA among the police force, social workers, probation officers and magistrates found that in most cultures in Kenya, wife-beating is accepted as a disciplinary measure resulting from socialization therefore police are reluctant to arrest a man who beats his wife.⁶² The research enumerated the causes of gender-based violence as "lack of understanding in families, low esteem, inadequate education, insecurity, poverty, culture, prostitution, drug-alcohol addiction, domestic problems, men feeling threatened by women doing well."⁶³ It was revealed that economic hardships and unfaithfulness of either the wife or the husband also contribute to spousal violence.⁶⁴ All the above reasons for violence do not warrant the practice to be moral. Though wife beating is culturally accepted as a disciplinary measure, it is immoral as it degrades and dehumanizes women. This is also true where there is husband battering.

Alcoholism and drug use by both men and women have been blamed for the practice of spousal violence; "for many years, people believed that battering was caused or made worse by alcohol or drug use. However, no causation has been proved. There are people who use alcohol and drugs who don't batter, just as there are perpetrators who do not use chemicals and do batter."⁶⁵ Though many associate alcoholism and drugs with violence, it has been found that these drugs only exacerbate but do not cause violence. It has also been found that batterers who quit using drugs or alcohol may or may not stop their

physical violence. Since there is no causal connection between alcoholism and drug use and spousal violence, it can be said that perpetrators of violence use alcoholism and drug use as an excuse for their actions. It would be immoral thus to use violence and justify it with drug abuse and alcoholism.

Pornography has also been identified as a contributing factor to violence since it provokes greater feelings of sexual aggression. Some studies have found that "viewing violent pornography is positively correlated to acts of violence against women. Pornography is immoral because it poses a substantial threat to women's equality and therefore directly harms women."⁶⁶ Pornography is degrading and humiliating to both women and men therefore immoral.

Failure by the wife to get home before darkness sets in has also contributed to spousal violence. This is often interpreted to mean defiance of male authority or as an indication of infidelity. This is a common occurrence not only in developed countries but in developing countries like Kenya as well. Some men always want to restrict their wives' movements, threaten them and make them feel totally worthless. The spouse is "...insulted verbally and the resulting humiliation lowers her self esteem. Such a pattern of verbal abuses is violent and demoralizing."⁶⁷ There are women who restrict their husbands' movements too. This is mainly due to suspicion and jealousy. They feel that their husbands may get attracted to other women and that they have to be back home by some given time. Men who do not meet these requirements risk being abused by their wives. Both men and women are involved in this kind of behaviour.

Jealousy arises from the feeling that an individual, through marriage owns the other. The wife is regarded as the property of the husband and the husband as the property of the wife. Jealousy is a negative attitude as it is destructive to true love. There should be respect for individual autonomy. Jealousy and desire for vengeance against spurned or tormented lovers are powerful emotions and dangerous games to play. Suicide and homicide have occurred as a result of jealousy making it impossible to have sanctions to prevent them. Jealousy is evident in relationships of authority and domination which are inherently damaging and immoral.

Economic empowerment of women has also contributed to wife battering in Kenya as well as in other regions. Advancement of education as well as acquisition of good employment has also led to spousal violence. Some men react violently when their wives have control over their own lives. This is because "...they want to control their wives and stop any efforts towards economic independence."⁶⁸ Men feel inferior when not in control. They want to be powerful or dominant as a patriarchal society demands. They will therefore use all ways and means to maintain the status quo. Wife-to-husband violence may also occur when the husband depends economically on his wife especially where he has a lower income, has been sacked or retrenched leading to family quarrels. Quarrels may be about food, going home late, constant threats, drunkardness, family differences among many issues. Both men and women should be economically empowered to avoid unnecessary quarrels. People should also avoid behaviors that are likely to spark quarrels thereby making way for peaceful existence.

Money and financial problems are also contributory factors to violence. Some people kill their spouses in order to take insurance benefits. For instance, some older men who marry young wives and make them sole beneficiaries to their estates have been killed through poisoning by these young wives in order to get away with the inheritance. Some men too sometimes kill their wives to collect the insurance.⁶⁹

Perimenopause or the cessation of menses for women makes them undergo personality and physical changes which make some of them have rapid mood swings and violent tendencies and therefore likely to be violent to their spouses.⁷⁰

Senility is also a contributing factor to spousal violence. Some people who suffer from senile dementia are likely to become agitated and violent. This occurs in both men and women and is not likely to be solved by use of criminal sanctions, but with treatment programs. Many individuals who become or are disabled are subjected to criminal abuse and neglect by their intimate partners or family members.⁷¹

Several personality disorders and mental illnesses have been clearly linked with cases of intimate partner violence. These include narcissism, which is most commonly linked with male offenders and borderline personality disorder, which is most commonly linked with

female offender and bipolar disorder which occurs about equally between men and women. Power and control issues are also common with disorders such as narcissism and borderline personalities.⁷²

Having unrealistic expectations, assumptions and conclusions may result to spousal violence. People get into relationships for various reasons; "there are those who marry because they are of the right age and it is the 'done thing'. There are those who get into it because they are getting on in years and they are under pressure from their families. Any man or woman will do for these desperate souls. There are those who are looking for romance, adventure or a meal ticket for the rest of their lives. Whatever your reasons, you are in trouble should your great expectations fall through."⁷³ This means that non-preparedness and haste to get married may lead to marrying the wrong partner hence increasing chances for the occurrence of spousal violence. People should get into marriages with clear and mature consciences and not with ulterior motives in order to maintain loving and understanding relationships.

Women who are abusive towards men usually have unrealistic expectations and make unrealistic demands on men. Failure to meet these expectations may lead to depression, anxiety, frustration and irritability, which may contribute to a husband's negative behavior. The women's mental and emotional states are the result of their own insecurities, emotional problems, and trauma during childhood or even withdrawal from alcohol. They blame men rather than admit their problems and take responsibility to improve their miserable lives. They resort to violence when the man does not appear to be doing something to improve their situation.⁷⁴ Lack of communication, therefore, can lead to stress and depression, which can accelerate spousal violence. People need to improve their communication skills in order to have peace and harmony in the family.

Most perpetrators of domestic violence are said to have been initially loving and kind but later change their behaviour and became careless, unreasonable and violent for no apparent reason and without provocation for example, with the birth of the first child. This shows that a man or woman in Kenya or elsewhere can be beaten up for no apparent

reason once she/he gets married to an otherwise loving man. This deliberate change of behaviour is immoral.

The space in which people live is one of the major contributors to domestic violence: "the more crowded people are, the more violence there is likely to be. This does not mean that only poor people who live in crowded areas experience this form of violence. It means that poverty, which also determines where and how a people lives, is one of the contributory factors."⁷⁵ However, this does not morally justify the use of violence, since some people live in crowded areas, yet they do not practice spousal violence.

Another cause of domestic violence is financial insecurity; "if a man cannot establish his authority intellectually or economically, he will do so physically. A woman married to this kind of a man experiences this form of violence because her husband has a very fragile ego..."⁷⁶ Society has made it clear that it is the husband who should have power and control. Any time he tends to lose this through factors such as loss of a job or incapacity of any form on his part or through his wife getting a better job or has a better education or income than himself, then physical violence is inevitable. This explains why some men would rather have their wives stay at home unemployed or having an inferior job than themselves to protect their ego.

According to Dr. Frank Njenga, a former chairman of the Psychiatric Association of Kenya. "...part of the terrorism that is perpetrated by men internationally against women is to try to persuade females that they are weak and stupid... Society has created an image whereby a man is viewed as strong, educated, creative, and clever, while a woman is the opposite of all these traits."⁷⁷ This shows that men who are violent to their wives are always trying to make a point, to remind their wives that they are superior to them. Financial insecurity should not *per se* warrant the occurrence of spousal violence in the family, since a family should be built on the virtues of love, peace and harmony and not on economic endowment.

A combination of forms of violence may be present in spousal violence; economic deprivation, being forced to stop going to school or working, physical violence and emotional violence. Bringing relatives to a couple's home may contribute to violence

especially when the relatives do not respect the couple and some may even encourage their relative to practice spousal violence. Spousal violence should not happen because there are relatives living with the couple. These should instead help the couple to live in peace and discourage them from violence.

Spousal violence may occur because of flimsy reasons such as failure to cook or warm food, refusing to talk, being lazy, and dirty. Such reasons, in themselves, do not morally justify spousal violence. Failure to give birth to children, especially sons, who are more valued than girls may lead to tension and violence. This is because society values sons more than it does the daughters. There is no moral justification, however, in meting violence against a spouse due to naturally controlled situations like fertility, or even the sex of the child.

Suspicion of unfaithfulness and actual unfaithfulness has led to spousal violence leading to serious injuries or death. For most men, unfaithfulness is unforgivable. There are men who are reported to have quit their jobs or committed suicide because their wives have been unfaithful to them.⁷⁸ Unfaithfulness on the part of the husband may also lead to spousal violence. Public humiliation by either wife or husband can be very devastating for both the man and the woman and can lead to violence.

Stress had also been used to explain spousal violence; "housing, unemployed and poverty are usually thought of as social structural factors that impinge on individuals."⁷⁹ Stress, however, is an excuse not a cause of violence: "assailants use 'stress' as an excuse. Many people who are under extreme stress do not assault their partners. Assailants who are stressed at work do not attack their co-workers or bosses."⁸⁰ Stress should be handled in a better way than releasing it on the partner through violent actions.

From these discussions, it is evident that both wife battering and husband battering occur. The causes of spousal violence are very diverse as they range from petty causes such as failure to cook to unfaithfulness. Richard Guelles, a highly respected researcher and head of Family violence at the University of Rhode Islands, has identified several factors linked to domestic violence. He makes it clear that "...the problem transcends all races, gender and socio-economic line."⁸¹ This shows that domestic violence is not a problem

for one race, gender and status. The rich and the poor alike are involved as well as both men and women or husband and wives. However, he says that it is more common "...among the poor than it is among the wealthy and middle class; in the 18-30 age bracket; among substance abusers; binge drinkers are more likely to abuse their partners than heavy drinkers; in families where the victims are isolated from friends and family; among the unemployed; households where the husbands control the decision making."⁸² This, however, does not mean that abuse does not occur in other groups but it is more in these groups.

An examination of the literature on the causes of spousal violence and more specifically wife battery shows that these causes can be categorized into four problem areas. These are biology and personality, interpersonal relations, culture and institutional and structural factors. The moral questions are: who is responsible for the violence? Is it the woman or man victim to blame or is it the man or woman perpetrator? Is violence to either men or women a question of nature or nurture? Is wife battery an aspect of a system of social relations in which men dominates? Who benefits from wife battery? Is it the aggressor, the society or who? and how? More often than not, in most societies, it is the men who benefit from spousal violence as it enhances their feelings of power, dominance and control over their wives who have to remain powerless, under control and subordinate. Women may be the beneficiaries of spousal violence when they have their husbands under control. However, in violence, there is no winner as such, since both parties are hurt but in different ways hence making the practice immoral.

It has been argued in literature on causes of domestic violence that the individual personality is a very important contributory factor. In a study to find out how various factors contributed to violence, professionals tended to locate explanations either in individual personalities or in factors that they believed provoked stress and frustrations. "One of the outstanding findings of this study was that the professionals consistently rated the personality of the woman as more important than that of the man in explaining violence."⁸³ However, locating the problem in the personality of the woman makes violence her problem. Responsibility is shifted from the aggressor to the victim. This is evident in cases where women have been blamed for having asked to be victimized:

“some battered women are ‘violence prone’. Such a woman, for deep psychological reasons of her own, seeks out a violent relationship or a series of violent relationships, with no intention of leaving.”⁸⁴ This theory is negative in that it exonerates the aggressor at the expense of the victim. It transfers the responsibility to avoid violence on the woman who is said to have created her own downfall and ensures that nothing can be done to alter her situation. This is where a woman blames herself for violence. Inversely, many abused men blame themselves for violence. They feel responsible and have an unrealistic belief that they should do something to improve the situation.

There are studies that subsume stress factors under a concept of masculine role. The aggressor is said to have ‘blocked goals’, to be underachieving or to be unable to fulfill roles seen as primary for male. This is because he is racially disadvantaged, frustrated at work, cannot earn adequate income, or is unemployed. Being unable to have personal autonomy, authority and respect in the society, the man may vent his frustration in the home on his wife and children.⁸⁵ He may feel that his masculinity has been weakened hence resort to physical violence. Studies done in the United Kingdom in the nineteenth century on domestic violence found that, “...the conditions of the working class were held to be the primary cause: unemployment, or inadequate wages that did not enable the family to live decently, poor housing and education, and particularly excessive drinking were seen as the factors contributing to domestic violence. These are the same factors that have become major sources of ‘stress’ and ‘blocked goals’ in the twentieth century.”⁸⁶ This is also true in this twenty-first century and it applies also to developing countries like Kenya.

Self-defense has also been fronted as an explanation for spousal violence especially by wives. Some writers like Melissa Hopper suggest that most wives assault their husbands for reasons of self-defense.⁸⁷ However, according to Lenore Walker, who has written extensively about battered women disagrees with Hopper’s idea of self-defense as the main reason wives assault husbands. According to her, spousal violence is a mutual combat and that more often than not, it is the wife who strikes the first blow.⁸⁸ This shows that there has been a biased assumption that women use violence in self-defense against their husbands’ use of violence on them.

Another study by Jurik and Gregware reported that only a very small percentage of women who murder their husbands reported there was prior abuse or threat of abuse or death, which suggests, “most of the murders were not based on retaliation to prior abuse which the women may have experienced.”⁸⁹ The study also reported that a significantly large percentage of the women who killed their partners had previous criminal records. This does not paint the picture of an innocent woman who is simply responding in self-defense or retaliation to abuse she has received from her male partner. The study showed that many of the women were impulsive and violent before the murder.

All these suggest possibly other reasons why wives kill husbands that have little to do with self-defense. These may include psychological disorders such as stress, frustrations, alcohol and other drug abuse, abuse-prone attitudes and beliefs, sadistic personality, childhood experiences of abuse and/or parental violence and mental or physical disorders.⁹⁰ There are other psychological disorders, primarily personality disorders, in which women are characteristically abusive and violent towards men. Borderline Personality disorder is a diagnosis that is found almost exclusively with women. Most of the domestic abuse and violence against men is associated with women who have a Borderline Personality disorder. The disorder is also associated with suicidal behavior, severe mood swings, lying, sexual problems and alcohol abuse.⁹¹ These show that more often than not, men and women use violence against their partners for similar reasons. The reasons are not necessarily those of power and control and for self-defense as had been suggested by most of feminists and apologetics of feminism.

4.7 SPOUSAL VIOLENCE IN SOME TRADITIONAL SOCIETES IN KENYA

Spousal violence is practiced in Kenya just like anywhere else in Africa and the world. Examples given from Kenya, a typically patriarchal society, applies to other areas of the world as well. The increasing number of cases, reports and literature on spousal violence in Kenya prompted this study. However, the ideas provided are universal. Kenya is not a homogenous society as it has about forty-two ethnic communities each with its own cultural variations. However, there are certainly some features that make it possible to make generalizations about Kenya as a society.

One of these common features is the patriarchal nature of the family where the male or the father, or husband, is culturally expected to be dominant and superior while the female or the mother, or wife, is culturally expected to be subordinate or inferior. In these societies,

What is defined as appropriate for men and women in terms of labour and behavioral characteristics varies from culture to culture, yet in almost every society, it is the men who make rules, control the economic system and define the rituals and the ideology. This ability of men to control the laws and institutions of society, combined with men's superior status is known as patriarchy."⁹²

This is very true of the situation in Kenya as far as gender relations are concerned. These relations are unequal and because of this spousal violence especially husband to-wife violence is likely to occur to maintain the status quo.

Like many other societies in Kenya, the Gikuyu society is organized and functions under the patrilineal system; "the father is the supreme ruler of the homestead. He is the owner of practically everything, or in other words, he is the custodian of the family property. He is respected and obeyed by all the members of his family group."⁹³ Wife battering in form of wife beating was a common practice in the traditional African societies, which includes the Kenya society. However, there were checks and balances usually in the form of acceptable norms of behavior such that if one violated what was 'acceptable' by the society like habitual wife beating, there would be a mandatory penalty for it. This is captured well by Kenyatta when he asserted that, "when a wife is ill-treated by her husband, she has a right to return to her father for protection ... until such a time as the husband pays a fine and promises not to ill-treat his wife again..."⁹⁴ Husband battery however, is not reported to have occurred in this text.

In her unpublished Ph.D. thesis submitted to the University of Nairobi, Kinoti says that it was wrong in the traditional Gikuyu society to ignore any wrongdoing however small. Wife beating was a common practice. A wife could be beaten by her husband for neglecting her duty to feed him; "Apart from the fact that she should have understood that to be part of her duties as a married woman, it was unfair to expect other people's wives to fulfill that duty. Extra-marital affairs could easily develop with the woman who fed him."⁹⁵ Wife-beating therefore was used as a mechanism to check adultery, Kinoti

also says that wife-beating could also occur as a result of taking snuff; "...the problem was not so much the actual snuffing of tobacco but the common habit of going to beg for a little tobacco while the food is cooking ... the habit was often an excuse to engage in gossip or extra-marital affairs."⁹⁶ These, therefore, were some of the reasons given for justifying wife beating in the traditional Gikuyu society.

John S. Mbiti outlines the moral characteristics expected of the traditional African society including chastity before marriage and faithfulness after marriage.⁹⁷ Failure to observe this behaviour could lead to disruption of the social order, which could lead to punishment. Infidelity was one of the factors that led to the disruption of social order and would easily lead to wife beating. This shows that in the traditional African society wife beating was used as a mechanism to check adultery hence was therefore traditionally justified. However, these justifications were biased against women as there is no mention of the kind of punishment or check mechanism against the men involved in adultery.

4.8 SPOUSAL VIOLENCE IN CONTEMPORARY KENYAN SOCIETY

According to a 'Needs Assessment Research' conducted by Federation of Women Lawyers in Kenya, (FIDA) - Kenya chapter, on "Gender-Based Violence - A project for the police force Training Curriculum, 1999," gender-based violence against women is pervasive in Kenya. They alleged that:

It permeates all areas of the Kenyan society. Most violent incidents include offenses like: rape, sexual harassment, domestic violence, and institutionalized violence such as police brutality on female offenders, discrimination, marital rape, and female genital mutilation, inheritance of widows and mistreatment of the less fortunate members of society such as prostitutes, house-girls and displaced women such as refugees.⁹⁸

Various reports and media headlines are now common in Kenya indicating that gender based violence against women is extensive. According to the above study, gender-based violence is increasing despite being publicized in the media. However, not all incidents of such violence is reported or given publicity. The culture of silence surrounds this practice. However, the above reports are about violence against women.

In Kenya, though husband battering occurs, it is rarely reported. Spousal violence is therefore gendered in that the number of victims reveals it is disproportionately directed against women. Like in most parts of the world, it is difficult to get the correct data on the prevalence of the practice of spousal violence in Kenya. It is difficult to obtain an accurate estimate of the frequency of domestic violence in Kenya because it is under-recognized, under-reported and often occurs within the privacy of the home.⁹⁴ Generally, victims of domestic violence do not report the abuse because of various reasons, such as “for fear of retaliation and shame.” Other victims are said not to report because they consider “physical abuse as part of marriage life.”¹⁰⁰

Another reason why women do not report the abuse to the police is because the police do not take the matter seriously. They take it as a ‘trivial’ or ‘private’ issue, which should be better settled at home. Most police stations also lack private reporting facilities, where victims can report the incidents in privacy. More often than not, “victims are asked to give personal details in the presence of other people.”¹⁰¹ Another barrier to reporting is that:

Victims are faced with an inauspicious judicial system coupled with a hostile social environment.... Many withdraw their cases or fail to report the offenses due to immense pressure from friends and relatives to keep the matter private. In addition, relatives or acquaintances that could give evidence often decline to co-operate with the prosecution.¹⁰²

In the survey conducted by the Federation of Women Lawyers in Kenya - FIDA on the level of domestic violence, rape and sexual abuse among women in Kenya, a lot of information concerning the practice of spousal violence was obtained. According to the report, domestic violence can also be practiced by women against their husbands: “...domestic violence occurs and can involve men to women, men to children, women to children and sometimes women to men.”¹⁰³ It is recognized though that men (husbands) to women (wives) domestic violence within the home occurs more than women to men (husband) violence. The findings of the research though conducted in Nairobi, show significant similarities to reports from other regions in Kenya with different socio-demographic characteristics. Spousal violence was reported to have occurred across the

board irrespective of socio-economic status, area of residence, level of education, marital status, religious affiliation, cultural background and even age.

This research also found out that some of the study population did not know the meaning of the concept "domestic violence". However, those who made an attempt gave varied definitions with the majority describing it as "...fights, disagreements, mistreatment, harassment or negligence, physical abuse, psychological oppression or denial of human rights, and wife battering. A few defined domestic violence as financial deprivation, quarrels, disrespect, misunderstanding, abuse, cruelty and, or unfairness."¹⁰⁴

It is evident that this definition is not different from the definitions given worldwide. In Fida's research in Kenya police force, the finding was that most police officers associated gender-based violence with harassment of women. They said this was basically violence against women and that was particularly violence meted to someone because her gender is supposedly weak; "probed further, they said that there was an assumption by men that women are always wrong."¹⁰⁵ This shows that men beat their wives, not because they have done wrong but just because of their being women.

In the same research, an analysis of the women's understanding of gender-based violence revealed that the majority of the women associated gender-based violence with beating, mistreating and looking down upon women. Only a small percentage of women reported that gender-based violence could be against both men and women.¹⁰⁶

Fida's interviewees composed of women, police officers, social workers, probation officers and magistrates in Nairobi and Kisumu. This shows that just like in the research conducted in Nairobi on women attending antenatal clinics, the research conducted among the women, police officers, social workers, probation officers and magistrates by Fida in Nairobi and Kisumu is quite representative and has a national outlook as it involved women from all socio-economic classes. It however, showed that "...women with significantly 'higher levels of education (secondary) reported more violence during the last one year compared to women with no education or those who only had primary education."¹⁰⁷ This confirms what authors worldwide have reported about spousal violence that it occurs all over the world. The rich and the poor alike are victims of this

practice. It would therefore be a misconception to say that spousal violence occurs among the poor more than among the rich. Both are affected.

The research by Fida in Nairobi also indicates that professionals or those who are employed are not spared. "Women who were in professional occupations like teaching, secretarial, clerical or students were significantly more likely to report violence in the last one year than unemployed women."¹⁰⁸ This shows that those who are educated and are employed also suffer spousal violence and they are likely to report to authorities than their uneducated and unemployed counterparts. It is also reported that women seeking gynecological services reported the highest prevalence of domestic violence compared to women seeking other healthcare services. Women are likely to report to their gynecologists their problems more than to any other person due to the trust they have already established with them. Most women reported intense violence during pregnancy than any other time.

On the question on whom the perpetrators of gender-based violence were, there was a general consensus that the violence is mainly perpetrated by men and in majority of cases, men who are known to the women victims.¹⁰⁹ Husbands in particular were reported to be the greatest meters of violence. Most of these suffer from inferiority complex as they may have lower education than their wives.

Most victims of domestic violence do not report the violence according to the survey conducted in Nairobi. For those who reported present or lifetime history of violence, they reported to their relatives, friends, the chief, the police, their religious leaders and their doctors.¹¹⁰

The magistrates interviewed said that a lot of cases concerning gender-based violence are not reported to the police. They (the magistrates) did not see the police as the appropriate machinery to handle cases of this nature. Most women do not report to the police and said that those who report end up being embarrassed and do not get help. They do not have confidence in the police force when it comes to gender-based violence.¹¹¹

When the social workers were asked whether they forward cases of gender-based violence to the police, only a few did so and only when a child has been abused or a woman assaulted. Majority of them said they did not refer the cases to the police because the police were usually very negative in their reception to an extent of some verbally abusing the social workers.

The majority of the women said the police officers treated them like criminals such as 'changaa' brewers or prostitutes. Intimidation and harassment are quite common. Statements such as 'umekunywa pombe ya mtu, utalipa' (you have taken somebody's beer, you have to pay) or 'umenyetea bwana yako, enda nyumbani,' ("you have refused to obey your husband, go home")¹¹² This shows that police officers do not take gender based violence seriously. Women are also ridiculed and made fun of when they report spousal violence. Some police officers have also been reported to have taken advantage of the female victims of domestic violence and even asked for sexual favors. "Victims are also treated like criminals when they have to be questioned in crowded reporting offices."¹¹³ The problem of the failure to report is evident in the practice of spousal violence by both men and women. However, the problem of not reporting is more prevalent in the violence against husbands since they seldom talk about its occurrence, because of culture, which expects men to be more powerful and dominant. Women have organizations that encourage them to talk about the abuse and report about the same. However, very little attention has been paid to the issue of violence against husbands.¹¹⁴

Alcoholism has also been reported as contributing to spousal violence. Comparing women whose partners were moderate drinkers and those with intolerable drinking habits, the women of intolerable drinkers had significantly higher reporting of domestic violence. Though alcoholism *per se* may not cause spousal violence, it may be used as an excuse or as a catalyst for this practice for both husband and wife.¹¹⁵ Those who abuse alcohol, have less impulse control, are easily frustrated, have greater misunderstandings and are generally prone to resort to violence as a solution to problems.

The belief that violence is a part of marriage constitutes the commonest reason for not reporting violence by abused women. The survey established that some "abused women

do not report domestic violence because it is a way of life."¹¹⁶ There are some women who expect to be beaten by their husband. Both men and women may have been socialized to accept it as a way of life.

This may be especially so for those who witnessed their mothers being beaten by their fathers and therefore may accept this practice as the norm. Other reasons why women do not report domestic violence are,

Resignation to the notion that the abused woman cannot get help, and considering the abuse a minor problem also constitutes common reasons for not reporting violence among the women interviewed. Other reasons cited by the women include fear of getting more abuse, feeling that they deserved the abuse because they were wrong and not wanting to complicate the matter further.¹¹⁷

Majority of abused women continued to stay in their abusive marriages with some staying on in such marriages with the hope that their partners would change at some time or because they were economically dependent on the abusive partner. Pressure from the woman's family to persevere in the relationship as well as harm-threats from the abusive partner were also reported by the women in the survey as reasons for staying on.¹¹⁸ Some held on because of their children. They may also be culturally and religiously constrained. However some have managed to escape such relationships and have separated or divorced their abusive partners.

Despite the focus being on women, husband battering occurs in Kenya as it happens elsewhere in the world. There is no difference between what a man would do to his wife from what a woman would do to her husband. Curtailing of ones freedom may mark the beginning of spousal violence for both husbands and wives. The motives that make a husband to beat the wife may be same as those given for wife-to-husband beating. These may include behaviors such as public embarrassment, humiliation, birth of a child and adultery. There is recidivism that is evident in spousal violence by both husbands and wives. There is always a promise of reforming, which is never kept.

4.9 THE CULTURE OF SILENCE IN SPOUSAL VIOLENCE

The study of spousal violence is not a simple but a complex issue because it often goes unrecognized and accepted as the order of things. In many patriarchal societies, wife beating is a common practice. It is unquestionably practiced and happens in all types of situations: the family can be rich or poor, educated or non-educated, employed or unemployed, large or small in number. It happens in rural areas and in urban areas, in small and in large towns alike. Both wife-to-husband and husband-to-wife violence occur in some families due to many factors as discussed earlier in this chapter.

Spousal violence has been treated as a 'trivial' or 'private' matter and therefore not worth discussion as it is culturally expected to occur anyway especially husband-to-wife violence in patriarchal societies. Information about the extent of its occurrence is also scanty; "though gender-based violence is widespread, information is fragmented and anecdotal. A culture of silence surrounds cases of violence against women in most countries making it difficult to get a true picture of its extent."¹¹⁹ According to a study by Suzanne Steinmetz, the most unreported crime is not wife beating, but husband beating. Very little is known about the actual number of men who are in a domestic relationship in which they are abused or treated violently by women.¹²⁰

Spousal violence is treated with utmost secrecy hence making it difficult to get data on its prevalence. Why keep this violence secret? Some of the reasons why it is kept secret is due to the fact that it occurs in what is thought as "the private sphere" - within the families, inside homes, and out of sight.¹²¹ Many incidents of spousal violence therefore, go unreported; "statistics available through the police, women's centers and other formal organizations often underestimate the level of violence because of underreporting."¹²² This means that this practice goes both as unreported and underreported. Sometimes, this type of violence is "...even deliberately disguised by both the survivors and the societies in which they live."¹²³ Studies from industrialized and developing countries underestimate this practice due to underreporting, or not reporting at all.

There are reasons given why people do not report spousal violence. Where violence against wives is concerned, women may blame themselves for being victimized and

believe that they deserve the beatings because of some wrong action on their part.¹²⁴ Others fail to report because of fear: ...other women refrain from speaking about the abuse because they fear that their partner will further harm them in reprisal for revealing 'family secrets'.¹²⁵ Yet others will not report the violence because they may be ashamed of their situation.¹²⁶ They may be ashamed of what has happened to them and would not want any other person, be it a relative, a friend or a colleague to know about it. Another reason is that people have no hope of getting assistance when they experience spousal violence, "... in many countries there are not legal or social sanctions against violence by an intimate partner."¹²⁷ The police may not arrest most perpetrators of spousal violence as this is seen as a domestic affair, which should be safely dealt at home. Even when arrest takes place, the case does not go far as the perpetrators who are mostly men are leniently treated. They may go scot-free; unpunished. Most people therefore would rather keep quiet than call the police. They have no trust in the law enforcement agencies, which favour the males against their female counterparts.

Where husband battering occurs, there is more secrecy. This is because men fear public ridicule and humiliation. They therefore prefer to keep silent than report that they have been beaten by their wives; "incase they suffer physical injury such as bruises, or black eye, there is an assumption that they may have been involved in a fight with another man, or may have been injured while at work or while playing contact sports. Women generally do not do those things."¹²⁸ Sometimes, however, some men do report violence when it occurs in the family, but when they do they end up in frustration as, "most people are so astonished that men usually end up feeling like nobody believes them."¹²⁹

Regarding family affairs as private has resulted in suffering to some members of the family who may be victims of spousal violence. The domestic sphere or the private realm has shielded wrongdoing. Victims of spousal violence are oppressed and exploited. Those who are victims have their bodies and their human rights violated by their spouses who exercise more power or supremacy. There are unequal power relations between the two sexes; the males and the females. This situation needs to be rectified for peace to prevail in the society. The realm of the family should be a public not a private affair where all members should be treated with respect and dignity.

4.10 MECHANISMS AND FORMS OF SPOUSAL VIOLENCE

There are different mechanisms used by perpetrators in the practice of spousal violence. There are also different forms of spousal violence as cited in the subsequent discussion.

4.10.1 Mechanisms Used in the Practice of Spousal Violence

Domestic abuse and violence against men and women have some similarities and difference. Perpetrators of violence use various methods to achieve their goals. Men "...may kick, bite, slap, punch or try to strangle their partners. They may burn them or throw acid in their faces. They may beat or rape them with body parts or sharp objects and they may use deadly weapons to stab or shoot them."¹³⁰ Women are also likely to use the same methods to abuse their partners. An incident in the US indicates that women in the practice of spousal violence use these methods also;

Betty King had beaten, slashed, stabbed, thrown dry acid on and shot her husband Eddie King had not sought prosecution when she slashed his face with a carpet knife, nor when she left him in a parking lot with a blade in his back ... All these stabbings, shooting and acid-throwings happened during a four-year marriage.¹³¹

This clearly shows that both sexes are involved in spousal violence. For men or women, domestic violence may include pushing, slapping, hitting, throwing objects/substances, forcing or slamming a door or striking the other person with an object, or using a weapon. These are actions that are not sex specific but a manifestation that both are capable of using violence.

Battering of spouses may take different forms; "it may involve a number of tactics i.e. intimidation, threats, economic deprivation, psychological and sexual abuse used repeatedly."¹³² The practice of spousal violence therefore, more often than not, involves different methods some of which are brutal, thereby leading to serious injuries and even death.

4.10.2 Forms of Spousal Violence

4.10.2.1 Physical Violence

Physical violence is the most common type of spousal violence. This takes the form of wife or husband battering. It involves the use of physical force on the body of the spouse

such as kicking, biting, stabbing, shooting, beating, punching, burning, throwing acid in the face, strangling, throwing food and other household items on the person, scratching and any other methods that can cause harm on the body.

In the booklet *Safety First: A Guide for Battered Women*, physical, sexual and emotional abuses are described. One can be said to be physically abused if another person has used and/or applied physical force that may cause or threaten to cause physical or any form of physical injury on the victim. This may include pushing, shoving, kicking, choking and punching. It may also include physically restraining an individual, throwing objects and abandoning one in dangerous places. Refusing one from getting medical assistance when sick, injured, pregnant or physically disabled is another form of physical violence. Locking one in a room, driving dangerously, pulling ones body parts, dragging, ripping ones cloths and using or threatening to use a weapon also constitute physical violence.¹³³ Physical violence is a violation of the body as it causes injuries and sometimes death. It is therefore immoral as it involves performing an action from an egoistic point of view. It involves treating an individual as a means to some end. It dehumanizes and disrespects the human person. It may involve oppression and exploitation. When death occurs, it shows that physical violence violates the sanctity of human life.

4.10.2.2 Sexual Violence

There are different forms and manifestations of sexual violence in a marriage setup. Marital rape is a one form of such violence. This is where a spouse may force the partner to have sex without his or her consent. In many patriarchal societies like in Kenya, the sexual act is considered important for the man's satisfaction and a woman in marriage has little say in that field. A man who may be infected with a sexually transmitted disease and even HIV-Aids may force his wife to have sex with him. This is sexual violence. In the same way, an infected wife may deliberately infect her husband. When a partner cannot negotiate the use of a condom in the sexual act with an unfaithful spouse, this constitutes sexual violence. Sexual deprivation is another form of sexual violence. A woman in an abusive relationship may be forced to become pregnant or have an abortion against her will and this is sexual violence. Sexual abuse may also include, "...telling of

anti-women or anti-men jokes or saying bad things of a sexual nature about women or men, and treating a partner as sexual object."¹³⁴

Other forms of sexual violence include: accusing a partner of being sexual with others, or criticizing ones dressing, sexual past, saying bad things about ones body, putting down ones feelings about sex, calling one frigid, insisting on touching the partner when he/she did not want to be touched - either when the two were alone or with other people and forcing the partner to mimic or watch pornography.

When one openly shows interest in other people of the opposite sex when they were in public or at home for example, while watching T.V., has affairs and often bragging about them after agreeing not to have sex with anyone else, forces the partner to have sex with other people and to make pornographic films is also sexual violence. A partner who forces sex after physically or emotionally abusing the other or when the partner was sick or when bad for his/her health or hurts one with objects or weapons while having sex would be sexually abusing the partner. Sexual abuse is not just forced intercourse.¹³⁵

All forms of coerced sexual contact or exploitation constitute abuse and therefore are immoral as they involve disrespect and violation of ones rights and human dignity.

4.10.2.3 Psychological or Emotional Violence

Psychological violence includes repeated verbal abuse, harassment, confinement and deprivation of physical, financial and personal resources. Fear of a partner's reactions when there are problems also constitute psychological violence. Desertion due to disability or incapacity, or sickness for another partner can do psychological harm to the partner. Emotional blackmail, mockery or ridicule, and threats of abandonment also constitute psychological violence. Fear of being beaten, attacked or harassed,¹³⁶ is also psychological violence. For women especially, the psychological harm is reported to be more harmful than physical harm; "women have been reported as saying that the worst aspect of battering was not the violence itself but the mental torture and living in fear and terror."¹³⁷ What hurts men mentally and emotionally can in some way be very different from what hurts women in an abusive relationship. For some men, being called a coward, a failure or impotent can have a very different psychological impact than it would be on

women. Unkind and cruel words hurt but they can hurt and linger in different ways. In most cases, men are more deeply affected by emotional abuse than physical abuse. A significant number of men are overly sensitive to emotional and psychological abuse. In some cases, humiliating a man emotionally in front of other men can be more devastating than physical abuse. Some professionals have observed that mental and emotional abuse can be an area where women are more 'brutal' than men. Men on the other hand are quicker to resort to physical abuse and they are more capable of physical assaults that are more brutal, even deadly.¹³⁸

Emotional abuse includes ignoring ones feelings or making fun of them. Calling one crazy, emotional and stupid also constitutes emotional abuse. Other behaviors include belittling, yelling and screaming at and insulting ones friends or family or driving them away and use of threats amounts to psychological harassment.¹³⁹ Psychological or emotional violence depresses and dehumanizes the victims.

4.10.2.4 Cultural violence

There are many cultural practices in Kenya that can be said to be abusive towards spouses. In patriarchal societies, male children are valued more than the female. This is because they are said to be the custodians of the family or clan which is propagated through them. A wife may be abused or harassed for failure to conceive or not giving birth to boys. She may be deserted or divorced by her husband because of this cultural failure. Polygamy can also be said to be a form of cultural violence to the women.¹⁴⁰ This is where a man is culturally allowed to have more than one wife. He can marry without informing his first wife. A woman may feel she has been violated against by virtue of her husband marrying another or other wives without her consent. Other cultural practices that manifest violence include wife inheritance and property ownership where women are discriminated and have no say. This inequality between the sexes that is culturally entrenched is unacceptable because it violates the dictates of reason.

4.10.2.5 Economic violence

When a marriage partner refuses to share his or her earnings for the benefit of the family can be regarded as economic violence. When a spouse does not provide adequate

financial support for the family, this is economic deprivation. When a man refuses his wife to get employed or to further her education, this constitutes violence. Economic violence also occurs when, “wife’s property is considered as her husband’s and when women face difficulties regarding land or other property ownership which are assumed as her husband’s.”¹⁴¹ When a spouse spends all his or her money on alcohol and other leisure activities while the family is hungry is also economic violence. There have been reports of some spouses demanding their entire partner’s salaries or income. This again is economic violence. There are some cases where women use sex as a weapon against men who do not provide for their families. They may refuse them food, to wash their clothes and refuse to perform other domestic chores. Some may become unfaithful to their husbands because of this failure.

These forms of abuses apply to both husband and wife and are not limited to either. A close examination of the methods used in the practice of violence shows that one spouse aims at humiliating the other sexually, physically, emotionally and economically. Through the use of violence, the perpetrator treats the victim, not as a human being but an “object” or a “thing”. The victim is ill treated by the perpetrator. The perpetrator wants to dominate through the use of brutality to subordinate the victim. The victim is treated as the property of the perpetrator who uses the spouse as a means to some end. The spouse who is the perpetrator of spousal violence uses brutal methods to subdue his or her partner. This is a violation of the rights of the spouse who is the victim of violence. This situation in the family leads to lack of peace and harmony. One partner is treated as a means, through violence to achieve some ends, which are dominance and power and subordination and control. This leads to the violation of the rights of the individual or the victim involved.

4.11 THE RELATIONSHIP BETWEEN THE ABUSERS AND THEIR VICTIMS

Batterers justify their violence and intimidation in a variety of ways. Some blame their abuse on alcohol. Alcoholism and the use of substance are an excuse but not a reason for violence. As indicated earlier, there is no causal connection between substance use and violence. There are people who use alcohol and they do not batter their spouses. There are batterers that do not use alcohol. Not all who quit drinking necessarily quit battering.

Denial is another way that batterers use to justify violence; "others deny it ever happened or minimize the incident to the point where it barely qualifies as abuse at all."¹⁴² Even where death occurs as a result of violence, the matter is trivialized.

Another way, experts say, batterers try to justify their violence is where many men or women relentlessly denigrate their partners to justify their abuse. Maybe he/she saw him/her laughing with another man/woman at a party so he/she beats her/him for being a slut; or he/she came home drunk so she/he beats him/her for being a tramp; or maybe he/she did not clean the house properly so he/she beats him/her for being a lousy husband/wife and father/mother. In any case, the beating is for his/her own good, to make him/her shape up and fly right.¹⁴³ It is evident that most batterers do not view themselves as bad people and more often than not blame their partners for having provoked them.

When it comes to the phenomenon of spousal violence, there is no difference as far as gender is concerned. The abusers personality is that they are actors and they try to emulate normal behavior to disguise their own condition. They convince, in their behavior, their partners that they are good people, to be trusted and worthy of love and care. They are able to maintain this good relationship with their partner, however, for a short time. This is more so of female abusers especially because of the social and political myths that see females only as victims and not as perpetrators. However, maintaining the act of normality within a long term relationship is almost impossible. Their need to hide their true selves becomes too difficult to maintain; "the act breaks down and the real personality disguised beneath it rushes to the surface."¹⁴⁴ This sudden change from the previously loving and charming personality to sudden outbursts of aggression mystifies and deeply confuses the victim. The victim, often still in love with the abuser, begins to make excuses for the abusers behavior and falsely believing that things will get better in time. However, the perpetrator does not change his/her behavior and the victim continues to accept the abusers excuses and rationalizations of their behavior.

The abuser has his own self-view which is fundamentally one of self loathing and even of self hate.¹⁴⁵ However, they do not want to accept this condition and they therefore deny that they are abusive. Many abusers are deeply frightened and horrified by their violent outbursts but their denial prevents them from dealing with the feelings that cause them.

Therefore, when they loose control and abuse their spouse, there follows what looks like deep and sincere repentance and begging for forgiveness only to go back to the same pattern of violence. These feelings of regret and remorse become buried and their emotional attitude to their abuse of others will harden into a cold and uncaring outlook.¹⁴⁶

To avoid owning up to what they feel about themselves, the abusers project their self hate on to their victims. The reasons for this self hate may be as a result of having grown up in abusive home or experiencing abuse later on their lives. This means that violence is a learned behavior. Adults have a tendency to recreate what they considered normal in their early life at home within their own adult relationships. If they grew up in a chaotic and fear-filled environment, it is natural for them to feel at home within that kind of family dynamic.

However, there are some abusers whose behavior is not as a result of violent and abusive backgrounds. Some abusers are simply psychopaths who enjoy the feelings of power they have over the victims and may even kill them. Other abusers simply come to hate their partners' over time, and instead of leaving the relationship, they set out to destroy the other person(s) within it. The most common phenomenon about abusers is that they enjoy feelings of power over their victims. Abusers are often deeply selfish individuals who live in a 'me me' world, where only their feelings, needs and desires are important. Some abusers may abuse their victims by proxy and this seems to be "a predominantly female trait." This involves making false allegations, like a plan to rape, steal, terrorize, kill e.t.c., to family members or the police in order to have the spouse arrested or punished.¹⁴⁷ It may also involve withholding contact unreasonably from a parent with his/her child. This constitutes the abuse of the child concerned and the adult denied contact.

The media also significantly influences violence within homes. In the case of female abusers, this may be hugely reinforced by articles in women's magazines that portray men as bad people, soap opera stories, dramas, movies, press stories about female abuse victims, and the constant and relentless pressures on women by radical feminist groups to see all men as dangerous and who paint men as predatory violent animals and women as poor victims. Advertising on the television that portrays men as useless and stupid may reinforce hatred of males and the need to take revenge against all men.¹⁴⁸

The practice of spousal violence should not be gender biased as it involves both men and women. Men and women both suffer the wrath of battering in families where there is dominance of one sex over the other. The victims are tramped upon and treated like "things" rather than like human beings. But is this how a human being ought to treat their spouses? What is the ultimate goal of life? According to hedonistic moral philosophers the ultimate goal of life is the attainment of happiness as the intrinsic good. They include philosophers like Epicurus (an ethical egoist), Jeremy Bentham and J. S. Mill (utilitarian moralists), among other consequential philosophers. However, there are other consequential moral philosophers who do not consider happiness as an end in itself. According to them, other good ends include virtue, love, knowledge or truth and beauty.

It is the contention of this study that happiness is not static, but a process. In this case happiness is a process towards realization of human potential. According to Alfred North Whitehead's Process Philosophy, all moral beings, including God Himself, are in the process of becoming in as far as morality is concerned. For instance, one may over indulge in certain activities such as drinking, engaging in sex, drug use, viewing pornography and using violence in order to be 'happy.' However, these activities may be short-lived or in fact detrimental to one's health. All actions if they are to express some degree of morality should aim to create more of what human beings have the potential to be, that is, that the most fundamental form of morality is human flourishing. In fact, John Dewey, a pragmatist and an educationist, emphasizes the idea of personal growth as the only true moral end.¹⁴⁹ For him, a society is moral according to the extent to which it allows each individual member to flourish. The institution of the family, which is the nucleus of society, is therefore no exemption.

Just as the Power and Control Wheel on page 103 of this work describes behaviors that batterers use to maintain control, the Equality Wheel on the next page depicts alternative and healthy ways in which people can interact with each other. These alternative ways are characterized by respect, trust, honesty, and fairness among other virtues.

EQUALITY WHEEL

FIG. 2



Adapted from Domestic Abuse Intervention Project
St. Paul, MN 218/722-4134

4.12 CONCLUSION

This chapter examines the phenomenon of spousal violence. It is clear that both husbands and wives practice spousal violence. The issue of violence against spouses has been not taken seriously. It has been regarded as a 'private,' 'trivial' or a 'bedroom' affair'. There are many reasons why spousal violence is practiced in society one of which be may that it is a way of asserting dominance and superiority on the one hand and subordination on the other. In many societies, wife beating is taken as a norm and therefore people do not see anything evil or wrong in its practice. Husband battering also happens in society and its occurrence is rarely reported. Spousal violence has no economic or social boundaries as it happens among both the rich and the poor; the educated and uneducated. in both rural and urban areas.

The culture of silence surrounds this practice of spousal violence. The reasons for this secretive nature have been discussed. The reasons for the occurrence of spousal violence have been discussed which include infidelity, alcoholism, and feelings of inferiority among others. It is clear that many factors combine to give rise to the occurrence of spousal violence; from the very simple to very the complex causes. The reasons batterers use to justify their practice have also been discussed. Most victims of spousal violence do not leave their battering spouses for various reasons that have been discussed including the fact that they have children and have nowhere to go. Economic dependence on their spouses also makes it difficult for them to leave.

Despite the fact that spousal violence has not been taken seriously, it is evident that the methods employed in its practice as well as its consequences indicate that it can no longer be confined to the privacy of homes. It is a very critical issue that deserves public and scholarly attention. The fact that it may lead to death raises serious developmental and human rights questions. Human beings are rational beings and this being the case every individual should be treated as an "end" and not as "a means" to some end. Individual autonomy and rights should be valued and respected. Moral principles other than

violence should be used to resolve conflicts as they occur in the society. This is the only way that will ensure freedom, equality and justice in the society.

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CHAPTER FIVE

5 AN ANALYSIS OF THE CONSEQUENCES OF SPOUSAL VIOLENCE

5.1 Introduction

Researches done all over the world indicate that spousal violence has far-reaching effects not only on the aggressors and the victims but also on their families and communities. It has short-term and long-term consequences. Spousal violence has effects on the individual, social, and economic developments. Despite the adverse effects of spousal violence, society has not for a long time treated it as a serious issue. It has been regarded as a 'petty', 'trivial', 'private' and 'bedroom' affair that does not deserve public debate or thought. This study calls for a paradigm shift of spousal violence from being a private affair to a public one where it can be discussed and resolved to foster peace and harmony in society.

5.2 Consequences of Spousal Violence

In the past decades the practice of spousal violence has "...become increasingly recognized as deserving international concern and action."¹ Women's organizations around the world embraced gender violence as a priority issue during the United Nations Decade for Women (1975 - 1985). Women's organizations around the world worked against gender-based violence through advocacy, victim services and consciousness raising. Due to their efforts, violence against women has recently been recognized as a legitimate human rights issue by the United Nations and by some governments.² The United Nations (UN) General Assembly passed its first resolution on violence against women in November 1985.³ This shows that this practice is slowly being recognized as a serious developmental and human rights issue. However, much more needs to be done. Violence by wives against their husbands also occurs though little has been documented about it. It goes on as unrecognized and unreported making it difficult to get reliable estimate of its occurrence. In addition, it has taken years of advocacy and support to encourage women to report incidences of spousal violence. Virtually nothing has been done to encourage men to report abuse.

Spousal violence has physical, psychological and emotional effects on the victim; “Worldwide, it has been estimated that violence against women is as serious a cause of death and incapacity among women of reproductive age as cancer, and a greater cause of ill-health than traffic accidents and malaria combined.”⁴ This shows that the effects of violence against women are very serious therefore; this issue deserves national and international concern. It can no longer be regarded as a ‘private’ issue to be confined to the four-walls of a house. It leads to physical injury, disability and even death of the victim.

Many scholars have therefore argued that violence against women is a serious human rights issue as well as a priority public health and developmental issue. During the forty-ninth World Health Assembly in 1996, member states agreed that violence is a public health priority ... violence causes extensive suffering and negative health consequences for a significant proportion of the female population (more than 20% in most countries).⁵ Spousal violence is “...a serious development issue when women die from constant beatings.”⁶ This however concerns violence against women. It is important to recognize the fact that some men are as well victims of spousal violence and they suffer physical and psychological violence as women do. Many societies being patriarchal, spousal violence against men is negligible. All the same, husbands who are victims of spousal violence need to be treated with consideration by society. They need sympathy and any physical or human help that they may need. Whether it is meted against men or women, spousal violence has adverse consequences.

Violence against women affects every part of peoples’ lives;

The well-being of women, their full participation in their country’s plans, policies and programmes are essential if development is to take place that will really benefit the whole population. There will be no peace, no stable environment, no educational progress if women are afraid to take leadership positions, and are suffering physical and emotional abuse.⁷

This implies that violence against women affects all spheres of development. This however, is also true about spousal violence against husbands. In some countries, men who are convicted of spousal violence cannot be allowed to make international trade

transactions, possess any firearm or ammunition or handle any hazardous material. They also lose any professional licenses, passports and driver licenses.⁸

Violence against women, other than affecting development, can lead to death. Death is reported to have occurred to many women as a result of battering, "...every 15 seconds a woman is beaten; every 6 minutes a rape occurs; everyday four women are killed by their batterers."⁹ In India, it is reported that "...each day, five Indian women die as a result of dowry-burning, according to official records, 8,906 women are reported to have been killed in dowry-related incidents in India in 1987."¹⁰ Men have also been murdered by their wives as a result of spousal violence. Murder whether by wives or husbands for whatever reason, should be avoided as it goes against the right to life. Life is sacred and therefore should not be violated.

It has also been reported that "...domestic battering is the single most significant cause of injury to women in the U.S. more than car accidents, rapes and muggings combined."¹¹ It has been reported that; "battered women in the U.S. are four to five times more likely than non-battered women to require psychiatric treatment and are more likely to commit suicide."¹² A study carried out in the U.S indicated, "half of all women interviewed said that they had on average missed three days of work a month because of abuse at home."¹³ This means that absenteeism from work may result from spousal violence hence has an effect on economic production. Husbands have also been seriously injured, both physically and psychologically, as a result of spousal violence. Current data suggests that the injury rate as a result of spousal violence may be nearly equal for both men and women as a result of the higher probability that a woman will use a weapon during an assault.¹⁴ Given the adverse health effects of spousal violence, it cannot continue to be regarded as a bedroom affair. It should be treated seriously like any other issue in the public domain and therefore should be eliminated.

Spousal violence may also lead to prostitution. After battering, a woman may have no one to turn to and nowhere to go. Majority of young women turn to prostitution out of economic needs, after running away from violent homes where they were victims of marital rape and incest by males.¹⁵ Spousal violence therefore degrades and dehumanizes

women to the point of leading them into prostitution. Male victims may engage in adulterous acts, marry another woman or completely desert their families as a result of spousal violence.

Spousal violence may lead to fear that may discourage women from furthering their education or acquiring skills for their personal development. It is a serious development issue when women do not attend training courses to upgrade their skills because they fear beatings from their husbands. Children may suffer from malnutrition because their mothers cannot earn additional income from increased productivity. As a result of lack of economic empowerment, women are forced to remain dependent on their husbands and thus engage in backbreaking and exhausting occupations.¹⁶ More often than not, men who lack economic power, are mentally, emotionally or materially abused by their wives who happen to have the economic power. This shows that effects of spousal violence are very serious. It is a violation of human rights.

Rape and domestic violence have been reported as "... significant causes of disability and death among women of reproductive age in both the industrial and the developing world."¹⁷ Marital rape degrades the victims making them 'objects' instead of being 'subjects' owning human dignity and rights.

The economic effects of domestic violence cannot be underestimated; "in established market economies gender-based victimization accounts for nearly one in five healthy years of life lost to women aged 15 - 44 years."¹⁸ The World Bank estimates that

... rape and domestic violence accounts for 5 percent of the healthy years of life lost to women of reproductive age in demographically developing countries. In developing countries such as China, where maternal mortality and poverty-related diseases are relatively under control, the healthy years of life lost due to rape and domestic violence account for 16% of the total health burden.¹⁹

At a global level "...the health burden from gender-based victimization among women of age 15 - 44 is comparable to that posed by other risk factors and diseases already high on the world agenda, including the human immunodeficiency virus (HIV), tuberculosis, sepsis during childbirth, cancer and cardiovascular disease."²⁰ Health Consequences of

gender-based violence include non-fatal outcomes as well as fatal outcomes of gender-based violence.

Non-fatal outcomes include physical health consequences and mental health consequences. Physical health consequences include; contracting STDs, injury, pelvic inflammatory disease, unwanted pregnancy, miscarriage, chronic pelvic pain, headaches, gynecological problems, alcohol/drug abuse, asthma, irritable bowel syndrome, injurious health behaviors (smoking, unprotected sex), partial or permanent disability as a result of violence. Fatal outcomes include suicide and homicide. Mental Health consequences include; post-traumatic stress disorder, depression, anxiety, sexual disorders, multiple personality disorder, obsessive-compulsive disorder. These health consequences are a clear indication of the adversity of spousal violence. Most of the above health consequences affect both men and women equally.

Abuse of women by intimate male partners has both physical and mental health consequences. The physical consequences include injury and a host of less-defined somatic complaints. Majority of women presenting themselves to urban emergency rooms exhibit symptoms related to ongoing abuse.²¹ Abuse-related injuries include bruises, cuts, black eyes, concussions, and broken bones. Abused men also suffer the same, if not worse, physical injuries. However, they seldom present themselves, if they do, they will not say the actual cause of the injuries. Spousal violence may lead to "...miscarriages and to permanent injuries such as damage to joints, partial loss of hearing or vision, and scars from burns, bites and knife wounds."²² In many parts of the world, "acid throwing, a form of abuse increasingly perpetrated by vengeful lovers, leads to permanent disfigurement of the victim."²³ This may be true of wife-to-husband and husband-to-wife violence, resulting in physical and psychological injuries as well as death.

In addition to injuries, "...battered women often suffer chronic headaches, abdominal pains, muscle aches, recurrent vaginal infections, and sleep and eating disorders."²⁴ Two studies done in the U.S and New Zealand by Koss, and Wood Ruff, found that "...abused women had significantly worse physical and mental health than non-abused women."²⁵

Research reported in the 'Journal of the American Medical Association' suggests that "...abuse can also be associated with delayed physical effects, particularly arthritis, hypertension, and heart disease."²⁶ Battered husbands suffer the same health problems as the women.

In developing countries, though quantitative data on health consequences are less available, "...evidence from crisis centers, police reports, and ethnographic research shows that in these countries, too, violence is a significant cause of injury and ill health."²⁷ A three-month surveillance survey in Alexandria, Egypt, indicated that domestic violence was "...the leading cause of injury to women, accounting for 27.9% of all visits by women to the area's trauma units ... And 18% of married women surveyed in urban areas of Papua New Guinea, had received hospital treatment for injuries inflicted by their husbands."²⁸

The psychological effects of abuse "...are more debilitating than physical effects for many women,"²⁹ "Fear, anxiety, fatigue, post-traumatic stress disorder and sleeping and eating disturbances are common long-term reactions to violence."³⁰ The fact that the victims have intimate relationships with the abuser increases the psychological consequences. The legal, financial and emotional ties that the victims of marital violence often have with the perpetrator enhance their feeling of vulnerability, loss, betrayal and hopelessness.³¹ This applies to both the husband and wife victims; "abused men frequently become isolated and withdrawn as they try to hide the evidence of their abuse"³² from their relatives, friends and associates. Men are deeply affected by emotional than physical abuse by their wives. A significant number of men are overly sensitive to emotional and psychological abuse. Some professionals have observed that mental and emotional abuse can be an area where women are often more brutal than men.³³ Spousal violence therefore leads to many psychological problems such as depression, suicide, alcoholism and drug abuse.

The effects of spousal violence can be devastating and long lasting. This is particularly so for women especially in so far as a woman's reproductive health is concerned. It can "...scar a survivor psychologically, cognitively and interpersonally."³⁴ Both men and

women victims of sexual violence, which include marital rape, are at risk of becoming infected with sexually transmitted diseases including HIV-Aids; “a man’s refusal to have protected intercourse increases his partner’s risk of a sexually transmitted infection and subsequent pelvic pain, pelvic inflammatory disease, and infertility. Forced and unprotected sex may also leads to unintended pregnancies, abortions and unwanted children.”³⁵ There are wives who are infected with sexually transmitted diseases and even HIV-Aids who deliberately pass on the infection to their husbands. In many cultures suggesting condom use can be perceived as insinuating infidelity and may trigger a violent response from the marriage partner. Sexual violence by either partner may have many negative consequences.

Studies have also indicated that there is a relationship between domestic violence or spousal violence and homicide. Data from a wide range of countries demonstrate that domestic violence is a major risk factor for murder of and by women. A review of spousal homicide in the United States, published in the *American Journal of Public Health*, reports that; “studies of homicides between intimates show that they are often preceded by a history of physical abuse directed at the women and several studies have documented that a high proportion of women imprisoned for killing a husband had been physically abused by their spouse.”³⁶ Studies from a variety of cultures including Canada, Papua New Guinea, and the United States, “confirm that when women kill men, it is often in self-defense and usually after years of persistent and escalating abuse.”³⁷ This is also true of developing countries, where spouses have been reported to have been killed by their partners. The issue of self defense as a contributing factor towards homicide is not always true.

This link between spousal violence and homicide is particularly evident in India, where women’s death due to burns have been increasing since 1979, a development that can be tied to the commercialization of dowry demands; “A young bride may be subject to severe abuse from her husband and in-laws if their continuing demands for money or goods from her family are not met. A frequent subterfuge is to set the woman on fire with kerosene and then claim that she died in a kitchen accident hence the term ‘bride-burning’.”³⁸ In both urban Maharashtra and greater Bombay, “...one of every five deaths

among women aged 15 to 44 is due to 'accidental burns'. For the younger age group 15 to 24, the proportion is one of four."³⁹ This shows how serious the consequences of spousal violence can be.

Lillian Tibatemwa-Ekirikubinza expounds in very deep details the relationship between spousal violence and homicide. This book is based on extensive and in-depth interviews of 66 women offenders convicted or suspected of various crimes drawn from various prisons in Uganda. She found that there is an intimate relationship between homicide and domestic violence;

...several of the women interviewed in prison justified their actions either on grounds of self-defense or at least as a reaction to a provocative act by the victim. This was especially common among women who killed their husbands.... Among the 66 women interviewed, 20 directed their violence against husbands. Fifteen of these 'husband assaulters' reported a life history of extreme physical abuse from their husbands. Their violence was a reaction to physical abuse. The law may not consider their acts as self-defense but the women believed they acted in self-preservation.⁴⁰

This may also be true of husband-to-wife. A spouse may kill the other in the process of battery but not always in self-defense.

There is also a link between spousal violence with separation and divorce. There are many victims of spousal violence that have walked off their marriages. Victims of violent spouses leave their spouses before the situation gets worse. Those who do not leave quickly may end up being killed. This shows that there is a relationship between spousal violence and murder... "tragically, for all of us, some who hang on a bit too long after the battering starts have been either maimed for life or even got killed."⁴¹ According to statistics in Kenya, "between December 1995 and October 1996, 55 women were reported to have met their death at the hands of their husbands or lovers."⁴² This shows that in less than a year, very many women were killed by their intimate partners. The report on the Legal status of women, Federation of Women Lawyers (FIDA), indicates that, "...the most common violence experienced by wives between 1976 and 1985 included homicides, mass homicides, manslaughter, grievous bodily harm, and common assaults. 40% of the cases reported resulted in the death of the woman."⁴³ Given that the majority of cases of domestic violence are not reported, these grim statistics are just but a

tip of the iceberg. This report, however, is silent about the number of men killed by their wives or lovers within the same period of time.

Men also suffer from spousal violence. They may be affected in the same way as women are. A husband can also separate or divorce from his wife on the grounds of domestic violence or cruelty. The situation for a husband victim of spousal violence can also worsen if he hangs to the marriage for a bit too long. He can be assaulted or even murdered. Victims of spousal violence have left their abusive partners when they notice that there is no hope of the situation improving. When they separate from their husbands, most women go back to their parents especially if they are unemployed. Those who are employed look for alternative accommodation.

However, the problem that these women face is that their ex-husbands, who more often than not, keep on following them, try to reconcile with them or make their lives miserable. Even after reconciliation, there is evidence that most of them recede to their abusive behaviour. This is also true with women aggressors. They may pretend to be remorseful and promise to change only to go back to the abusive behaviour. Men, who are victims, may seek refuge elsewhere for their safety and in order to save their public image.

Spousal violence has also been associated with loss of employment. Some perpetrators of spousal violence instigate sackings of their spouses especially after they have separated or divorced from them. Most perpetrators of spousal violence keep on trailing their former spouses and ensure they lead miserable lives. There are others who leave their jobs voluntarily to get away from embarrassment and humiliation from their abusive partners. This has economic implications, not only on the victim, but also on the family and society at large.

Spousal violence has led to imprisonment of the perpetrators. There are few cases that are reported leading to some arrest and even jailment even among some communities that are perceived to be strongly patriarchal like the Masai of Kenya. In such societies, where wife beating may be prevalent and condoned, women have reportedly taken their abusive husbands to courts, where they are often given lenient punishments that are not

commensurate with the damage and suffering, and sometimes death caused to their wives.

Spousal violence has adverse effects on the personal development of the victim. It "...negates women's autonomy and undermines their potential as individuals and members of society."⁴⁴ This applies to the male victim as well. A woman or a man who is constantly abused physically or emotionally may not be in a position to feel free to make independent decisions. One may feel inadequate to make decisions or carry out any responsibility to better oneself, one's family or community. Spousal violence "undermines women's security and self-confidence."⁴⁵ This is true of men's security and self-confidence if they are battered by their wives as well. They may resign themselves as victims and may do nothing to improve their situations.

In the article, 'Violence against Women: Trainers Manual', low self esteem and loss of confidence are enlisted among the consequences of spousal violence; "It undermines a woman's self-worth, self-image, and self-esteem."⁴⁶ It undermines a woman's confidence and potential as a human person hence is a hindrance to her self-actualization. This applies to men as well.

Spousal violence can have inter-generational repercussions; "boys who witness their mothers being beaten by their partners are more likely than other boys to use violence to solve disagreements in their own adult lives. Girls who witness the same sort of violence are more likely than other girls to become involved in relationships in which their partners abuse them."⁴⁷ Thus, violence tends to be carried over from one generation to the next. Family violence also has an effect on children's sense of security and their developing personalities. Studies have shown such children may have emotional and behavioural problems such as depressions, aggression, disobedience, nightmares, poor school performance, and somatic health complaints.⁴⁸ This agrees with the article 'Conveying Concerns: Report on Gender-based violence'; "boys who witness battering in their homes are more likely to become batterers themselves, while girls are more likely to become victims of battering."⁴⁹ This shows that there are negative consequences of spousal violence on children.

The Inter-American Development Bank reports that “violence is a pervasive drain on Latin American Economies. The costs add up; healthcare, absenteeism, and reduced family income, and outlays for law enforcement and the courts.”⁵⁰ This implies that spousal violence is very costly in terms of the money spent in the treatment of victims. Absenteeism from work affects productivity in a negative way. Family income may also be affected if the breadwinner is injured, disabled or killed in the practice of spousal violence. The family will therefore become poorer than before. In case the perpetrator is arrested and jailed, this affects the family negatively in terms of loss of financial contribution. The law enforcement and court processes are expensive and beyond the reach of many families. When a spouse, irrespective of gender, is subjected to such processes, there are financial implications for the whole family.

Spousal violence has been regarded as a threat to poverty eradication and development. The World Health Organization (WHO) identified this violence as a developmental and a health issue. It established the Women’s Health Development Unit (WHD) in 1980, to promote and coordinate women’s health and development activities in all WHO programmes; “the overall aim of the unit is to contribute to the promotion and improvement of women’s health and rights, and to the development of health programmes and policies that promote gender equality and equity for women in health ... WHO’s work in neglected women’s health issues currently focuses on violence against women and female genital mutilation.”⁵¹ The WHO realized that domestic violence or spousal violence was a hindrance to development in general.

The 1995 Fourth World Conference on Women in Beijing adopted a platform for action, which declared that, violence against women is an obstacle to the achievement of the objective of equality, development and peace.⁵² This is true of violence against husbands. It is therefore evident that equality and peace, that are important values in any progressive and civilized society, cannot be achieved if there is violence and this makes countries or societies that condone spousal violence lag behind in terms of social and economic development.

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Another forum discussed the link between women's reproductive health and violence as crucial;

...at the 1994 International Conference on population and Development in Cairo, nearly 180 countries recognized the role of violence in the definition of women's reproductive health, which 'includes the rights of all to make decisions concerning reproduction free of discrimination, coercion, and violence...'⁵⁷

This implies that women's' reproductive health cannot be achieved if there is coercion, discrimination and other forms of violence. There are cases that have been reported where pregnant women have been beaten resulting to miscarriages and even death. Again, in many African societies, like Kenya, failure to give birth or conceive has led to violence. Failure to give birth to boys has also led to spousal violence due to the value that is culturally attached to male children.

Spousal violence has also been recognized as a human rights issue. According to 'Human Rights Watch'; "...those traditionally in a position to determine what constitutes human rights have tended to view women's issues as marginal. as private matters happening in the home, but this attitude is changing."⁵⁴ Violence against women has now been rightly recognized as a human rights issue in its own right; "violence against women and girls is a major health and human rights issues".⁵⁵ Violence whether by the male or the female, is a violation of the basic human right to peace and stability.

The well-being of the women, their full participation in their country's plans, policies and programmes are essential if development is to take place that will really benefit the whole of the population. There will be no peace, no stable environment, no education progress if women are afraid to take leadership positions and are suffering physical and emotional abuse.⁵⁶ This implies that women should be recognized as human beings with the same rights as others since nothing positive can be achieved without them. Men and women are equal partners in development and therefore the contribution of each of them is important. Both should be given space to participate fully in all community, national and international plans. policies and programmes for all facets of development. Peace in any nation of the world cannot be achieved without the full participation of both. Men and women are important partners in development hence they should be treated humanely and their rights should be respected.

Spousal violence has important implications for socio-economic development and for key initiatives already high on the international health agenda. It can act as "...a brake on socio-economic development."⁵⁷ It cannot therefore be pushed aside as a trivial issue. It is an international issue that deserves attention; "the development community has come to realize that such problems as high fertility, deforestation, and hunger cannot be solved without women's full participation ... yet women cannot lend their labour or creative ideas fully when they are burdened with the physical and psychological scars of abuse."⁵⁸ Economic productivity is also affected when men are victims of spousal violence.

Evidence from the United States of America suggests that "...the scars of victimization can also lead to lower future educational attainment and income levels for women who are abused." This however, could be true of male victims of spousal violence. Violence against women can also "...thwart the development of a wider community through its effects on women's participation in development projects."⁵⁹ This was concluded by a study commissioned by UNIFEM/Mexico to find out why women stopped participating in projects. The study found that threats from men were a major cause; "men perceived the growing empowerment of their wives as a threat to their control, and used beatings to try to reverse this process of empowerment."⁶⁰ Men may also use force to divert the benefits of development from women; "case studies of victims of domestic violence from Peru and of garment workers in the Mexican 'maquiladoras' reported that men frequently beat their wives to get their earnings."⁶¹ This is a common occurrence even in developing countries like Kenya where some men tend to control the economic lives of their wives. Some even take the salaries of their wives as well as other earnings. There are women as well who dominate their husbands and control their incomes.

Battering during pregnancy has been reported by several researchers both in developed and developing countries. In *Domestic violence in Kenya: Report of a Baseline Survey among Women in Nairobi*, it is stated that:

Most women, 55 percent, reported intense violence during pregnancy and the child's infancy. Domestic violence represents a serious threat to the physical health of the mother and their children both before and after birth. Moreover, battered women may be prevented by their partners from seeking or receiving proper antenatal or postnatal care.⁶²

Results from a large prospective study of battery during pregnancy among low-income women in Baltimore and Houston in America indicate that one out of every six pregnant women was battered during her present pregnancy.⁶³ This study has been published in the 'Journal of the American Medical Association'. Other studies indicate that, compared with women who are not beaten, "...women battered during pregnancy run twice the risk of miscarriage and four times the risk of having a low-birth-weight baby ... Low birth weight is a powerful predictor of a child's survival prospects in the first year of life."⁶⁴ Maternal deaths of pregnant mothers have been reported to have resulted from spousal violence. Trauma resulting from such violence "...was the number one cause of maternal deaths in Chicago, Illinois, between 1986 and 1989 accounting to 46 percent of all maternal deaths."⁶⁵ Studies done in Kenya also indicate that "...battering during pregnancy may cause, in addition to injury to the mother, premature labour, miscarriage or low-birth weight babies whose chances of survival are slim."⁶⁶ There is need therefore to treat pregnant women humanely for their survival and that of their children.

Spousal violence has been found to have an effect on family planning. In many African countries, including Kenya, decision-making is a preserve for husbands or males. Family planning is no exemption. Most families will have as many children as the head of the family wants. Most women do not have reproductive rights and they "...may be forced to have too many children."⁶⁷ This implies that she is seen as an object that has no rights. Again, "a woman living in an abusive relationship may be forced to become pregnant or have an abortion against her will..."⁶⁸ This shows that violence may be used in different forms to curtail a woman's reproductive freedom.

In a research done in America by Dixon Mueller, in 1992 indicated that: "...many women limit their use of contraceptive out of fear of male reprisal."⁶⁹ It has also been found out that "...men in many cultures reject birth control because they think it signals a woman's intention to be unfaithful, based on the logic that protection against pregnancy allows a woman to be promiscuous."⁷⁰ A woman's use of contraceptives or birth control may be interpreted as a challenge to the husbands power and control; "where fathering children is a sign of virility, a woman's request to use birth control may be interpreted as an affront to her partner's masculinity."⁷¹ In most cases, where a woman knows her

partner will disapprove her use of family planning methods she will use them secretly. This is because, "Women can be abused if they do not comply with men's sexual and childbearing demands."⁷² An interview from a Fida-Uganda member found that family planning could result in spousal violence especially when a woman does not consult her husband in making her decision to take contraceptives. Again, where legal provisions require spousal permission before birth control can be dispensed, women can be at increased risk of violence.

According to Pamela Onyango of Family Planning International Assistance, women in Kenya have been known to forge their partner's signature rather than risk violence or abandonment by requesting his permission to use family planning services.⁷³ This is in agreement with researches conducted on sexuality in Mexico and Peru that found that women feared, "...violence, desertions, or accusations of infidelity if they brought out birth control ideas."⁷⁴ It has also been reported that even where birth control is generally accepted, "violence restricts a woman's ability to exercise reproductive and sexual autonomy."⁷⁵ This shows that spousal violence interferes with an individual's autonomy. However, in some cases where women are empowered economically and socially, they often make decisions in matters of reproduction. In some families men encourage their wives to take charge of their own reproductive processes.

5.3 Conclusion

From the above discussion, it is evident therefore, that spousal violence is not a 'trivial' or 'private' issue but a serious human rights and developmental issue. It has effects on the individuals concerned, their families and nations at large. It has effects on all facets of development be they at personal, familial, societal, or international level. It has individual, social and economic repercussions.

Due to these consequences of spousal violence, there is need to inquire into the reasons why the phenomenon is still prevalent today from an ethical standpoint. It is the contention of this study that moral principles should be used to resolve human conflict other than the use of spousal violence. Every society should be guided by the principles

of freedom, equality and justice for peace, happiness and harmony to prevail. Ideas of dominance and subordination which encourage spousal violence should be condemned by all in society.

END NOTES

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- ⁴⁰ Lillian Tibatemwa-Ekinkubinza (1999), *Women's Violent Crimes in Uganda: More Sinned Against Than Sinning*, Kampala: Foundation Publishers, p. 39.
- ⁴¹ *The East African Standard*, 'Big Issue' of 8th May 2000, p. 1.
- ⁴² *Ibid.*
- ⁴³ *Ibid.*
- ⁴⁴ *Ibid.*, p. 6.
- ⁴⁵ ECA-WIDNET (1997), *Violence against Women: Trainers Manual*, Nairobi: Pauline's Publications, p. 33.
- ⁴⁶ *Ibid.*
- ⁴⁷ Population Reference Bureau. *Conveying Concerns, op. cit.*, p. 3.

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- ⁴⁸ *Ibid.*, p. 3.
- ⁴⁹ *Ibid.*
- ⁵⁰ WHO, *Violence against Women: A priority Health Issue*, *op. cit.*, p. 1.
- ⁵¹ *Ibid.*, p. 3.
- ⁵² Human Rights Watch, p. 2.
- ⁵³ Population Reference Bureau, *Conveying Concerns*, *op. cit.*, p. 4.
- ⁵⁴ WHO, *Violence Against Women: A Priority Health issue*, *op. cit.*, p. 4.
- ⁵⁵ *Women's Health Journal*, *op. cit.*, p. 17.
- ⁵⁶ *Violence Against Women: A Hidden Health Burden*, *op. cit.*, p. 24.
- ⁵⁷ *Ibid.*
- ⁵⁸ *Ibid.*
- ⁵⁹ *Ibid.*
- ⁶⁰ *Ibid.*, p. 25.
- ⁶¹ *Ibid.*
- ⁶² FIDA (2002), *Domestic Violence in Kenya: A Report of a Baseline Survey Among Women in Nairobi*; Nairobi: p. 30.
- ⁶³ *Women's Health Journal*, *op. cit.*, p. 18.
- ⁶⁴ *Ibid.*
- ⁶⁵ *Violence against Women: A Priority Health Issue*, *op. cit.*, p. 6.
- ⁶⁶ *Violence against Women: Trainers Manual*, *op. cit.*, p. 23.
- ⁶⁷ Population Reference Bureau, *Conveying Concerns*, *op. cit.*, p. 5.
- ⁶⁸ *Violence Against Women: A Hidden Health Burden*, *op. cit.*, p. 26.
- ⁶⁹ *Ibid.*
- ⁷⁰ *Ibid.*
- ⁷¹ *Ibid.*
- ⁷² *Ibid.*
- ⁷³ *Ibid.*
- ⁷⁴ *Ibid.*
- ⁷⁵ *Ibid.*

CHAPTER SIX

6 ETHICAL ISSUES IN THE PRACTICE OF SPOUSAL VIOLENCE

6.1 Introduction

The preceding chapters provide information about the phenomenon of the practice of spousal violence. Theories of human nature and the 'self' - 'other' dichotomy theories provide a metaphysical foundation for the existence of human conflict in society. This chapter analyzes the phenomenon of spousal violence including the reasons for its occurrence, mechanisms employed, types and consequences are also examined from an ethical point of view. Ethics, being a rational and objective evaluation of human relations, will be used in this study to critically evaluate the subjective and uncritical cultural, economic and psychological justifications that have been put forward in an effort to explain the existence of spousal violence. Ethical theories will help to bring in the necessary objectivity in the discussion about spousal violence and make recommendations that may pass as universal justification for the cessation of spousal violence in the society.

Human beings need moral norms/standards based on mutual understanding and seen as binding for them because of their appeal to reason which is common to all. All rational persons should agree that a moral code must prohibit all practices that exhibit violence or unprovoked assault on fellow human beings.¹ Moral guidance thus is needed in the evaluation of spousal violence as practiced in society today. This chapter thus offers an interaction between ethical theories and spousal violence with an aim of finding a rational solution to the problem of violence and particularly spousal violence in human relations.

6.2 RELEVANCE OF ETHICS IN HUMAN RELATIONSHIPS

The discipline of philosophy is made up of various branches, which include: Ethics, Metaphysics, Logic, Aesthetics and Epistemology. The phenomenon of the practice of spousal violence as a human act fits well within the philosophical realm of ethics. This is because ethics is concerned with how human beings should conduct themselves in society

so as to maintain order and well being of all the members. Spousal violence, as has been discussed in the foregoing chapters, is widely practiced and even in some cases accepted as a normal occurrence. However, as discussed in Chapter Five, the phenomenon of spousal violence threatens order and well being in society. Violence is an ethically central and major aspect of people's experiences. Physical violence is considered in particular for it frequently involves a special painfulness and traumatic quality. It also negates physical integrity and is often overlooked by scholars. Violence and the resultant suffering have been marginalized, ignored and downgraded.² There is therefore the need to critically evaluate spousal violence from an ethical perspective.

Socrates, one of the Ancient Greek moral philosophers in western civilization emphasized the need for human beings to have worthwhile living. To him "...the unexamined life is not worth living."³ By this statement he stated the creed of reflective individuals and set the task of ethical theory. It is important therefore to always reflect on every aspect of our daily living so that life can be worth living. This includes political, economic, social and cultural ways of life.

Some scholars also call ethics as a branch of philosophy as moral philosophy. It is "...a philosophical thinking about morality, moral problems and moral judgments."⁴ The phenomenon of spousal violence is a moral problem that requires a critical examination. Raphael defines moral philosophy as a philosophical discussion of assumptions about right and wrong, good and bad, considered as general ideas and as applied in the private life of individuals. It is a philosophical inquiry about norms or values about ideas of right or wrong, good or bad, what should and what should not be done.⁵ Ideas of dominance and subordination that characterize some marital relationships are morally questionable. Whether they should remain private or be made public is another controversial issue that this study has endeavored to address.

Plato defines moral philosophy as an inquiry into "...how we ought to live".⁶ As rational beings, men and women ought to live in peace and harmony and not in relationships of conflicts. Being a philosophical study, ethics enables an individual to stand on his or her

feet. "...to be self-critical, and to be obliged to choose for oneself. It makes one more rational, more responsible and more of a human being."⁷

According to Socrates, moral philosophy arises, "...when we pass beyond the stage in which we are directed by traditional rules and even beyond the stage in which these rules are internalized. We can be said to be inner-directed to the stage in which we think of ourselves in critical and general terms and achieve a kind of autonomy as moral agents."⁸

Some African communities, in line with their traditional thinking or epistemology and socialization, perceive wife battering as an 'acceptable' practice and as a way of disciplining errant wives. However, in the Socratic philosophy, such culturally acceptable practices, values and norms, should be subjected to critical examination. All kinds of violence, whether by men or women, are morally questionable since they inevitably involve pain and suffering and have negative consequences.

The terms "moral" and "ethical" are often used as equivalent to "right" or "good" as meaning pertaining to "morality" as opposed to "non-moral" or "non-ethical."⁹ In moral philosophy, there are discussions about issues such as moral problems, moral judgments, moral codes, moral arguments, moral consciousness or moral point of view. The term "ethical" can therefore be used in this way too. Ethically right is equivalent to morally good", which means that it pertains to "morality" as opposed to *non-moral* or *non-ethical*. The use of these terms in the thesis is no exemption. The term non-moral can be used interchangeably with the term amoral. According to the Cambridge Advanced Learners' Dictionary, amoral means "outside the scope of morality: not concerned with moral judgments". Non-moral is defined in the same dictionary as "independent of moral consideration; neither immoral nor moral."¹⁰ Spousal violence is examined in this chapter to determine its moral rightness or wrongness.

6.3 ETHICAL THEORIES

Traditional and Classical philosophers have offered views that question the notion that our standards must be the rules of the culture we live in. These are Deontological ethical theories and Teleological or Consequential ethical theories. However, there are modern ethical theories such as Emotivism, Existentialism, Marxism, Pragmatism and Feminist

ethics. This chapter discusses the practice of spousal violence from both traditional moral philosophers and some feminist ethicists.

6.3.1 Teleological Ethical Theories

A teleological ethical theory holds that "...the basic or ultimate criterion or standard of what is morally right, wrong, obligatory is the value that is brought into being."¹¹ The rightness or wrongness of an action is judged by the consequences of such an action, "...thus, an act is 'right' if and only if or the rule under which it falls produces, will probably produce, or is intended to produce, at least as great a balance of good over evil as any available alternative; an act is 'wrong' if and only if it does not do so."¹² Teleological ethical theories, then, make the right, the obligatory and the morally good dependent on the consequences of an action hence they are often called consequential theories.

There are hedonist teleological ethical theorists and non-hedonist teleological ethical theorists. Hedonists identify the 'good' with 'pleasure' and 'evil' with 'pain'. To them, the right course of action or rule of action is that which produces at least a great balance of pleasure over pain as an alternative would. Non-hedonists identify the 'good' with 'power', 'knowledge', 'self-realization', 'perfection', among others. Both of these teleologists provide some views about what is good or bad and determine what is right or obligatory by asking what is conducive to the greatest balance of good over evil.

The practice of spousal violence evaluated from the hedonistic teleological ethical theory shows that it is either moral or immoral depending on who is performing it and on whom it is performed. When a spouse uses violence on his or her partner, he or she wants to achieve something or to get certain consequences. The perpetrator of violence may get pleasure out of practicing it. To him or her, since the action gives him or her pleasure, he or she can call it a moral action. The action produces a greater balance of pleasure over pain. The victim of violence is likely to get pain. When the consequence of an action is pain, then it is an immoral action from a hedonistic teleological point of view. To the perpetrator of spousal violence, therefore, the action is moral or ethical since it produces pleasure, or gives him or her power and dominance. To the victim of spousal violence,

the action is immoral or unethical since it produces a greater balance of pain over pleasure.

Evaluated from non-hedonistic teleological point of view, the practice of spousal violence is either moral or immoral depending on who performs the action and to whom it is exercised. When the perpetrator of spousal violence feels that he or she has achieved power, and dominance according to the dictates of the society or self, then he or she will say that the action is moral or ethical. However, to the victim the consequence is negative. It results to powerlessness and subordination and therefore, it is immoral or unethical.

Teleologists differ on the question of on whose good it is that one ought to try to promote. There are distinctive categories of teleological ethical theories such as ethical egoism, psychological egoism and ethical universalism or utilitarianism.

6.3.1.1 Ethical Egoism

Ethical egoism holds that one is always to do what will promote his or her greatest good. It holds that "...an act or rule of action is 'right' if and only if it promotes at least as great a balance of good over evil for him in the long run as an alternative would and 'wrong' if it does not."¹³ Ethical egoism is the ethics of what Butler calls 'self-love' and what Freudians call 'the ego'. According to the ethical egoist, an individual's one and only basic obligation is to promote for himself the greatest balance of good over evil. An individual, when making moral judgments, should go by what is to 'his own advantage'. In this theory, what is good or right is the action that has an advantage or positive consequences for the person performing the action. The rightness or wrongness of an action is centered on its effects on the individual who performs it.

Ethical egoists are either hedonists or non-hedonists. Epicurus identified the good or welfare with 'happiness' and 'happiness' with 'pleasure'.¹⁴ He is therefore a hedonist. Non-hedonistic ethical egoists identified the good or welfare with power, knowledge or self-realization. Ethical egoists, whether hedonistic or non-hedonistic hold that everyone

should act and judge by the standards of his own long run advantage in terms of good and evil.¹⁵ In evaluating the practice of spousal violence from an egoistic ethical point of view, consideration of the consequences by the perpetrator and the victim is made. For the perpetrator, the action is moral or ethical since it has positive consequences for him/her. By perpetrating violence on his wife, a man may get pleasure and that pleasure gives him happiness. When a wife exercises violence on her husband, it gives her pleasure but her husband gets pain.

By practicing spousal violence, the individual feels that a good action has been performed. This is because the abuser has absolutely no interest in the thoughts, concerns or feelings of the victim. He or she is not interested in anything else but control over the victim. In the abuser's world view, life is about the great 'ME' and not the little 'you.'¹⁶ However, to the victim the action is unethical or immoral as it gives him or her pain and not pleasure. It results in unhappiness on the victim of spousal violence. If the victim is the wife, she feels dominated by her husband hence becoming his subordinate. If the victim is the husband, he feels dominated by the wife, hence feels subordinate to his wife. Spousal violence therefore, is immoral from the point of view of the victim, but moral from the point of view of the perpetrator.

Ethical egoism as an ethical theory, however, is not a satisfactory theory of morality. What qualifies as the standard of morality is the satisfaction of the self but suffering for other people. What gives satisfaction or pleasure or happiness to an individual, produces pain for others. Therefore, so long as pain is involved in this practice, it makes the performance of that action immoral.

6.3.1.2 Psychological Egoism

Psychological egoism has been used as a basis for ethical egoism. This is the argument from human nature. According to psychological egoism, "...we are so constituted that one always seeks one's advantage or welfare, or one always does what he/she thinks will give him/her the greatest balance of good over evil."¹⁷ According to Butler, "...this means that "self-love" is the only basic 'principle' in human nature".¹⁸ It means 'ego-

satisfaction' is the final aim of all activity or that the 'pleasure principle' is the basic 'drive' in every individual. According to this theory, therefore, "we must recognize this fact in our moral theory and infer that our basic ethical principle must be that of self-love."¹⁹

Thomas Hobbes depicts human nature as "...completely and exclusively egoistic."²⁰ To him a human being is by nature selfish and devoid of any genuine feelings of sympathy, benevolence or sociability. According to this theory, therefore, every individual "...is always seeking his own greatest good. whether this is conceived of as pleasure, happiness, knowledge, power, self-realization or a mixed life."²¹ When the practice of spousal violence is examined from psychological egoism, it appears morally justifiable for an individual as he/she only does what his/her human nature dictates to him/her.

A human being cannot avoid what nature dictates to him/her. Human beings are created, according to Hobbes, in such a way that they seek the gratification of their own desires and successes. The right to gratify ones desires and being, therefore, makes an individual happy. An individual may practice spousal violence and claim that he cannot avoid it because it is natural to do so. To that person, spousal violence is moral as it occurs naturally. To the victim of spousal violence, the action is unethical as it gives him or her pain. It does not help him or her to gratify his or her own desire and success but it impacts negatively on him or her. Psychological egoism therefore, asserts that an action is moral or immoral depending on whom the victim or perpetrator of spousal violence is. However, for an action to be moral, it has to be done within the realm of reason. Therefore psychological egoism as an ethical theory does not offer an adequate moral guidance for human action, especially in practice of spousal violence.

6.3.1.3 Utilitarianism

According to ethical universalism or utilitarianism, the ultimate standard of right and wrong is the 'principle of utility'. According to this principle, the moral end to be sought in all we do is "...the greatest possible balance of good over evil or the least possible balance of evil over good"²² in the world as a whole. Some utilitarians are hedonists, equating the 'good' with 'happiness' and 'happiness' with 'pleasure'. According to

utilitarianism, an action is right if it is useful for promoting 'happiness'. 'Happiness' as they explain, is a sum total of 'pleasures'. Pleasure is good and pain or displeasure is bad. Actions are right if they produce what is good and remove or prevent what is bad, that is to say, if they produce happiness or pleasure and if they remove or prevent what is bad, unhappiness or pain.²³ Though happiness and pleasure have more or less the same meaning, the use of one or the other is context-determined. Pleasure is "happiness or satisfaction; a feeling of happiness, delight or satisfaction" while happiness is "feeling pleasure; feeling or showing pleasure, contentment or joy."²⁴ Happiness, however, is of a superior nature than pleasure, since the latter is only a means to the former. Happiness, and not pleasure, is the ultimate goal of human life.

There is a group of utilitarians, who says that pleasure, or happiness is not the only thing, which is good in itself. These are non-hedonists. According to them, "...other good things are virtue, love, knowledge or truth and beauty".²⁵ These non-hedonists are also called ideal utilitarians. Traditional/classical utilitarians, however, say that pleasure is the sole intrinsic good and that these other things are valued for the sake of pleasure either the pleasure, which they themselves contain, or the pleasure which they are likely to produce. They say that there is need to distinguish between 'good' as 'a means' and 'good' as an 'end'. If something is valued for its own sake, it is 'good as an end' or intrinsic good. But if a thing is valued for the sake of something else, which it produces, then it is 'good as a means.' However, all utilitarians agree that right actions are useful actions and that rightness is in fact a kind of efficiency but restricted to efficiency for good ends.²⁶ This implies that right acts are acts, which are useful, efficient, for good purposes or ends.

The proponents of utilitarianism were Jeremy Bentham and John Stuart Mill They were social-political philosophers and they held that the standard of morally right action is the increase of happiness or the decrease of unhappiness as much as possible for as many people as possible that is "...the greatest happiness for the greatest number".²⁷ They explained that the function of law and government is to match up the two things; self-interested motivation and the effective pursuit of the ethical standard. To them the primary purpose of law is to protect a person and his/her property. To them, "murder,

assault, theft, fraud, indeed are crimes that are harmful to individuals and to society at large; they diminish the stock of happiness directly in their immediate victims, and also indirectly by causing a fear of like danger to others".²⁸

According to these utilitarians, the self-interest in the criminal has to be curbed through punishment, which is unattractive to him. The wrongdoer is attracted by the pleasure of his wrongdoing; "but the prospect of imprisonment makes the whole enterprise unattractive."²⁹ The criminal law adds the prospects of unpleasantness and so deters the would-be thief from doing an action, which is harmful to society. The law with its sanctions (punishment and other penalties) makes an artificial harmony of private and public interest. It gives the potential criminal a motive for not doing socially harmful actions; it makes such actions unattractive or unpleasant to him as well as to the society.³⁰ The utilitarian theory asserts that the law exists to promote the happiness of the community; while the sanctions of law help this cause by making socially harmful actions unattractive to those who would otherwise be attracted to do. It gives a simple, general criterion of morally right action, and it uses the same simple principle as the rationale of government and law. According to utilitarianism, anything painful or unpleasant is bad and therefore immoral. Spousal violence causes pain to the victim and therefore becomes immoral, while to the perpetrator, it gives pleasure.

According to Frankena, there are three categories of utilitarianism: Act-Utilitarianism (AU), General utilitarianism (GU) and Rule-Utilitarianism (RU). Act-utilitarianism holds that in general or at last where it is practicable one is to tell what is right or obligatory by appealing directly to the principle of utility i.e. by trying to see which of the actions open to him will or is likely to produce the greatest balance of good over evil. The question asked is, "what effect will my doing this action in 'this' situation have on the general balance of good over evil?" Jeremy Bentham and G.E. Moore held such views.

However, some philosophers like A. C. Ewing and R.B. Brandt have criticized Act-utilitarianism. According to them, AU would not allow us to use any rules or generalization from past experience but would insist that each and every time we calculate anew the effects of all the actions open to us on the general welfare. This is

simply impracticable, as we must have rules of some kind. It is also possible that in a certain situation, two contradictory acts may be equally right hence making Act-utilitarianism unsatisfactory. According to Ewing and Brandt, many actions that are ordinarily regarded as wrong would be right on an AU view consistently applied. A poor man stealing from a rich man may produce at least as great a balance of good over evil in general as an alternative open to him and that an AU must judge it to be right: "it is indeed difficult to maintain that it cannot, under any circumstances be right to lie on an act-utilitarian grounds, for example, to save life, but it seems to be pretty clear that act-utilitarian principles, logically carried out would result in far more cheating, lying and unfair action than any good man would tolerate."³¹

General-Utilitarianism, on the other hand holds that one is not to ask in each situation which action has the best consequences. One is not to ask, "what will happen if I do so and so in this case? but what would happen if everyone were to do so and so in such a case?" The idea behind General-Utilitarianism (GU) is that if something is right for one person to do in a certain situation, then it is also right for anyone else who is similarly situated to do. It means that one cannot ask simply what effects one proposed action will have in a particular case. one must ask what the consequences would be if everybody were to act likewise in such cases.

The GU implies the principle that if an action is right for me to do in my situation, then it is right for everyone to do who is similarly situated. According to the critics of GU, this principle cannot be derived from the principle of utility but is independent of it and so one might think that in appealing to it, the GU is appealing to another moral principle besides that of utility. This is the principle of universalisability, which must be admitted by everyone who judges anything to be right or wrong. This means that in GU, the rightness or wrongness of an action is so from a non-utilitarian ground because it would be unfair or unjust for an individual to take advantage of and profit from the fact that others in a similar situation do not behave in the same manner as him or to benefit from a system of rules and cooperative activity in which he does not do his part.³²

Rule-utilitarianism (RU) has been attributed to John Stuart Mill. It emphasizes the centrality of rules in morality and insists that we are generally, if not always, to tell what to do in particular situations by appeal to a rule like that of truth telling rather than by asking what particular action will have the best consequences in the situation in question.³³ We are always to determine our rules by asking which rules will promote the greatest general good for everyone. The question is not which 'action' has the greatest utility but which 'rule' has. Rules must be selected, maintained, revised and replaced on the basis of their utility and not on any other basis. This view is advocated by philosophers such as Bishop Berkely and R.B. Brandt. Rule-utilitarianism may be right in that by obeying a rule like telling the truth, may be useful though it may not lead to the best consequences.

The practice of spousal violence can be ethically evaluated from a utilitarian perspective. Since the end to be sought in all we do is the greatest possible balance of good over evil or the "greatest possible balance of evil over good", can the practice of spousal violence pass the test? When an individual beats his wife or her husband, does he or she aim at the greatest possible balance of good over evil? For the perpetrator he or she may feel that an achievement has been made; that is the action has produced the greatest possible balance of good. The individual may have achieved, through the means of violence to be dominant and powerful. He or she feels happy that the dictates of the society have been accomplished. For the victim of spousal violence, she or he feels that the action has produced the greatest possible balance of evil over good. Through the use of violence, she or he feels subordinated by the dominant spouse. To the victim, therefore, the practice of spousal violence produces the least possible balance of good over evil hence the action is unethical or immoral.

An action is right from a utilitarian point of view if it is useful in promoting 'happiness.' Pleasure is good and pain or displeasure is bad for the perpetrator of spousal violence. The action is right as it gives him or her pleasure or happiness. For the victim of spousal violence, the action is bad as it gives him or her pain or displeasure. For the perpetrator, therefore spousal violence is ethical while for the victim the action is unethical. To the perpetrator of spousal violence, the action is good in itself hence is an intrinsic good. He

or she may be violent for the sake of it not because the spouse has done anything wrong. From the non-hedonistic utilitarian point of view, spousal violence may be exercised, not for the sake of it as in traditional utilitarianism but as a means for achieving other values such as power. A spouse may exercise spousal violence as a means to remind his or her spouse as to who is supposed to be in control within the family or the most powerful family member.

A man may beat his wife to remind her of her place in the family. In this way, spousal violence is used as a means to achieve power or dominance. To the perpetrator, this exercise of violence as a means to show power and dominance is moral or ethical. However to the victim, this use of violence is a means of subordination hence, it is immoral or unethical. A close examination of the reasons for wife-beating or spousal violence such as discipline, unfaithfulness, alcoholism are nothing but attempts to express power or dominance. Nothing warrants the use of violence in the family.

The reasons presented as giving rise to spousal violence are nothing but ways of showing power and control by one spouse over the other. For the perpetrator, this may be useful but for the victim, this is not necessary. Reasons for the perpetration of spousal violence are immoral or unethical as they are attempts to show dominance by the abuser and subordination of the victim. Masculinity and femininity are socially constructed and they do not augur well for the greatest happiness principle. Justifying one's position in the family using spousal violence as a means is immoral. To be moral, an action should be based on rationality.

A close scrutiny at the methods that spouses use in their practice of spousal violence such as kicking, biting, throwing acids among others cannot be said to be moral. They may give pleasure and enhance power to the perpetrator but they result in pain or displeasure to the victim. These methods, therefore, cannot be said to produce the greatest possible balance of good over evil. They are, therefore, immoral or unethical from a utilitarian point of view in that they are not based on reason.

An examination of the consequences of spousal violence brings into question the morality of its practice. There are physical, psychological as well as death resulting from spousal

violence. When a spouse is assaulted, is depressed or killed through spousal violence, this is morally questionable. Spousal violence is a violation of human rights. An individual's dignity and autonomy is devalued and this does not result in providing the greatest balance of good over evil. Spousal violence results in extensive suffering and negative health consequences for the victim. The children are adversely affected if they lose a parent through spousal violence. This may lead to poverty, which is a negative development. Suffering of the victim of spousal violence as well as other family members cannot be said to produce the greatest balance of good over evil. The perpetrator may also be jailed for killing or assaulting his or her spouse hence making the children to suffer even more.

Other consequences of spousal violence as seen in the previous chapters include HIV-Aids, STDS, miscarriages and other gynecological problems. Alcohol and drug abuse, stress and depression also result from spousal violence. These health problems do not give pleasure but pain especially to the victim. Suicide and homicide have also occurred as a result of spousal violence. Murder is immoral as it is a violation of sacredness of human life. All these adverse effects of spousal violence point to the fact that it goes against the general utility rule.

When an individual practices spousal violence against his or her spouse, he or she regards the spouse as the "other" as in the 'self' 'other' dichotomy theory. The male, when he is the perpetrator of spousal violence regards himself as the 'self', the 'absolute' the 'essential' and the 'ultimate' being while if the victim, is the female she is regarded as the 'inessential', and the 'other'. This 'self' 'other' dichotomy has no moral basis as one individual causes pain and harm to the other hence subordinates him or her. Since the law exists in the society to promote happiness of the society, it provides sanctions to those who harm others. The practice of spousal violence harms society since it does not promote happiness to the general public who instead abhors it. The law, therefore, should provide sanctions for its practice and should not just consider it as 'assault' since it has many adverse effects including death.

When the practice of spousal violence is analyzed from the three categories of utilitarianism, Act-utilitarianism, General-utilitarianism and Rule - utilitarianism it is proved unethical or immoral. In Act - utilitarianism one can ask what effect the practice of spousal violence in a particular situation will have on the general balance of good over evil. If a spouse beats his wife or her husband on the ground of adultery resulting in death, this action cannot produce the general balance of good over evil. Adultery, in this case cannot justify murder. Sanctity of life as well as the dignity and autonomy of the individual have been violated against. The human rights of the individual have been grossly violated. The children in that family will be adversely affected. They may fail to get their basic rights such as food, shelter and education. The perpetrator, as well may be imprisoned for life hence aggravating the situation further. Development of the family and of the society at large will be adversely affected.

In General-utilitarianism, one would ask what should happen if everyone were to practice spousal violence in such a case. The idea in General-utilitarianism is that if something is right for one person to do in a certain situation, then it is also right for anyone else similarly situated. In case of an adulterous spouse, would the practice or exercise spousal violence be advocated? Since this practice has adverse effects not only on the victim but also on the family and the rest of the community, from General-utilitarianism the practice of spousal violence is immoral or unethical. Where spousal violence results in death of the spouse, questions of sanctify of life, violation of human rights and individual autonomy are morally questionable.

In Rule-utilitarianism, the emphasis is the centrality of rules in morality. We are always to determine our rules by asking which rules will promote the greatest general good for everyone. If a society is to go by the rule that adulterous spouses should always be beaten, the results would be that the practice of spousal violence will be proved immoral due to the adverse consequences that would result from such a rule. From the utilitarian point of view, therefore, the practice of spousal violence is unethical or immoral since it does not lead to the provision of the greatest balance of good over evil.

Utilitarianism emphasizes the effects of an action on the majority for it to be judged moral or immoral. When spousal violence is practiced leading to physical injury or death, the majority of people are likely to be affected and therefore will advocate that the perpetrator be punished. As an ethical theory however, it marginalizes the feelings of the minority. There are those who may feel that the perpetrator of spousal violence is right and therefore should not be punished. They may argue that law and order within the family has to be maintained and those who violate them through misconduct like adultery should be punished.

The utilitarianism assertion that the morality of an action depends on its consequences on the majority of people is not satisfactory. This is because, one has to perceive and analyze each and every effect of an action before determining its morality, which may be impracticable. Since rationality is the foundation of morality, not being able to evaluate all the consequences before making the moral judgment becomes problematic. Utilitarianism, therefore, cannot be an absolute moral theory.

6.3.2 Deontological Ethical Theories

Deontological ethical theories deny what teleological ethical theories affirm. They deny that the right, the obligatory and the morally good are wholly, whether directly or indirectly, a function of what promotes the greatest balance of good over evil for self, one's society or the whole world. They assert that there are other considerations that may make an action or rule right or obligatory besides the goodness or badness of its consequences.³⁴ A deontologist contends that it is possible for an action, a rule of action to be the morally right or obligatory even if it does not promote the greatest possible balance of good over evil for self, society or universe. It may be right or obligatory simply because of some other facts about it or because of its own nature.

There are Act-deontological ethical theories, which maintain that the basic judgment of obligations is all purely particular ones. A particular action is right or wrong, given the situation in which it is performed. Extreme act-deontologists maintain that we can and must see or somehow decide separately in each particular case what is the right or

obligatory thing to do without appealing to any rules and also without looking to see what will promote the greatest balance of good over evil for oneself or the world.³⁵ This was at least suggested by Aristotle when he said that in determining what the golden mean is "the decision rests with perception."³⁶ Butler also says "...any plain honest man, before he engages in any course action ask himself; Is this am going about right or is it wrong... I do not in the least doubt but that this question would be answered agreeably to truth and virtue without any general rule."³⁷ In less extreme form, act-deontologists allow that general rules can be built on the basis of particular cases and may then be useful in determining what should be done on later decisions. It, however, emphasizes that a general rule can never supersede a well-taken particular judgment as to what should be done.

Rule-deontologists hold that the standard of right and wrong consists of one or more rules; either fairly concrete ones like, "we ought to tell the truth" or very abstract ones like Henry Sidgwick's principle of justice; "It cannot be right for A to treat B in a manner in which it would be wrong for B to treat A merely on the ground that they are two different individuals and without there being any difference between the natures or circumstances of the two which can be treated as a reasonable ground for difference of treatment".³⁸ Rule-deontologists include W.D. Ross, Immanuel Kant and Joseph Butler. The philosophers who take "conscience" to be our guide or standard in morality are either rule-deontologists or act-deontologists depending on whether they take conscience primarily as providing us with general rules or as making particular judgments in particular situations.

Act-deontologist theory can be used to analyze the practice of spousal violence. According to this theory, depending on the situation, spousal violence is right. A spouse may use violence against a marriage partner as a justification for adultery. The perpetrator will argue that the action is morally justifiable because the spouse has done something bad in this case, committing adultery and therefore the errant spouse should be punished. Rule-deontological ethical theory can also be used to analyze the practice of spousal violence. In most societies, adultery is condemned; "thou shall not commit adultery" is an unwritten rule. When adultery occurs, therefore, the spouse that commits

it is required by the custom to be punished. There is a general rule that adultery should be punished. Wife/husband beating is morally justified as a means of disciplining an errant spouse from the rule-deontological theory.

Act-deontological theory however, may be criticized because it does not offer any criterion or guiding principles. However, act-deontologists argue that each situation is different so no general rules are helpful. Critics believe that events and situations may be alike in some aspects hence can make general statements of a moral kind. Another criticism is that rules are needed in the process of moral education. According to R.M. Hare:

...to learn to do anything is never to learn to do an individual act; it is always to learn to do acts of a certain kind in a certain kind of situation, and this is to learn a principle...without principles, we could not learn anything whatever from our elders .. every generation would have to start from scratch and teach itself. But... self-teaching like all other teaching, is the teaching of principles.³⁹

Act-deontological theory has also been criticized as untenable in principle. In choosing, judging and reasoning morally, one is at least implicitly exposing rules or principles.

In Rule-deontological theory, the standard of morality consists of a number of specific rules like those of telling the truth or keeping promises; each one saying that we ought "always" to act in a certain way in a certain kind of situation. However, this theory has been objected in that no rule can be framed which does not admit of some exceptions or excuses and no set of rules can be framed which does not admit of conflicts between rules.⁴⁰ The societal expectation of punishing errant spouses is no exemption.

There are different categories of deontological ethical theories. These include 'Prima Facie' Duty, the Divine Command Theory, Kant's categorical Imperative theory, among other theories.

6.3.2.1 'Prima Facie' Duty

W.D Ross, a rule-deontologist distinguishes between "actual" duty and "prima facie" duty; between what is "actually right" and what is "prima facie" right.⁴¹ What is actually

right or obligatory is what we actually ought to do in a particular situation. To him, this may involve conflicts; "...every rule has exceptions"⁴² meaning every rule of actual duty has exceptions. He contends that there are 'exceptionless' rules of prima facie duty. This means that one can formulate a number of moral rules that hold without exception as rules of prima facie though not of actual duty. That one ought to keep one's promises is always valid as a rule of prima facie duty. It is always an obligation one must try to fulfill. However, this may be outweighed by another obligation or rule of prima facie duty; the fact that one has made a promise is always a right-making consideration. It must always be taken into account, "...but there are other such considerations and these may sometimes outweigh it to take precedence over it when they conflict with it".⁴³

Though Ross's conception of set rules of prima facie duty is an important one, it does not give us any criterion by which to tell what our prima facie duties are or what considerations are always to be taken into account in determining what is morally right or wrong. He contends that his prima facie duties such as fidelity, reparation, gratitude, justice among others, are "self evident" so that no other criterion is needed. This implies that in marriage, infidelity is self-evidently immoral.

However, this view of self-evidence is questionable. One would say that the basic rules are not self-evident but "arbitrarily decided on, divinely revealed or deduced from metaphysics."⁴⁴ One may argue that the issue of infidelity is arbitrarily decided on especially given that in most traditional societies in Africa, little is said about infidelity by husbands and no penalties are proposed for it. Kinoti, while discussing infidelity within the Gikuyu community, asserts that wife beating was used as a mechanism for checking adultery and she does not mention the same about husbands who may have been involved in the same behavior.⁴⁵ Ross's prima facie duty therefore, may be objected and replaced with a more satisfactory standard of abstract and highly general rules like the Golden Rule or Sidgwick's 'Principle of justice', or Rashdall's Axiom of Equity; "I ought to regard the good of one man as of equal intrinsic value with the good of any one else."⁴⁶ These principles capture some truth for they entail recognition of the principle of equality and universalizability though it is doubtful if they can suffice for the determination of duties.

In the practice of spousal violence, one can formulate a moral rule such as, 'adultery should always be punished with wife-beating' as this has been the practice in many societies. But can the practice of spouse violence be justified because adultery has been committed? Can this rule be said not to allow any exceptions? What about adultery by husbands? The rule of using spousal violence as a result of a wrong having been committed cannot be said to be morally justified from the point of view of Ross's prima facie duty. Such a rule is not self-evident. Societal or individual ideas or rules of dominance, power, control and subordination that find their ultimate expression in the practice have no moral basis using this theory. From the prima facie duty theory, therefore, relationships of dominance and subordination as well as the practice of spousal violence are morally unjustifiable.

6.3.2.2 The Divine Command Theory

The Divine Command Theory is a monistic kind of rule-deontology. It holds that the standard of right or wrong is the will or Law of God. "Right" and "wrong", mean, commanded and forbidden by God respectively. It "...holds that an action is right or wrong if and only if and because it is commanded or forbidden by God".⁴⁷ What ultimately makes an action right or wrong is its being commanded or forbidden by God. According to theological voluntarism, the moral Law coincides with what God tells us to do. A question arises; how can we know what God commands or forbids? This question was asked by Socrates in Euthyphro. According to Euthyphro, what makes something right is the fact that God commands it. Socrates asks; "Is something right because God commands it or does He command it because it is right? Euthyphro replies that God commands it because it is right. This implies that what is right is so independent of whether God commands it or not. God only reveals what is right and does not make it right or create its rightness merely by willing it.

St. Thomas Aquinas and Ralph Cudworth rejected the Divine command theory from the point of view of its voluntaristic form. Cudworth points out that if theological voluntarism is true, if God were to command cruelty, dishonest or injustice, these things would be right and obligatory.⁴⁸ Such a position is hard to accept. The theological voluntarists reply by saying that God would not command cruelty and any other evil

actions because that would go against His nature, since He is good. This means that God is benevolent or loving, and therefore would not order us to be cruel or evil.

The practice of spousal violence analyzed from the Divine command theory puts into question its moral standing. Can God command that 'a man should beat his wife if she disobeys him?' It shows that God cannot command cruelty; therefore, the practice of spousal violence from the Divine command theory is unethical or immoral, since God is benevolent and loving. One of the proponents of the Divine command theory or the Christian ethical theory is Saint Augustine. His works are permeated by the gospel of love that unifies and illuminates the Christian religion; "this love embraces the love of God and the love of our neighbour."⁴⁹ He says that in loving God, we love truth. Individuals come to know truth through inner experience and conviction. Through the redemptive mission of Jesus Christ, God's true word, human beings enjoy both spiritual peace on earth and the eternal blessedness of the vision of God, which is humanity's true happiness.⁵⁰

The Christian doctrine presents the human person as having been created by God in His own image. He/she was created to have fellowship with God and to love and serve Him through obedience. A human being, in Christianity, should not only love God but also his/her neighbors. Human beings, from the Christian ethical theory are moral agents in that they are endowed with freedom to choose good and bad actions by God. Yet, God is seen as a being in control of man's behavior. There is therefore, a contradiction between freedom and determinism. A human being is free yet has to do what is determined by God who has endowed him/her with rationality. The human person has to act according to the will of God and desist from any behavior that deviates from His will.

According to the Christian theory, not loving ones neighbour is a disobedience to God hence is evil. Violence does not show love to one's neighbour. Through violence, happiness is curtailed and happiness, according to the Christian theory, is the purpose for human life on earth and in heaven. From this theory, the practice of spousal violence is evil, is immoral or unethical. God does not will that a human being behaves violently towards the neighbour and his/her family but should live peacefully and lovingly towards

fellow human beings. The practice of spousal violence is therefore immoral as it goes against God's will. Human beings have the freedom to choose between love and peace on the one hand, and hate and violence on the other. When an individual chooses to be violent to his or her spouse, one has chosen to perform an immoral action and when one chooses peace and love towards ones spouse, one becomes virtuous therefore moral. Human beings therefore, have to combine their knowledge about what God commands them and their rationality.

6.3.2.3 Kantian Categorical Imperative

Another example of a monistic kind of rule-deontological theory is presented by Immanuel Kant. This is what he calls the first form of the categorical imperative. It says; "act only on the maxim which you can at the same time will to be a universal law."⁵¹ He says that when one acts voluntarily, one always acts on formulizable maxim or rule. Secondly, that one is choosing and judging from the moral point of view if and only if one is or would be willing to universalize one's maxim, that is, if he is or would be willing to see, his rule acted on by everyone who is in a situation of a similar kind. Thirdly, that an action is morally right or obligatory if and only if one can consistently will this. He says that it is morally wrong to break promises, to commit suicide and do to other evil things since these cannot be universalized. He says that we ought to cultivate our natural gifts and that we ought to help others who are in trouble.

For Kant, "...the universal basis of morality in people lies in their rational nature since this alone is the same in everyone."⁵² To him, a moral principle must be such that one can will that all people, including oneself should act upon it. He uses the test of consistency as the core of the fundamental law which he calls 'categorical imperative;' "...those actions are right which conform to principles one can consistently will to be principles for everyone, and those actions are wrong which are based upon maxims that a rational creature could not will that all persons should follow."⁵³ Through the categorical imperative, therefore we are enabled to distinguish right from wrong actions. The categorical imperative is also, "...the unconditional directive of behaviour. It is binding upon everyone because each rational being acknowledges an obligation to follow

reason".⁵⁴ It is also the only basis for determining our duties or what we ought to do or not to do. According to Kant, the supreme principle or law of morality which the good person must follow is the categorical imperative; "rational beings, to the extent that they act rationally, will always be guided by ethical principles or maxims which can be adopted by everyone else without generating any contradiction."⁵⁵

The social implications of Kants' categorical imperative are that, "...it requires us to treat all human beings as "ends" in themselves and never "as means to an end"... we should respect all human beings impartially and avoid exploiting anyone."⁵⁶ An examination of the explanations of the occurrence of spousal violence, beginning from the theories of human nature, and the 'self' - 'other' sex dichotomy theories shows that these theories have no moral basis. The theory that man is aggressive by nature is overridden by Kantian view that man is a rational being hence capable of behaving rationally without the use of aggression. The 'self'-'other' dichotomy theories that emphasize the inequality of males and females have no moral basis.

The social construction of male dominance and female subordination is not based on any moral principle. Due to the inequality and imbalance of power between males and females, there is oppression and exploitation of one sex by the other. In patriarchal societies, male dominance and supremacy and female subordination ideas are emphasized. Through socialization and through peer pressure, boys are taught to be dominant while girls are taught to be timid and subordinate. This is morally unacceptable from the Kantian point of view. The males use violence as a means to show their dominance over their female counterparts. Women too may use violence against their husbands to show power and dominance.

From the Kantian moral point of view, all human beings should be treated as ends in themselves and never "as means to some end". In the practice of spousal violence, a spouse uses the other as a means to some end. The means is violence and the end is dominance and subordination. A man may beat his wife as a reminder that he is the head of the family; is powerful and therefore dominant. The wife in this way is treated as a means for her husband to achieve power, control, supremacy and dominance through her

being subordinated through violence. The same is true if a woman uses violence against her husband. There is partiality when one spouse violates his or her partner as he or she does not regard him or her as an equal. There is oppression and exploitation of one spouse or sex by the other and this, according to the Kantian view, is immoral.

When the phenomena of the practice of spousal violence are examined from the Kantian categorical imperative, it does not pass the test of being acceptable as a universal law. The culture of silence evident in the practice of spousal violence and its being confined to the realm of the private shields it from being capable of being universalized and shows that by keeping quiet about it, there must be something morally wrong with it. The methods employed in the practice of spousal violence including kicking, biting, burning, slapping, punching, strangling, throwing, acid, beating, raping, shooting, are a far cry from being moral. These methods cannot be universalized as they are likely to mark the beginning of the end of mankind. The consequences of the practice of spousal violence that include stress, depression, suicide and death do not pass the Kantian universal law test. An action that depresses, physically hurts or kills cannot be acceptable as a universal maxim. It violates human rights, devalues human beings, denies them value and autonomy.

Life is sacred and when violence is used it may result to its loss. Most of the reasons used by perpetrators to justify spousal violence have no moral basis. Majority of these reasons aim at maintaining inequality of sexes. In the practice of the spousal violence, the perpetrator uses the victim as a means to achieve his or her ends which is immoral. He or she may use physical violence, sexual violence or psychological violence as a means to show dominance and superiority over his or her victim. There is lack of respect for the victim's dignity and autonomy when a spouse abuses his or her partner. The Kantian theory advocates that rational beings should not exploit other human beings and using them as means to some end. This, therefore shows, that from the Kantian ethical perspective, spousal violence is evil, therefore immoral or unethical. This practice cannot be universalized as a moral law or principle to be adopted by all human beings everywhere in the world. This practice which is exercised by rational creatures does not conform to the principles that one can consistently will to be the universal law.

6.3.3 FEMINIST ETHICAL THEORIES

According to feminist ethical theories, traditional moralists have ignored the 'private' sphere from its consideration as an important moral sphere. The domestic sphere has for years been relegated to the realm of private hence shielding it away from any serious academic study. Philosophers, from Socrates, Aristotle, to Thomas Hobbes up to John Rawls, "have been concerned with experiences in the wider, public sphere hence the exclusion of the domestic sphere from moral and political considerations and relegated it to the realm of 'nature'.³⁷ These philosophers, and more specifically, the Libertarians such as Thomas Hobbes, Rousseau and Rawls, have divided society into public and private areas of life. They have presumed that human beings are rational, metaphysically free, prudential calculators of marginal utility and all think alike in this regard in the public sphere of politics and understanding is used as a contrast model for the qualities and activities in a private world.

The definition of moral domain and moral autonomy from universalistic, contractarian theories from Hobbes to Rawls lead to a "privatization" of women's experience to the exclusion of its consideration from a moral point of view.³⁸ Feminist ethical ethicists believe that as long as the domestic sphere is treated as a private sphere, with all the wrongdoing evident in it, discussions of morality cannot be complete with its exclusion as an important moral entity. To them, the liberal ideal of the private and privacy holds that the public should not interfere with it and that the domestic or private sphere should be left alone. So long as the public does not interfere, autonomous individuals interact freely and equally. This however, according to the feminist ethicist is not true.

6.3.3.1 Catherine A. Mackinnon

To Catherine Mackinnon "...private means that which is inaccessible to, uncountable to, unconstructed by anything beyond itself".³⁹ The domestic realm has, for a long time been inaccessible and unaccountable and has been characterized by a culture of silence. The private, "...by definition is not part of, or conditioned by anything systematic or outside of it. It is personal, intimate, autonomous, particular, individual, the original source and

final outpost of the self, gender neutral".⁶⁰ It is defined by everything that feminism reveals women have never been allowed to be or to have and everything women have never been equated with and is defined in terms of "men's" ability to have i.e. autonomy and the original source and final outpost of the self have always been denied to women but attributed to men.

In this view, to complain in public of inequality within it contradicts the liberal definition of the private. No act of the state contributes to shaping the internal alignments of the private or distributing its internal forces. This means that the state should keep away from this realm and it would be interfering with the privacy of the family should it do so. The private realm is therefore inviolable, "its inviolability by the state, framed as an individual right, presupposes that the private is not already an arm of the state. In this scheme, intimacy is implicitly thought to guarantee symmetry to power."⁶¹ This in a way, explains why some behaviours are not categorized as criminal acts by the criminal law.

The practice of spousal violence, no wonder, is not categorized as a crime by the criminal law of most states. The realm of the private is presented as one where individuals live by choice; by consent so coercion is not conceived as existing in it; "the problem is getting anything private to be perceived as coercive".⁶² This explains the existence of wife and husband battery and the failure by the victim to leave as a result of the battery. The question, "why doesn't he/she leave?" is a question given its urgency by the social meaning of the private as a sphere of choice.

According to Mackinnon, this is not true. She claims that for women, "...the measure of the intimacy has been the measure of oppression and that is why feminism has had to explode the private."⁶³ Feminism sees the personal as being political/public as well. The private realm can only be seen as the public for those to whom the personal is also the political. In this sense, there is no, according to feminism, private either normatively or empirically. Feminism confronts the fact that women have no privacy to lose or to guarantee; "...we are not inviolable. Our sexuality is not only violable, it is, we are seen 'in' and 'as' our violation. To confront the fact that we have no privacy is to confront the intimate degradation of women as the public order"⁶⁴.

When the law of privacy restricts intrusions into privacy, it bars change in control over that privacy. This implies that relationships of dominance and subordination are not interfered with and so is the practice of spousal violence with all the adverse consequences. The law, therefore, exists to maintain the status quo, which is inequality of sexes. According to the feminist ethicists, "the legal concept of privacy can and has shielded the place of battery, marital rape; and women's exploited labour. It has preserved the central institutions whereby women are 'deprived' of identity, autonomy, control and self-definition. It has protected the primary activity through which male supremacy is expressed and enforced."⁶⁵

Feminists emphasize the fact that "failure to recognize the meaning of the private in the ideology and reality of women's subordination by seeking protection behind a right 'to' that privacy, is to cut women off from collective verification and state support in the same act."⁶⁶ This implies that it is in the realm of the private that women are subordinated in the name of protecting their privacy. When women are isolated in the realm of the private, they are isolated from public intervention; "This right to privacy, therefore, is a disadvantage for women but an advantage for men; 'to be let alone' to oppress women one at a time. It embodies and reflects the private sphere's existing definition of womanhood. It reinforces the division between private and private that is not gender neutral".⁶⁷

This shows that the confinement of spousal violence in the realm of the private emphasizes gender inequality. There is imbalance of power between males and females within the household which is excluded in the realm of the private. This is an ideological division between the private and the public and it is a material one, which keeps "...the private beyond public redress and depoliticizes women's subjection within it. It keeps men out of the bedrooms of other men."⁶⁸ When the domestic front is shielded as a private realm, a lot of wrongdoing that takes place like the practice of spousal violence is not addressed and some family members suffer at the expense of others. There is need therefore, to confront this realm given the many problems that confront it so that peace and harmony can be realized. The domestic sphere, therefore, should be explored just like any other area in the public domain so that moral principles of justice, freedom and

equality can be realized. It is important to note that even husband battery is shielded within the realm of the private.

Feminists have also attacked some claims of socio-biologists or the biological explanation of the male and female or sex dichotomy. This biological determinism, to them legitimizes and encourages the oppression of women by portraying male dominance of women as natural and an unalterable consequence of evolution. Such explanations also justify behaviour such as male aggression and even rape as an outcome of human evolution⁶⁹. These feminists, therefore, reject sociobiology and their theories of human nature and 'self' - 'other' dichotomy theories as morally baseless. They claim that masculinity and femininity are social but not biological facts. Feminists also argue that "...human domination of nature is linked to male domination of women both conceptually in so far as western cultures have understood women as more closely tied to nature or determined by nature and the physical body."⁷⁰ However, it should be noted that sometimes women dominate or control their husbands within the family though feminists are silent about it.

Reproductive activities such as menstruation, pregnancy and lactation continually recall women to the reality of physical embodiment. This female bodylines is seen as a failure to transcend and thus a failure to become fully human. This is the socio-biologists' understanding of the female as a lesser being. In contrast, feminists argue that "women's perceived inability to escape the body provides an important point for philosophical reflection and political activism".⁷¹ In traditional philosophy, "...the structure of rationality is regarded as transcending structures of bodily experiences. Bodily experience is not only incidental to reason understood to be universal, objective and transcendent but subverts this reason as our bodies tie us to the particular and the concrete."⁷² This is an attempt to show that since the females are tied to bodily experiences, rationality is beyond them. This however, is not true as both men and women are endowed with rationality.

Women are linked to the particular not to the universal which is the domain of the rational, the self, the male;

The rational mind links us not to particular conditions or experiences but to the universal. Its purpose is to escape the physical embodiment. The body, on the other hand, seems to have nothing transcendent about it. It is messy, flawed and finite and from the objectivist perspective, it inevitably introduces into reasonable subject elements that are irrelevant to the objective nature of meaning.⁷¹

Feminists argue that personal experiences legitimately enter into moral judgments and behaviour.⁷⁴ To them this marks the beginning of ethics. This approach challenges that only impersonal, universal forces such as reason and God can grant or determine value. Traditional Philosophy, in contrast, emphasized the universal, the ultimate, the essence, the essential, reason, God as important elements in Philosophy. To the feminist, the particular, the incidental, and the body, are important in philosophy. They emphasize especially motherhood as a social and not a biological fact. Feminists however, discuss the domestic sphere as being a disadvantage to women only. Men are sometimes disadvantaged within the family, especially where their wives use violence against them. The realm of the private for both men and women should be explored by scholars in order to rid society of relationships of dominance and inequality.

6.3.3.2 Nancy Chodorow

Nancy Chodorow suggests that experiences of maternal care in early childhood have an impact not only on the ideas of humanness but also for ethics.⁷⁵ This shows the importance of particular issues especially maternal activities in the development of ethics. Chodorow claims that due to the predominance of female care for young children, both boys and girls receive their all-important first experience of relationship and care, models of behaviour, and images of what it means to be human, from women usually their mothers.

In early childhood, children are under female care especially their mothers and this teaches them about what it means to be human. Boys, however, eventually define themselves as male, in opposition to female caregivers.⁷⁶ This means in the early stages of development, girls and boys, learn that they are human beings. It is only later that boys begin to define themselves as males. Thus, the boys develop what Chodorow defines as

'oedipal tension' between 'desire' and 'alienation' from their mother. Girls, in contrast, continue to identify with the mother and thus do not experience the same 'alienation' from first parent and the experiences and images she provides. This process fundamentally shapes women's and men's self-definition as well as their relations to both parents and to the "opposite sex" in general.⁷⁷

Chodorow, therefore, shows the origins of feelings of 'self' and 'other' in so far as early childhood is concerned as exemplified in maternal care; She suggests that experiences of maternal care in early childhood are formative not only for gender identities and ideas of humanness but also for ethics.⁷⁸ She claims that early childhood experience entails a relational complexity in feminine self-definition and personality which is not characteristic of masculine self-definition or personality. Relational capacities that are curtailed in boys as a result of the masculine Oedipus complex are sustained in girls. This means that due to the idea of Oedipus complex, boys feel that they are different from the 'other', that is, their mother. They feel alienated while for girls, this does not happen;

...Because of their early care by women, girls come to experience themselves as 'continuous with others', their experience of self contains more flexible or permeable ego boundaries. In contrast, early experience of maternal care leads boys to define themselves as more 'separate' and 'distinct' with a greater sense of rigid ego boundaries and differentiation. The end result is that the basic feminine sense of self is connected with the world; the basic masculine sense of self is separate.⁷⁹

These primary models of selfhood remain as women and men grow up. The opinion of this researcher is that perhaps spousal violence may be explained using Chodorow's theory of early childhood maternal care. Men throughout life feel that they are different or distinct from women and are more likely to use violence to assert themselves against their spouses than women would. This however, needs not be so because human beings are rational and should therefore use rational means to solve their conflicts.

6.3.3.3 Dorothy Dinnerstein

Another feminist ethicist, Dorothy Dinnerstein, asserts that women's primary responsibilities for babies and small children make them specialists in the exercise of

certain essential capacities crucial for emphatic care of the very young and for maintenance of the social-emotional arrangements that sustain everyday primary group life.⁸⁰ She, like Chodorow, contends that female experiences of mothering and being mothered reproduce a characteristically female sense of self which is relational in a descriptive sense so far as relationships help define women's personal and cultural identities and also in a prescriptive sense in so far as women make the maintenance of relationships a primary goal. This focus on relationships is central to feminists' challenge to traditional philosophy with its emphasis on the notions of an autonomous, rational, self-interested moral actor which the feminists claim is not universal after all but rather male. This autonomous self is a male invention and a male ideal according to feminists.

The feminist theorists point out that these western ideas about human nature are both narrow and illusory. To them, "...the characteristic experiences of women present both an alternative and a more realistic way of conceiving human life as social, interdependent and embodied. This 'feminine' understanding of human nature generates different ways of interacting with others, of building community, and of understanding and judging ethical priorities."⁸¹ However, the fact that men and women are different anatomically should not be used as the basis for using violence against either of them. People should cultivate relationships of peace, justice and equality.

6.3.3.4 Carol Gilligan

According to another feminist ethicist, Carol Gilligan, from childhood on, girls and boys, later women and men, base their moral decisions on very different patterns of reasoning; "boys characteristically establish hierarchical orderings to resolve conflicts between desire and duty, while girls base their decisions on their participation in and commitments to various relations."⁸² This shows from this theory that men and women, from their early childhood, base their moral decisions from different reasoning. Men are more likely to use their dominance and superiority, for example by use of violence to resolve their conflicts than women. Women may resolve their conflicts by turning to some intervention from some family or community members. However, this theory is biased as it does not explain why women may sometimes use violence against their spouses. It does not also explain why some men may use other ways of resolving conflict without using

violence. Peaceful ways of resolving conflicts should be cultivated rather than the use of violence.

6.3.3.5 Sara Ruddick

Sara Ruddick, another feminist ethicist, discusses the ethical dimensions of women's experiences especially maternal care. By 'maternal', she means a social category not merely the biological dimensions of motherhood. To her, mothering is a discipline or practice that prioritizes particular questions and particular ways of judging the truth, relevancy and adequacy of proposed answers; "maternal practice values above all, the preservation, growth and development of social acceptability in children."⁸³ In her view, one of the central tasks of motherhood is to bring children to prefer justice to the temporary pleasures of tyranny and exploitation.⁸⁴

In the attempt to achieve justice, sometimes conflicts arise. This unavoidable conflict of basic interests leads to the importance of "humility" as a maternal virtue.⁸⁵ Maternal humility, she emphasizes does not simply entail obedience to authority but it entails, "acknowledgement of indifferent nature, the supernatural and human fallibility, aspects of experience that clearly lie beyond our power to change or remove. Obedience, in contrast, involves submission to the control and preferences of dominant people."⁸⁶ In addition to humility; Ruddick identifies "attention" as a central maternal virtue especially as the mothers' capacity for "attentive love." This notion highlights the ways that "maternal thinking values 'concrete', particular others, distinct from the 'generalized' 'abstract other' of formalist moral theories."⁸⁷

According to Ruddick, other than make important moral decisions on the basis of sketchy information, women often consider the histories, needs, characteristics and potentials of the persons involved relevant even necessary for an adequate answer to the question: "for women, individual particularity matters greatly in evaluating whether an action is morally justified."⁸⁸ This means that each action should be evaluated independently of rules that exist to see whether it is moral or immoral. Each action should be evaluated on its own rather than relying on a certain generalization as is evident in most traditional moral

theories such as the Divine Command theory, utilitarianism and even Kant's categorical imperative theory.

The practice of spousal violence, therefore using Ruddick's theory should be evaluated from the basis of a particular or concrete action without generalization. Each case of spousal violence should be ethically evaluated in its own right or independently of others. An action, by an individual is viewed as morally right or wrong depending on its relation to other people affected by it or its connectivity with others. This emphasis on particular and concreteness is a central theme that feminists often distinguish from the tendency in male-dominated moral philosophy to speak of abstract others who share generic human features and lack specific needs, interests or relations.

Ruddick sees selves, not as "...centers of dominating and defensive activity trying to achieve a stable autonomy in threatening hierarchies of strength but as persons connected to other humans and to nature able to give and receive"⁸⁹. She emphasizes the use of non-violence in resolving conflicts. She appeals to the classic texts of Mahatma Gandhi and Martin Luther King on non-violent resistance. She says that though mothers might wish it otherwise, "...conflict is a part of maternal life"⁹⁰. Through maternal thinking, a mother has to teach her children when to fight and when to make peace;

When battles occur, she prevents her children and herself from deliberately or predictably perpetuating or submitting to techniques of struggle that are damaging; learns to distinguish serious from permissible hurt and teaches her children this. She names violence when it occurs and teaches her children to take responsibility for their violent assaults. She maintains conditions of peacefulness so that her children may grow in safety.⁹¹

This is Ruddick's description of a "good enough" mother and is also a description of a person whose work is governed by ideals of nonviolence. The defining activity of non-violent activism is peacekeeping that sustains effort to create conditions of "peace" in which people can self-respectfully pursue their individual and collective projects free of the structural violence of poverty, tyranny and bigotry.⁹² Ruddick, discusses the ideal of non-violence as the renunciation of 'violent' strategies and weapons. She discusses Gandhi's idea of non-violence and says that Gandhi spoke of "ahimsa" which means non-

injury; a refusal to harm.⁹³ She contrasts non-violence with the use of force. She defines force, or violence as whatever “turned a person into ‘a thing’,” treating that person as if he/she counted for nothing.⁹⁴

Considering the practice of spousal violence from Ruddick’s theory, human beings should always use non-violent methods in resolving their conflicts. Non-violence does not harm therefore should be preferred to violence. Non-violence also creates peace and harmony so that people can be able to self-respectfully pursue their individual and collective projects free of poverty, tyranny and bigotry. This implies that the use of violence creates the conditions of poverty, tyranny and bigotry in the society therefore, it should be condemned. A violent act or force according to Simone Weil, quoted by Ruddick, ‘turns a person into a thing.’ This means that it dehumanizes. It is therefore immoral. Through the use of violence, a spouse turns his or her partner into ‘a thing’. He or she uses his or her partner as ‘means’ to achieve some goal or ‘end’. In doing so, one is dehumanized, therefore from Ruddick’s theory; the practice of spousal violence is immoral or unethical.

She defines a violent act or policy as,

..one that is either intended to damage or can predictably be expected to damage a person against whom it is wielded and for which there is no compensatory benefit for the person damaged. By damage is meant serious and apparently long-lasting harm or injury. By compensatory benefit is meant some good that the damaged person may expect from her injuries... violence is always coercive, inflicted without person’s consent.⁹⁵

Damage is usually painful and harmful. Spousal violence involves the infliction of pain and causes injury to the victim. It has no compensatory benefit. It involves both physical and psychological damage; “The human body becomes the place of pain and domination.”⁹⁶ It is therefore immoral or unethical.

6.3.3.6 Neil Noddings

Another feminist ethicist. Neil Noddings, argues that ethical behaviour relies on close personal relations with mother-child relationship as paradigmatic. This relationship is the

fundamental model for which she calls 'natural caring' which is based on a response built on 'love or inclination; of the "one caring" or for the "caring for." Natural caring is the human conditions that we consciously or unconsciously perceive as 'good', it is that condition toward which we long and strive, and it is our longing for caring, to be in that special relation that provides the motivation for us to be moral; "to be moral means, acting with special regard for the particular person in a concrete situation."⁹⁷

Noddings rejects ethics based on principles and universalizability because she is interested, not in guidelines for particular acts but in how we meet the other morally. The meeting of the subjective and widely varying experiences of those involved in ethical encounters is the only foundation of ethics she acknowledges. Its paradigm is the behaviour of mothers, while rule-based 'universal ethics' are associated with fathers' style of parenting.⁹⁸ Hence, from natural caring emerges ethical caring which rests on a deliberate evaluation of caring relation as good, as better than, superior to other forms of relatedness. The chief contribution of this feminist care ethics comes from the fact that it makes relationships central to epistemology and ethics. In spousal violence, relationships of dominance, power, control and subordination negate the caring principle.

6.3.3.7 Seyla Benhabib

Another feminist ethicist that emphasizes the value of relationships is Seyla Benhabib. She talks of the 'Generalized other' and the 'Concrete other' relationships. According to Benhabib, most male-dominated western moral theories emphasize the 'generalized other' in which we must view each and every individual as a rational being entitled to the same rights and duties we would want to ascribe to ourselves.⁹⁹ In contrast, according to Benhabib, the stand point of the 'concrete other' requires us to view each and every rational being as an individual with a concrete history, identity and affective emotional constitution.

'Generalized other' in traditional moral philosophy, is presented as the male, "a bearer of rights and duties and moral dignity." 'Concrete others' are ignored by the tradition which has given us devices such as 'social contract', 'the general will', 'the categorical

imperative' and the veil of ignorance¹⁰⁰. Women's moral reasoning is presented as more 'primitive' than men's. According to Benhabib, women's strong suit in moral judgement is no longer incidental but essential to the matter at hand. Traditional moral theories order their subject matter in terms of a conceptual hierarchy which subordinates "feminine" matter (the concrete) to the "masculine" form (the abstract). This gender-sex system is the grid through which the self develops an embodied identity, a certain mode of being in one's body and the living body... Historically, gender - sex systems have contributed to the oppression and exploitation of women¹⁰¹.

Seyla Benhabib's feminist ethical theory aims to uncover this fact and to develop a theory that is emancipatory and reflective, and which can aid women in their struggle to overcome oppression and exploitation.¹⁰² The societal creation of unequal sex relationship in terms of 'generalized' and 'concrete other' has no moral basis as it is oppressive and exploitative to women according to the feminists. The social construction of male dominance, (the generalized other) and female subordination, (the concrete other) has no moral basis and is therefore immoral. Justification of spousal violence has been made on the basis of the fact that women are irrational. This justification of regarding some people as irrational is immoral as all human beings are equally endowed with rationality.

6.3.3.8 Emma Goldman

Emma Goldman also emphasizes the importance of relationships and the value of individual autonomy, that is, "...a belief that all relations between individuals should be voluntary and those relations of authority and domination are inherently damaging and immoral."¹⁰³ She therefore rejects all relationships that are characterized by authority and domination as damaging and immoral. This is true of relationships of male/female dominance or subordination which are damaging and immoral from Goldman's ethical theory. To her,

...property relations as much as relations of authority are inherently unethical and their centrality in bourgeois society create a tendency for all human relations to be lived as if they were property relations. House owners must protect their houses to prevent others

using or taking possession of them. They are then likely to extend this attitude in other spheres of life; to family, friendship and sexuality.¹⁰⁴

Jealousy, especially in marriage, is obsessed by the sense of possession and vengeance. Monogamy according to historians is a much later sex form which came into being as a result of the domestication and ownership of women which created sex monogamy and the inevitable jealousy. Jealousy rests upon the assumption that a certain man has exclusive sex monogamy over a certain woman and vice versa. Hence, jealousy is not perfectly natural. It is an artificial result of an artificial cause, nothing else.¹⁰⁵

Sex monogamy has been handed down from generation to generation as a sacred right and the basis of purity in the family and at home. Both the church and the state have accepted sex monogamy as the only security to the marriage tie and both have justified jealousy as the legitimate weapon of defense for the protection of the property right.¹⁰⁶ In marriage, both the man and the woman regard the spouse as his or her property. When adultery occurs, violence is likely to occur because of jealousy. The perpetrator of violence will justify the use of violence in saying the adulterer is his or her property hence he or she should prevent others from taking possession of him or her. However, this reasoning is morally faulty because one partner treats the other as property.

According to Goldman, in marriage, "love should be free."¹⁰⁷ Jealousy destroys true love: "jealousy proceeds from proprietariness which disfigures human relationships and debases love. Love can flourish only with freedom."¹⁰⁸ Jealousy, therefore, from Goldman's ethical theory is not a morally justifiable reason for the practice of spousal violence.

6.3.3.9 Simone de Beauvoir

Simone de Beauvoir also discusses the unequal relationship between males and females. To her, masculinity and femininity are not biologically but socially constructed. Men and women are always and will always be in conflict not because of their biology but because of societal demands;

...Society, being codified by man, decrees that woman is inferior which she can only overcome by destroying the male's superiority. She sets about mutilating, dominating

man, she contradicts him, she denies his truth and his values; but in doing so, she is only defending herself; it was neither a changeless essence nor a mistaken choice that doomed her to immanence: to inferiority. They were imposed upon her.¹⁰⁹

The woman rejects this unequal power relationship hence creating human conflict; “all oppression creates a state of war... The existent who is regarded as inessential cannot fail to demand the re-establishment of her sovereignty.”¹¹⁰

The society regards the female as “inessential” the “other”, the “second sex” and the male as the “essential” the “ultimate”, the “self”. The society devalues femininity and values masculinity. The male oppresses the female. This oppression is to be explained by the tendency of the existent to flee from him by means of identification with the other whom he oppresses to that end. Man is concerned with the effort to appear male, important, and superior; he pretends so as to get pretense in return. He too, is aggressive, uneasy; he feels hostility to women because he is afraid of them; he is afraid of the personage, the image with which he identifies himself.¹¹¹ This implies that a man has always to assert himself to show dominance as the society demands against women. A man may beat his wife on any flimsy ground since his goal is to show his power, dominance, and supremacy according to the dictates of society. A woman may also use violence against her husband to show power and dominance.

One of the reasons presented in an earlier chapter on spousal violence is the feeling of inferiority. A man may beat his wife if she is more educated or earns more than him just to remind her that she is inferior and subordinate to him. He may be afraid of her power hence will curtail it through the use of violence. A woman may use emotional violence if she is jealous of her husband’s progress. So long as males and females fail to recognize the other as an equal, violence between them will continue. Simon de Beauvoir’s sex dichotomy of male as “the self” and female as “the other” marks the beginning of human conflict. It is not biologically but social-culturally determined and has no moral foundation hence is immoral.

6.4 CONCLUSION

Most societies perceive spousal violence as an acceptable behavior. Some view it as an expression of love while others view it as a way of disciplining errant spouses. However, the practice of spousal violence fails the test of morality from the ethical theories with which it is analyzed and evaluated because of its negative tendencies. Both the teleological and deontological ethical theories which are the classical or traditional moral theories have shown that the explanations for the practice of spousal violence have no moral basis. The practice of spousal violence is the ultimate expression of dominance and subordination. A close examination for the reasons of the practice of spousal violence shows that they exist to impose the societal unequal sex relationship. The adverse effects of spousal violence show that it is immoral from these ethical theories. They result in psychological and physical harm and even death. This is a gross violation of human rights. Autonomy, dignity and value of human beings are devalued by this practice.

Feminist ethical theories also show that the practice of spousal violence is morally unjustifiable. Confining family issues to the realm of the private contributes to the oppression and exploitation of some family members by others. There is need, therefore, to take family matters seriously as any other public matter to avoid gross violation of human rights within it. All human beings being rational should be treated humanly. No human being therefore, should be treated as "a means" to "some end" but as "an end itself". This Kantian principle appears to be the overriding principle in all of these ethical theories. When this is done, the moral principle of equality, freedom and justice will be realized in society. It is important to note that these ethical principles are based on reason. Rational principles find their expression in experience through the practice of ethical principles.

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CHAPTER SEVEN

7 CONCLUSIONS AND RECOMMENDATIONS

7.1 CONCLUSIONS

From the preceding chapters the study found out that the problem of spousal violence is global. It cuts across all regions, races, ages, social classes and gender. Both men and women are affected by the practice, as being the victims or perpetrators. In an intimate relationship, women are clearly at least as violent as men. This study finding corrects the earlier assumption by scholars and other interested parties that men were always the perpetrators while women were always the victims of spousal violence. It is only when the role played by both sexes is defined can one understand the problems of family violence. With understanding it may be possible to greatly reduce the incidences of violence in the family.

There are no simple or universal causes of spousal violence as had been earlier highlighted by many scholars. Most of them had emphasized patriarchy and the need for males to use violence to maintain power and control over women as the main cause of violence. The study found that spousal violence is more than the need for power and control. There are other causes such as substance abuse, financial problems, criminal tendencies, mental illness, and personality disorders among others. For instance, on average, there are as many mentally disturbed women as men, and capable of use of violence because of their mental state. It had also been fallaciously assumed that when women use violence against their husbands, they do so only in self-defense. However, the study found that women may use violence for the same reasons as men do such as the need for power and control, substance abuse among others.

The 'self' – 'other' dichotomy theorists emphasized that male and females are different beings especially by virtue of their anatomy. The use of violence is justified on account of this theory. However, biological differences between men and women should not be used as a reason for practicing violence against one another.

There are other scholars who attribute violence to human nature. They include human nature theorists such as Konrad Lorenz, Hobbes, Freud among others. According to these

theorists, human nature is determined thus rendering violence inevitable in human existence. However, from an analytic point of view, human beings should not be enslaved by their natural instincts and orientations. This is because it is in their nature also to transcend the instinctive level to that of rationality which negates violence as a means to solve conflicts.

In many countries, the various institutions entrusted with enhancing peace and harmony have failed to stop the practice of spousal violence. These include the family, the church, the government, non-governmental organizations, the judicial bodies, the police departments, women centers among others. This has been partly because of lack of resources and effective and capable personnel to deal with this problem and partly because the practice of spousal violence has not been taken as a serious problem. There is also a conspiracy of silence surrounding the practice of spousal violence for various reasons as was discussed in the preceding chapters.

Perpetrators of spousal violence use brutal methods such as burning, biting, throwing acids, stabbing with weapons, among others, leading to physical injuries, emotional disturbances and even death. When ethically analyzed, the phenomenon of spousal violence, given its adverse consequences on the victim and society in general, was found to be immoral. The chapter on the ethical implications of spousal violence shows that it is an unethical practice. Given the magnitude of the problem, the brutality involved as well as the negative consequences it has, spousal violence should no longer be treated as a trivial or simple affair confined into the privacy of the bedroom but as a public affair as it has serious human rights, developmental and ethical implications. It has serious health consequences including death and therefore cannot be ignored as an insignificant affair. There is need to resolve conflicts, not with violence, but with healthy and ethically acceptable methods.

Spousal violence is not ethically justifiable because it is an abuse of human rights and dignity. Societies and families that continue to uphold that some members are superior while others are inferior are a threat to peace, stability and development. Efforts therefore

should be enhanced to bring societal change of attitude so that relationships of inequality are replaced with those of liberty, justice and equality.

A human person is a rational being and therefore capable of moral conduct. He/she has ethical standards or ethical judgments to guide him/her on how he/she ought to conduct himself/herself. As rational beings, people are capable of evaluating the impact of violence and hence desist from practicing it for the good of society. In this study therefore, attempt is made to go beyond describing the nature, causes, phenomenon and consequences of spousal violence to analyze its practice from an ethical perspective. In the practice of spousal violence, the study notes that spouses within the family have an unequal power relationship of dominance and subordination, superiority and inferiority. However, to avoid conflict, relationships should be based on equality, liberty and justice, which are virtuous and based on human reason.

7.2 RECOMMENDATIONS

Efforts should be made towards eliminating the practice of spousal violence in order to have peace, harmony and development within the family and the world at large. This though is not an easy task given the complex nature of the practice. Any strategy to eliminate it must confront the underlying cultural beliefs and social structures that perpetuate it including patriarchy that emphasizes male dominance and superiority and female subordination and inferiority. A strategy to prevent violence "...therefore must begin by dismantling these cultural beliefs and deconstruction of notions of masculinity that promote aggressive sexual behaviour and domination of women."¹ In most cultures, sexuality is used to express power relations based on gender. This results in males trying to assert their power and supremacy against their wives resulting in spousal violence. Equally, in families where women are aggressive and use violence against their husbands to show power and control, attempts should be made to stop the violence and cultivate peaceful and loving relationships.

In many countries, the various institutions entrusted with enhancing peace and harmony have failed to stop the practice of spousal violence. These include the family, the church,

the government, non-governmental organizations, the judicial bodies, the police departments, women centers among others. This has been partly because of lack of resources and effective and capable personnel to deal with this problem and partly because the practice of spousal violence has not been taken as a serious problem. This is more so in case of wife-to-husband violence which is often ignored as non-existent and therefore no mechanisms have been established to deal with it. A multidimensional and wholistic approach, therefore, is needed in order to eradicate both husband-to-wife and wife-to-husband spousal violence.

Resources from various institutions such as the government, non-governmental organizations, religious organizations and learning institutions should be mobilized to assist in the elimination of the practice of spousal violence. Spousal violence should no longer be treated as a simple affair but with a lot of seriousness. Married couples should be assisted through counseling them on the value of love and other virtues so that they can stay together in peace and harmony for the benefit of the whole family. The safest place for a married couple and their children is their home, and not in alternative shelters. When there is peace and harmony within the family, the same will characterize other institutions such as schools, religious institutions and nations. There is need to tackle spousal violence as a serious problem if development, peace and general well being is to be achieved.

There is need to criminalize spousal violence given its magnitude, brutality and adverse effects it has on the victims and other people. Spousal violence should be categorized as a crime in its own right other than enlisting it among other crimes such as aggravated assault. Failure to criminalize spousal violence has led to adverse consequences. For example, "...the government of Uganda has failed to criminalize or prosecute violence against women in the home ... Through its inaction, the government contributes to Ugandan women's vulnerability to HIV infection."² There is need to criminalize both husband-to-wife violence and wife-to-husband violence to avert the spread of HIV infection and other negative consequences. However, it should be noted that punishment alone may not resolve the problem of violence. Where violence is caused by non-criminal tendencies such as personality disorders, mental illnesses, perimenopausal causes, senility

and jealousy among others, criminal sanctions may not help in solving the problem of violence. Counseling and treatment programs should be developed.

Religious organizations such as churches should take spousal violence seriously and regard it as a 'sin.' They should preach equality of sexes and complementarity of relations between spouses other than submission. They should also emphasize the need to have peaceful and loving relationships and condemn vices such as infidelity and drug addiction that contribute to spousal violence.

Schools should have programmes that educate both boys and girls that they are equal so that they can live in harmony and respect for each other. Boys should not be made to feel superior and strong and the girls inferior and weak. In this way, they will grow up in peace without either feeling superior or inferior. At home both boys and girls should be socialized to be respectful of each other. Parents should assign them duties without considering their sexes and teach them the need to assist each other.

Strict laws should be enacted by the government to give heavy penalties to the perpetrators of spousal violence and to protect the victims. Those who practice it should also be ostracized once they are identified. They should be shamed publicly to prevent others from the practice. At the community level, people should be made aware or educated that spousal violence is a crime punishable by law. People should also be educated on the need for respect for all human beings and their rights. They should be taught that the use of violence is a violation of human rights and that it negates development.

Both male and female victim of spousal violence should seek help and be encouraged to report any incidence of violence perpetrated on them. People should also be assisted to change their attitudes and beliefs that legitimize violence and justify male or female control of ones behaviour through education. Formal organizations and shelters should be provided for victims of spousal violence where services such as counseling and treatment are easily available.

Laws that keep women trapped in abusive relationships should be changed. There are men who take it upon themselves to prohibit their wives from working outside the home. This is violence as it limits a woman's ability to be economically empowered, which is needed to escape an abusive relationship. There is need also to remove the barriers to prosecution. It is also extremely difficult to get any conviction for marital rape as they are not taken as a serious matter. Rape laws are generally prejudicial against women and "...in vast majority of countries, the law does not recognize marital rape."³ There is need for a law against marital rape to be enacted to protect its victims and to deter others from committing the crime. The enactment into law of the Sexual Offences Bill by Parliament in 2006 was a move in the right direction towards curbing sexual violence.

Victims of spousal violence should be empowered through education and other resources so as to give them realistic alternatives to staying in dangerous and abusive relationships in terms of "...more education, higher incomes, occupations outside the home, access to credit to empower women and enhance their self-esteem."⁴ This applies to male victims too. Women and men should form organizations that support victims of spousal violence as well as condemn the practice. Creation of employment may also help in the fight for the elimination of spousal violence. Social workers, police officers, health workers and other stakeholders should be trained on intervention strategies for spousal violence.

Counseling centers should be established where people affected by spousal violence can get therapy and advice. Educational and peace initiative centers should be set up for citizens to learn simple conflict resolution techniques. All measures should aim at enhancing gender parity and equality.

Non-violent means of solving conflicts should be promoted among all members of society; "using violence to resolve conflicts is a learned behaviour. Children are exposed to violence by their parents' behaviour in their homes and through television, film and videos".⁵ Spousal violence is particularly prevalent in societies in which the use of force to resolve interpersonal conflicts is condoned. The mass media has a role to play to eliminate the use of violence through bringing programmes where non-violent means are used to solve problems.

There is need also to document the occurrences of spousal violence so that accurate data is available. More and better research on the severity of spousal violence is needed to enhance political and legal action. Every human being should be made aware that spousal violence is immoral hence should not be practiced anywhere in the world. It is human rights violation. It devalues the autonomy of a human being. Human beings are rational beings therefore each one of them should be treated humanly with dignity. They should be treated as “ends in themselves” and not as a “means to some end”. The moral principles of equality, freedom and justice should be enhanced so that peace and harmony can be realized in the family and in the world.

All stakeholders from the individual, family, community and national levels should be involved in ensuring that these principles are adhered to in order ensure peace and harmony in society. There should be conscious creation of awareness in the society of the dangers of dogmatic and self centered ideas of gender inequality and spousal violence through seminars and conferences especially among the youth. The need for peace and harmony for a better society should be emphasized.

Ethical principles of equality, liberty and justice should always be used as guidance to how human beings should behave. Human beings, being moral and rational animals are capable of distinguishing wrong and right behaviors and hence only perform those actions that are moral and desist from performing immoral ones like spousal violence.

Issues about domestic violence cannot all be captured in a study of this size. Further research needs to be carried out on other forms of violence within the family such as violence against children and that of children against their parents. In addition, rivalry among siblings which may result into violence should be studied to reduce their occurrence. Family violence between the workers and their employers which sometimes result to death should also be investigated from a scholarly perspective.

There is need also for further research on violence in general especially that meted out on innocent people including children and the very old as has been witnessed and highlighted by the media in recent times. This violence includes atrocities such as car jacking, rape, beheading and indiscriminate shooting among others.

END NOTES

¹ Lori L. Heise et. al. (1994), *Violence against Women The Hidden Health Burden*, Washington: The World Bank, p 24.

² *Daily Nation*, 8th August 2000

³ Lori L. Heise et. al., *op. cit.*, p. 30.

⁴ *Ibid.*, p. 30.

⁵ *Ibid.*, p. 31.

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